

Comments on National Academies of Sciences, Engineering, and Medicine’s Fast-track Review of the Evidence on Whether Greenhouse Gas Emissions are Reasonably Anticipated to Endanger Public Health and Welfare in the U.S., in Response to the Environmental Protection Agency’s (EPA) proposal to rescind its 2009 Endangerment Finding. Submitted via NASEM website.

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SUMMARY OF COMMENTS:

COMMENT: Government Accountability & Oversight (“GAO”), a 501(c)(3) non-profit public policy group with a particular focus on the areas of energy and environmental policy, submits these comments on the provisional appointments to the National Academies of Sciences, Engineering and Medicine (NASEM) committee tasked with conducting a fast-tracked review of evidence whether greenhouse gas emissions endanger public health and welfare in the U.S..¹ This review was announced in August 2025 for completion in September 2025. It was expressly prompted by the Environmental Protection Agency’s proposal to rescind the regulation of carbon dioxide (CO₂) as a pollutant, known as the Endangerment Finding. With this fast-tracked review, the NASEM has deviated from its history and practice, according even to its current president, to insert itself into a regulatory proceeding.

In NASEM’s haste to influence policy, NASEM stacked its panel for conducting this review (“the panel”) with activists whose records boast of well-chronicled histories of advocacy for predetermined conclusions on the question at hand. The panelists also share in common support for the federal policy under review by the EPA for rescission, and panelists are on record citing fellow panelists’ work in support of this same policy advocacy.

In short, this proposed panel is inherently disqualified for its stated purpose, under any rational assessment or standard. Numerous panelists have spent years citing to their science credentials to assert expert status in promoting certain public policy and litigation outcomes. They are activists, hand-picked by NASEM for an exercise in deciding whether they and their fellow panelists have been right all along. This is surely why these panelists were selected. It is inconceivable that NASEM did no due diligence on the history of, or randomly selected, these panelists with records of open and avowed activism of the very conclusion that they supposedly have yet to reach. Should NASEM argue otherwise, and that in its haste it had instead actually skipped any due diligence in assembling this panel, that would damn both the panel and the process itself.

This NASEM initiative presents a case study in pre-ordained positions. The provisional panel reflects significant impermissible bias. The panel raises serious concerns not only with the overall composition and balance of the committee, but what this action by NASEM says about its process, intentions, and credibility. NASEM should not reflect such activism, and should scrap this panel, outright. Failure to do so endorses a thoroughly discreditable process and outcome.

¹ “Anthropogenic Greenhouse Gases and US Climate: Evidence and Impacts,” <https://www.nationalacademies.org/our-work/anthropogenic-greenhouse-gases-and-us-climate-evidence-and-impacts>.

NASEM PANEL IS INHERENTLY CONFLICTED TO THE POINT OF ABSURDITY

NASEM notes that “The conflict of interest policy of the National Academies of Sciences, Engineering, and Medicine (<http://www.nationalacademies.org/coi>) prohibits the appointment of an individual to a committee authoring a Consensus Study Report if the individual has a conflict of interest that is relevant to the task to be performed. An exception to this prohibition is permitted if the National Academies determines that the conflict is unavoidable and the conflict is publicly disclosed.”² NASEM discloses and moves past conflicts for two panelists (Lee and Wall). Those concerns are only the beginning of the conflicts inherent in this panel.

13 of the 15 members of NASEM’s “Fast-Track Review”³ have demonstrated a strong bias toward linking increasing atmospheric CO₂ to supposedly dangerous global warming and a threat to human health.⁴ 5 of these 15 members of the review panel have led or joined amicus briefs in favor of imposing the “climate” policy and legal agenda including but not limited to those hinging on the EPA’s Endangerment Finding, and as such are even somewhat extreme-outliers in the extent of their activism. A sixth is on record with disqualifying comments reflecting her stridency on the issue. This panel cannot view the evidence with neutral eyes and come to its own conclusions because its members are on record stating that they have prejudged the outcome.

