



OFFICE OF THE ATTORNEY GENERAL
CONNECTICUT

WILLIAM TONG
ATTORNEY GENERAL

June 2, 2026

By Fax

The Honorable Robin L. Rosenberg
Director of the Federal Judicial Center
Thurgood Marshall Federal Judiciary Building
One Columbus Circle NE
Washington, DC 20002-8003

Re: *Reference Manual on Scientific Evidence*

Dear Judge Rosenberg:

As State Attorneys General and Chief Legal Officers concerned about the serious and increasing harms of climate change, and committed to protecting our communities from those harms, we write in strong opposition to the Federal Judicial Center's ("FJC") recent decision to remove the chapter titled "Reference Guide on Climate Science" from the Fourth Edition of the *Reference Manual on Scientific Evidence*.

The Reference Guide on Climate Science supports the essential role of the courts – to pursue the truth. Vetted through an extensive and lengthy peer-review process, the removed chapter provides foundational scientific and technical information that assists courts in assessing evidence pertaining to climate science. Such a guide is sorely needed as litigation involving climate science only grows in prevalence and urgency in our courts. Furthermore, the chapter's removal does not change the scientific reality of climate change. As the U.S. Supreme Court acknowledged nearly twenty years ago, "[a] well-documented rise in global temperatures has coincided with a significant increase in the concentration of carbon dioxide in the atmosphere," a causal connection between manmade greenhouse gases and global warming exists, and "the harms associated with climate change are serious and well recognized."¹ In light of this scientific fact, removing the climate science chapter only harms

¹ *Massachusetts v. EPA*, 549 U.S. 497 at 504, 521, 525 (2007). Since this landmark decision, the evidence supporting the Supreme Court's statements has gotten stronger. See National Academies of Sciences, Engineering, and Medicine, *Effects of Human-Caused Greenhouse Gas Emissions on U.S. Climate, Health, and Welfare* at 1 (2025) ("Overarching conclusion: EPA's 2009 finding that the human-caused emissions of greenhouse gases threaten human health and welfare was accurate, has stood the test of time, and is now reinforced by even stronger evidence."); Intergovernmental Panel on Climate Change, *Climate Change 2023: Synthesis Report, Contribution of Working Groups I, II and III to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change*, Summary for Policymakers at 4-5 (2023) ("Human activities, principally through emissions of greenhouse gases, have unequivocally caused global warming, with global surface temperature reaching 1.1°C above 1850-1900 in 2011-2020 Widespread and rapid changes in the atmosphere, ocean, cryosphere and biosphere have occurred. Human-caused climate change is already affecting many weather and climate extremes in every region

165 Capitol Avenue
Hartford, Connecticut 06106

An Affirmative Action/Equal Opportunity Employer

our judicial system, as judges and litigants are left without impartial, peer-reviewed information on complex and crucial scientific issues. This undermines the FJC’s statutory purpose “to further the development and adaptation of improved judicial administration in the courts of the United States.”² Equally as disconcerting, the FJC’s removal of this chapter in response to partisan pressure raises the specter of censorship over scientific truth and could raise concerns about the impartiality of the FJC. Accordingly, we call on the FJC to reinstate the Reference Guide on Climate Science and reestablish its non-partisan and science-driven role.

The removal of the Reference Guide on Climate Science disadvantages courts and litigants, who have relied on the *Manual* for decades. Of particular concern is the impact on the judiciary at a time when the impacts of climate change are readily apparent and related litigation is on the rise.³ After all, the intended audience for the *Manual* is primarily members of the judiciary facing evidentiary issues involving science and technology that require a baseline of information to assess appropriately.⁴ The need for the *Manual* is only more pronounced in the field of climate science, which “spans multiple disciplines, including atmospheric science, physical geography, and oceanography” and “implicates fields such as biology, economics, and social sciences.”⁵

