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**Department of
Energy & Climate
Change**

3 Whitehall Place,
London SW1A 2AW
www.decc.gov.uk

Our ref. 11/1306

26 October 2011

Dear REDACTED REDACTED,

Re: Government Public Policy on Anthropogenic Global Warming

Thank you for your correspondence in which you ask a number of questions concerning the robustness of climate change science, in particular for the Climatic Research Unit (CRU) at the University of East Anglia, and also in relation to the decision making process with reference to climate change legislation.

We have considered your request in accordance with the Environmental Information Regulations 2004 (EIRs) as the information you have sought disclosure of, does in our view, fall within the definition of 'environmental information' as stated in the EIRs.

We hope the following responses to your questions are helpful and sufficiently address the points you make:

Q1. Who, [responsible signatories] in the last Government, would have actually signed off on approving these recommendations to go forward into legislation to initiate/implement current Governmental Public Policy on the notion of Anthropogenic Global Warming [AGW] due to the increase of Co2 by the use of fossil fuels?

Responsibility for climate change mitigation policy lay with the Department for Environment, Food and Rural Affairs (Defra) until October 2008, at which point the Department of Energy and Climate Change (DECC) was created where responsibility for this policy now lies. Therefore at the time of publication of the draft Climate Change Bill, a proposed national legally binding framework for addressing climate change in the UK, it was David Miliband MP as the Secretary of State for Defra who was the lead Minister.

The draft Bill was published for public consultation and for pre-legislative scrutiny in March 2007. No less than three Parliamentary Committees scrutinised the draft Bill: the Joint Committee, the Environment, Food and Rural Affairs Committee and the Environmental Audit Committee. The Government response to the public consultation and to the Parliamentary Committees that scrutinised the Government's legislative proposals can be found here:

<http://www.official-documents.gov.uk/document/cm72/7225/7225.pdf>

By the summer of 2007 Hilary Benn MP had been appointed as Defra's Secretary of State and was responsible for introducing the Bill into Parliament, in November 2007, to begin its passage through Parliament. The Bill completed its passage through Parliament and received Royal Assent, becoming law as the Climate Change Act 2008 in November 2008, by which time Ed Miliband MP was the Secretary of State at DECC and therefore the Minister with lead responsibility for this policy when the legislation was enacted. You may be interested to know that this legislation was passed by 463 MPs voting in favour to 3 MPs who voted against.

Q2a. What policy, processes, procedures or regulations were in place to ensure that those authorising such approval/advancement of these recommendations into legislation [to mitigate the notion of AGW] were there to ensure the

veracity of the data & methods? [Other than those of the CRU - or their associates]

The UK's Climate Change policy is based on a very wide range of scientific evidence, of which analysis of global temperature trends is but one strand, obtained from the peer-reviewed work of many research groups in both the UK and around the world. This evidence for past climate change and its causes and the predictions of future climate change has been assessed not only by the Intergovernmental Panel on Climate Change (IPCC) but also by many organisations, including the Royal Society, the US National Academies of Science, and the Committee on Climate Change. The latter's role¹ is to provide advice on the matter of climate change to the Government.

In terms of decision making in Government, it is the Cabinet and Cabinet Committees, together with Cabinet sub-committees that are formally empowered to take binding decisions on behalf of the Government. Cabinet and Cabinet Committees and their sub-Committees consist of Government Ministers. Only they – since they are accountable to Parliament – can take binding decisions. Decisions reached by the Cabinet or Ministerial Committees are binding on all members of the Government under the principle of collective Government responsibility.

Ministerial decisions in relation to the Climate Change Act were subject to such procedures. However, it should be noted that this legislation was passed in November 2008 as stated above - whereas the so-called 'climate gate' event, when emails were stolen and illegally released from the CRU, took place subsequently (in November 2009), after legislation was introduced.

*Q2b. Did they [those responsible signatories] **actually** comply with those regulations, policies, processes or procedures specifically relating to **due diligence on the CRU** [and its data sets, methods and ethics] and was it in compliance with aforesaid policies or regulations? If so, what evidence is there to show this?*

The Government does not have responsibility for due diligence on the CRU, as the latter is an academic group that is part of the University of East Anglia. The objectivity of CRU's research, as with other academic research, lies in the system of peer review, which challenges all scientific work submitted for publication.

¹ See: <http://www.theccc.org.uk/>

Government decisions on the Climate Change Act followed the procedure described above, and further, were subject to public consultation, pre-legislative scrutiny and Parliamentary scrutiny during the Bill's passage through Parliament from November 2007 to November 2008.

In regard to the CRU, there were two independent reviews² into the allegations arising from the 'data loss incident' at the CRU and the House of Commons Science and Technology Select Committee³ subsequently undertook (in Autumn 2010) an examination of the scope and adequacy of those reviews. The Committee's report (issued in January 2011) and the Government's response to it are available at:

<http://www.parliament.uk/business/committees/committees-a-z/commons-select/science-and-technology-committee/inquiries/100831-new-inquiry---reviews-into-crus-e-mails/>.

