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U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, DC 20460

**Submitted via Email to [a-and-r-docket@epa.gov](mailto:a-and-r-docket@epa.gov)**

**Attention: Docket ID No. EPA-HQ-OAR-2025-0194**

**Re: Supplemental Comment of Environmental Defense Fund on *Reconsideration of 2009 Endangerment Finding and Greenhouse Gas Vehicle Standards*, 90 Fed. Reg. 36288 (Aug. 1, 2025)**

Environmental Defense Fund (“EDF”) respectfully submits these supplemental comments on the Environmental Protection Agency’s (“EPA”) Proposed Rule, *Reconsideration of 2009 Endangerment Finding and Greenhouse Gas Vehicle Standards*, 90 Fed. Reg. 36288 (Aug. 1, 2025) (“Proposal”).<sup>1</sup> This submission addresses new information disclosed by the Department of Energy (“DOE”) and the Climate Working Group (“CWG”) in response to a court order issued in a legal challenge brought by EDF and the Union of Concerned Scientists (“UCS”). As discussed in detail below, this belatedly disclosed information confirms that the Proposal rests on a fatally flawed legal and technical foundation, and must be withdrawn.

The Endangerment Finding is EPA’s bedrock scientific determination that climate pollution harms public health and welfare. It is based on a mountain of scientific evidence; it has been reaffirmed by EPA multiple times based on new evidence and public comments; it has been repeatedly affirmed by courts; and it provides the foundation for commonsense standards to

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<sup>1</sup> EDF submits these comments in addition to multiple detailed legal and technical comments already filed detailing the deep and pervasive flaws with the Proposal that warrant its immediate withdrawal. See, e.g., Joint Legal Comments of Public Health and Environmental NGOs on *Reconsideration of 2009 Endangerment Finding & Greenhouse Gas Vehicle Standards*, 90 Fed. Reg. 36,288 (Aug. 1, 2025), Doc. ID No. EPA-HQ-OAR-2025-0194-2608 (submitted Sept 22, 2025); Technical Comment of EDF on *Reconsideration of 2009 Endangerment Finding and Greenhouse Gas Vehicle Standards*, 90 Fed. Reg. 36,288 (Aug. 1, 2025), Doc. ID No. EPA-HQ-OAR-2025-0194-3046 (submitted Sept 22, 2025); Comments of Environmental and Public Health Organizations on *Reconsideration of 2009 Endangerment Finding and Greenhouse Gas Vehicle Standards*, 90 Fed. Reg. 36,288 (Aug. 1, 2025), Doc. ID No. EPA-HQ-OAR-2025-0194-3060; Supplemental Comment of EDF on *Reconsideration of 2009 Endangerment Finding and Greenhouse Gas Vehicle Standards*, 90 Fed. Reg. 36,288 (Aug. 1, 2025), Doc. ID No. EPA-HQ-OAR-2025-0194-31003 (submitted Dec. 12, 2025).

reduce harmful climate pollution—standards that reflect proven and affordable solutions, and that were adopted after extensive public input.

EPA has now proposed to repeal the Endangerment Finding along with all of the climate pollution limits for cars and trucks that EPA has ever adopted. This damaging action would mean thousands of avoidable premature deaths and more climate pollution that already harms millions of Americans in rural communities, urban centers, and coastal cities through a cascade of pollution-fueled extreme weather such as flooding, fires, and heat waves. Repealing the Endangerment Finding and emission standards would also force people to spend more on fuel, increasing already-high costs Americans are facing such as rapidly-rising home insurance premiums due to extreme weather events.

EPA’s proposal to repeal the Endangerment Finding relies heavily on a 2025 report published by the CWG (“CWG Report”)<sup>2</sup>—a Report that was produced in secret by a group of five people hand-picked to cast doubt on the harms associated with climate change, without public input or external review. Our earlier comments detail the many ways—both substantively and procedurally—that EPA’s Proposal is unlawful on account of this reliance.

This submission provides information based on records recently disclosed by DOE and the CWG as part of a lawsuit brought by EDF and UCS alleging that the formation and operation of the CWG violated the Federal Advisory Committee Act (“FACA”).<sup>3</sup> FACA was enacted by Congress to address Nixon-era government corruption and abuses by ensuring government transparency and integrity for the American people. It prohibits federal government advisory committees from forming or operating in secret, requires fairly balanced membership, mandates public meetings, and requires that advisory group materials be available to the public.<sup>4</sup> In the litigation over the secretive handpicked CWG, the government Defendants conceded that FACA applies to the CWG, and on that basis, a federal judge ordered DOE and the CWG to produce records that had been unlawfully withheld from the public. In an order holding that no FACA exceptions apply—and thus that the CWG is subject to the law—the court stated that “[t]he conclusion of the report itself shows that it is no mere ‘review’ of the literature. To suggest otherwise borders on sophistry.”<sup>5</sup>

These belatedly disclosed records show the CWG had at least 18 meetings where they secretly worked under the auspices of Trump Administration officials to shape matters of enormous consequence to the American people—one that impacts the health, safety, and economic well-being for millions of people. In brazen violation of federal law, the Trump Administration officials provided no notice of these meetings, no opportunity for the public to participate and share its views, and no public disclosure of notes or records—until the court ordered it. This is a serious abuse of the public’s trust, a manifest violation of the law, and a fatal flaw of EPA’s Proposal.

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<sup>2</sup> See, e.g., Proposal, 90 Fed. Reg. at 36292, 36305, & 36308; DOE, Climate, <https://www.energy.gov/topics/climate> (displaying the CWG Report) (last accessed Jan. 21, 2026).

<sup>3</sup> *Environmental Defense Fund, Inc. et al. v. Wright et al.*, Case No. 1:25-cv-12249 (D. Mass. filed Aug. 12, 2025).

<sup>4</sup> 5 U.S.C. §§ 1004(b)(2), 1009.

<sup>5</sup> Order, ECF No. 57, at 9, Case No. 1:25-cv-12249 (D. Mass. issued Sept. 17, 2025).

The newly-disclosed records indicate extensive coordination between Trump Administration officials at DOE and EPA and the CWG, that CWG members had a clear understanding that their charge was to produce an assessment that could be used to overturn the Endangerment Finding, and that in undertaking that charge, CWG members openly injected policy, legal, and political considerations into what was purportedly a scientific assessment. The records show that the process to produce the Report was rushed, secretive, and driven by political deadlines. The records also indicate that the CWG members approached their task with biased views and that the Group disregarded scientific information that did not align with its viewpoint and preferred outcome.