The *Reference Manual on Scientific Evidence* is a critical resource that has assisted judges in considering scientific evidence for three decades and has been cited by the U.S. Supreme Court and thousands of other federal and state judges.⁶ The *Manual*, which is published in coordination with the National Academies of Sciences, Engineering and Medicine (“NAS”), furthers the FJC’s statutory mission to conduct research and develop continuing education programs for judicial branch employees for the

across the globe. This has led to widespread adverse impacts and related losses and damages to nature and people (*high confidence*). Vulnerable communities who have historically contributed the least to current climate change are disproportionately affected (*high confidence*.”); U.S. Global Change Research Program, *USGCRP, 2023: Fifth National Climate Assessment* at 1-5 (2023) (“The more the planet warms, the greater the impacts. Without rapid and deep reductions in global greenhouse gas emissions from human activities, the risk of accelerating sea level rise, intensifying extreme weather, and other harmful climate impacts will continue to grow. Each additional increment of warming is expected to lead to more damage and greater economic losses . . .”).

² See 28 U.S.C. § 620.

³ See, e.g., Petition for Review, *Massachusetts et al v. EPA*, 26-1061 (D.C. Cir. 2026); *Air Alliance Houston et al v. EPA*, 26-1070 (D.C. Cir. 2026); *City of Oakland v. BP P.L.C.*, 325 F. Supp. 3d 1017, 1022 (N.D. Cal. 2018), vacated and remanded sub nom. *City of Oakland v. BP PLC*, 960 F.3d 570 (9th Cir. 2020), opinion amended and superseded on denial of reh'g, 969 F.3d 895 (9th Cir. 2020) (“On March 21, to standing room only, counsel and their experts conducted a science tutorial for the undersigned judge.”).

⁴ National Academies of Sciences, Engineering, and Medicine and Federal Judicial Center, *Reference Manual on Scientific Evidence: Fourth Edition* at xvii.

⁵ National Academies of Sciences, Engineering, and Medicine, *Reference Manual on Scientific Evidence: Fourth Edition* (2025), Reference Guide on Climate Science at 1565.

⁶ See e.g., *Atkins v. Virginia*, 536 U.S. 304, 327 (2002) (regarding admissibility of survey evidence) (Rehnquist, C.J., dissenting); *Comcast Corp. v. Behrend*, 569 U.S. 27, 38 (2013) (regarding damages study steps).

improvement of judicial administration.⁷ By its own terms, the *Manual* is not intended to instruct judges as to what evidence should be admissible.⁸ Rather, the *Manual* contains “helpful suggestions” for courts in their assessment of the weight and admissibility of evidence.⁹

Much has changed since the *Manual* was first published in 1994, and it cannot remain a static document as science advances. As Justice Kagan notes in the preface to the Fourth Edition, “no sooner does one scientific field begin to become accessible to judges than another one emerges or fundamentally evolves. In the coming years, judges will confront lawsuits relating, for example, to artificial intelligence, climate science, and epidemiology.”¹⁰ She goes on to observe that because “[j]udges typically are generalists, and they often lack extensive background in the sciences . . . it . . . helps to have a dispassionate guide” that “delves into the scientific subjects that judges most often face [and] explains scientific approaches and explores scientific uncertainties and limits.”¹¹ The Fourth Edition thus includes revisions, rewritten chapters, and new guides addressing eyewitness identification, computer science, artificial intelligence, and, formerly, climate science.¹²

The Reference Guide on Climate Change, like other chapters in the *Manual*, was drafted “to help judges evaluate the admissibility and weight of expert testimony and documentary evidence”¹³ To prepare courts for this task, the Reference Guide explores foundational components of climate science, including data and methodologies used in research, relevant scientific disciplines and their corresponding qualifications, and primary sources of climate research.¹⁴ The Reference Guide also provides an in-depth discussion of research on anthropogenic climate change, describing the methodologies used and status of scientific knowledge in climate change detection and attribution research,¹⁵ source attribution research,¹⁶ and predictive research.¹⁷ The final part of the Reference Guide discusses the role of climate science in litigation, including a brief summary of the types of

⁷ See 28 U.S.C. § 260.

⁸ *Reference Manual on Scientific Evidence: Fourth Edition* (2025) at xvii.

⁹ *Atkins* at 327 (Rehnquist, C.J.; dissenting); see also Elena Kagan, Foreword, *Reference Manual on Scientific Evidence: Fourth Edition* (2025) at xiii (“The manual will hardly resolve every scientific issue arising in the law; that is not, and cannot be, its ambition. Yet case in and case out, the instruction that the manual offers in scientific principles and methods can improve the quality of judicial decision making.”).

