

United States Senate

WASHINGTON, DC 20510

March 18, 2026

The Honorable Chris Wright
Secretary
U.S. Department of Energy
1000 Independence Ave, SW
Washington, DC 20585

The Honorable Lee Zeldin
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Secretary Wright and Administrator Zeldin:

We write to request answers from your agencies concerning the blatant use of personal email accounts by administration officials to evade public scrutiny laws and conduct sensitive official business related to your agencies' efforts to unlawfully dismantle federal climate regulations. Records uncovered through litigation reveal that U.S. Department of Energy (DOE) appointees engaged in repeated potential violations of the Federal Records Act, the Federal Advisory Committee Act, and the Freedom of Information Act through the routine use of private email accounts to collaborate on the drafting of an error-riddled climate report requested by the U.S. Environmental Protection Agency (EPA) to help justify the rescission of the greenhouse gas endangerment finding. These records call into question to what extent DOE and EPA officials may have improperly used personal email accounts and resisted public records requests throughout your agencies' work to produce the February 12, 2026, rescission of the greenhouse gas endangerment finding.

During litigation over the legality of DOE's "Climate Working Group" (CWG)—a group of fossil fuel industry loyalists that was established to provide cover for EPA's rescission of the endangerment finding—the court ordered DOE to turn over records related to the working group.¹ These records revealed an extensive paper trail of working group members using their personal email accounts to develop the scientifically unsound report entitled, *A Critical Review of Impacts of Greenhouse Gas Emissions on the U.S. Climate*.² These emails illustrate that CWG members were intent from the start on manufacturing a false narrative that sought to inaccurately downplay the harms of climate change.

In these emails, members of the working group repeatedly demonstrated their intent to evade transparency laws. For example, CWG member Steven Koonin wrote from his Gmail account: "We should be mindful that our email communications that go to DOE addresses are subject to FOIA." Mr. Koonin even asked fellow CWG member Roy Spencer: "Roy- is there are [sic] gmail address we can use for you, rather than the [University of Alabama Huntsman] address (which may itself be subject to FOIA)?"

¹ Case 1:25-cv-12249

²

https://www.energy.gov/sites/default/files/2025-07/DOE_Critical_Review_of_Impacts_of_GHG_Emissions_on_the_US_Climate_July_2025.pdf

These emails from personal accounts also indicate coordination with EPA and clearly show that EPA requested the production of the report, purportedly to justify the agency's rescission of the endangerment finding and associated termination of vehicle emissions rules. The coordinator of the CWG, Travis Fisher, wrote, "the EPA team asked that the document be DOE-branded," and, "I've been told this summary of the science will be published as a technical support document relevant to a new proposed rule on tailpipe emissions standards for motor vehicles."

Further, a judge appointed by President Ronald Reagan held that the CWG violated the Federal Advisory Committee Act by working in secret to develop the report. It is clear that the administration recognizes that the DOE report is fundamentally tainted, as evidenced by EPA's insistence in the final rescission of the endangerment finding that the agency "is not relying on" the report "for any aspect of this final action," despite having cited the CWG group's work numerous times in the proposed rule.^{3,4}

However, what is not clear and what deserves public scrutiny is to what extent DOE and EPA officials routinely use their personal email accounts to conduct official business and whether this practice was employed by EPA officials—as it was by DOE officials and CWG members—during work on the climate report or throughout the preparation of EPA's rescission of the endangerment finding.

DOE's failure to comply with the Freedom of Information Act also deserves public scrutiny. Several organizations have expressed that DOE has failed to produce any records in response to numerous Freedom of Information Act requests submitted to the Department throughout 2025.⁵ The fulfillment of public records requests under the Freedom of Information Act is not optional; it is required under the law.

Given the numerous apparent legal violations associated with DOE's climate work and EPA's rescission of the endangerment finding, we request responses to the following by March 31, 2026:

1. Did any current or former EPA employees use personal email accounts to conduct business related to the February 12 rescission of the endangerment finding? If so, please provide all instances of such communications. If you do not currently know the answer to this question, please explain how you will evaluate whether this has occurred and what accountability measures you will employ to prevent any future issues.
2. Did any current or former EPA employees use personal email accounts to coordinate with the DOE CWG? How did EPA personnel communicate the agency's requests (referenced in the DOE CWG released email records) to the CWG?
3. Did employees at DOE or EPA communicate with the White House or other agencies through personal emails, Signal chats, or other private messaging platforms regarding the

³ EPA-HQ-OAR-2025-0194, <https://www.epa.gov/system/files/documents/2026-02/preamble-rule-san12715-ef-vehiclerule-frm-20260212.pdf>

⁴ <https://www.federalregister.gov/documents/2025/08/01/2025-14572/reconsideration-of-2009-endangerment-finding-and-greenhouse-gas-vehicle-standards>

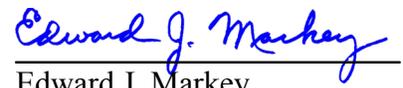
⁵ <https://americanoversight.org/american-oversight-sues-trump-administration-over-unlawful-effort-to-shut-down-foia-requests/>

development of either the July 23, 2025, DOE report or the EPA final agency action to rescind the endangerment finding? If so, please provide all instances of such communications.

4. To what extent did DOE coordinate with EPA and the White House on this report? Did any coordination with the White House on the rescission of the endangerment finding occur outside of the Office of Information and Regulatory Affairs (OIRA) review process or with entities in the White House other than OIRA?
5. Mr. Fisher wrote, "I am happy to relay any questions you all have to the relevant folks at DOE or other agencies." What other agencies besides DOE and EPA were involved in this effort?
6. During the preparation of either the CWG report or the endangerment finding rescission, did DOE or EPA employees use personal email accounts to communicate with outside stakeholders, such as oil and gas companies, trade associations, think tanks, nonprofits, or other groups? Did DOE or EPA employees hold any official or unofficial meetings with such stakeholders during the preparation of the CWG report or the endangerment finding rescission?
7. What steps are you taking to ensure the preservation of relevant records sent via official or unofficial channels pursuant to the Federal Records Act?
8. Will you commit to complying with all requests by the National Archives to preserve records or investigate breaches of the Federal Records Act at your agencies?
9. Will DOE commit to providing records in response to outstanding Freedom of Information Act requests submitted to the Department during the year 2025?
10. Given the CWG's numerous violations of federal transparency laws, will you commit that both DOE and EPA will no longer work with Travis Fisher, John Christy, Judith Curry, Steven Koonin, Ross McKittrick, and Roy Spencer?
11. What actions is DOE taking to ensure accountability for Seth Cohen and Joshua Loucks, two current DOE appointees who used their personal email accounts to communicate with the CWG?

Sincerely,


Adam B. Schiff
United States Senator


Edward J. Markey
United States Senator


Sheldon Whitehouse
United States Senator


Chris Van Hollen
United States Senator