EPA must consider these supplemental comments and attached records. These materials reveal serious deficiencies in key scientific data and reasoning central to EPA's Proposal. They directly concern "the factual data on which the proposed rule is based," "the methodology used in obtaining the data and in analyzing the data," and "the major legal interpretations and policy considerations underlying the proposed rule," 42 U.S.C. § 7607(d)(3), and they "provide[] substantial support for the argument that the regulation should be revised." *Coal. for Responsible Regul., Inc. v. EPA*, 684 F.3d 102, 125 (D.C. Cir. 2012), *rev'd in part on other grounds sub nom. Util. Air Regul. Grp. v. EPA*, 573 U.S. 302 (2014). Indeed, these records indicate that EPA's Proposal "fails to provide an accurate picture of the reasoning that has led the agency to the proposed rule" and "disguise[s] the information that it employs." *Connecticut Light & Power Co. v. Nuclear Regul. Comm'n*, 673 F.2d 525, 530 (D.C. Cir. 1982). As these records, and the comments provided thereon, speak directly to matters "of central relevance to the rulemaking"—and cast significant doubt on the entire rulemaking—EPA cannot reasonably disregard them. See 42 U.S.C. § 7607(d)(4)(B)(i), (d)(9)(A). To do so would render EPA's conclusions both legally arbitrary and scientifically unsound, ensuring the illegality of any final rule. See *U.S. Sugar Corp. v. EPA*, 830 F.3d 579, 606 (D.C. Cir. 2016) ("rule is arbitrary and capricious if the agency: 'entirely failed to consider an important aspect of the problem'" (quoting *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)). Cf. *Oklahoma Dep't of Env't Quality v. EPA*, 740 F.3d 185, 192 (D.C. Cir. 2014) ("EPA has a preexisting 'duty to examine key assumptions as part of its affirmative burden of promulgating and explaining a non-arbitrary, non-capricious rule' (citation omitted)). That is especially true where the delayed disclosure of these pertinent records was the product of the government's own unlawful conduct.

Moreover, there is no bar to EPA's consideration of these materials. The plain text of the Clean Air Act "allows EPA . . . to put documents into the record after the comment period is over." *Sierra Club v. Costle*, 657 F.2d 298, 397 (D.C. Cir. 1981) (interpreting 42 U.S.C. § 7607(d)(4)(B)(i)). Here, the rulemaking process is ongoing; these records are made "available" to the agency "after the proposed rule has been published," 42 U.S.C. § 7607(d)(4)(B)(i), but before "the date of [rule] promulgation," *id.* § 7607(d)(6)(C), and EPA can thus lawfully, and practicably, consider them.

EPA’s submission of a draft final rule to the Office of Management and Budget (“OMB”) under Executive Order 12866 does not suggest otherwise. EPA is under no legal deadline to finalize this rule,<sup>6</sup> so the Agency cannot claim that the hour is too late to weigh crucial evidence. To the contrary, the OMB revision process *presumes* further substantive changes to agency rulemakings. *See Exec. Order No. 12866, § 6(a)(E)(ii)* (requiring public documentation of “substantive changes between the draft submitted . . . for review and the action subsequently announced”). By its own terms, OMB review is also intended to ensure that draft rulemakings comply with the regulatory principles that govern that review, *id. § 2(b)*, which include a requirement to “ensure the objectivity of any scientific and technological information and processes used to support the agency’s regulatory actions.” Exec. Order No. 13563, § 5. At the very least, EPA must consider this material before it purports to draw conclusions on the central questions to which this evidence speaks. And based on that consideration, EPA should immediately withdraw its fatally flawed Proposal.

The new documents only further underscore the Proposal’s manifest illegality. Any reliance on the CWG Report is clearly unlawful, arbitrary, and capricious for the reasons we initially set forth in comments and the new and substantial deficiencies described here. Moreover, regardless of any explicit substantive reliance on the Report, the deeply and irredeemably flawed process to produce the Report, and EPA’s clear role in it, infect the entire proposal to rescind the Endangerment Finding and require its immediate withdrawal.

During EPA’s public comment period in September, hundreds of thousands of Americans—including business representatives, state and local officials, public health and medical associations, and former EPA Administrators who served under Republican and Democratic Presidents alike—voiced overwhelming opposition to the Proposal. This includes a number of businesses that have filed comments expressing concerns with EPA’s Proposal, including automakers like Ford and Honda, the Edison Electric Institute (the trade association representing investor-owned utilities), and many others. Records released to EDF under the Freedom of Information Act show those concerns are even broader: in March, the National Association of Manufacturers (“NAM”) proposed a meeting with Administrator Zeldin and NAM included an agenda item to “Explain why industry needs the endangerment finding.” (FOIA Record ED\_019536\_00002830-00001, appended to this comment).

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<sup>6</sup> See <https://www.reginfo.gov/public/do/eoDetails?rrid=1234764> (noting “Legal Deadline: None”).

Below, we describe in more detail records that support each of the points summarized above, and submit these records to the rulemaking docket as attachments. We reiterate that given the CWG Report's fatal flaws and its central role in EPA's rulemaking, EPA must immediately cease rulemaking efforts and withdraw its proposal to rescind the Endangerment Finding.

Respectfully submitted,

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## **I. RECORDS INDICATE CLEAR COORDINATION BETWEEN THE EFFORTS OF THE CWG AND EPA, FACILITATED BY DOE AND DRIVEN BY TRUMP ADMINISTRATION POLITICAL LEADERS**

The CWG was part of a coordinated effort between Secretary Wright and Administrator Zeldin to create record support for repeal of the 2009 Endangerment Finding, EPA's foundational finding that greenhouse gas emissions endanger human health and welfare, and the CWG members understood that their charge was related to EPA's review of the Finding.

From Day One, President Trump and his administration have been seeking to dismantle the Endangerment Finding. On January 20, 2025, President Trump signed the "Unleashing American Energy" Executive Order, which directed the EPA Administrator to develop joint recommendations "on the legality and continuing applicability" of the Endangerment Finding.<sup>7</sup> On March 12, EPA Administrator Zeldin announced that the agency was "Kick[ing] Off Formal Reconsideration of Endangerment Finding with Agency Partners," stating that "[w]e are driving a dagger straight into the heart of the climate change religion." Secretary of Energy Chris Wright made his own views about the Finding unmistakably clear as part of the same announcement, attacking the health and environmental protections that incorporate the Endangerment Finding as an "onslaught of costly regulations."<sup>8</sup>

Then, starting in April, as newly released records demonstrate, the CWG was secretly established and began developing a report to support EPA's attack on the Endangerment Finding.

