



September 2, 2025

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

RE: DOE-HQ-2025-0207: Critical Review of Impacts of Greenhouse Gas Emissions on the U.S. Climate

Dear Mr. Loucks:

This letter constitutes the comments of the American Lung Association and health partners on the notice of request for public comment on the draft report produced by the Department of Energy's (DOE) Climate Working Group (CWG) titled "A Critical Review of Impacts of Greenhouse Gas Emissions on the U.S. Climate" (CWG Report).¹ We appreciate the opportunity to provide input to the Department.

The nation's public health community is unified in support of sound science as the basis for policies and investments needed to address the climate crisis. Climate change is fundamentally a public health issue, and the expanding range of health risks it imposes on American communities underscores the urgency of decisive action to reduce greenhouse gas emissions. Meeting this multi-generational challenge requires the rigor, transparency, and certainty that only sound science provides. Reliance on the CWG Report for policymaking would undermine these essential public health protections.

¹ Climate Working Group (2025) A Critical Review of Impacts of Greenhouse Gas Emissions on the U.S. Climate. Washington DC: Department of Energy, July 23, 2025.

The CWG Report misrepresents scientific consensus, selectively cites evidence, and significantly understates the risks of anthropogenic climate change to both the environment and public health, including lung health. Beyond its scientific shortcomings, the report contravenes federal laws designed to safeguard the credibility, transparency, and integrity of government science. Our concerns are detailed below.

Climate Science and Health Disparities Ignored

1. Misrepresentation of Climate Science. The report systematically overstates uncertainties regarding greenhouse gas emissions while dismissing decades of peer-reviewed science. The International Panel on Climate Change's 6th Assessment Report (IPCC AR6), the U.S. National Climate Assessment (NCA5), and every major scientific body conclude with very high confidence that anthropogenic GHG emissions are the primary drivers of observed warming since the mid-20th century.²

By emphasizing natural variability (pg. 51-60) and speculative solar influences (pg. 85-88), the report downplays the overwhelming evidence that GHG emissions dominate recent climate trends. This selective framing misleads both policymakers and the public about the urgency or reducing emissions.

2. Misrepresentation of temperature extremes. DOE asserts that "U.S. temperatures are becoming less extreme" and that evidence of worsening heatwaves is inconclusive (pg. 186-190). This framing is factually incorrect. The IPCC Sixth Assessment Report finds with high confidence that the frequency and intensity of heatwaves have increased across North America due to anthropogenic greenhouse gas emissions.³ An analysis by more than two dozen scientists at World Weather Attribution documents that record-breaking events – including the 2021 Pacific Northwest heat dome – were virtually impossible without climate change.⁴ Studies using detection-and-attribution methods confirm that heat extremes are the most attributable class of events. The Centers for Disease Control and Prevention reports that heat-related illness and mortality are increasing, especially in urban areas where the urban heat island effect

² Intergovernmental Panel on Climate Change (IPCC), *Sixth Assessment Report: Synthesis Report* 3-5 (2023); U.S. Global Change Research Program, *Fifth National Climate Assessment, Chapter I: Understanding Risks, Impacts, and Responses* (2023); Nat'l Acad. of Sci., Eng'g, & Med., *Climate Change: Evidence and Causes: Update 2020* (2020); Am. Meteorological Soc., *State of the Climate: 2024 Report* (2025); Am. Ass'n for the Advancement of Sci., *What We Know: The Reality, Risks, and Response to Climate Change* (2014).

³ J.A. Hicke et al., *North America*, in *Climate Change 2022: Impacts, Adaptation and Vulnerability. Contribution of Working Group II to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change* 1929, 1929-2042 (H. -O. Portner et al. eds., Cambridge Univ. Press 2022).

⁴ S.Y. Philip et al., *Rapid Attribution Analysis of the Extraordinary Heat Wave on the Pacific Coast of the U.S. and Canada in June 2021*, 13 *Earth Syst. Dynam.* 1689, 1689-1713 (2022).
<https://doi.org/10.5194/esd-13-1689-2022>

compounds climate-driven warming.⁵ Low-income and minority communities face disproportionate risks, raising environmental justice concerns.

