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U.S. HOUSE OF REPRESENTATIVES

COMMITTEE ON SCIENCE AND TECHNOLOGY

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December 17, 2009

The Honorable Jane Lubchenco
Administrator
National Oceanic and Atmospheric Administration
1401 Constitution Avenue, NW
Room 5128
Washington, DC 20230

Dear Administrator Lubchenco:

Documents leaked from the University of East Anglia's Climate Research Unit (CRU), one of the primary sources of data for the United Nations International Panel on Climate Change, suggest that original climate change data may have been destroyed after value-added processes such as data normalization and homogenization were employed. Because of the significant correspondence identified between National Oceanic and Atmospheric Administration (NOAA) National Climatic Data Center (NCDC) employees and CRU staff, we hereby request that NOAA maintain all original climate change research data and documents, not simply normalized or homogenized data. The integrity and provenance of the underlying data must be maintained in its entirety, particularly given the magnitude of public policy decisions that are informed by this data.

In 1999 the American Physical Society issued a statement claiming, "The success and credibility of science are anchored in the willingness of scientists to expose their ideas and results to independent testing and replication by others. This requires the open exchange of data, procedures, and materials."[1] Similarly, the National Academy of Sciences stated in 2009 that "researchers must have access to the data and research materials needed to support the conclusions stated in the publication," and "researchers who refuse to share the evidentiary basis behind their conclusions, or the materials needed to replicate published experiments, fails to maintain the standards of science."[2]

As the President recently stated with the announcement of his Open Government Directive, our government should strive toward the principles of transparency,

[1] "What is Science?" Statement on Ethics and Values. American Physical Society. Adopted November 14, 1999.
[2] "On Being a Scientist: A Guide to Responsible Conduct in Research," National Academies of Science. 2009.

participation, and collaboration.[3] To this end, the Office of Management and Budget (OMB) required agencies to, 1) Publish government information online; 2) Improve the quality of government information; 4) Create and institutionalize a culture of open government; and 4) Create an enabling framework for open government.

While this directive applies to all government information, the previous Administration was even more specific. On May 28, 2008, the Office of Science and Technology Policy (OSTP) issued a memorandum directing agencies to make available all research data produced by scientists working within Federal agencies. "Research Data" was defined as "the recorded factual material commonly accepted in the scientific community as necessary to validate research findings."[4]

The recent emails leaked from the Climate Research Unit (CRU) expose the purposeful withholding and destruction of data. In these emails, Phil Jones, the head of the CRU states, "I think I'll delete the file rather than send it to anyone."[5] Later he also asks others, including U.S. scientists, to delete their emails.[6] Given these revelations, it's very suspicious that his organization later claimed that they did not "hold the original data" because of storage availability. Not only does this appear to be a clear violation of scientific principles, it may also be a violation of both U.S. and U.K. Freedom of Information laws.[7]

If similar circumstances have occurred at NCDC, consequences could be even more severe, as any destruction of data could potentially constitute a violation of the Federal Records Act, the Data Quality Act, FOIA, the Paperwork Reduction Act, and numerous Executive Orders, OMB Bulletins and OSTP memoranda.

In order to prevent similar circumstances from happening at NCDC, we believe it is imperative that NCDC maintain all data and documents related to climate research in the original unadulterated form, as well as the data developed after any value-added process (quality control, normalization, homogenization, etc). This would allow all NCDC work to comply with the principles of replication and independent verification espoused by both the National Academy of Sciences and the American Physical Society, as well as many other reputable scientific organizations.

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[3] Office of Management and Budget Memorandum titled "Open Government Directive," December 8, 2009.
[4] Office of Science and Technology Policy Memorandum titled "Principles for the Release of Scientific Research Results," May 28, 2008.
[5] Email from Phil Jones to Michael Mann dated February 2, 2005. Subject: Re: For your eyes only (attached)
[6] Email from Michael Mann to Phil Jones dated May 29, 2008. Subject: Re: IPCC and FOI (attached)
[7] Press Release. University of East Anglia's Climate Research Unit. Accessible at http://www.uea.ac.uk/menu/acad_depts/env/cru/

The Committee on Science and Technology is tasked by Rule X and XI of the U.S. House of Representatives to "review and study on a continuing basis laws, programs, and Government activities relating to nonmilitary research and development." Because of data retention problems associated with CRU, the close working relationship between individuals at NCDC and CRU, and the apparent request by CRU officials to delete information, we would be negligent in our oversight duties if we did not seek further clarification and assurances. In order for the Committee to better understand the nature and current status of the data in question, please address the following questions:

1) Will you agree to maintain all original climate change research data and documents, not only the normalized or homogenized data?
2) Does NCDC maintain the original data, or does is it reside with outside meteorological organizations?
    a) If the original data does reside with outside organizations, please specify where.
3) Is the raw data currently in a form that would allow for reproduction of all results, or is other additional information, software, or code required?
    a) If other information or means are required to reproduce results, is that information publicly available?

Please respond to these requests no later than January 4, 2010. If you have any questions, please contact Mr. Tom Hammond, professional staff member, Subcommittee on Investigations and Oversight, Committee on Science and Technology at 202-225-6371.