### **A. CWG Members Discussed EPA Legal and Policy Issues; and DOE Explicitly Charged the CWG to Provide a Report Relevant to the Endangerment Finding**

From the CWG's formation in April 2025 and throughout its work until it was purportedly terminated in September 2025, CWG members and DOE political appointees repeatedly discussed their project in the context of EPA's Endangerment Finding and Section 202 of the Clean Air Act (the statutory provision under which the Finding was made), and contemplated the likelihood of litigation over the Finding. *E.g.:*

- On April 14, 2025, a DOE political appointee emailed the CWG members to share excerpts from Clean Air Act Sections 202(a)(1), 302(g), and 302(h) as "the areas of inquiry that are most relevant to the policymaking process" to help the CWG with "targeting your work" (**17067**).

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<sup>7</sup> Exec. Order No. 14154 (Jan. 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/unleashing-american-energy/>.

<sup>8</sup> Press Release, EPA, Trump EPA Kicks Off Formal Reconsideration of Endangerment Finding with Agency Partners (Mar. 12, 2025) <https://www.epa.gov/newsreleases/trump-epa-kicks-formal-reconsideration-endangerment-finding-agency-partners>.

- The same email notes “A threshold question raised in Justice Scalia’s dissent in *Mass v. EPA* (which can be found [here](#)) is whether CO2 falls under the definition of an ‘air pollutant’ under the Clean Air Act . . . A scientific interpretation of this definition could be very helpful” (17067).
- In another April 14 email, the same DOE political official emailed the CWG saying “if you all have something to contribute to the definition of an air pollutant, I’d like to convey that to policymakers . . . One reason I ask is that the majority opinion in *Mass v. EPA* doesn’t make sense to me -- it seems to over-include some classes of emissions that (to me, at least) are clearly not air pollutants . . . These are the types of questions I expect to be part of the litigation, and any scientific input would be helpful to the policymaking process” (17258).
- One CWG member emailed another to discuss part of the CWG’s Report drafting as “a part of an EF reconsideration” on April 14; and on April 15, that same CWG member shared materials that were used in prior litigation “which eventually led to the vehicle rules and the EF” (18476; 2870).
- As they were beginning to draft the Report, CWG members discussed in email with each other whether to address whether carbon dioxide is an air pollutant under the Clean Air Act, and the importance of “saying what each section [of the CWG Report] might mean in eventual policy decisions related to the Endangerment Finding” (17124; 17127; 17128; 17137).

In other communications, CWG members and a DOE political appointee discussed approaches for dismantling the Endangerment Finding and the Trump EPA’s intentions to undermine the well-established climate science supporting and reaffirming the Endangerment Finding. *E.g.:*

- On April 21, one CWG member circulated an essay by an industry-funded climate skeptic and described it as a “**good explanation of why the Admin may want to move on the [Endangerment Finding] without a science paper** . . . In brief, they would leverage West Virginia vs. EPA (Major Questions Doctrine) to argue that notwithstanding Mass vs EPA the EPA never had regulatory authority over GHGs . . . **It is more complex to argue that the science since 2010 invalidates the original EF.**” In response, a DOE official confirmed that “the plan is to make a two-pronged argument (covering the strictly legal case and updating/revising the scientific underpinnings” (17278 (emphasis added)).
- Acknowledging that the Endangerment Finding was “heavily referenced,” one CWG member wrote on April 19 that “[a]bout all I can hope is that what we write will **provide sufficient ‘reasonable scientific doubt’ regarding the science claims** in the EF, based upon almost 2 decades of new science, to call into question the original reasoning for the EPA Administrator’s decision that CO2 presents a threat to human health and welfare” (17846-47 (emphasis added)). The CWG member went on to state that “[i]t sounds like the lawyers involved believe they can win this fight without the science . . . But if the science argument is decided upon by a vote, or by the number of published citations, we lose the science argument” (17847).

- When one CWG member later suggested the group title their report “Updated Scientific Assessment of the Risks to Human Health and Welfare from U.S. Greenhouse Gas Emissions,” another CWG member responded “[w]e hardly talk about health or welfare in the report” (41685).

On April 19, Trump Administration DOE political official Travis Fisher emailed the CWG to convey an “exact charge” for their report, explicitly tying their work to the EPA Endangerment Finding (17144). In this email, Fisher also explains that he shared the CWG’s initial table of contents with EPA:

**The exact charge for you all is to provide an update on the science relevant to the EPA’s endangerment determination with respect to GHGs.** As I understand the assignment, the scope is only GHGs, not criteria pollutants. . . . For your awareness, I was asked to share the table of contents with the EPA team this evening, which I did (the April 18 version), with the understanding that it is a one-way street (me informing them of your work so they know what’s coming, not them sending feedback or micro-managing it). As I assured [a CWG member] in the early stages of this work, scientific integrity is paramount, and I will do everything in my power to preserve every word of the document as you all write it. **In fact, the EPA team asked that the document be DOE-branded**, meaning our true audience is the Secretary of Energy, and he emphasized to me that he wants nothing but science. In other words, the only compromise you have to make in how this is written is among yourselves, not between you all and policymakers, lawyers, or economists.

(17144 (emphasis added)).

This “charge” to the CWG makes clear that supporting EPA’s new rulemaking was the intended purpose of the CWG Report. The records further show that the CWG members understood from the outset that their objective was to “call into question” the basis for EPA’s long-standing determination that GHG pollution endangers public health and welfare (17846-47). Under this direction, the CWG Report departed from mountains of scientific evidence regarding the known effects of greenhouse gas emissions.

**B. In a Politicized Process, DOE Officials Coordinated with EPA and the CWG Throughout the Drafting of the Report, and CWG Members Continued to Discuss Law and Policy**

Trump Administration DOE officials continued to coordinate with Secretary of Energy Wright and EPA senior political leadership to ensure that the timing and content of the CWG Report would advance EPA's effort to rescind the Endangerment Finding, and DOE political appointees regularly provided updates to the CWG on rulemaking developments at EPA. *E.g.*:

- On April 24, a DOE political appointee emailed the CWG members, stating: "I'll update you all as soon as we get a new (interim/rushed) deadline from EPA. . . . Wright and Zeldin are traveling together today, so we should have an answer soon" (**16021**).
- Later that day, on April 24, the DOE political appointee again emailed the CWG members, stating: "The Secretary just told me our new deadline is May 28th. I feel pretty strongly that this is a firm and final deadline, but it also feels like the best case scenario because **we have renewed buy-in that EPA will wait for this work and include it in its rulemaking**. . . . [A CWG member] suggested we increase our coordination with EPA, particularly the legal team drafting the rulemaking. If you want to be included in those conversations, please let me know. But I'm also happy to handle the legal and policy issues if you'd rather not be involved in that nexus. The goal would be to make sure policymakers get your input on all the scientific questions they feel are relevant" (**16025** (emphasis added)).
- On May 11, the DOE political appointee referenced his ongoing work to help the CWG through "coordination with EPA" (**16447**).
- On May 27, the DOE political appointee emailed the CWG to relay an update regarding transmission of the CWG Report to Secretary Wright and EPA, and inviting CWG members to support "rulemaking efforts at EPA":

I've heard multiple times from the Secretary himself and from Audrey Barrios (his right hand) that he is incredibly proud of this report. . . . Kudos to each of you, not just for the excellent work product, but also for your willingness to fight the good fight. **We'll share this with EPA leadership tomorrow (on schedule!), and then the policy work will begin in earnest for me (mostly connecting the dots between science and policy)**. My offer to everyone in this group stands--if you're interested in supporting **(1) whatever will come of the USGCRP and NCA 6 and/or (2) rulemaking efforts at EPA, please let me know**.