The following is representative, but by no means exhaustive, of the panelists’ disqualifications⁵:

In 2020, George Washington University “Climate and Health Institute” Director Susan **Susan Anenberg** signed on to an amicus brief in *West Virginia v. EPA* promoting the climate agenda (heavily citing Shindell),⁶ for the aforementioned group dedicated to climate activism and policy, which credits Ms. Anenberg for leading the signatories and “directly contribut[ing]” to the brief per the group.⁷

² *Id.*

³ <https://www.nationalacademies.org/news/2025/08/national-academies-launch-fast-track-review-of-latest-evidence-for-whether-greenhouse-gas-emissions-endanger-public-health-and-welfare>

⁴ See, e.g., “National Academy of Sciences Committee Bias: An Unscientific Rigging of a Scientific Review,” CO₂ Coalition, August 25, 2025, <https://co2coalition.org/publications/national-academy-of-sciences-committee-bias-an-unscientific-rigging-of-a-scientific-review/>

⁵ *Id.*

⁶ *West Virginia, et al. v. EPA*, Nos. 20-1530, 20-1531, 20-1778, and 20-1780, https://www.supremecourt.gov/DocketPDF/20/20-1530/211345/20220125165209968_ELJC_WestVAvEPA_PublicHealthAmicus.pdf.

⁷ <https://climatehealth.gwu.edu/action>. Ms. Anenberg also signed on to an amicus supporting the OSHA COVID vaccine mandate—relevant given the similarities of the lockdown/mandate movement share with the climate movement. Several panelists signed on to amicus briefs in abortion-related cases. In short, they are policy activists. See, e.g., Allysia Finley, “The Doctors Who Cry ‘Science’: The AMA aligns itself with the left on abortion, climate, transgenderism and affirmative action,” Wall Street Journal, August 24, 2025, https://www.wsj.com/opinion/the-doctors-who-cry-science-506d9b4e?mod=columnists_article_pos9. The author continues, rightly, “The AMA and the rest of the medical establishment have cried science so many times to support their progressive views that many Americans no longer believe them on anything...If the medical establishment wants to restore trust in science, then it should stop politicizing it.”

The brief's outline reveals its signatories had made up their minds, starting with item I: "Anthropogenic climate change, fueled by emissions of greenhouse gases such as carbon dioxide, harms public health in the United States." The rest of the headings are similarly disqualifying for any party to the brief who wants to present himself as an unbiased or neutral arbiter on these issues: "II. Climate change severely harms the health of vulnerable populations; III. The Clean Air Act empowers EPA to take regulatory action to protect the public from adverse health effects due to climate change." 29 pages of argumentation of this deeply-held position follow.

Ms. Anenberg was described by her attorney for this activism, in an article "Bridging Silos: Environmental and Reproductive Justice in the Climate Crisis," as being on the frontlines of many battles, to which Anenberg "provided invaluable contributions."⁸

Ms. Anenberg has disqualified herself from any such service as NASEM has appointed her, and the appointments of such biased panelists show the NASEM's hand.

In 2021 **Drew Shindell** was one of nine signatories to an amicus brief advocating for regulation of anthropogenic greenhouse gases, asserting that greenhouse gas emissions are harming Americans.⁹ Upon further scrutiny, perhaps NASEM will notice that this is the topic the panel is to address in an objective, unbiased fashion. Other panelists cite Shindell in their own briefs.

