

United States Senate

Inspector General Peggy E. Gustafson
U.S. Department of Commerce
Office of the Inspector General
1401 Constitution Avenue NW
Washington, DC 20230

January 15, 2021

Dear Inspector General Gustafson,

We write today to express concern regarding media reports of events on January 8, 2021, in which National Oceanic and Atmospheric Administration (NOAA) detailees to the White House Office of Science and Technology Policy (OSTP) Dr. David Legates and Dr. Ryan Maue published scientifically inaccurate information online under the auspices of OSTP. These actions create several areas for concern, especially as the current administration comes to a close and personnel changes in the incoming administration.

On January 8, 2021, Dr. Legates posted “temporary draft” documents that he claims were requested by OSTP “summarizing the ongoing scientific debate over the role of solar variability on climate change” on the website for the Center for Environmental Research and Earth Sciences, Dr. Legates’s organization.¹ These documents outlined a series of debunked scientific reports that deny and downplay the existence and impact of climate change. The documents that were posted bore the logo of the Executive Office of the President and claimed to be copyrighted OSTP research.

On January 12, 2021, Scott Smullen, a spokesman for NOAA said that “the actions will be reviewed under the NOAA Scientific Integrity Policy.”²

On January 13, 2021, it was reported that Dr. Legates and Dr. Maue had been reassigned back to NOAA. In the intervening days, spokespeople for OSTP and NOAA both disavowed the research and the agencies having any knowledge or role in producing or publishing the documents.

This series of events raises serious concerns about Dr. Legates and Dr. Maue using their positions within the federal government to legitimize disproven and damaging concepts around climate change. Beyond disseminating dangerous information, the usage of OSTP’s logo and copyright without explicit permission is prohibited under 18 U.S.C. § 1017, and not holding those involved accountable sets a bad precedent for future instances along these lines.

¹ https://www.ceres-science.com/content/climate_change_flyers.html

² <https://www.nytimes.com/2021/01/12/climate/trump-disinformation-climate-change.html?smid=tw-share>

While we appreciate NOAA's prompt action to investigate this incident, the stated departure of Dr. Legates and Dr. Maue from NOAA and the upcoming change in administration presents an opportunity for this issue to fall through the cracks. To that end, we request that you swiftly act to preserve relevant documents and communication and open an investigation into potential wrongdoing surrounding both the development and posting of this information online as well as improper usage of government logos.

Thank you for your attention to this request.

Sincerely,

Mazie K. Hirono
United States Senator

Sheldon Whitehouse
United States Senator

Richard Blumenthal
United States Senator

Edward J. Markey
United States Senator

Elizabeth Warren
United States Senator