(**16998** (emphasis added)).

- On June 25, the DOE political appointee stated in an email: "I may also have an update on the ongoing rulemaking process, but as of today I don't have any news" (**16555**). This was presumably referring to the EPA Endangerment Finding rulemaking, as the CWG did not appear to discuss any other ongoing rulemakings in the disclosed records.

- On July 1, the DOE political appointee emailed the CWG members and DOE political appointees Joshua Loucks and Seth Cohen: “**For everyone’s awareness, the draft notice of proposed rulemaking from EPA was circulated earlier today for interagency review.** I expect more media questions to come given that the news of the policy change likely won’t stay under wraps for long. I appreciate the close hold you all have had on this issue. **I’ll elaborate on the process going forward and timelines etc. on our call.** All I can say right now is rest assured your services will be in demand for the long haul!” (**17250** (emphasis added)).

CWG members frequently discussed with one another legal issues and the policy implications of the Report. Occasionally, CWG members would emphasize the need for the Report’s content to focus on the science over law (**28329**), or “reluctan[ce] to tailor it too much to the EF” (**41685**), but the frequency of updates from DOE and EPA and the explicit discussion of EPA’s use of the Report makes clear that the CWG members understood the intended purpose of the Report.

*E.g.:*

- An undated draft Introduction for the CWG Report states: “This document provides technical support for the endangerment and cause or contribute analyses concerning greenhouse gas (GHG) emissions under section 202(a) of the Clean Air Act” (**20185**).
- On July 10, one CWG member emailed the CWG and DOE political appointee Travis Fisher to state: “I reiterate my suggestion that the report be published by the DoE and then submitted by Sec Wright as a comment on the EF filing by the EPA” (**15512**).
- On May 2, one CWG member emailed fellow members, sharing an attached writeup and stating: “This is quite brief, but it gets to the crux of the issue as I understand it based upon my discussions with EPA attorneys from a previous administration. Feel free to add/subtract/edit/suggest” (**16498**).
- On May 6, one CWG member emailed fellow members to share their review of a draft chapter of the Report and stated: “I don’t have a read on how important this section is to the EF. It is certainly applicable but will it be part of whatever our overseers want?” (**17462**).
- In connection with drafting the Report, one CWG member remarked to fellow members that “[I] don’t think EPA lawyers are going to go back to AR5” (**16447**). “AR5” is short for the Intergovernmental Panel on Climate Change’s Fifth Assessment Report.<sup>9</sup>

The CWG iterated over the Introduction to the Report and whether it should explicitly acknowledge EPA’s efforts to rescind the Endangerment Finding. The records show that while some CWG members thought the Introduction should signal that their Report is separate from EPA’s proposed repeal, the Trump Administration wanted to (and ultimately did) issue the CWG Report and EPA’s Proposal jointly:

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<sup>9</sup> Available at <https://www.ipcc.ch/assessment-report/ar5/>.

- On May 12, 2025, Fisher recommended that **the CWG “can acknowledge that this effort is designed to inform the EPA’s policymaking process”** (14747 (emphasis added)). He also told the CWG: “If you want to reiterate your independence from EPA, especially EPA’s political team, I think that’s completely fair” (14747).
- On May 23, several CWG members expressed desire to distance the issuance of the Report from the announcement of EPA’s proposed rule: “I agree . . . that if this was released early as a DOE report, it might carry more scientific weight if the EPA relies upon it later”; “I am in total agreement that I prefer an earlier DOE sponsored release. Otherwise the document risks looking politicized”; and “I prefer an early release too, signaling that it is separate from the EPA process” (41218).
- On May 23, Fisher stated in an email to the CWG, in response to their desire to distance the Report from EPA actions: “One piece that we may have to compromise on is timing—it’s my sense that publishing well ahead of any EPA rulemaking will be an uphill battle (but one that I’m willing to fight)” (18063).

The records show that during the process of drafting the CWG Report and after its release, a DOE political official and a CWG member expected to be involved in the review of comments submitted to the EPA rulemaking process (although ultimately, DOE established a separate docket to solicit public comments on the Report, after the Report was used in rulemaking<sup>10</sup>):

- A DOE political appointee contemplated that the CWG could help to address comments on EPA’s proposed rule, stating on April 29: “If the current plan holds, **we will receive more comments than we can possibly handle through the comment process associated to the proposed rule at EPA. If you all are interested, we will likely need help in addressing those comments**” (28080 (emphasis added)).
- On August 6, a CWG member emailed the CWG and Trump DOE political official Josh Loucks to propose a response to a question from a journalist at Nature, including a suggestion to submit comments to EPA: “This is the draft for public comments and expert review; it is being prepared following all standard procedures; **we encourage critics to submit comments to the EPA docket; the comments and our responses will be on the public record**” (47991 (emphasis added)).

Senior Trump Administration DOE officials also interacted directly with the CWG throughout its development and review of the Report. On several occasions, CWG members met with Secretary of Energy Wright and other senior Trump Administration DOE officials and attorneys (20128; 1933). DOE officials—including Secretary Wright—provided guidance to the CWG about its work and conveyed additional guidance from EPA. On or about May 23, the Secretary received a copy of the CWG’s draft Report (41255), and records indicate that he and Deputy Secretary Danly quickly provided feedback, which the CWG apparently incorporated into revisions (17060). Secretary Wright and Deputy Secretary Danly also “reviewed the report in

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<sup>10</sup> DOE, Notice: A Critical Review of Impacts of Greenhouse Gas Emissions on the U.S. Climate, Docket ID. DOE-HQ-2025-0207-0001 (Aug. 1, 2025), <https://www.regulations.gov/docket/DOE-HQ-2025-0207>.

detail” in mid-July (18492). On July 28, a DOE political appointee emailed the CWG members, saying “I believe the Secretary is aware that he owes you all some glowing public comments and an open bar tab at some point” (6200).