¹⁰ *Reference Manual on Scientific Evidence: Fourth Edition* at xiii.

¹¹ *Id.*

¹² *Id.* at xvii.

¹³ Reference Guide on Climate Science at 1566.

¹⁴ *Id.*

¹⁵ *Id.* (climate change detection and attribution research examines whether observed changes in natural and human systems can be attributed to human influence on climate).

¹⁶ *Id.* (source attribution research examines the relative contributions of different entities to anthropogenic climate change).

¹⁷ *Id.* at 1567 (predictive research provides insights on future climate change and its impacts under different emissions trajectories and warming scenarios).

claims that are associated with climate science and a discussion of how different areas of climate research may impact judicial assessments of these claims.¹⁸

Prior to publication, the Reference Guide on Climate Science—like every chapter of the *Manual*—underwent extensive peer-review. Each chapter was reviewed over many months by the scientific community and by judges, who offer feedback that is then incorporated into the chapter.¹⁹ The Reference Guide on Climate Science was treated no differently than any other chapter and was subjected to the same deliberate and thorough peer-review process.

The FJC, however, departed from this practice in deciding, without any explanation or public process, to remove the chapter on climate science eight days after receiving a January 29, 2026, letter from a coalition of Republican State Attorneys General (the “January 29 Letter”).²⁰ This letter presented excerpts of the chapter out-of-context²¹ and leveled unfounded allegations of bias against the authors of the chapter and a few of the sources utilized in its writing. As noted in the Reference Guide on Climate Science, however, the peer-reviewed chapter draws from a variety of expert climate sources and also provides important context to help courts assess the credibility, weight, and admissibility of those different sources.²² Not only are the organizations cited in the chapter, like the Intergovernmental Panel on Climate Change (“IPCC”), credible sources, they are widely regarded as *the* leading sources for climate data and research.

The January 29 Letter took aim at the IPCC in particular, but neglected to acknowledge that both the U.S. Supreme Court and federal appellate courts have already recognized the IPCC as an authoritative and credible source of climate science.²³ In asserting alleged “significant criticisms” of the IPCC’s

¹⁸ *Id.*

¹⁹ See Co-Authors of the Reference Manual, *An Open Letter from the Authors of the Fourth Edition of the Reference Manual on Scientific Evidence*, Science Politics (2026) (“As with every chapter in the Manual, the description of the scientific principles in the climate science chapter went through extensive peer review”); see also *Reference Manual on Scientific Evidence: Fourth Edition* (2025) at x-xi.

²⁰ Letter from John B. McCuskey, W.Va. Att’y Gen., and others, to Hon. Robin L. Rosenberg, Dir. of the FJC (Jan. 29, 2026).

²¹ The January 29 Letter states “the authors opine that ‘it is possible to quantify the contribution of anthropogenic forcing to specific damages, harms, and economic and noneconomic losses’—the ultimate remedy question at issue in a variety of litigation currently pending before federal courts.” January 29 Letter, p. 3. However, the full quotation in the chapter states that “[n]onetheless, researchers can draw fairly robust conclusions about the general causal connection between climate change and many types of impacts, and in some cases, it is possible to quantify the contribution of anthropogenic forcing to specific damages, harms, and economic and noneconomic losses. National Academies of Sciences, Engineering, and Medicine, *Reference Manual on Scientific Evidence: Fourth Edition*, Reference Guide on Climate Science at 1611.

²² *Id.* at 1582.