In 2023 Mr. Shindell acknowledged he had already made up his mind. "'We in the scientific community produce things like giant IPCC assessments,' says Shindell, who has also contributed to the blog. 'But basically the story remains the same—you have to stop using fossil fuels or you're going to wreck the planet—which is what it was decades ago. ...Communicating the societal impacts of climate change and of different mitigation options, I think, makes the discussion more palatable,' he adds. 'If you can say, *these* many fewer people will die from heat waves, the number of children's asthma hospitalizations will decrease by *this* much, *this* many more people will be employed in new energy industries' ...'"¹⁰

In 2020 **Charles Driscoll**, as an "Energy Modeler," joined **Shindell** on an amicus brief advocating for regulation of anthropogenic greenhouse gases, on the grounds that they are harmful, and that regulations, or "an energy policy that adequately addresses carbon [dioxide] emissions to help [the Statue of Liberty and other historical landmarks] above water."¹¹

⁸ "Bridging Silos: Environmental and Reproductive Justice in the Climate Crisis," Sara A. Colangelo, Georgetown University Law Center, California Law Review, Vol. 112, Pp. 1255-1319, https://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?params=/context/facpub/article/3648/&path_info=Colangelo_final.pdf.

⁹ *Competitive Enterprise Institute, et al., v NHTSA*, D.C. Cir. 20-1145, https://climatecasechart.com/wp-content/uploads/case-documents/2021/20210121_docket-20-1145_amicus-brief-9.pdf.

¹⁰ JoAnn Greco, "Mann in the Middle," The Pennsylvania Gazette, June 23, 2023, <https://thepenngazette.com/mann-in-the-middle/>.

¹¹ *American Lung Association, et al., Petitioners, v. United States Environmental Protection Agency, et al.*, D.C. Cir., 19-1140, https://climatecasechart.com/wp-content/uploads/case-documents/2020/20200424_docket-19-1140_amicus-brief-6.pdf.

Messrs. Driscoll and Shindell have disqualified themselves from any such service as NASEM has appointed them, and the appointments show the NASEM's hand.

In 2025, **Kari Nadeau** led an amicus brief in support of another Our Children's Trust lawsuit seeking a declaratory judgment that the Environmental Protection Agency has violated the plaintiff 'Climate Kids' constitutional rights by failing to protect them from "air pollution from climate change"¹² (as a "medical professional[] whose *practice involves treating children affected by climate change* and who ha[s] developed expertise in how climate change is affecting children's mental and physical health outcomes.") (*emphases* added).

That is, the litigants, supported by Dr. Nadeua, sought EPA regulation of GHG emissions.

Select positions from this pleading filed with the court include: "As a result [NB: of anthropogenic climate change, i.e., from emissions], the effects of climate change will have, and are already having, a disproportionate impact on children's health."

"Anthropogenic climate change has not only dramatically increased the surface temperatures of our planet, but has also substantially affected the 'exposome,' the totality of environmental conditions (physical, chemical, biological, and social factors) to which a person is exposed throughout their lifetime. This changing exposome presents real threats to all humans, but it presents a special threat to children, both because they are more sensitive to changes today, and because they will live longer portions of their lives in these riskier and less stable exposomes."¹³

Upon further scrutiny, perhaps NASEM will notice that this is the exact same topic the panel is expected to address in an objective, unbiased fashion.

Ms. Nadeau has disqualified herself from any such service as NASEM has appointed her, and the appointment shows the NASEM's hand.

In 2015 **David W. Titley** testified to the U.S. House of Representatives advocating extreme policy changes in the name of anthropogenic climate change. Comments include, e.g., "we are certainly taking time that we should be using to start mitigating this... We need to transform our energy system. The Federal Government, the Congress can be very, very helpful on that. So, but we are not doing that right now, sir, because we have these debates that—which is fine. But at some point, we need to do something... So, you know, I am probably like the reformed smoker. But it was really just simply looking at all these independent lines of evidence. That, to me, said we have got an issue here, and we are going to have to do something."¹⁴

¹² *Genesis B. (G.B.), a minor, by and through her Guardian, G.P.; et al., v. USEPA, et al.*, 9th Cir. 25-2473, <https://static1.squarespace.com/static/655a2d016eb74e41dc292ed5/t/6882471d8ef10a72fbb06b1f/1753368350424/DktEntry+24+Medical+Professionals+Amicus+2025.07.23.pdf>.