## **II. NEWLY DISCLOSED RECORDS DEMONSTRATE THAT THE PROCESS TO PRODUCE THE CWG REPORT WAS RUSHED, SECRETIVE, AND OTHERWISE FLAWED**

### **A. The Report Was Completed in a Rushed Manner, Driven by Political Deadlines**

The records show that the development of the CWG Report was highly rushed, subject to shifting deadlines driven by the pace of EPA’s rulemaking process to repeal the Endangerment Finding and agreements between DOE and EPA political leadership (16021). The CWG members themselves recognized that a comprehensive review of climate science—like the record supporting the 2009 Endangerment Finding—would have taken extensive time and resources to complete: In an email to a DOE political appointee, a member of the CWG noted, “Providing a TSD to support a reassessment of the EF is very demanding and puts authors on the hook for a long time into the future to deal with what will be a lot of criticism. The apparent deadline for our contribution is rapidly approaching” (17846).<sup>11</sup>

Notwithstanding the scale of the CWG’s charge, the group was given a very truncated timeline to complete its work on the first draft of the Report in order to ensure it would be included in EPA’s rulemaking:

- Emails between CWG members reporting on discussions with Secretary Wright suggest the Group was originally given a deadline of April 30, 2025—just weeks after the group began working in early April (16043).
- A DOE political appointee emailed the CWG on April 24 to provide an update on the process for developing their report, acknowledging that Secretary Wright intended for the CWG to move forward with a full report (16021). The DOE political official shared that in discussions with EPA, “the Secretary initially asked for May 15” as a deadline for the CWG Report (16021). The political official went on to say “[t]he remaining variable (for me, anyway) is what to offer EPA if they demand a document before you all are comfortable putting your names on it. My preference is to supply them with something, even if it’s in rough shape and unfit for attribution. Please think about what you all might want to do in that case because I think it’s still a strong possibility.” He confirmed he would “update [the CWG] as soon as we get a new (interim/rushed) deadline from EPA” (16021).
- The political official followed up shortly to share May 28 as the new deadline, which he characterized as “firm and final” and a “best case scenario because we have renewed buy-in that EPA will wait for this work and include it in its rulemaking” (16042).

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<sup>11</sup> A TSD is a Technical Support Document developed by a federal agency to support its regulations or policies.

Apparently in light of these truncated and shifting timeframes, CWG members chose, at least in part, to repurpose their own prior writings for use in the Report. CWG members stated in emails with each other:

- “I had a pile of stuff at hand for another project, so I added it in, if that’s ok” ([20042](#); [20033](#)).
- “Sorry . . . I didn’t mean to swamp you, I figured those were sections you already had in the can from previous work. Looking through my own folders I have some material I forgot I had written which I can repurpose” ([17065](#)).
- “I have a lot of material already written that should be relevant” ([17144](#)).

CWG members also recognized that this truncated process could lead to omissions. In early May, one suggested having an “Author’s Prefix” that could “say something like ‘Hey, give us a break . . . We had only 7 weeks from our first meeting on 11 April. We may have missed something . . . we’ll fix it later’” ([18997](#)). In July, as publication neared, CWG members continued to discuss how the report should be characterized, including one suggesting it could be a “Preliminary Report” and another noting that “it could be described as a memorandum to the Secretary” and that “[w]e aren’t claiming any status as an official peer reviewed government report” ([46853](#)). A DOE political official confirmed it could be characterized “as preliminary or draft” ([46853](#)).

In July, CWG members also struggled to identify correct links to government climate reports that had been taken down by the Trump Administration, including the 2023 Fifth National Climate Assessment (“NCA5”), and discussed whether to use the Wayback Machine or otherwise “find the broken climate.gov references” ([15336](#); [822](#)).<sup>12</sup>

And as detailed further in Part III *infra*, the CWG Report underwent a last-minute internal review process where a limited team of eight DOE reviewers were given one business day to review the draft Report and provide technical feedback, and the CWG then had approximately 48 hours to make any responsive edits—all occurring just days before the Report was finalized.

## **B. The Process for Producing the Report was Secretive, in Violation of the Law**

Records demonstrate that the Climate Working Group and Trump Administration officials often underscored the importance of secrecy for the CWG’s activities, in violation of the Federal Advisory Committee Act. For instance, DOE political appointees regularly used personal email

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<sup>12</sup> The Trump Administration cut funding and issued stop-work orders for the U.S. Global Change Research Program in April 2025 and took down its website, including links to the National Climate Assessment, in early July 2025. See Rebecca Dzombak, *NASA Website Will Not Provide Previous National Climate Reports*, N.Y. Times (July 14, 2025), <https://www.nytimes.com/2025/07/14/climate/nasa-website-climate-report.html>; Brad Plumer, *Trump Administration Cuts Funding and Staff for Flagship Climate Report*, N.Y. Times (Apr. 9, 2025), <https://www.nytimes.com/2025/04/09/climate/trump-national-climate-assessment.html>.

addresses for official communication, including some communications where multiple officials used personal addresses (329; 449; 1185). One political official who regularly emailed from a personal address sent an email “to warn [CWG members] that all the reviewer materials will be coming from my DOE account . . . please keep in mind that my DOE emails (and your replies) will be easily discoverable by outside parties” (160). After the release of the CWG Report, one CWG member also sent an email to the Group with the subject line “keeping it to ourselves,” that warned that “email communications that go to DOE addresses are subject to FOIA” and urged the Group to keep future communications “restricted to the authors (except, of course, for matters that directly involve the DOE . . .)” (1939).

DOE political appointees also emphasized that the Group’s efforts should remain secret. In June, in response to a question about whether the Group should share information with outside parties regarding its activities, a DOE political official underscored, “I cannot stress enough the importance of our silence and restraint pending completion of this process” (2787; 2774). Another DOE official responded in agreement, emphasizing that the CWG’s effort was not grounded in transparency but was instead about achieving Secretary Wright’s goals: “We can loop people in when the time is right, and we should be selective about our inner circle. To me, it comes down to what the Secretary wants and what’s most helpful to the mission” (2774).

To that end, Trump Administration officials met with perceived allies to share information on the CWG’s activities even as they kept the CWG’s existence and work secret from the public. For instance, a DOE political official indicated that “Roger Pielke Jr visited DOE HQ with some students yesterday, and the Secretary wanted to loop him in, so Audrey and I sketched out the state of play. Don’t be alarmed if he asks you about the project – he heard about it from us and is sworn to secrecy within this group” (2774). Finally, when CWG Members raised the possibility of communicating about the Report in their individual capacities, a DOE political official noted “I fear that publishing an article about your work on a government committee will raise questions about how the report came to fruition, tainting your efforts to remain apolitical” (2796).