Sincerely,

REP. PAUL BROUN, M.D.
Ranking Member
Subcommittee on Investigations
and Oversight

REP. BOB INGLIS
Ranking Member
Subcommittee on Energy
and Environment

cc: REP. BRAD MILLER
Chairman
Subcommittee on Investigations & Oversight

REP. BRIAN BAIRD
Chairman
Subcommittee on Energy and Environment

Attachments

From: Phil Jones <p.jones@xxxxxxxxx.xxx>
To: "Michael E. Mann" <mann@xxxxxxxxx.xxx>
Subject: Re: For your eyes only
Date: Thu Feb 3 13:11:46 2005

Mike,
It would be good to produce future series with and without the long instrumental series and maybe the documentary ones as well. The long measurements can then be used to validate the low-freq aspects at least back to 1750, maybe earlier with the documentary. There are some key warm decades (1730s, some in the 16th century) which the Moberg reconstruction completely misses and gives the impression that all years are cold between 1500 and 1750.
Away Feb 6-10 and 12-20 and 22-25 (last in Chicago - on the panel to consider the vertical temp work of CCSP).
Cheers
Phil
Cheers
Phil
At 15:26 02/02/2005, you wrote:

Thanks Phil,
Yes, we've learned out lesson about FTP. We're going to be very careful in the future what gets put there. Scott really screwed up big time when he established that directory so that Tim could access the data.
Yeah, there is a freedom of information act in the U.S., and the contrarians are going to try to use it for all its worth. But there are also intellectual property rights issues, so it isn't clear how these sorts of things will play out ultimately in the U.S.
I saw the paleo draft (actually I saw an early version, and sent Keith some minor comments). It looks very good at present--will be interesting to see how they deal w/ the contrarian criticisms--there will be many. I'm hoping they'll stand firm (I believe they will--I think the chapter has the right sort of personalities for that)...
Will keep you updated on stuff...
talk to you later,
mike
At 09:41 AM 2/2/2005, Phil Jones wrote:

Mike,
I presume congratulations are in order - so congrats etc !
Just sent loads of station data to Scott. Make sure he documents everything better this time ! And don't leave stuff lying around on ftp sites - you never know who is trawling
them. The two MMs have been after the CRU station data for years. If they ever hear there
is a Freedom of Information Act now in the UK, I think I'll delete the file rather than send

to anyone. Does your similar act in the US force you to respond to enquiries within 20 days? - our does ! The UK works on precedents, so the first request will test it. We also
have a data protection act, which I will hide behind. Tom Wigley has sent me a worried email when he heard about it - thought people could ask him for his model code. He has retired officially from UEA so he can hide behind that. IPR should be relevant here,
but I can see me getting into an argument with someone at UEA who'll say we must adhere
to it !
Are you planning a complete reworking of your paleo series? Like to be involved if you are.
Had a quick look at Ch 6 on paleo of AR4. The MWP side bar references Briffa, Bradley, Mann, Jones, Crowley, Hughes, Diaz - oh and Lamb ! Looks OK, but I can't see it getting past all the stages in its present form. MM and SB get dismissed. All the right
emphasis is there, but the wording on occasions will be crucial. I expect this to be the
main contentious issue in AR4. I expect (hope) that the MSU one will fade away. It seems
the more the CCSP (the thing Tom Karl is organizing) looks into Christy and Spencer's series, the more problems/issues they are finding. I might be on the NRC review panel, so will keep you informed.
Rob van Dorland is an LA on the Radiative Forcing chapter, so he's a paleo expert by GRL statndards.
Cheers
Phil
At 13:41 02/02/2005, you wrote:

Phil--thought I should let you know that its official now that I'll be moving to Penn State next Fall.
I'll be in the Meteorology Dept. & Earth and Environmental Systems Institute, and plan to head up a center for "Earth System History" within the institute. Will keep you updated,
Mike

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NR4 7TJ
UK

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Charlottesville, VA 22903

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[1]http://www.evsc.virginia.edu/faculty/people/mann.shtml

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UK

References

1. http://www.evsc.virginia.edu/faculty/people/mann.shtml

From: Michael Mann <mann@xxxxxxxxx.xxx>
To: Phil Jones <p.jones@xxxxxxxxx.xxx>
Subject: Re: IPCC & FOI
Date: Thu, 29 May 2008 08:12:02 -0400
Reply-to: mann@xxxxxxxxx.xxx

<x-flowed>
Hi Phil,

laughable that CA would claim to have discovered the problem. They would
have run off to the Wall Street Journal for an exclusive were that to
have been true.

I'll contact Gene about this ASAP. His new email is: generwahl@xxxxxxxxx.xxx

talk to you later,

mike

Phil Jones wrote:
>
>> Mike,
> Can you delete any emails you may have had with Keith re AR4?
> Keith will do likewise. He's not in at the moment - minor family crisis.
>
> Can you also email Gene and get him to do the same? I don't
> have his new email address.
>
> We will be getting Caspar to do likewise.
>
> I see that CA claim they discovered the 1945 problem in the Nature
> paper!!
>
> Cheers
> Phil
>
>
>
>>
>
> Prof. Phil Jones
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