



ZERO EMISSION
TRANSPORTATION
ASSOCIATION

September 2, 2025

U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

RE: Docket No. DOE-HQ-2025-0207

Notice of Availability: A Critical Review of Impacts of Greenhouse Gas Emissions on the U.S. Climate

Submitted via Rulemaking Portal: <http://www.regulations.gov>.

The Zero Emission Transportation Association (ZETA or the Association) is an association composed of over three dozen companies committed to promoting electric vehicle adoption and maintaining American electric vehicle manufacturing dominance in global markets. The Association's members span the entire electric vehicle supply chain—including vehicle manufacturers, charging infrastructure manufacturers, network operators, battery manufacturers and recyclers, electricity providers, and critical minerals producers, among others. Together, these companies create hundreds of thousands of jobs, invest many billions of dollars in on-shore industry and mineral production, and promote American leadership in advanced clean technology.

ZETA submits the attached comment to convey concerns with the Department of Energy report entitled, *A Critical Review of Impacts of Greenhouse Gas Emissions on the U.S. Climate*. ZETA and our member companies are prepared to work constructively with the Trump Administration on climate and regulatory issues. We welcome opportunities for discussion on these matters. If you have any questions or concerns, please contact me at al@zeta.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Albert Gore".

Albert Gore
Executive Director

This comment raises concerns with the processes and resulting conclusions in the Department of Energy’s (DOE) Climate Working Group’s report. As presently drafted, the report has several fundamental flaws that undermine the credibility of the report’s findings and create dangerous precedent for future scientific assessments—both those by DOE and other federal agencies. The report violates multiple foundational standards: principles of scientific integrity, federal data quality requirements, and federal advisory committee mandates. ZETA’s members rely on stable regulatory frameworks grounded in rigorous scientific analysis to make investments. When agency scientific evaluations stray from established methods, they undermine the predictable regulatory environment that businesses depend on for strategic planning and capital allocation, making it difficult for companies to function efficiently in both home and global markets. ZETA’s comment focuses on concerns with the procedural underpinnings of the report, rather than direct criticisms of the scientific conclusions. The report’s serious deficiencies, however, including the lack of objectivity and failure to adhere to minimum data quality and scientific integrity standards, undermine the report’s conclusions and demonstrate that it does not provide a credible rebuttal to the mainstream scientific consensus on climate change harms.

A. The Critical Role of Expert Scientific Findings in Federal Agency Decision-Making

Expert scientific findings play a critical role in administrative agency rulemakings and serve as the foundation for regulatory decisions that protect public health, safety, and welfare, and require compliance investments by regulated parties. Because scientific assessments and conclusions serve as the foundation for these public health regulations, the stability of the regulatory regime is directly tied to the validity of these scientific findings. To this end, federal courts have long recognized the importance of rigorous scientific processes in ensuring that regulatory actions rest on reliable evidence rather than political preferences or flawed methodologies.

Federal courts have consistently established that agency scientific determinations deserve judicial deference only when based on proper scientific methodology and supported by an adequate record. More than forty years ago, the Supreme Court evaluated the Nuclear Regulatory Commission’s assessment of nuclear waste storage risks, and considered the appropriate measure of deference to the Commission’s scientific findings.¹ The Supreme Court held that “[w]hen examining this kind of scientific determination, as opposed to simple findings of fact, a reviewing court must generally be at its most deferential” because agencies make “predictions, within [their] area of special expertise, at the frontiers of science.”² This deference is not reflexive, but premised on the agency employing scientifically valid approaches, and undertaking “careful consideration and disclosure.”³

As part of this careful consideration and disclosure, scientific judgments must not include impermissible considerations like policy preferences.⁴ While political preferences can sometimes

¹ See *Baltimore Gas & Elec. Co. v. Nat. Res. Def. Council*, 462 U.S. 87, 103 (1983).

² *Id.*

³ *Id.* at 98–99.