In addition to these email conversations, the CWG met in secret, at least 18 times in 2025: April 19 (17855, 14380), April 21, (8262), April 22 (20128), May 8 (3622, 29769), May 14 (28486), May 19 (14041, 18971), May 21 (3561), May 22 (8013), May 27 (41450), June 3 (15571, 15588), June 6 (18348, 254), June 13 (2903, 2126), June 20 (1903, 2401), July 3 (3380), July 22 (8339), August 1 (1933, 2909), August 5 (15310, 48089), August 25 (48223, 2860). These meetings (and associated documents) should have been publicly noticed, publicly accessible, and transcribed, with opportunities for public participation. 5 U.S.C. § 1009(b), (c); 41 C.F.R. §§ 102-3.170, 102-3.165(b)-(c). According to the released records, the CWG was first assembled in early April 2025 (19531; 17068). The records indicate that from April through August 2025, the CWG met regularly and frequently, on average at least once a week, primarily using video chats or conference calls. On several occasions, including on April 22 and May 8, CWG members met with Secretary Wright and other senior Trump Administration DOE officials and attorneys (20130; 42604; 1933; 3622; 16238). As the records cited throughout demonstrate, at least one DOE political official appeared to attend nearly all CWG meetings reflected in the released records and was regularly included in email communications among the CWG members.

CWG members also extensively relied on online platforms, including Dropbox and Google Drive, to manage their files and drafting process for both the Report and a separate critique of NCA5, which DOE asked the CWG to prepare but never released. One of the Google Drives was organized by a DOE political appointee through his personal Gmail account (**17540; 17550**). None of these forums were made available to the public while the CWG was operating. Under FACA, “the records, reports, transcripts, minutes, appendixes, working papers, drafts, studies, agenda, or other documents [of] each advisory committee shall be available for public inspection[.]” 5 U.S.C. § 1009(b).

**C. Records Indicate the CWG Was Constrained from Substantially Updating the Report After It Was Initially Sent to EPA in May**

The Proposal states that EPA reviewed the May 27, 2025, draft version of the CWG Report and acknowledges that the July 29 version of the Report “contains additional information . . . that the EPA did not rely on in formulating this proposal.” 90 Fed. Reg. at 36292, n.10. The newly disclosed records indicate that EPA requested that DOE and the CWG limit any changes to that version of the Report before finalizing and publishing it in July, to ensure that the contents stayed on the same pages:

- On July 10, a DOE political appointee emailed the CWG members stating: “I’m excited for the report to hit daylight. In the event we have to publish on short notice, would someone please reply here with the version of the report we want to release? Keep in mind the EPA rulemaking references the findings of the CWG report by page number, so we should take care not to change those from the May version” (**46830**).
- The appointee further clarified: “Yes I think we can make all the corrections we like, just as long as we don’t change the location of contents on the pages” (**46853**).

The exchanges suggest that the CWG was constrained in making edits to the Report because of EPA’s desire to keep the pagination consistent. This indicates that EPA was determined to base its Proposal on the May 27 version and had no intention of altering the rationale in response to any changes to the CWG Report made after May 27, 2025, or of taking proper account of the DOE internal review process or any corrections or changes to the Report resulting from that process.

**D. Records Show How the CWG’s Substantive Bias and Lack of Fair Balance Impacted Their Work**

The newly disclosed records include myriad, troubling indications of the CWG members’ closed minds and the Group’s manifest lack of the balance and objectivity that should characterize an effort to prepare a scientific assessment to inform federal policymaking. Among other things, the records contain examples of CWG members dismissing out of hand, and in some cases expressing hostility towards, expert scientific institutions such as the National Academies of

Sciences, Engineering and Medicine (“NASEM”), the Intergovernmental Panel on Climate Change (“IPCC”), and the National Climate Assessment (“NCA”) process led by over a dozen federal agencies. The records further show the CWG dismissing scientists whose work they disagree with based on sweeping claims about their perceived political and ideological affiliations. *E.g.:*

- Referring to a detailed NASEM review of NCA5, a CWG member dismissed it out of hand—stating that “[w]ithout even reading the NASEM report I assume it’s useless” (1350; *see also* 18037; 19006; 451; 1880).
- The same CWG member elaborated on his views on NASEM by making sweeping claims about the political and ideological affiliations of government and academic scientists as a whole, stating “they too deserve the DOGE treatment”:

The problem [with NASEM] is they draw experts from govt agencies and universities. . . . The data show universities are about 95/5 dems/gop and not only that, but among the dems the party identification is ‘strong’ versus mostly ‘weak’ or ‘leans’ among gop. So draw a random sample from academia (ensuring a ‘wide range’ of views blah blah blah) and you end up with left and further left. . . . NASEM needs to commission a report explaining why the universities became such one-sided intolerant monocultures and what can be done to fix it, and until they tackle that issue they too deserve the DOGE treatment.

(1350).

- Another CWG member referred to the NASEM review of NCA5 Chapter 2, “Climate Trends” as “almost as stomach-churning as reading the NCA5 itself” (2119). And a CWG member similarly opined that “the NASEM review was pathetic” and “not a critical analysis by experts” (3695).
- A CWG member opined that “the climate assessment system is really broken, a RFK Jr style purge is needed, IMO” (1778). The same CWG member dismissed a large group of scientists preparing comments on the CWG report by stating “they all have TDS” (apparently referencing “Trump Derangement Syndrome,” a pejorative term for negative reactions to actions by President Trump) (1927). Another CWG member expressed suspicion that these external scientific comments (which were submitted to DOE as part of the public comment process on the CWG report) “will be outside of the public comment effort and designed to torpedo what we do in our responses” (1927).
- Regarding “[h]ow to respond to critics of our science,” a CWG member cited a blog post of perceived ally Roger Pielke Jr. attacking the U.S. Global Change Research Program and stated: “[N]ice that we have a blanket response already written to anyone who doesn’t like our interpretation of the science” (211).
- One CWG member emailed the group, discussing how they wanted to push back against the “extreme weather alarmism angle” with a counterargument: “At this point I want to

hold the readers' faces in it until their limbs stop twitching and then they'll be receptive to the rest of the material" (**16449**). Another CWG member responded: "Yes!" (**16449**).

### **III. RECORDS SHOW THAT THE CWG REPORT FAILED TO MEET BASIC STANDARDS FOR SCIENTIFIC INTEGRITY**

#### **A. The DOE Internal Review Was Extremely Rushed; DOE Assured the CWG That They Did Not Have to Change Any of the Report in Response to Feedback**

In early July, DOE apparently determined that there should be a round of internal DOE review before the Report was noticed for public comment, and DOE political appointee Travis Fisher informed the CWG of this (**2767**). Fisher emailed the CWG members about which individuals and offices within DOE should be included in the internal review, inviting their input (**2767**). It was ultimately decided (it appears, by Fisher) that a group of eight DOE internal reviewers—five from National Labs, three from the Office of Science—would review and provide substantive feedback on the report, and that some kind of additional, external review process would be pursued after the Report was made public (**18492**). The internal DOE reviewers were promised public anonymity, which, Fisher stated, was a condition of participation for some (**42862**). The draft would be circulated to other DOE offices as well, such as the Office of General Counsel, "more for their awareness than any substantive review" (**18492**).