3. Misrepresentation of wildfire activity. DOE claims that wildfire activity cannot be conclusively attributed to greenhouse gas emissions, emphasizing forest management over climate drivers (pg. 220-27). This claim is scientifically indefensible. Research shows that anthropogenic climate change has doubled cumulative burned area in the western U.S. since 1984.⁶ Drought, high temperatures, and aridity—all strongly linked to greenhouse gas forcing—are the primary contributors.⁷ Wildfire smoke is now the leading source of PM_{2.5} in many regions, with significant impacts on respiratory and cardiovascular health.⁸ The American Lung Association’s State of the Air (2025) report emphasizes that wildfires increasingly offset decades of gains in clean air regulation under the Clean Air Act.⁹

4. Misrepresentation of Extreme Event Attribution. DOE dismisses event attribution science as “speculative” and “methodologically unreliable” (pp. 300–308). This assertion is factually outdated and legally problematic. Attribution science is a mature field recognized by the National Academies of Sciences as robust.¹⁰ Studies using fractional attributable risk show clear anthropogenic signals in events like the 2021 Western North America heatwave.¹¹ The IPCC AR6 devotes entire chapters to attribution, underscoring the methodological consensus.

5. Misrepresentation of Mortality Rates from Extreme Temperatures. DOE states that mortality from temperature extremes is “declining overall” (pp. 416–424), implying climate risks are overstated. This conclusion is misleading. While adaptation has reduced cold-weather deaths, heat remains the leading cause of weather-related fatalities in the U.S.¹² Studies project dramatic increases in heat mortality absent mitigation.¹³

The DOE report fails to acknowledge this differential risk, creating a false equivalence between cold and heat mortality. Heat-related mortality disproportionately impacts urban poor, outdoor workers, and communities of color.

⁵ CDC (U.S. Centers for Disease Control and Prevention). (2024). *Indicator: Heat-related mortality* (Annual national totals provided by National Center for Environmental Health staff in June 2024 [Data set]. National Center for Health Statistics. <https://ephtracking.cdc.gov>

⁶ Y. Zhuang, R. Fu, B.D. Santer, R.E. Dickinson & A. Hall, *Quantifying Contributions of Natural Variability and Anthropogenic Forcings on Increased Fire Weather Risk over the Western United States*, 118 Proc. Nat’l Acad. Sci. U.S. (2021). <https://doi.org/10.1073/pnas.2111875118>

⁷ *Id.*

⁸ M. Burke, M.L. Childs, B. de la Cuesta et al., *The Contribution of Wildfire to PM_{2.5} Trends in the U.S.*, 622 Nature 761, 761-66 (2023). <https://doi.org/10.1038/s41586-023-06522-6>

⁹ Am. Lung Ass’n, *State of the Air 2025* (2025). <https://www.lung.org/getmedia/5d8035e5-4e86-4205-b408-865550860783/State-of-the-Air-2025.pdf>

¹⁰ Nat’l Acad. Of Scis., Eng’g & Med., *Attribution of Extreme Weather Events in the Context of Climate Change* (2016). <https://doi.org/10.17226/21852>

¹¹ See *supra* note 4

¹² See *supra* note 5

¹³ A. Baniassadi et al., *Urban Heat Mitigation through Improved Building Energy Efficiency*, 3 Energy & Climate Change (2022). <https://doi.org/10.1016/j.egycc.2022.100078>

6. Misrepresentation of motor vehicle emissions to climate change. DOE minimizes the contribution of U.S. motor vehicle emissions to climate change, suggesting that transportation emissions are “stabilizing” (pp. 490–495). This assertion is contradicted by federal data. The EPA’s Inventory of U.S. Greenhouse Gas Emissions confirms that transportation is the largest source of U.S. GHGs, accounting for 28% of national emissions. Within this, motor vehicles are the dominant contributor. Far from stabilizing, vehicle miles traveled and freight demand continue to rise, offsetting efficiency gains. Motor vehicles also emit NO_x and PM_{2.5}, which are associated with asthma, cardiovascular disease, and premature mortality. The American Lung Association estimates that a nationwide transition to zero-emission vehicles could save 110,000 lives by 2050.¹⁴

Legal Deficiencies: The Report Runs Afoul of Four Federal Laws

Beyond its scientific flaws, the CWG Report fails to comply with four separate statutory requirements that govern the production, review, and use of federal scientific information. Collectively, the four following violations demonstrate that the CWG Report is procedurally invalid and can be neither legally nor scientifically relied upon in federal decision-making.

