



*Building People Power for Climate & Energy Justice*

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August 4, 2016

Inspector General Arthur A. Elkins, Jr.  
U.S. Environmental Protection Agency  
Office of Inspector General  
1200 Pennsylvania Avenue, N.W. (2410T)  
Washington, DC 20460

Subject: Reconsideration of “No Assignment” for NC WARN complaint 2016-0212

Dear Inspector General Elkins:

NC WARN is extremely dissatisfied with the “no assignment” form letter we received from Special Agent Brown, dated July 20, 2016, dismissing our complaint regarding EPA officials who knowingly underreported methane emissions and have covered up their actions for three years.

We ask you to intervene to reconsider your agency’s action and to personally lead the expedited investigation in this extremely important scandal. The matter is squarely within your mandate to investigate fraud and abuse, the knowing misrepresentation of the results of studies, and the misuse of EPA funds in relying on the false data in the regulation of methane emissions.

Our complaint documented that at least 10 individuals knew that either the Bacharach sampler and/or the Fox Flow meter were flawed and underreporting methane emissions prior to publication of the two studies by David Allen et al. Two of them were members of the EPA Science Advisory Board, along with another EPA staffer. Other EPA officials later learned that the equipment was flawed, thus the studies were invalid, but allowed the cover-up to continue.

Even Bacharach Inc, the manufacturer of the key sampling device, later admitted its equipment was widely underreporting the leakage and venting of methane.

In short, we proved the two Allen studies were flawed and that EPA officials knew it at the time and others learned of it later. How can it be that your investigators chose not to even question any of these individuals under oath?

The scientifically invalid studies have hampered efforts to gain a clear understanding of both the extent of methane leaking and venting throughout the natural gas system and the widespread ramifications of methane emissions on the climate. Our complaint highlights the importance of integrity within the scientific process used as the basis for appropriate regulation.

In the past two years, EPA has relied on the results of the two David Allen studies to develop regulations for new natural gas infrastructure. The two Allen studies were used by the industry to prevent the regulation of emissions from existing facilities. They were even used to support the United States' position at the 2015 United Nations Climate Change Conference (COP 21).

We find it highly troublesome that our closely documented complaint of some 65 pages, containing more than 15 specific allegations, was dismissed in a short one-page letter with absolutely no explanation of why your agency rejected it. What is the basis for the rejection? If it was based on legal or technical grounds, we would be glad to provide additional information or explain our position directly with you and your staff.

Unfortunately, without an explanation, we are left only with speculations and conjecture. In none of the likely rationales we have been able to consider does your agency look good in failing to investigate our allegations.

We also direct your attention to the June 24 supplemental information we submitted, showing that, in responding to our June 8 complaint, David Allen sent a blatantly false written statement to the news media that served to mislead reporters about a central aspect of our complaint. That action merely furthered the cover-up about the flawed studies and bolsters the need for your investigation.

If you decide not to reconsider opening an investigation, I call on you to at least send a comprehensive, written explanation as to why none of the allegations rose to the level of interest by your office. We prefer not to await response to a potential FOIA filing in order to see the extent to which your agents reviewed our complaint and why they chose to ignore it. In the interest of transparency involving a case that has already been marred by secrecy, deception and cover-up – and with implications that are impossible to overstate – I hope you will agree that the public deserves to understand your office's rationale for allowing the flawed Allen studies to remain a tool for the gas industry to continue to delay making reductions of highly damaging methane emissions.

We continue to stress the crucial importance of your investigation on EPA's development of regulations limiting methane and the overwhelming impact methane has on the global climate crisis. We and the 130 organizations supporting this complaint deserve an explanation of your action, and need to know that the Inspector General can be relied upon as a determined watchdog who will act courageously in the toughest cases on behalf of the public.

I urge you to personally contact me within 10 days to discuss this critically important matter. Thank you in advance for your prompt attention.