¹³ *Id.*

¹⁴ In 2017 Titley testified to the U.S. House of Representatives advocating policy changes in the name of climate change. <https://democrats-science.house.gov/imo/media/doc/07.12.17%20-%20Titley%20House%20Science%20Climate%20Security%20Testimony.pdf>. Titley also has testified before the U.S. Senate, deploying activist dogma such as "We only have one planet... But we only have one planet." DATA OR DOGMA?

In 2014 Titley signed a petition for certiorari to the United States Supreme Court supporting the proposition that “Defendants have violated their fiduciary duties by contributing to and allowing unsafe amounts of greenhouse gas emissions into the atmosphere,” and calling for regulation.¹⁵

Mr. Titley has disqualified himself from any such service as NASEM has appointed him, and the appointment shows the NASEM’s hand.

In 2023 **Michele Barry** showed her mind was made up. “I think we are on red alert. It should be all hands on deck with what is happening in our climate,” she said. “When the new normal in California is atmospheric rivers and excessive wildfires, that should be a wake-up call domestically. Globally we’re seeing huge shifts of disease due to climate and distribution of vectors like mosquitoes and ticks.”¹⁶

Ms. Barry’s interlocuter in that article wrote, “Her center identified it [climate change] as a top priority in 2017 and funds dozens of initiatives to address the problem — from projects in South Asia to reduce coal consumption to studies of how dams and other agricultural systems are causing a rise in parasitic diseases.”¹⁷

Ms. Barry has disqualified herself from serving as a neutral academic arbiter, as NASEM has appointed her to be, and the appointments show the NASEM’s hand.

In short, these are parties who deploy their science credentials as experts in promoting their desired public policy outcomes; they are, by and large, activists (see FN 8, *supra*). Of course, NASEM did not select six (or any) activists for the panel who are opposed to greenhouse gas regulation. Putting aside NASEM’s longstanding policy of balanced inquiry,¹⁸ however much it

PROMOTING OPEN INQUIRY IN THE DEBATE OVER THE MAGNITUDE OF HUMAN IMPACT ON EARTH’S CLIMATE HEARING BEFORE THE SUBCOMMITTEE ON SPACE, SCIENCE, AND COMPETITIVENESS OF THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION UNITED STATES SENATE ONE HUNDRED FOURTEENTH CONGRESS, FIRST SESSION, DECEMBER 8, 2015 <https://www.govinfo.gov/content/pkg/CHRG-114shrg21644/pdf/CHRG-114shrg21644.pdf>.

¹⁵ *Alec L., et al., v. Gina McCarthy, et al.*, No. 14-405, https://climatecasechart.com/wp-content/uploads/case-documents/2014/20141003_docket-14-405_petition-for-writ-of-certiorari-1.pdf.

¹⁶ Ruthann Richter, “Beyond climate dread: Striving to improve health during the environmental meltdown June 2, 2023, <https://stanmed.stanford.edu/solving-environment-health-challenges/>.

¹⁷ *Id.*

¹⁸ Judging by its words and actions, the climate industry perceives balance and debate as existential threats, and that to “hold a public debate about climate science [and] write a line-by-line rebuttal of the National Climate Assessment” constitutes “a sustained assault on mainstream global warming research.” Scott Waldman, “Trump team readies more attacks on mainstream climate science,” Climatewire, August 19, 2025. This defining characteristic of “climate” discourse – that it shall not challenge the crisis narrative – does not suggest confidence in the merits of that narrative. “ClimateGate” revealed the ugly history of back-room dealing to keep work that threatened the manufactured consensus from publication. This is all readily available in the public record, including but not limited to the exhibits and transcripts of testimony in *Michael E. Mann v. Simberg, et al.*, D.C. Sup. Ct., 2012 CA 008263 B (2024).

is or is not respected in practice,¹⁹ adding balance with an equal number of activist-advocates countering this group’s view would still fail to satisfy NASEM’s own standards: no panelist should ever be selected to purportedly engage in such analysis of a position on which they have a record of predetermination, let alone such extensive and strident activism cited above.