⁴ *Massachusetts v. EPA*, 549 U.S. 497, 534 (2007).

be relevant when the agency determines whether and how to regulate conduct, they are not relevant to scientific assessments of endangerment or harm.⁵ Determining whether a pollutant endangers public health and welfare is a purely scientific question requiring objective, unbiased analysis.⁶

Notwithstanding developments in other areas of administrative law, the Supreme Court continues to recognize the important role of agency technical and scientific expertise. In *Loper Bright Enterprises v. Raimondo*, for example, the Court expressly acknowledged that the agency’s factual determinations can be powerful where they rest on the “body of experience and informed judgment.”⁷ By extension, agency factual or scientific determinations that do not reflect the agency’s experience and judgment would not be deserving of such respect.

Adherence to accepted scientific procedures and standards ensures that regulatory decisions rest on solid foundations and provide the predictability that regulated industries need to make informed investment and compliance decisions. Thus, maintaining rigorous scientific processes is not a bureaucratic formality but essential for regulatory stability and economic certainty. When scientific evaluations stray from established methods, they undermine the predictable regulatory environment that businesses depend on for strategic planning and capital allocation, making it difficult for companies to function efficiently in both home and global markets.

B. The DOE Climate Working Group Report Departs Substantially from Accepted Scientific Standards

Fidelity to established principles for data quality and scientific integrity is fundamental to producing trustworthy scientific findings that can properly serve as the basis of federal regulatory action and withstand judicial scrutiny. Rushed scientific assessments, by contrast, compromise quality and undermine confidence in results. Longstanding federal standards for data quality and scientific integrity have operated as a “stable background” for regulated parties and fostered meaningful reliance.⁸

The DOE Climate Working Group report departs from these established principles in multiple critical respects:

Lack of Peer Review and Quality Assurance: Federal rules require scientific analyses to be transparent, unbiased, and supported by adequate evidence. The Information Quality Act requires federal agencies to issue guidelines ensuring the “quality, objectivity, utility, and integrity” of information disseminated to the public and to establish administrative mechanisms allowing affected persons to seek correction of information that fails to meet these standards.⁹

⁵ *Id.* (rejecting regulatory analysis that failed to provide a “reasoned explanation” on the scientific question of “whether greenhouse gases contribute to global warming”).

⁶ *Id.*

⁷ 603 U.S. 369, 402 (2024) (quoting *Skidmore v. Swift & Co.*, 323 U.S. 134, 140 (1944)).

⁸ *Morrison v. Nat’l Austl. Bank Ltd.*, 561 U.S. 247, 261 (2010).

⁹ Act of Dec. 21, 2000, Pub. L. No. 106-554, § 515(a), 114 Stat. 2763.

Under the Office of Management and Budget’s implementing guidelines, “influential scientific . . . information” that will have “a clear and substantial impact on important public policies” must be produced in an “open and rigorous manner”; it must undergo formal external peer review and meet high transparency standards for data and methods to facilitate reproducibility.¹⁰ To rely on this report for regulatory decision-making as the Administration apparently intends to do, Executive Order No. 12,866 further requires that “[e]ach agency shall base its decisions on the best reasonably obtainable scientific, technical, economic, and other information”¹¹ In addition, President Trump’s recent executive order “Restoring Gold Standard Science,” reaffirms the relevance of principles including that science be “reproducible,” “transparent,” “subject to unbiased peer review,” and conducted “without conflicts of interest.”¹²

- The report lacks the independent external peer review required by federal standards. Only “a team of anonymous DOE and national lab reviewers whose input helped improve the final report” provided input.¹³ Such haphazard, internal review does not satisfy the independent external peer review required for influential scientific information as it was not conducted in an “open and rigorous manner.”¹⁴
- The rushed timeline and express acknowledgment that comprehensive review was impossible violates basic requirements for thorough scientific assessment. The authors explicitly concede that “the short timeline and the technical nature of the material meant that we could not comprehensively review all topics” and instead focused only on a select few they believed “are downplayed in, or absent from” other reports,¹⁵ running afoul of requirements for thorough scientific assessment. Relatedly, rather than comprehensive analysis, the authors focused selectively on a limited number of studies (including many of their own), creating bias against foundational climate research and established scientific understanding.
- The DOE report’s methodology is in marked contrast to the scientifically sound approach that supports mainstream scientific assessment reports on the topic. Assessment reports are a rigorous form of scientific report that undergoes an exacting standard of peer review by the expert community, as well as thorough levels of U.S. government review and acceptance. The Intergovernmental Panel on Climate Change’s latest assessment report meets these exacting standards and had, until the DOE report, been considered by the federal government as an authoritative scientific assessment on the harms from climate

¹⁰ Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies, 67 Fed. Reg. 8452, 8460 (Feb. 22, 2002).

