

Congress of the United States

House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

2321 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6301

(202) 225-6371
www.science.house.gov

July 14, 2015

The Honorable Kathryn D. Sullivan
Administrator
National Oceanic and Atmospheric Administration
U.S. Department of Commerce
1401 Constitution Avenue N.W.
Washington, DC 20230

Dear Administrator Sullivan,

Recently, the National Oceanic and Atmospheric Administration (NOAA) released a study that updates historical temperature data using new methods of data collection and analysis. The study “refutes the notion that there has been a slowdown or ‘hiatus’ in the rate of global warming in recent years.”¹ This new study is in direct disagreement with the Intergovernmental Panel on Climate Change’s Fifth Assessment Report, which found that the period from 1998-2012 showed less temperature increase when compared to 1951-2012.²

A centerpiece for the new study relies on corrections to sea temperature data from ships and buoys. Study author Dr. Thomas Peterson noted in a NOAA press release that, “Scientists have developed a method to correct the difference between ship and buoy measurements, and we are using this in our trend analysis.”³

When corrections to scientific data are made, the quality of the analysis and decision-making is brought into question. The conclusions brought forth in this new study have lasting impacts and provide the basis for further action through regulations. With such broad implications, it is imperative that the underlying data and the analysis are made publicly available to ensure that the conclusions found and methods used are of the highest quality.

¹ National Oceanic and Atmospheric Administration, National Centers for Environmental Information, “The Recent Global Surface Warming Hiatus,” June 4, 2015. Available at: <https://www.ncdc.noaa.gov/news/recent-global-surface-warming-hiatus>

² Intergovernmental Panel on Climate Change, Fifth Assessment Report, Synthesis Report, 2014. Available at: https://www.ipcc.ch/pdf/assessment-report/ar5/syr/SYR_AR5_FINAL_full.pdf

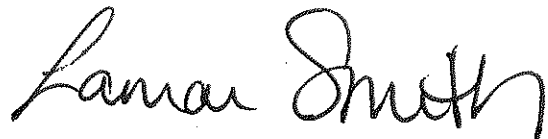
³ National Oceanic and Atmospheric Administration, National Centers for Environmental Information, “The Recent Global Surface Warming Hiatus,” June 4, 2015. Available at: <https://www.ncdc.noaa.gov/news/recent-global-surface-warming-hiatus>

Based on these concerns, please provide the following by July 28, 2015:

- (1) All data related to this study and the updated global datasets, including the methods of analysis used to adjust data.
- (2) All documents and communications referring or relating to corrections to sea temperature data from ships and buoys from January 1, 2014 through July 13, 2015.
- (3) All information related to any plans under consideration by NOAA to make all data related to this study and the updated global datasets, including the methods of analysis used to adjust data, fully available to the public. If no such plans exist, please provide a written response explaining why the agency does not plan to make this information publicly available.

If you have any questions about this request, please contact Committee staff at 202-225-6371. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Lamar Smith". The signature is fluid and cursive, with the first name "Lamar" written in a larger, more prominent script than the last name "Smith".

Rep. Lamar Smith
Chairman
Committee on Science, Space,
and Technology

cc: Rep. Eddie Bernice Johnson, Ranking Minority Member, Committee on Science, Space, and Technology

Congress of the United States

House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

2321 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6301

(202) 225-6371
www.science.house.gov

September 10, 2015

The Honorable Kathryn D. Sullivan
Administrator
National Oceanic and Atmospheric Administration
U.S. Department of Commerce
1401 Constitution Avenue N.W.
Washington, DC 20230

Dear Administrator Sullivan:

Thank you for the National Oceanic and Atmospheric Administration's (NOAA) August 20, 2015, response to my July 14, 2015, letter regarding the availability of NOAA's recently released climate datasets. After review, I have additional questions related to the datasets used to adjust historical temperature records, as well as NOAA's practices surrounding its use of climate data.

Accurate climate data is of the utmost importance, as it is used by decision makers across the country. As the federal government's leading provider of climate science data, it is imperative that its publicly released data and analyses are based on the best available science and scientific practices.