Sincerely,



Jim Warren  
Executive Director

cc. Rep. David Price  
Rep. Alma Adams  
Center for Biological Diversity  
Friends of the Earth  
Hip Hop Caucus  
Food & Water Watch  
Food and Water Europe  
North Carolina NAACP  
Beyond Extreme Energy  
Chesapeake Climate Action Network  
(MD, DC & VA)  
Climate Hawks Vote  
Sustainable Energy & Economy Network  
World Stewardship Institute  
100 Grannies for a Livable Future (IA)  
350 Conejo / San Fernando Valley (CA)  
350 Corvallis (OR)  
350 Eugene (OR)  
350 Louisiana – New Orleans  
350 Madison (WI)  
350PDX (OR)  
350 Triangle (NC)  
350 Central Virginia  
350 Kishwaukee (IL)  
350 Marin (CA)  
350 San Antonio (TX)  
350 Vermont  
Alliance for Energy Democracy (NC)  
Amigos Bravos (NM)  
Ancient Trees (FL)  
Appalachian Voices (NC)  
Ballona Creek Renaissance (CA)  
Beloved Community Center (NC)  
Boston Climate Action Network (MA)  
Breast Cancer Action (NC)  
Bl lebenswertes Korbach (Germany)  
Campaign to End Sacrifice Zones (NM)  
The Canary Coalition (NC)  
Carson Connected (CA)  
Citizens United for Renewable Energy  
(NJ)  
Coalition for Environmental  
Responsibility & Education through  
Synergy (NC)  
Chatham Research Group (NC)  
Chris Kenon, Inc. (NC)  
Citizens Coalition for a Safe Community  
(CA)  
Clean Air Carolina (NC)  
Clean Energy Action (CO)  
Clean Water for North Carolina  
Climate Action NOW (MA)  
ClimateMama (NJ)  
The Climate Times (NC)  
Climate Voices US (NC)  
Compressor Free Franklin (NY)  
Dancing Bee Gardens (VT)  
Delaware Riverkeeper Network (PA)  
Dorchester People for Peace (MA)  
Dryden Resource Awareness Coalition  
(NY)  
Ecologistas en acción (Spain)  
Earth Care (NM)  
Elgin Green Groups 350 (IL)  
Faith Community Church (NC)  
Forest City 350 (IL)  
Fox Valley Citizens for Peace & Justice  
(IL)  
Frack Free Lancashire (UK)  
Fracking Resistance of Lawrence County  
(PA)  
Fracking Truth Alliance of Lawrence and  
Mercer Counties (PA)  
Friends of Sustainable Sidney (NY)  
Gas Free Seneca (NY)  
Gulf Coast Center for Law & Policy (LA)  
Hair on Fire Oregon  
Haw River Assembly (NC)

Health Professionals for a Healthy Climate (MN)  
Home Energy Efficiency Team (MA)  
Justice Action Mobilization Network (NC)  
Just Power (VT)  
Keep Kirdford & Wisborough Green (UK)  
Lehigh-Pocono Committee of Concern (PA)  
LEPOCO Peace Center (PA)  
Marcellus Protest (PA)  
Minisink Matters (NY)  
Morning Sun Foundation  
Mothers Out Front (MA)  
Mothers Out Front (NY)  
Mothers Out Front (VA)  
NatureConnect NW (OR)  
NC Climate Justice Summit  
NC Environmental Justice Network  
NC Power Forward  
NC Raise Up  
NC Tech Insight LTD (York, UK)  
No LNG (OR)  
No Fracking in Stokes (NC)  
North Metro Neighbors for Safe Energy (CO)  
Nuclear & Carbon Free Future Coalition (MA)  
New York Water Action  
Ohio Valley Environmental Coalition (WV)  
Paradise Gardens and Farm (PA)  
Pennsylvania Alliance for Clean Water & Air (PA)  
Pennsylvanians Against Fracking  
People Over Pipelines (NJ)  
Pipeline Awareness Southern Oregon (OR)  
Plataforma Ciudadana Zaragoza sin Fractura (Spain)  
Plataforma Interamericana de Derechos Humanos, Democracia y Desarrollo (Ecuador)  
Progress NC Action  
Protect Orange County (NY)  
Resist the Pipeline (MA)  
River Guardian Foundation (NC)  
Rocky River Watch (NC)  
Securing Economic and Energy Democracy (NM)  
Sierra Club, Rio Grande Chapter, Northern New Mexico Group

Sierra Club, South Carolina Chapter  
Silk Hope Catholic Worker (NC)  
San Luis Obispo Clean Water (CA)  
The Solar Connection (NC)  
SouthEast Communities Against Pollution (MD)  
Southern Maryland CARES  
Southern Oregon Climate Action Now  
SpectraBusters (FL)  
Stop the Algonquin Pipeline Expansion (NY)  
Stop the Frack Attack Advisory Council (DC)  
Stop the Minisink Compressor Station (NY)  
Stop the Pipeline (VT)  
Student Environmental Education Coalition (NC)  
Sullivan County Residents Against Millennium (NY)  
Sun Valley Association (Romania)  
Sustainable Medina County (OH)  
Transylvania Naturally (NC)  
Triangle Translations International (NC)  
UE 150 NC Public Service Workers Union (NC)  
We Are Cove Point (VA)  
We Are Seneca Lake (NY)  
Western North Carolina Frack Free  
Wild Earth Guardians (NM)  
Youth on Board (MA)