CURRENT AND RECENT CONTEXT SUPPORTS A CONCLUSION OF CONTINUED NASEM CLIMATE ACTIVISM

There are other strong suggestions that this NAS/NASEM initiative is not intended to be impartial, but instead was begun and staffed for the purpose of reinforcing the very claim it is purportedly designed to test. As stated recently by the House Committee on Oversight and Government Reform, “The Committee is concerned that this study is being conducted with partisan aims in mind, as the National Academy of Sciences has made several questionable decisions in past years while under your leadership, exposing potential partisan bias.”²⁰ GAO sees no evidence to counter or balance that impression, and shares and incorporates that concern here, adding context and further support for that conclusion.

Like its selected panelists, the NASEM has of late sought to play its role in supporting “climate” litigants. This represents a continuation of recent decades of NASEM-driven or enabled ideological activism—and particularly climate policy activism—presented as if it were objective research and in the name of providing neutral science advice.²¹ This activism now extends to the

¹⁹ Although NASEM has deprioritized adherence to this most basic consideration of balance, its formerly strong posture against conflicts, or the lack of objectivity which this panel offends, is longstanding. NAS’s view of balance is found at, e.g., “[A]n individual should not serve as a member of a committee with respect to an activity in which a critical review and evaluation of the individual’s own work... is the central purpose of the activity, because that would constitute a conflict of interest, although such an individual may provide relevant information to the program activity.” The National Academies, Policy on Committee Composition and Balance and Conflicts of Interest, for Committees Used in the Development of Reports, May, 2003; Policy on Composition and Balance, Conflicts of Interest, and Independence for Committees Used in the Development of Findings, Conclusions, and Recommendations, National Academies, Sciences, Engineering and Medicine, Revised January 30, 2025.

²⁰ <https://oversight.house.gov/wp-content/uploads/2025/09/National-Academies-of-Sciences-President-McNutt-re-Endangerment-Finding-Letter-09032025.pdf>. Consider that (NASEM was unable to perform, even after all this time, a similar study on the origins of COVID-19 on the grounds that (per NASEM’s President, Marcia McNutt, “President, @theNASciences, former Editor-in-Chief of Science journals, AAAS” (<https://x.com/Marcia4Science>), Aug. 13, <https://x.com/Marcia4Science/status/1911509590178693512>), the Academies required the government to ask it to do so, yet hurried on its own initiative to produce a paper to counter a government report on “climate” (using undisclosed donor funds; ee, e.g., Roger Pielke, Jr., Aug. 22, 2025, <https://x.com/RogerPielkeJr/status/1959054773757649109>).

²¹ The NAS was established by Congress in 1863 to advise the federal government on scientific issues. Since then, as it marched toward its current activist mission, the NAS even made longtime Malthusian, and Club of Rome and UN Earth Summit organizer Maurice Strong the first non-citizen winner of its Public Welfare Medal, for his tireless support of “multilateral approaches to sustainable and equitable development and international peace.” <https://www.nasonline.org/directory-entry/maurice-f-strong-yfykr3/>.

Consider how, in 2001, when the proceedings that ultimately led to the initial Endangerment Finding were getting underway, “the White House requested the National Academy of Sciences to assist the Administration in its review of climate change policy. The Academy ‘is a private, nonprofit, self-perpetuating society of distinguished scholars engaged in scientific and engineering research . . .’ NATIONAL RESEARCH COUNCIL, CLIMATE CHANGE SCIENCE: AN ANALYSIS OF SOME OF THE KEY QUESTIONS, preface (2001). Under its congressional

point of collaborating with the “climate” trial bar on their litigation campaign. That recent foray into supporting the climate litigation industry (on top of decades of increasing policy activism) prompted University of Colorado Professor Roger Pielke, Jr. to write (hyperlinks in original):

“it would be fair to ask whether the NAS Attribution committee is about science advice at all, or instead, a not-so-subtle form of institutionalized stealth advocacy in support of climate litigation. Has the integrity of the nation’s leading institution of science advice been compromised? That couldn’t be the case, could it?