To assist the Committee's continuing oversight, please provide the following information by September 24, 2015:

1. The following datasets not provided in your August 20, 2015, response:

- Sea surface temperatures calculated from ships only in both (a) unadjusted and (b) adjusted formats;
- Sea Surface temperatures calculated from buoys only in both (a) unadjusted and (b) adjusted formats;
- Night Marine Air Temperatures (NMATs) in both (a) unadjusted and (b) adjusted formats;
- An explanation of the differences in the time series of these data sets as well as NOAA's rationale for constructing the datasets as outlined in Karl et al. 2015 (i.e. producing NMATs first, adjusting ships to NMATs, then adjusting buoys to ships).

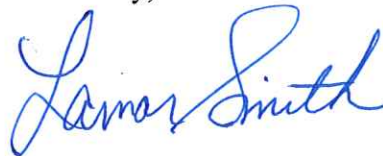
2. All documents and communications referring or relating to the methodology and utilization of NMATs to adjust ship and buoy temperature data.
3. All documents and communications referring or relating to the use of other global temperature datasets for both NOAA's in-house dataset improvements and monthly press releases conveying global temperatures to the public.
4. All documents and communications referring or relating to the utilization and consideration of satellite bulk atmospheric temperatures for use in global temperature datasets.

The Committee on Science, Space, and Technology has jurisdiction over environmental and scientific programs and "shall review and study on a continuing basis laws, programs, and Government activities" as set forth in House Rule X.

When producing documents to the Committee, please deliver production sets to the Majority Staff in Room 2321 of the Rayburn House Office Building and the Minority Staff in Room 394 of the Ford House Office Building. The Committee prefers, if possible, to receive all documents in electronic format.

If you have any questions about this request, please contact Committee staff at 202-225-6371. Thank you for your attention to this matter.

Sincerely,



Rep. Lamar Smith.
Chairman
Committee on Science, Space,
and Technology

cc: Rep. Eddie Bernice Johnson, Ranking Minority Member, Committee on Science, Space, and Technology

Congress of the United States

House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

2321 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6301

(202) 225-6371
www.science.house.gov

September 25, 2015

The Honorable Kathryn D. Sullivan
Administrator
National Oceanic and Atmospheric Administration
U.S. Department of Commerce
1401 Constitution Avenue N.W.
Washington, DC 20230

Dear Administrator Sullivan:

The Committee on Science, Space, and Technology continues its oversight of the National Oceanic and Atmospheric Administration's (NOAA) adjustments to historical temperature data using new methods of data collection and analysis. As part of this oversight, I wrote you on July 14, 2015, to request documents and information related to NOAA's new updated global datasets, as well as the communications referring or relating to corrections to sea temperature data from ships and buoys.¹ On August 20, 2015, the Agency delivered a partial response to the Committee.² In addition, I wrote NOAA on September 10, 2015, requesting additional information by September 24, 2015, surrounding the agency's use of climate data, including documents previously requested by the Committee in its July 14th letter.³ The requested due date has passed, and NOAA has failed to provide the documents and information responsive to the Committee's September 10th request.

The partial responses provided by NOAA on August 20, 2015, did not include documents and information the Committee needs to further its oversight. Specifically, the Agency failed to provide new datasets that show sea surface temperatures calculated from ships only and sea surface temperatures calculated from buoys only in unadjusted and adjusted formats. Since NOAA did not provide these datasets in its response, I specifically asked for them, in addition to other supporting documents, in the September 10, 2015, letter.⁴

¹ Letter from Hon. Lamar Smith, Chairman, H. Comm. On Science, Space, and Technology, to Hon. Kathryn D. Sullivan, Administrator, National Oceanic and Atmospheric Administration (July 14, 2015).

² Letter from Robert Moller, Acting Director of Legislative and Intergovernmental Affairs, National Oceanic and Atmospheric Administration, to Hon. Lamar Smith, Chairman, H. Comm. On Science, Space, and Technology (August 20, 2015).

³ Letter from Hon. Lamar Smith, Chairman, H. Comm. On Science, Space, and Technology, to Hon. Kathryn D. Sullivan, Administrator, National Oceanic and Atmospheric Administration (September 10, 2015).

⁴ *Id.*

If NOAA continues to withhold the requested documents and information, I will have no alternative but to consider the use of compulsory process to obtain the requested datasets and documents. Please produce all materials responsive to the Committee's request as soon as possible, but no later than noon on October 2, 2015.

The Committee on Science, Space, and Technology has jurisdiction over environmental and scientific programs and "shall review and study on a continuing basis laws, programs, and Government activities" as set forth in House Rule X.