Both reviews recognised that whilst procedures for handling requests for information could have been better, the honesty and integrity of the scientists in CRU and the conduct of their research were upheld.

*Q3a. What evidence is there to show that those approving/advancing this new policy into legislation were **fully aware & appreciated that**:*

*The UEA's Climate Research Unit was **under resourced** and that only **“three fulltime members of academic staff”** were dealing with the science as well as other administrative and regulatory responsibilities such as complying with **The Freedom of Information Act 2000** as stated by Professor Acton in his statement to The Science and Technology Select Committee inquiry 31 March 2010?*

Source:

<http://www.publications.parliament.uk/pa/cm200910/cmselect/cmsctech/387/387ii.pdf>

Q92 Professor Acton's response to Chairman:

² The Scientific Appraisal Panel (SAP), chaired by Lord Oxburgh, and the Independent Climate Change Emails Review (ICCEr), chaired by Sir Muir Russell.

³ The Science and Technology Select Committee also made recommendations, in March 2010, concerning the disclosure of climate data from the CRU in November 2009.

“ May I point out, Chairman, that this is a very small unit. There are three fulltime members of academic staff within it and the manpower involved in exactly what has just been described is actually very considerable.”

A stated above, it is not the Government’s role to ensure due diligence on the CRU. The CRU undertakes academic research and the level of its staff resources are a matter for the University of East Anglia. The land temperature dataset provided by the CRU is only one small part of the very wide body of evidence which underpins the Government’s policy on climate change and action to mitigate greenhouse gas emissions.

*Q3b. What evidence is there to show that those advancing this new policy into legislation were **fully aware & appreciated that**; the homogenized data output [representing up to 75% of world data sets] was **NOT** performed, or even overseen, by a recognised **statistical** body, team or organisation?*

and

*Q3c. Did any, of the **then in place** policies or regulations, stipulate whether due diligence had to be performed by a statistical body, team or organisation on the data sets **before** such legislative changes could be enacted – if not, would this oversight contravene parliamentary practice [necessary to enact legitimate legislation]?*

The academic community, not the Government, is responsible for ensuring the veracity of scientific endeavour is attested and evaluated through the peer review process, before scientific findings - including those produced by the CRU - can be used to inform policy development on climate change.

We understand that analyses undertaken independently by the National Aeronautics and Space Administration (NASA) and the National Oceanic and Atmospheric Administration (NOAA) in the United States, using the same raw data set but different statistical methodologies, have corroborated the CRU’s land temperature analyses. The Berkeley Earth Surface Temperature Project (BEST; see: <http://www.berkeleyearth.org/>) has also been undertaking a separate assessment of land-surface global temperatures, using a larger dataset and some new methods of analysis. The study’s preliminary findings, which were released very recently, but which still need to be subject to full peer review, show a very similar warming trend

to that produced independently by the CRU and the other two major groups (NASA and NOAA).

Q4. *In a similar vein, [of] to this government's "public" disclosures/announcements insisting that they were "unaware" of the profligate [actual] expenditure of the previous Governments spending [until they subsequently had "access to the books"];*

*Did the current [coalition] Government, when it took over and continued with what had become the **de facto** Government Public Policy on AGW, have a responsibility to ensure the responsibilities and issues in Q1, Q2 and Q3 had been adhered to or verified, when they had access to the confidential records, meetings or files relating to this issue?*

The current Administration does not have access to past ministerial correspondence on this matter.

The case for action to mitigate change continues to rest on a broad and very strong evidence base, which clearly shows the role of human greenhouse emissions in recent, current and likely future climate change. The recorded increases in global temperatures since the mid 20th century are consistent with other observed changes such as melting of Arctic sea ice, whose late summer extent has declined by about 40% since the 1970s, worldwide glacier retreat and rising sea levels.

Q5. *At each and every public pronouncement of the launch of these inquiries in to this matter [Climategate, or during such inquiries] each of those heading or speaking on its/their behalf, implied or stated the science is being dealt with else where. We have seen no such **confirmation of the science, of the CRU's** data cleaning/analysis input and output, as a result of these inquires, only obfuscation, why **not?***

As indicated above, the CRU's analyses and methodologies have been subjected to peer review and published. The CRU's published outputs continue to be peer reviewed and remain open to scrutiny by anyone. It is up to the academic community, not the Government, to confirm the science. Virtually all of the worldwide land temperature mentioned above, have been re-analysed by other groups.

Appeal Procedure

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to the Department.

Please remember to quote the reference number above in any future communications.

If you do request an internal review and are not content with its outcome, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

I hope this letter is of help to you.

Yours sincerely

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Climate & Energy; Science & Analysis