The CWG insisted that they retain independence and editorial control despite the internal review process. As internal review commenced, Fisher assured the CWG that "you all have the ultimate pen on the report" and even stated "it's my hunch that most comments will be rejected" (**160**). Notably, in developing a separate critical review of NCA5, one CWG member proposed including a critique regarding "the degradation of credibility taht [sic] occurs when authors have final review-authority over their own text" (**2763**). A CWG member observed that the same charge could be leveled against the CWG Report, as the CWG also retained final-review authority (**2763**). But another CWG member dismissed this concern, stating that, "If people complain that we have final authority over our own final text we can point out that that is the standard for NCA and IPCC so if people don't like it they should have brought the matter up long ago" (**2763**).

The DOE internal review process was carried out over a period of just a few days, apparently driven by timelines set by DOE political appointees. A draft of the CWG Report (**523**) was provided to the DOE reviewers on or around Saturday, July 19, with review due back to the CWG by end of day Monday, July 21 (**160**)—giving reviewers just one business day to review and comment on a nearly 150-page scientific report. The overall review window of a few days could not have afforded reviewers adequate time to consider the draft Report's dense, technical contents with due rigor. Nonetheless, the DOE reviewers met the deadline for feedback, though one set of comments was not transmitted to the CWG until the morning of Tuesday, July 22 (**44022**).

The CWG had a hard deadline to incorporate any changes responding to the DOE internal review by end of day July 22 or July 23, giving them just one or two days to assess the DOE reviewers' feedback and make any changes, though it was recommended that they "keep[] edits minimal" (15336; 43401). In contrast to the preparation of robust climate assessments like the IPCC's and the NCA, which use "review editors" whose sole responsibility is to ensure that reviewers' comments are adequately considered and addressed,<sup>13</sup> it appears that the CWG had no comparable process for the CWG Report. After July 22, the Report was apparently being formatted for final issuance: Fisher asked the CWG members to have a "new final version" by end of day July 22, and suggested that they could "read that final (final) version" on the morning of Wednesday, July 23, so that "I can then pass it back to the DOE publication wizards on Wednesday PM to get it ready for release on Thursday or Friday" (15337). The Report was swiftly published by DOE a few days later, on July 29.

Given the extraordinarily compressed timeline of the review and revision process, spanning less than a week, in total—as well as EPA's direction that no pagination be changed in the Report at this stage (46830)—that process could not be characterized as a robust review, nor satisfy federal data quality guidelines (see further discussion below).

In parallel to finalizing the Report, and afterwards, the CWG worked to edit and compile the feedback from each DOE reviewer into summary tables and to formulate formal responses to each comment (522; 5523). The goal was ultimately to finalize, and possibly publish, a document with summaries of the eight compiled anonymous DOE reviews and the CWG's responses to the internal feedback (1934). The CWG circulated their "final responses to the internal DOE reviews" to four DOE political appointees on August 5 (19208).<sup>14</sup> On August 7, one CWG member emailed three DOE political appointees urging that the internal review and responses should be publicly posted along with all public comments on the Report (15365). It appears that DOE did not publish the final internal review and responses document—an inconsistency with federal peer-review guidelines (as discussed further below) and one that further underscores the administration's secretive approach to the process.

## **B. DOE Reviewers Raised Significant Concerns and Flaws That the CWG Failed to Adequately Address**

Even on their extremely quick review timeline, the DOE reviewers flagged numerous significant concerns with the Report's interpretations of science and overall conclusions, concerns that are

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<sup>13</sup> See, e.g., NOAA, Request for Public Nominations: *Call for Review Editor Nominations for the Fifth National Climate Assessment (NCA5)*, 87 Fed. Reg. 33131 (June 1, 2022).

<sup>14</sup> The records show that one of the Trump Administration officials who was deeply involved with the Climate Working Group, Travis Fisher, was still receiving emails from the CWG members on August 5 and 6 (19208; 15310). In another email to the Group, however, he communicated that his last day at DOE was July 31 and that he would return to the CATO Institute on August 4 (15338). Because Fisher used his personal Gmail account to communicate with the CWG throughout his time at DOE, it is unclear whether and when his government employment ceased.

consistent with the characterization of the Report's pervasive scientific flaws by many members of the broader scientific community.<sup>15</sup>

First, the internal DOE review comments critically and frequently noted the draft CWG Report's lack of rigorous and recent citations. Reviewers specifically called out, for example, the CWG Report covering "only a very small subset of the literature since 2020" (**19244**), and criticized citations to blog sites, think-tank papers, older citations, and non-peer-reviewed materials (including the CWG authors' own non-peer-reviewed work) (**19209-19270**). Reviewers also emphasized that the Group "ignored" (**19263**) or "omitt[ed]" (**19243**) large bodies of relevant scientific literature. A comparison of the draft and final versions of the Report shows that multiple times, the CWG responded to reviewers' comments by simply reiterating their original logic and making no change or trivial change to the Report's text.

Second, the CWG's final responses to the internal DOE review indicate that the CWG often dismissed the need to more fully represent the available literature on the topics covered in the Report. For instance, reviewers critiqued the CWG's limited stance on the literature across numerous subjects, including but not limited to "greening," the impacts of climate change on agriculture, sea level rise, and extreme event interpretation (**19209-19270**). The CWG at times expressed appreciation for the DOE internal review comments; one CWG member stated: "On first read I'm impressed with the comments. They're tough but constructive. Dealing with them will strengthen the document" (**5523**). But in fact, overall, the CWG systematically chose not to respond to many of the critical comments with substantive changes and preferred their original limited literature references even when DOE reviewers recommended corrections (**19209-19270**).

As one DOE reviewer summed up:

Frankly, the document was discouraging. Secretary Wright wants a " ... a more thoughtful and science-based conversation about climate change and energy." I find that this report distorts the science in much the same way as the media coverage about which he complains. Most notable are the omissions or under-reported significant climate changes, such as sea-ice decline, changes in the global water cycle and increases in heat-stress due to increases in absolute humidity (from water-vapor feedback). Further, the examples used by the report authors are narrow and appear to be selected to emphasize uncertainty, while the more rigorously evaluated science that contradicts their limited discussion is ignored, perhaps because it does not fit their narrative. This is unfortunate, because I believe it detracts from the much needed discussion about the future, including energy policies,

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<sup>15</sup> See ESS Open Archive, *Climate Experts' Review of the DOE Climate Working Group Report*, <https://essopenarchive.org/doi/full/10.22541/essoar.175745244.41950365/v1>.

technologies and trade-offs. I encourage DOE to start the discussion by accepting the well-reviewed and broadly accepted scientific conclusions of the IPCC Working Group 1, with respect to the observations and analyses of climate change in the 20th and 21st centuries.