¹¹ Exec. Order No. 12,866, § 1(b)(7), 58 Fed. Reg. 51,735 (Sept. 30, 1993), reprinted in 3 C.F.R. 638 (1993).

¹² Exec. Order No. 14,303, 90 Fed. Reg. 22,601 (May 23, 2025).

¹³ U.S. Dep’t of Energy, Climate Working Group, *A Critical Review of Impacts of Greenhouse Gas Emissions on the U.S. Climate* x (July 23, 2025), https://www.energy.gov/sites/default/files/2025-07/DOE_Critical_Review_of_Impacts_of_GHG_Emissions_on_the_US_Climate_July_2025.pdf (hereinafter, DOE Climate Working Group Report).

¹⁴ 67 Fed. Reg. at 8460.

¹⁵ DOE Climate Working Group Report at x.

change.¹⁶ It concludes with a high degree of confidence that “[h]uman-caused climate change is already affecting many weather and climate extremes in every region across the globe” which “has led to widespread adverse impacts and related losses and damages to nature and people”¹⁷

Political Interference: The process by which members of the working group were selected, and the explicit purpose of the working group, run afoul of federal requirements that scientific information meets established objectivity standards and not be driven by predetermined political objectives.

- All five working group members were selected by Secretary Wright himself specifically for their contrarian views on climate science, thereby excluding any scientists with mainstream scientific perspectives.¹⁸ By selecting only these scientists and not including others with diverse views, the working group’s composition was unrepresentative of the broader scientific community and expert consensus, disregarding objectivity standards. Further, the working group members are well known for rejecting the overwhelming scientific consensus that human activities are dangerously heating the earth through fossil fuel emissions. For example, Dr. Koonin, Dr. Christy, and Dr. Spencer all have institutional affiliations with organizations that actively promote climate skepticism contrary to established scientific understanding.¹⁹
- Secretary Wright explicitly commissioned the report to provide an alternative to the consensus views of climate scientists and undermine the prevailing narrative that climate change is an existential threat,²⁰ violating requirements for objective scientific assessment.
- The report’s publication “was delayed to coincide with the release of EPA’s proposal”²¹ to rescind the endangerment finding, demonstrating coordination between supposedly independent scientific assessment and predetermined policy objectives.

Violations of the Federal Advisory Committee Act (FACA): The Climate Working Group meets the statutory definition of an “advisory committee” as it was “established or utilized to obtain advice or recommendations for . . . or one or more agencies or officers of the Federal Government,” and is not “composed wholly of full-time, or permanent part-time, officers or

¹⁶ U.S. Env’t Prot. Agency, *EPA’s Denial of Petitions Relating to the endangerment and Cause or Contribute Findings for Greenhouse Gasses Under section 202(a) of the Clean Air Act* 16-18 (Apr. 2022), https://www.epa.gov/system/files/documents/2022-04/decision_document.pdf.

¹⁷ Intergovernmental Panel on Climate Change, *Climate Change 2023: Synthesis Report Summary for Policymakers* 5 (P. Arias et al. eds., 2023), https://www.ipcc.ch/report/ar6/syr/downloads/report/IPCC_AR6_SYR_SPM.pdf.

¹⁸ DOE Climate Working Group Report at viii.

¹⁹ Maxine Joselow, *Trump Hires Scientists Who Doubt the Consensus on Climate Change*, N.Y. Times (Jul. 8, 2025), <https://www.nytimes.com/2025/07/08/climate/trump-climate-energy-department.html>.

²⁰ DOE Climate Working Group Report at viii.

²¹ Benjamin Storrow, *How Chris Wright Recruited a Team to Upend Climate Science*, E&E News (Aug. 11, 2025), <https://perma.cc/TNJ5-J4M4>.

employees of the Federal Government.” 5 U.S.C. § 1001(2)(A), (B)(i). Because FACA applies, DOE was required—but did not—adhere to FACA’s requirements. A full recounting of the legal errors is addressed in the lawsuit seeking DOE compliance.²² Critical errors include the following.

