

United States Senate

July 21, 2020

Dr. Neil Jacobs
NOAA Acting Administrator
National Oceanic and Atmospheric Administration
14th Street and Constitution Avenue, NW
Washington, DC 20230

cc: John Luce, NOAA General Counsel; Craig McLean, Acting Chief Scientist

Dear Acting Administrator Jacobs,

On June 15, 2020, the National Academy of Public Administration (NAPA) released a report concluding that the National Oceanic and Atmospheric Administration (NOAA) scientific integrity policy was violated by the issuance of a September 6, 2019 statement on Hurricane Dorian. This statement contradicted a statement put out by National Weather Service (NWS) meteorologists in Birmingham, in order to back up an assertion made by President Trump that Hurricane Dorian would affect Alabama. Upon review of the findings of this report,¹ as well as your written response,² we write to express our concerns over the subversion of scientific integrity at NOAA and request a response to our outstanding questions.

While you dispute the NAPA findings in your response—stating that the tweet and NOAA statement on Hurricane Dorian are “not the types of science and research to which the [scientific integrity] policy applies”³—it remains clear that this incident casts serious doubt over NOAA’s ability to ensure the scientific integrity of its world-class employees. We believe NOAA must be committed to protecting its employees from political interference and prioritizing the independence of the agency’s scientists. Because US residents depend upon NOAA for accuracy in everything from weather forecasting to fisheries management, NOAA must be known as a science-based organization that does not modify scientific products of any kind as a result of political pressure.

¹ Thad Allen, Shantanu Agrawal, Kaye Husbands Fealing, Elizabeth Robinson, *An Independent Assessment of Allegations of Scientific Misconduct*, National Academy of Public Administration (Mar. 2020), https://nrc.noaa.gov/Portals/0/SIC/NOAA%20Final%20Report_scanned_061220.pdf?ver=2020-06-15-074029-673.

² Neil A. Jacobs, *Review of NAPA’s Findings Regarding Scientific Integrity*, National Oceanic and Atmospheric Administration (June 12, 2020), https://nrc.noaa.gov/Portals/0/SIC/Comments%20to%20NAPA_nj.pdf?ver=2020-06-12-144954-713.

³ *Id.* at 1.

Following its investigation, NAPA issued several recommendations, including that NOAA: increase training to uphold scientific integrity at the agency; develop formal guidelines for the release of media guidance to staff; establish additional criteria to determine a loss of scientific integrity; and establish an intra-agency policy to better explain the role that political appointees at the Department of Commerce play in scientific communications.

The last is particularly relevant, as Commerce Chief of Staff Mike Walsh informed NOAA staff that, “There are jobs on the line,” and the report found that the direction to write and release the statement on September 6 came from Commerce officials.⁴ These findings were also emphasized in a memo released by the Department of Commerce Inspector General, which found that the Department of Commerce “led a flawed process that discounted NOAA participation” and “required NOAA to issue a Statement that did not further NOAA’s or NWS’s interests.”⁵

We write to determine what steps you will take to implement or even to exceed NAPA’s recommendations in order to establish an ethically sound culture at NOAA that ensures scientific integrity is paramount.

Please provide responses to the following by Wednesday, August 5th:

1. Please provide a list and timeline of the concrete steps you will take to respond to and implement the NAPA report recommendations.
2. Please provide a list and timeline of additional concrete steps you will take beyond the NAPA recommendations in order to establish a culture at NOAA that makes scientific integrity a top priority.
3. What steps will you take to ensure that your colleagues at NOAA are protected from interference from political officials at the Department of Commerce in the future?

The accuracy and integrity of NOAA scientific products and communications should never have been compromised for political reasons. We look forward to your response on how you plan to improve the implementation of the scientific integrity policy and protect NOAA employees from inappropriate and unethical interference. Please contact James LaChance in Senator Markey’s office at james_lachance@markey.senate.gov with any questions.

⁴ Thad Allen, Shantanu Agrawal, Kaye Husbands Fealing, Elizabeth Robinson, *An Independent Assessment of Allegations of Scientific Misconduct*, National Academy of Public Administration (Mar. 2020), https://nrc.noaa.gov/Portals/0/SIC/NOAA%20Final%20Report_scanned_061220.pdf?ver=2020-06-15-074029-673 at 53-54

⁵ Peggy E. Gustafson, *Evaluation of NOAA’s September 6, 2019, Statement About Hurricane Dorian Forecasts*, Department of Commerce Office of the Inspector General (June 26, 2020), <https://www.oig.doc.gov/OIGPublications/OIG-20-032-I.pdf>.

Sincerely,

A handwritten signature in blue ink that reads "Edward J. Markey".

Edward J. Markey
United States Senator

A handwritten signature in blue ink that reads "Elizabeth Warren".

Elizabeth Warren
United States Senator

A handwritten signature in blue ink that reads "Richard Blumenthal".

Richard Blumenthal
United States Senator

A handwritten signature in blue ink that reads "Mazie K. Hirono".

Mazie K. Hirono
United States Senator

A handwritten signature in blue ink that reads "Ron Wyden".

Ron Wyden
United States Senator

A handwritten signature in blue ink that reads "Margie Hassan".

Margaret Wood Hassan
United States Senator