When producing documents to the Committee, please deliver production sets to the Majority Staff in Room 2321 of the Rayburn House Office Building and the Minority Staff in Room 394 of the Ford House Office Building. The Committee prefers, if possible, to receive all documents in electronic format.

If you have any questions about this request, please contact Committee staff at 202-225-6371. Thank you for your attention to this matter.

Sincerely,



Rep. Lamar Smith.
Chairman
Committee on Science, Space,
and Technology

cc: The Honorable Eddie Bernice Johnson, Ranking Minority Member, Committee on Science, Space, and Technology

Congress of the United States

House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

2321 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6301

(202) 225-6371
www.science.house.gov

October 13, 2015

The Honorable Kathryn D. Sullivan
Administrator
National Oceanic and Atmospheric Administration
U.S. Department of Commerce
1401 Constitution Avenue N.W.
Washington, DC 20230

Dear Administrator Sullivan:

On July 14, 2015, the Committee first wrote to the National Oceanic and Atmospheric Administration (NOAA) requesting information relating to adjustments made to historical temperature data using new methods of data collection and analysis.¹ NOAA provided a partial response to the Committee's request on August 20, 2015.² On September 10, 2015, the Committee sent a second letter reiterating its previous request for a complete response, as well as providing further requests for additional documents and communications to further the Committee's oversight responsibilities.³ NOAA subsequently provided additional partial responses on October 2, 2015.⁴ However, NOAA has refused to provide any communications responsive to these requests.

Through numerous phone calls and emails with your staff, Committee staff has attempted to resolve the production of all outstanding requests. These requests for documents and communications are central to the Committee's oversight of NOAA's decision to readjust historical temperature records; this decision was based on information included in a paper published in *Science* by NOAA's Director of the National Centers for Environmental

¹ Letter from Hon. Lamar Smith, Chairman, H. Comm. On Science, Space & Technology, to Hon. Kathryn Sullivan, Adm'r, NOAA (July 14, 2015).

² Letter from Robert Moller, Acting Director, Office of Legislative and Intergovernmental Affairs, to Hon. Lamar Smith, Chairman, H. Comm. On Science, Space & Technology (Aug. 20, 2015).

³ Letter from Hon. Lamar Smith, Chairman, H. Comm. On Science, Space & Technology, to Hon. Kathryn Sullivan, Adm'r, NOAA (Sept. 10, 2015).

⁴ Letter from Coby Dolan, Director, Office of Legislative and Intergovernmental Affairs, to Hon. Lamar Smith, Chairman, H. Comm. On Science, Space & Technology (Oct. 2, 2015).

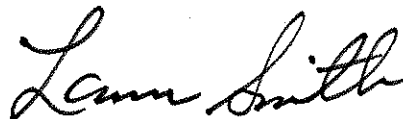
Information, Tom Karl.⁵ NOAA's decision to readjust historical temperature records has broad national implications.

The Committee has attempted to accommodate NOAA by narrowing the focus of the document requests. However, NOAA has been unable to assure the Committee that it will produce any documents or communications even with any accommodation.⁶ Instead, the agency is asserting a "confidentiality interest" with regard to "scientific communications" as a reason that communications from federal employees cannot be produced to the Committee. The "confidentiality interest" cited by NOAA is not recognized by the Committee as a legitimate privilege and does not prevent the Committee from receiving agency communications in the pursuit of its oversight function.

Because NOAA has refused to provide a complete production of records in response to the Committee's repeated requests, I am left with no alternative but to issue a subpoena to compel production of documents and communications relating to adjustments of historical temperature data, as specified in the schedule attached to the subpoena.

If you have any questions, please contact Committee staff at 202-225-6371. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Lamar Smith", written in a cursive style.

Rep. Lamar Smith.
Chairman
Committee on Science, Space,
and Technology

cc: The Honorable Eddie Bernice Johnson, Ranking Minority Member

⁵ National Oceanic and Atmospheric Administration, National Centers for Environmental Information, *The Recent Global Surface Warming Hiatus* (June 4, 2015) available at <https://www.ncdc.noaa.gov/news/recent-global-surface-warming-hiatus>.

⁶ Email from NOAA Leg. Affairs Staff to Comm. Staff (Oct. 8, 2015).