- DOE failed to comply with FACA’s numerous procedural requirements. DOE did not file a Federal Register notice announcing creation of the group.²³ DOE also violated multiple of FACA’s records requirements.²⁴
- Moreover, and more critically, by selecting only climate science contrarians, DOE violated federal requirements to ensure a “fair balance” on federal advisory committees. DOE failed to submit to the General Services Administration its “plan to attain fairly balanced membership” in the working group.²⁵
- DOE did not conduct required outreach to interested parties and stakeholders.²⁶ DOE compounded these violations by failing to provide notice that would have allowed interested members of the public to attend the working group’s meetings.²⁷

C. The Numerous Federal Statutory and Regulatory Violations Undermine Confidence in DOE’s Conclusions and Establish that the Report Should Not Be Finalized

The departure from established scientific methodology yields unreliable results that do not satisfy accepted standards for data quality and scientific rigor. This creates regulatory uncertainty and imposes significant costs on industry, which invests billions of dollars annually based on the predictability of federal standards. When scientific assessments deviate from proven methodologies, they erode the stability that serves as the foundation for long-term business planning and investment decisions, frustrating companies’ ability to operate effectively both domestically and internationally. This uncertainty ultimately threatens both innovation and compliance efforts that depend on consistent, scientifically sound regulatory frameworks.

The DOE Climate Working Group report represents a systematic violation of federal data quality and scientific integrity standards, as well as legal requirements for advisory committees. Its use in regulatory decision-making would undermine the legal foundations for agency scientific determinations, create regulatory uncertainty, and damage public trust in government science. For these reasons, EPA should not rely on this report in any respect in its

²² Complaint, *Env’t Def. Fund v. Wright*, No. 1:25-cv-12249-WGY (D. Mass. Aug. 12, 2025).

²³ 41 C.F.R. § 102-3.65(a).

²⁴ *See, e.g.*, 5 U.S.C. § 1009(b)-(c); 41 C.F.R. § 102-3.165(b)-(c).

²⁵ 41 C.F.R. § 102-3.60(b)(3).

²⁶ 41 C.F.R. § 102-3.60(b)(3)(ii).

²⁷ 5 U.S.C. § 1009(a)(2)-(3); 41 C.F.R. § 102-3.150(a).

reconsideration of the 2009 Clean Air Act endangerment finding and greenhouse gas vehicle standards.²⁸ To do so would be arbitrary and capricious.²⁹

* * *

Rather than providing the scientific clarity needed for sound policymaking, this report's flawed methodology and biased process create additional confusion and uncertainty. DOE should return to established scientific processes that ensure objectivity, transparency, and methodological rigor—the hallmarks of scientific integrity that enable regulatory decisions to withstand legal scrutiny and serve the public interest. ZETA urges DOE to withdraw this report and commit to following proper scientific and legal processes for any future climate science assessments.

²⁸ See *Reconsideration of 2009 Endangerment Finding and Greenhouse Gas Vehicle Standards*, 90 Fed. Reg. 36,288 (Aug. 1, 2025).

²⁹ *Ergon-W. Va., Inc. v. EPA*, 980 F.3d 600, 610–11 (4th Cir. 2018) (“Therefore, instead of determining whether the DOE’s Report is arbitrary and capricious, we may consider only whether the EPA’s reliance on the DOE’s Report is arbitrary and capricious.”); see also *Dow AgroSciences LLC v. Nat’l Marine Fisheries Serv.*, 637 F.3d 259, 266–67 (4th Cir. 2011) (“When a court of appeals reviews the *EPA’s reliance* on a [report issued by another agency], it would determine only whether the EPA’s reliance was arbitrary and capricious.”); *City of Tacoma v. FERC*, 460 F.3d 53, 75 (D.C. Cir. 2006) (“Accordingly, when we are reviewing the decision of an action agency to rely on [another agency’s report], the focus of our review is quite different than when we are reviewing a [report] directly. In the former case, the critical question is whether the action agency’s reliance was arbitrary and capricious, not whether the [report] itself is somehow flawed.”) (citations omitted).