1. The CWG Report does not adhere to the Information Quality Act with its designation of being a final product. The Information Quality Act of 2000 (IAQ) passed by Congress requires that reports are to be “ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by Federal agencies.”¹⁵ Following this, the Office of Management and Budget’s (OMB) issued the *Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies* under section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001.¹⁶ Pursuant to the OMB Guidelines, the DOE published its Final Report containing the Departmental version of the Guidelines in the *Federal Register* on October 7, 2002.¹⁷

These guidelines provide guidance to Departmental Elements on maximizing the quality, objectivity, utility, and integrity of information disseminated to the public; establish mechanisms for the public to seek and request administrative correction of disseminated information; and explain how the Chief Information Officer will comply with OMB’s annual reporting requirement concerning complaints from members of the public. Page iii of the CWG Report asserts that it is “being disseminated...in compliance” with Public Law 106-554.¹⁸ That claim is demonstrably false. Neither the notice nor the Report itself has undergone the independent, external peer review conducted in an “open and rigorous manner,” that the IQA unequivocally requires.¹⁹

¹⁴ Am. Lung Ass’n, *Zeroing in on Healthy Air* (2022). <https://www.lung.org/getmedia/13248145-06f0-4e35-b79b-6dfacfd29a71/zeroing-in-on-healthy-air-report-2022.pdf>

¹⁵ Public Law 106-554

¹⁶ 67 FR 8452, February 22, 2002

¹⁷ (67 FR 62446) (DOE IQA Guidelines). <https://www.energy.gov/cio/departments-energy-information-quality-guidelines>

¹⁸ See *supra* note 1, page iii.

¹⁹ 67 FR 5365

The Preface itself confirms that the Report “originated in late March 2025,” with work beginning in April and a draft due May 28 for “internal DOE review.”²⁰ It further acknowledges that so-called “review” was limited to “a team of anonymous DOE and national lab reviewers.”²¹ This closed-door process cannot credibly be described as independent, external, or rigorous. Nor does it satisfy the government’s own binding standards, which require a transparent record of peer review by qualified scientific experts unconnected to the issuing agency.²²

By bypassing these mandatory safeguards, DOE has violated the IQA’s directive to ensure the quality, objectivity, utility, and integrity of information disseminated by federal agencies. Disseminating the CWG Report under the pretense of compliance with the IAQ compounds the violation, misleading the public and undermining trust in the agency’s information products. In short, the CWG Report is not legally compliant, is procedurally defective, and should be withdrawn from public dissemination.

2. The Selection and Operation of the Climate Working Group violates the Federal Advisory Committee Act of 1972 (FACA). Congress enacted FACA to ensure that federal advisory committees provide advice that is relevant, objective, publicly accessible, and balanced in viewpoint.²³ FACA requires that such committee occur only after a transparent nomination process that affords the public notice and opportunity for comment.

As indicated on the Preface of the CWG Report, Secretary Wright “assembled an independent group to write a report on issues in climate science relevant for energy policymaking.”²⁴ Thus, the group chosen to write the department’s report falls within the scope of FACA, as it requires that a committee representing a fair balance of viewpoints be chartered under FACA and that members be appointed only after a public nomination process with public opportunity to comment on the list of candidates. Yet the DOE bypassed every statutory safeguard – the CWG was hand-picked without a charter, excluded public input, and consisted solely of individuals aligned with a narrow set of viewpoints. This exclusion of transparency, balance, and public oversight violates both the letter and spirit of FACA.

3. The Department’s reliance on the CWG Report is presumptively invalid under the Administrative Procedure Act because it constitutes arbitrary and capricious decision-making, an abuse of discretion, and action not in accordance with law. Under the Administrative Procedure Act (APA), agency action must be set aside if it is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.”²⁵ DOE acted arbitrarily by elevating the CWG’s recommendations to the level of official agency information despite knowing that the group was neither chartered under FACA nor constituted through a

²⁰ See *supra* note 1, page X.

²¹ *Id.*

²² See *supra* note 4

²³ Public Law 92-463

²⁴ See *supra* note 7

²⁵ 5 U.S.C. 706(2)(A)

lawful process.²⁶ Courts have long held that agency action is arbitrary and capricious when the agency ignores statutory requirements or relies on factors that Congress did not intend it to consider.²⁷ DOE's disregard for FACA's procedural safeguards – balance, transparency, and public participation – which were not included as detailed in the Preface of the CWG Report, fits squarely within this standard.

DOE abused its discretion by granting official weight and dissemination authority to the CWG Report when it had no legal authority to convene or rely on such a group outside FACA's framework.²⁸ By hand-picking members aligned with a narrow set of viewpoints, the Secretary effectively weaponized discretion to produce a predetermined outcome, which is precisely the sort of abuse FACA was designed to prevent.²⁹ DOE's reliance on the CWG Report is "not in accordance with law" because the Report itself was produced in violation of FACA.³⁰ Courts have invalidated agency reliance on advisory committees convened outside of FACA's statutory requirements.³¹

