

November 7, 2003

The Honorable James R. Mahoney
Department of Commerce/National Oceanic and Atmospheric Administration
Director, Climate Change Science Program
Office of the Climate Change Science Program
1717 Pennsylvania Avenue NW
Suite 250
Washington DC 20006

Dear Dr. Mahoney:

Apparently associated with the dismissal of the CEI lawsuit against OSTP on November 4, we note that the qualifier appearing on the USGCRP/CCSP Web Site regarding the authoritativeness of the National Assessment Overview and Foundation reports has been changed to read:

"The National Assessment Overview and Foundation Reports were produced by the National Assessment Synthesis Team, an advisory committee chartered under the Federal Advisory Committee Act, **and were not subjected to OSTP's Information Quality Act Guidelines**. The National Assessment was forwarded to the President and Congress in November 2000 for their consideration."

We would suggest that the additional statement in bold is misleading and incorrect in at least two very important ways. First, OSTP's guidelines did not exist or apply at the time that the National Assessment report was prepared.

Second, and more important, the statement implies that the National Assessment Report was not properly reviewed and would not meet the OSTP guidelines; this is misleading at best and most likely false in the view of any independent review of the situation. We request that you eliminate the new phrase.

The National Assessment Overview and Foundation reports were based on an extensive number of thoroughly reviewed regional and sectoral reports, many of which went through not only their own review but went through journal reviews, as clearly indicated in the references appearing in the Foundation report. Since reports based on peer-reviewed reports are presumed to have passed the FDQA, even with this limited consideration, the National Assessment report would appear to be qualified, even if the FDQA had been in

place at the time. In addition, however, the National Assessment report went through a four-level review process, involving hundreds of technical experts, a full Federal Register review and response, and then review by the Independent Review Board of the President's Committee of Advisers on Science and Technology (PCAST). This latter review **by itself** met the OSTP guidelines requiring expertise and disclosure of its experts and later public consideration by PCAST itself. There are few reports inside or outside of government that have gone through such reviews.

But there was even more review. In drawing upon and citing the results of the US National Assessment, the IPCC put the results through a further international review process as part of their Third Assessment Report. Following this, the National Research Council, in conducting its 2001 review of climate science at the request of President Bush, heavily cited the National Assessment as state of the art science—a finding that went through its peer review process. The incorporation of many of the National Assessment's findings in the 2002 US Climate Action Report's chapter 6 also went through a Federal Register review and the relevant chapter was approved by all the reviewing agencies. It is not surprising then, that CEQ director James Connaughton indicated that the chapter's findings were well-established science in his oral testimony and that the US Government stood behind the report.

The CEI lawsuit was dismissed with prejudice, making clear that there was no merit to its claims. Furthermore, this dismissal occurred with no conditions. As a result, we call upon you to eliminate the change made to the statement that appears on the Website.

A representative set of those involved in the National Assessment process would be pleased to meet with you to go over the many review stages that the various reports went through to help you understand that the spirit of the OSTP guidelines that were later developed were exceeded.

[The e-mailed concurrence of signers is available on request; additional concurrences are pending.]

Respectfully yours,

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Eric J. Barron
Member, National Assessment Synthesis Team

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