(19263). The CWG's response to this comment was: "Comments noted." (19263).

Although one CWG member stated that "some of the most hostile comments didn't provide any data or citations in support so we couldn't do anything with them" (1934-35), standard scientific review protocol does not require reviewers to supply references in their comments, although helpful. Authors are responsible for considering the comment and knowing the literature in the area they are working in—and finding and considering the relevant literature would be straightforward for scientists.

Finally, internal DOE reviewers used words such as "misleading," "inaccurate," "cherry pick" or "cherry picked," "not appropriate," "factually incorrect," "not factual in nature," "not true," and "unjustified" (19209-19270) to describe the draft CWG Report's treatment of topics presented. Such serious and pervasively negative review should have triggered, at minimum, a thorough reevaluation of the Report's contents, if not a massive rewrite or complete rejection. The fact that there were only mere days for CWG members to review and respond to the reviewers' concerns, and only very minor edits to the text of the final Report when compared to the review draft, belies any claims that the Report underwent a scientific review process designed to result in an accurate representation of the state of climate science.

### **C. There Was Confusion and Inconsistency as DOE and the CWG Attempted to Navigate Basic Federal Standards for Scientific Integrity**

In early July, as the CWG Report was just weeks away from being published, the CWG members and DOE political appointee Fisher recognized they had a responsibility to satisfy federal science standards (15539). They questioned whether and how the Trump Administration's recent "Gold Standard Science" Executive Order and Guidance and the requirements of the Information Quality Act would apply to the CWG Report. They dialogued about whether an internal DOE review process and/or public comment would suffice to satisfy federal peer-review requirements, and acknowledged that the Report would constitute a highly influential scientific assessment (HISA) (15549; 15539), meaning that the CWG Report would have to meet heightened federal standards for peer review.<sup>16</sup> One CWG member circulated their notes stating "SEEMS INTERNAL DOE REVIEW IS ALL WE NEED AT THIS POINT" (15550). Fisher suggested that

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<sup>16</sup> See Final Information Quality Bulletin for Peer Review, 70 Fed. Reg. 2664 (Jan. 14, 2005); see also DOE, Final Report Implementing Updates to the Department of Energy's Information Quality Act Guidelines (2019), <https://www.energy.gov/cio/articles/2019-final-updated-version-doe-information-quality-guidelines>; White House Off. of Science & Tech. Policy, Agency Guidance for Implementing Gold Standard Science in the Conduct & Management of Scientific Activities (June 23, 2025), <https://www.whitehouse.gov/wp-content/uploads/2025/03/OSTP-Guidance-for-GSS-June-2025.pdf>.

the Report might need to meet EPA science standards, as well as DOE standards, if the ultimate goal was to use the Report in EPA rulemakings (15539).

On July 23, as the Report was being finalized following the internal DOE review process, Fisher emailed the CWG to inform them that:

The political powers that be are insisting that we discuss the “internal DOE review” as such rather than as “peer review.” The main sticking point is the “gold standard science” executive order and the moving target that is the multiple sets of agency regulations that will ultimately define what peer review means in the eyes of the DOE, EPA, and others.

(18003).

In dialogue among the CWG members and Fisher, the CWG expressed concern that describing the review as “internal” could suggest their effort was not independent. For example, one CWG member stated: “It indeed was an internal review by DoE, though we did have the last word to keep our independence” (1856). A few days later, Fisher proposed another edit to clarify that the review was not by “a team of anonymous peer reviewers” but specifically by “a team of anonymous DOE and national lab reviewers” (14937-38 (emphasis in original)). Thus, the Report’s characterization of the review process acknowledges that this process was not equivalent to the peer review required by federal standards.<sup>17</sup>

#### **D. The CWG Recognized the Value of External Review of the Report, But the Records Indicate that Such Review Never Happened**

The CWG members and Fisher agreed early on in the process that they wanted the Report to be subject to some sort of “serious review” (2867). But CWG also recognized early in the process that any external review would probably have to occur later in 2025, after the Report was initially published, given their rapid timeline to complete the Report (2867). Early in May 2025, CWG members and Fisher debated whom they might select for an external review team and circulated handpicked lists dominated by climate science skeptics (2862-63; 19960)—who comprise an extreme minority of the scientific establishment. Upon reviewing this list, some of the CWG members recognized that “it’s a bit of an echo chamber” (2862) and “looks too much like pal review” (2867). One CWG member joked that “a few of them will want (more of) their publications to be referenced,” nodding to the Report’s reliance on a discrete universe of information (2866). As the process continued, they circulated different lists of potential external

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<sup>17</sup> E.g., OMB’s long-standing guidance for peer review of “highly influential scientific assessments” includes consideration of expertise and balance in selection of peer reviewers; screening of reviewers for conflicts of interest; independence of peer reviewers (and restrictions on use of an agency’s own staff for peer review in agency-sponsored publications); reviewers must not be anonymous; provision of key studies, data and models to peer reviewers; an opportunity for public review of materials being circulated for peer review; and public availability of a report of the peer review and the agency’s responses. 70 Fed. Reg. at 2,671-72.

reviewers who they viewed as more “consensus leaning,” but simultaneously wondered if they could “sneak in” Roger Pielke Jr., Senior Fellow at the American Enterprise Institute (**15539**; *see also* **15310**; **14042**).

As the CWG and Fisher continued to dialogue about what kind of external review process should follow the DOE internal review and public comment processes, they considered a process whereby NASEM, a subset of NCA5 authors, or former USGCRP scientists might be tasked to review the Report, which the CWG acknowledged would give the Report more credibility and approach an actual “peer review”; but ultimately, they dismissed that idea as “hopeless” because “a group like NASEM” could never be “fair or objective” reviewers, and the Report would never be “approved by the gatekeepers” (**15539-45**). This is another example of how the CWG authors’ animosity towards NASEM affected their work.

Before Fisher departed his DOE political appointment on July 31, he raised with the CWG members the topics of “1) possibly expanding the CWG to include scientists of your and the Secretary’s choosing, and 2) the best way to engage expert peer reviewers outside of the DOE enterprise” (**1933**). On August 6, one CWG member circulated to DOE officials (including Audrey Barrios, Advisor to Secretary Wright) the CWG’s final list of recommended external reviewers (**15310**). The newly released records do not contain any information about any further review of the Report, so it appears that no such external review was initiated.