4. The CWG Report has not been reviewed by the EPA Science Advisory Board, bypassing the Environmental Research, Development, and Demonstration Authorization Act (ERDDAA). ERDDAA established the EPA Science Advisory Board (SAB) to provide independent, external review of the scientific and technical basis for proposed criteria documents, standards, limitations, or regulations.³² Under this statute, EPA may not proceed with regulatory actions informed by new scientific assessments unless those assessments are reviewed by the SAB. The CWG Report falls squarely within this requirement. It is a significant scientific assessment intended to inform federal policymaking on greenhouse gas emissions and climate change.³³

More specifically, EPA is proposing to reconsider the 2009 Greenhouse Gas Endangerment Finding while also proposing the removal of all regulations that require new motor vehicle and new motor vehicle engine manufacturers to measure, report, or comply with the standards for

²⁶ See *supra* note 10

²⁷ See *Motor Vehicle Mfrs. Ass'n v. State Farm*, 463 U.S. 29, 43 (1983)

²⁸ See *supra* note 12

²⁹ See *supra* note 7

³⁰ See *supra* note 10

³¹ See *Cargill, Inc. v. United States*, 173 F.3d 323, 339 (5th Cir. 1999) ("Hence, NIOSH should have filed BSC's charter with the committee possessing jurisdiction over NIOSH (the House Labor Committee), and because it did not do so, BSC could not lawfully "meet or take action.")

³² 42 U.S.C. 4365

³³ EPA, *Reconsideration of 2009 Endangerment Finding and Greenhouse Gas Vehicle Standards* (Docket No. EPA-HQ-OAR-2025-0194), Regulations.gov (posted Aug. 1, 2025; comment period ends Sept. 22, 2025), available at <https://www.regulations.gov/docket/EPA-HQ-OAR-2025-0194>.

greenhouse gas (GHG) emissions.³⁴ Yet, as of August 2025, the SAB has no active members.³⁵ The Board was dismissed in January 2025, and while nominations closed in June, no new members have been seated or cleared through ethics review.³⁶ With no functioning SAB, there are no lawful mechanisms to fulfill the review obligations mandated by ERDDAA. In disseminating the CWG Report as a “final” product and by allowing EPA to signal reliance on it for future regulatory actions, DOE and EPA re effectively bypassing ERDDAA. Proceeding would be unlawful, undermine scientific credibility, and invite legal challenge.

Conclusion

The DOE Climate Working Group Report is deeply flawed, both scientifically and procedurally. It disregards well-established evidence that mischaracterizes mainstream climate science in order to justify inaction. It disregards well-established evidence on greenhouse gas emissions, minimizes the health and equity impacts of climate change, and fails to meet the standards of objectivity, transparency, and scientific integrity required for federal policymaking. More troublingly, it fails to comply with federal laws designed to ensure the integrity of government science, including the Information Quality Act, the Federal Advisory Committee Act, the Administrative Procedure Act, and the Environmental Research, Development, and Demonstration Authorization Act, rendering it procedurally unlawful as well as substantively unsound.

Our organizations strongly urge the DOE to reject the report’s conclusions, reaffirm reliance on the IPCC, the US National Climate Assessment, and peer-reviewed research, and ensure that any future reports reflect the full weight of scientific evidence on greenhouse gas emissions and climate change. Such reports must also explicitly address climate and health disparities to meet the government’s obligation. Only by following these principles can DOE and EPA restore credibility, comply with the law, and protect the health, safety, and welfare of the American people.

Respectfully submitted,

The American Lung Association
Climate for Health
Climate Psychiatry Alliance

³⁴ EPA, *EPA Releases Proposal to Rescind Obama-Era Endangerment Finding, Regulations that Paved the Way for Electric Vehicle Mandates*, U.S. Env’tl. Prot. Agency (July 29, 2025), available at <https://www.epa.gov/newsreleases/epa-releases-proposal-rescind-obama-era-endangerment-finding-regulations-paved-way>.

³⁵ EPA, *Committees, Panels, and Membership, Science Advisory Board, U.S. Env’tl. Prot. Agency*, available at https://sab.epa.gov/ords/sab/r/sab_apex/sab/committees-panels-and-membership?session=1259150734971.

³⁶ EHN Curators, *EPA Removes Members from Key Science Advisory Panels*, Environmental Health News (Jan. 29, 2025), available at <https://www.ehn.org/epa-removes-members-from-key-science-advisory-panels>; Alejandra Borunda, *Why Members of Two of EPA's Influential Science Advisory Committees Were Let Go*, NPR (Jan. 29, 2025), available at <https://www.npr.org/2025/01/29/nx-s1-5278637/why-members-of-two-epa-science-advisory-committees-were-let-go>.

Health Care Without Harm
The Medical Society Consortium on Climate & Health
Oncology Advocates United for Climate and Health
Physicians for Social Responsibility