²³ See e.g., *Massachusetts v. EPA*, 549 U.S. 497 (2007); *Coal. for Responsible Regul. v. EPA*, 684 F.3d 102 (D.C. Cir. 2012); *Ctr. for Biological Diversity v. Nat’l Highway Traffic Safety Admin.*, 538 F.3d 1172, 1189 (9th Cir. 2008); *Diné Citizens Against Ruining Our Env’t v. Haaland*, 59 F.4th 1016 (10th Cir. 2023).

work, the letter pointed to an article which claims that the IPCC is controlled by “the governments of countries that perceive political benefits from international regulatory action to reduce greenhouse gas emissions.”²⁴ The letter also asserted that failing to include the work of the authors of a recent draft report²⁵ from the U.S. Department of Energy’s unlawful²⁶ and recently disbanded²⁷ Climate Working Group is evidence of bias, despite the intense rebuttal and outright rejection this draft report has received from the scientific community since its release.²⁸ In this way, the January 29 Letter placed improper pressure on the FJC to remove the Reference Guide on Climate Science, to the detriment of the judiciary and the public interest.

The *Manual*’s Preface states that its work reflects an “impartial and reliable primary reference source on science for judges”²⁹ Yet the removal of this chapter raises concerns regarding the impartiality and reliability of the *Manual* and the FJC’s apolitical role to provide accurate, objective information and education. While the January 29 Letter casts the Reference Guide on Climate Change as judicial predetermination of scientific issues involved in litigation, the mere fact that an individual litigant files a lawsuit or pleading calling foundational scientific principles into question should not render the issue outside the scope of the *Manual*. Rather, litigation and disagreements over the scientific concepts involved only further emphasize the need for and importance of the FJC’s role in providing impartial and reliable information and education. The removal of the Reference Guide on Climate Science deprives the judiciary of well-established scientific and technical guidance regarding climate change. The chapter should be reinstated to ensure that the *Manual* continues to provide judges with information that will assist them in effectively engaging with evidentiary questions related to the complex and important issue of climate change.

²⁴ Letter from John B. McCuskey, W.Va. Att’y Gen., and others, to Hon. Robin L. Rosenberg, Dir. of the FJC (Jan. 29, 2026) at 4.

²⁵ See U.S. Dept. of Energy, Climate Working Group, *A Critical Review of Greenhouse Gas Emissions On U.S. Climate* (2025).

²⁶ See *EDF, Inc. v. Wright*, 800 F. Supp. 3d 284, 288 (2025) (“This Court rules that the Climate Working Group was not assembled to exchange facts or information in a manner that would bring it into the [3.40(e)] exception.”); see also *EDF, Inc. v. Wright*, 2026 U.S. Dist. LEXIS 19151 at *3-*4 (U.S. Dist. Ct. Mass., Jan. 30, 2026) (acknowledging that the violations of FACA had been established as a matter of law and that “the Climate Working Group was not exempt from the requirements of [the Federal Advisory Committee Act].”)

²⁷ Following the filing of the suit in *EDF, Inc. v. Wright*, the group was disbanded. Subsequently, it was determined that the Climate Working Group was subject to FACA and violated its requirements. See also Storrow, B., Harvey, C., Waldman, S., & Friedrich, P., *How a major DOE report bides the whole truth on climate change*, Politico (2025) (“DOE disbanded the group, but the authors pledged to advance their work outside the government.”)

²⁸ See Santer, B.D., Solomon, S., Thompson, D.W.J., Fu, Q., *Modeled and Observed Stratospheric Temperature Changes: Implications for Fingerprint Studies*, AGU Advances, Volume 7, Issue 2 (2026) (“As our analysis clearly illustrates, the DOE report is not a reliable source of information on the vertical structure of changes in atmospheric temperature, which is a key piece of evidence for human effects on global climate.”); see also Dessler, A., Kopp, R.E., *Climate Experts’ Review of the DOE Climate Working Group Report*, ESS Open Archive (2025) (“[T]he DOE report misrepresents the state of climate science by cherry-picking evidence, exaggerating uncertainties, and ignoring decades of peer-reviewed research. Climate science is one of the most scrutinized and well-established fields, and the DOE report falls far short of that standard.”)

²⁹ *Reference Manual on Scientific Evidence: Fourth Edition* at xvii.

