



Written by [Rebecca Terrell](#) on December 4, 2009

NASA Faces FOI Lawsuit Over Climate Data

A leading climate researcher is planning to sue NASA for withholding information about climate-change data used to establish environmental regulations. Christopher Horner, Senior Fellow with the Competitive Enterprise Institute (CEI), has notified NASA and its Goddard Space Flight Center (GSFC) that he will sue in late December if that agency does not fulfill Freedom of Information (FOI) requests Horner placed in 2007.



Stephen Dinan of [The Washington Times](#) reports the FOI requests deal with repeated changes NASA has made to average temperature readings. Within the past three years, NASA has reported four different years as having the hottest temperatures on record: 1998 was first replaced by 1934, only to be switched again a short time later by a tie between 1998 and 2006. NASA originally recalculated the numbers in response to pressure from Steve McIntyre with [ClimateAudit.org](#), who questioned disparities between official NASA tabulations and raw data reported by individual weather stations.

Dinan reports Horner's prediction that "what is there is highly damaging. These guys are quite clearly bound and determined not to reveal their internal discussions about this." According to Dinan, NASA spokesman Mark Hess says the agency is collecting "responsive, relevant" information to answer Horner's requests. Hess could not explain why NASA has taken so long to provide the records. The FOI Act allows up to 30 days for agencies to respond.

Horner fears the same data tampering has occurred at NASA as that reported to have happened in "[ClimateGate](#)," a recent scandal involving hacked e-mails from the Climatic Research Unit (CRU) of the University of East Anglia in England. The correspondence suggests researchers illegally concealed data requested through FOI laws in Britain, and CRU Director Phil Jones has temporarily [stepped down](#) during an independent investigation into the matter. Penn State University has launched its own inquiry into the ClimateGate role played by one of its professors, Michael Mann. The CRU data, just like NASA's information, is some of the most influential in environmental policy-making decisions on both domestic and international fronts.

In light of ClimateGate, CEI has also filed an [emergency petition](#) with the Environmental Protection Agency (EPA) to postpone regulatory provisions in the Clean Air Act until a thorough investigation is



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complete. The petition takes particular aim at regulations regarding the EPA's "Endangerment Finding" that greenhouse gas emissions endanger public health and welfare. CEI General Counsel Sam Kazman explained in a [press release](#) the EPA has based many of its regulatory proposals on data made suspect by the CRU e-mails. Kazman pointed out that since the incident was "serious enough to cause the departure of the director of the Climatic Research Unit, then it also justifies EPA's reopening its proceeding." Myron Ebell, CEI Director of Energy and Global Warming Policy, added, "The EPA needs to take another look at the dubious scientific case for global warming alarmism underlying their proposed regulation."

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