The first public meeting of the NAS Attribution committee will take place a few weeks from now. On that agenda is a litigator from Sher Edling, LLC, a firm that is litigating almost two dozen climate cases that depend up claims of extreme event attribution.⁶ Somehow, that litigator’s role as a counsel-of-record in these various lawsuits was left off of the NAS public meeting agenda.²² (links in original)

NASEM’s new-normal is assisting and engaging in advocacy, all while presenting itself as merely a thoughtful arbiter and advisory body. Regardless, the conflicts NASEM presents are inescapable.

CONCLUSION

In sum, the NASEM’s process up to and particularly including selection of its proposed panelists suggests an intention to engineer—and certainly by design ensures—a predetermined outcome. The NASEM has, by commission and omission, discredited its review before it ever began—assuming the panelists and/or others have not also proceeded outside of NASEM’s publicly asserted timeline.²³

The evidence strongly supports a conclusion that, with its choice of panelists who under any rational test are conflicted out and precluded from serving on this panel, the NASEM is continuing its history as an institutional example of biased activism. Indeed, it would be stunning if panelists NASEM selected, each of whom are on records supporting a particular outcome, somehow came to any other conclusion.

charter, issued in 1863, the Academy has a mandate to advise the federal government on scientific and technical matters when requested.” *Massachusetts et al. v. EPA*, 415 F.3d 50, 367 U.S. App. D.C. 282 (D.C. Cir. 2005). Its conversion into a climate-activist organ is indisputable on current evidence including but not limited to that cited herein. In the instant matter, not only did the administration did not bother (given said body of evidence/work), and the NAS took it upon itself to convene an emergency proceeding to impede reform NAS’s conversion into an advocacy organization and active enabler of the climate industry, even the climate litigation industry.

²² Roger Pielke, Jr., “Attribution Stealth Advocacy at the NAS,” American Enterprise Institute, Nov. 4, 2024, <https://www.aei.org/articles/attribution-stealth-advocacy-at-the-nas/>.

²³ The NASEM’s proposed timeline for producing this work is suggestive (particularly combined with the totality of its history and the circumstances) of work in fact being done behind the scenes before/during this process of empaneling the authors, despite the impropriety of doing so. We incorporate by reference here August 27, 2025 Comments of Daren Bakst/Competitive Enterprise Institute, “Anthropogenic Greenhouse Gases and US Climate: Evidence and Impacts,” https://cei.org/regulatory_comments/cei-comments-on-nasem-report-on-greenhouse-gas/.

As NASEM has historically made clear, and even to this day still does in somewhat watered-down form, proper consideration of a party's suitability for participation in in such a role for requires an assessment of that party's history. Here, that history is in creating and feeding and even dependence in professional whole or part on the climate industry.

The NASEM should reconsider its panel which lacks any semblance of balance—but instead is stacked with activists whose history as vocal participants in and to varying degrees beneficiaries of the crisis narrative driving “climate” policy. By ensuring, seemingly by design, the panel reaches the current NAS leadership's desired outcome of a report to undermine EPA's reconsideration of its Endangerment Finding, NASEM has discredited its own effort, *ab initio*.

The NASEM should return to its advisory roots, and cease mobilizing efforts seeking to influence law and regulatory policy. If it insists on continuing on this course, it should first be more candid about its objectives, rather than merely obvious; nonetheless, the NSAEM should scrap this panel and begin anew, properly, without such glaring biases including in its selection of panel participants.