In sum, the removal of this chapter is contrary to the mission of both the FJC and the *Manual* and will impede the judiciary's ability to pursue truth. Partisan actors should have no input into the substantive determination of what constitutes accurate and reliable information released by the FJC. This is why many authors featured in the *Manual* recently penned an open letter decrying the FJC's decision to remove the Reference Guide on Climate Science.³⁰ Accordingly, we call on the FJC to follow the NAS's lead and reinstate the Reference Guide on Climate Science.³¹

Very truly yours,



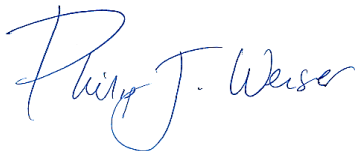
William Tong
Connecticut Attorney General



Kris Mayes
Arizona Attorney General



Rob Bonta
California Attorney General



Philip J. Weiser
Colorado Attorney General



Kathleen Jennings
Delaware Attorney General

³⁰ Co-Authors of the Reference Manual, *An Open Letter from the Authors of the Fourth Edition of the Reference Manual on Scientific Evidence*, Science Politics (2026).

³¹ Following the January 29 Letter to the FJC, the State Attorneys General behind the letter issued a subsequent letter to NAS demanding the organization remove the Reference Guide from its published version of the *Manual*. Thus far, NAS has resisted these calls for censorship. However, the group has escalated its efforts and is now attacking the funding of NAS for their refusal to remove the chapter. *See* Letter from Austin Knudsen, Mont. Att'y Den., and others, to Sean Duffy, Sec. of Transportation; Chris Wright, Sec. of Energy; Pete Hegseth, Sec. of War (Mar. 11, 2026).



Anne E. Lopez
Hawaii Attorney General



Kwame Raoul
Illinois Attorney General



Aaron M. Frey
Maine Attorney General



Anthony G. Brown
Maryland Attorney General



Andrea Joy Campbell
Massachusetts Attorney General



Dana Nessel
Michigan Attorney General



Keith Ellison
Minnesota Attorney General



Aaron D. Ford
Nevada Attorney General



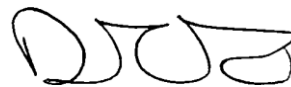
Jennifer Davenport
New Jersey Attorney General



Raúl Torrez
New Mexico Attorney General



Letitia James
New York Attorney General



Dan Rayfield
Oregon Attorney General



Peter Neronha
Rhode Island Attorney General



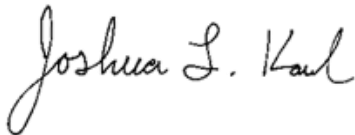
Charity R. Clark
Vermont Attorney General



Jay Jones
Virginia Attorney General



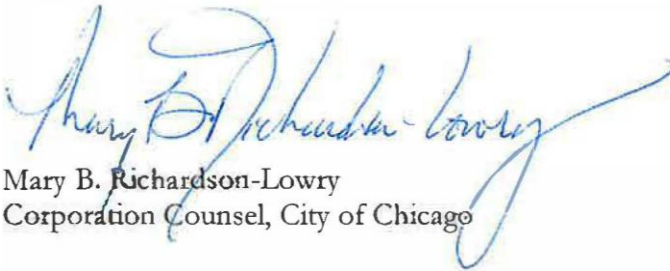
Nick Brown
Washington State Attorney General



Joshua L. Kaul
Wisconsin Attorney General



Brian L. Schwalb
District of Columbia Attorney General



Mary B. Richardson-Lowry
Corporation Counsel, City of Chicago



Steven Banks
Corporation Counsel, City of New York



Jonathan G.C. Fombonne
Harris County Attorney

Hon. Robin L. Rosenberg
June 2, 2026
Page | 9

cc: Marcia McNutt, President of the National Academies of Sciences
Chief Justice John G. Roberts, Jr., Supreme Court of the United States
Judge Kathleen Cardone, U.S. District Court for the Western District of Texas
Judge Sara L. Ellis, U.S. District Court for the Northern District of Illinois
Judge Ralph R. Erickson, U.S. Court of Appeals for the Eighth Circuit
Judge Michelle M. Harner, U.S. Bankruptcy Court for the District of Maryland
Judge Suzanne Mitchell, U.S. District Court for the Western District of Oklahoma
Judge Kevin C. Newsom, U.S. Court of Appeals for the Eleventh Circuit
Judge Lynn Winmill, U.S. District Court for the District of Idaho
Judge Robert J. Conrad, Jr., Director of the Administrative Office of the U.S. Courts