

September 1, 2026

The Honorable Robin Rosenberg
Director
Federal Judicial Center
One Columbus Circle NE
Washington, D.C. 20002

Dear Director Rosenberg:

I write with disappointment at the Federal Judicial Center (FJC)’s decision to abandon evidence-based climate science guidance under pressure from the fossil fuel industry and its allies. By removing the “Reference Guide on Climate Science” from the Fourth Edition of the Reference Manual on Scientific Evidence, the FJC has deprived judges of easy access to reliable information, given credibility to the fossil fuel industry’s false climate denial narrative, and undermined trust in the FJC.

The Reference Guide on Climate Science would have given judges trustworthy information from an impartial source on a complex body of science. As with the Reference Manual’s chapters on neuroscience, toxicology, and epidemiology, nothing in the Reference Guide on Climate Science compels a particular legal outcome. But when litigants raise questions of climate change attribution, forecasting, and harm—which they do in challenges to federal agency action, insurance disputes, and damage cases—judges need accurate and credible guidance to navigate the science at the heart of those disputes.

That guidance is especially important in the context of climate change, where the fossil fuel industry has spent decades hiding and disparaging legitimate, evidence-backed climate science, while promoting climate denial “science” as simply a competing view that merits equal time. I am aware of no court decision suggesting that this field of industry-promoted “science” is equivalent to the consensus views of virtually the entire scientific community. For example, Republican attacks on the Reference Guide on Climate Science allege the Guide is “tainted by biased authors, reviewers, and sources.”¹ The Reference Guide’s primary source is the Intergovernmental Panel on Climate Change (IPCC), which “is generally viewed as the leading scientific authority in this field” because its reports represent “a synthesis of thousands of published, peer-reviewed studies from scientific journals.”² Indeed, for at least two decades, the

¹ Letter from Hon. Mike Hilgers et al. to Rep. Jim Jorden et al. 1 (Feb. 2, 2026), https://ago.nebraska.gov/sites/default/files/doc/Letter_5.pdf.

² National Academies of Sciences, Engineering, and Medicine, and Federal Judicial Center, *Reference Manual on Scientific Evidence: Fourth Edition* (2025), Reference Guide on Climate Science at 1565, 1583.

IPCC has been relied on by the Supreme Court,³ federal courts of appeals,⁴ and federal district courts across the country.⁵ The industry's climate denial efforts have no equivalent.

Consistent with its historic efforts, the fossil fuel industry and its billionaire allies leapt to undermine the Reference Guide and attack anyone associated with it. Those attacks will not end now that the FJC has withdrawn the Reference Guide, as President Trump recently made clear when he attacked the experts who helped assemble it and requested that they be investigated for possible misconduct.⁶

That these attacks continue shows that capitulation to the fossil fuel industry's bullying is not a solution. It only emboldens billionaires and polluters whose goal is to completely discredit climate science. It also undermines trust in the FJC, which initially offered no explanation for its decision to omit the Reference Guide on Climate Science.⁷ Earlier this summer, the FJC said only that it "responded to criticisms about the climate science chapter by omitting the chapter."⁸ It is hard to see how abandoning peer-reviewed science guidance solely because of partisan criticisms—without any explanation of which part of those criticisms the FJC found valid—accomplishes the FJC's mission of providing "accurate, objective information and education" to federal judges.⁹

Twenty-six state attorneys general and chief legal officers opposed the FJC's decision and have pointed out the many ways the attacks on the Reference Guide were unfounded.¹⁰ I hope the FJC plans to respond to these criticisms as well. If not, it should explain why critiques from polluter-friendly attorneys general merit swift and decisive action but those from others do not.

More broadly, I am concerned that the judiciary's policymaking and research bodies continue to treat the fossil fuel industry more favorably than other stakeholders who deserve equal treatment in federal courts. The Judicial Conference has for decades permitted federal judges to attend

³ See, e.g., *Massachusetts v. EPA*, 549 U.S. 497 (2007) (noting that the IPCC "draw[s] on expert opinions from across the globe" and crediting it with international action on climate change).

⁴ See, e.g., *In re: Polar Bear Endangered Species Act Listing and Section 4(d) Rule Litigation*, 709 F.3d 1 (D.C. Cir. 2013) (upholding the U.S. Fish & Wildlife Service's listing of the polar bear as endangered in part because the agency used "the most widely accepted climate models, as compiled by, among others, the IPCC").

⁵ See, e.g., *Diné Citizens Against Ruining the Environment v. Haaland*, 59 F.4th 1016 (10th Cir. 2024) (upholding use of a particular "global warming potential" by the U.S. Bureau of Land Management in part because "[c]hoosing to use a method that has been adopted by a respected international body, such as the IPCC's fourth report used here, is one way to demonstrate reliability").

⁶ Benjamin S. Weiss, *Trump demands review of scientific manual used by federal judges*, Courthouse News Service (July 20, 2026), <https://www.courthousenews.com/trump-demands-review-of-scientific-manual-used-by-federal-judges/>. Indeed, the National Academy of Science has now announced that it will revisit the process for producing the chapter (but notably, not the validity of climate science). That announcement, coming after President Trump threatened to pull the Academy's funding, is merely further evidence of a fossil-funded campaign to discredit well-established science.

⁷ Nate Raymond, *US judiciary scraps climate chapter from scientific evidence manual*, Reuters (Feb. 9, 2026), <https://www.reuters.com/legal/government/us-judiciary-scraps-climate-chapter-scientific-evidence-manual-2026-02-09/>.

⁸ Weiss, *supra* note 6.

⁹ Fed. Jud. Ctr., *About the Federal Judicial Center*, <https://www.fjc.gov/about>.

¹⁰ Lesley Clark, *Democratic AGs urge revival of judicial manual's climate chapter*, E&E News (June 3, 2026), <https://www.eenews.net/articles/democratic-ags-urge-revival-of-judicial-manuals-climate-chapter/>.

“educational” junkets hosted by fossil fuel front groups that promote the industry’s version of climate “science.”¹¹ As I noted in my May 19, 2026, letter to Director Conrad, it appears that the judiciary has not even required these front groups to comply with the minimal requirements governing funding transparency established by the judiciary years ago.¹² Furthermore, Judicial Conference leadership has obstructed rule changes to unmask how the fossil fuel industry weaponizes amicus curiae briefs in ways that parties harmed by fossil fuel-induced climate change cannot.¹³

Federal judges, and the parties whose disputes they oversee, deserve support and guidance commensurate with those judges’ dedication to deciding cases impartially. The FJC should reassert its commitment to providing that support, without favor to any political party or industry, by issuing the Reference Manual on Scientific Evidence as originally intended.

Sincerely,



Sheldon Whitehouse
Ranking Member,
Senate Judiciary Subcommittee on
Federal Courts, Oversight,
Agency Action, and
Federal Rights

cc: The Honorable Robert Conrad, Director, Administrative Office of U.S. Courts

¹¹ Letter from Sen. Sheldon Whitehouse to Hon. Robert Conrad at 1 (May 19, 2026), <https://www.whitehouse.senate.gov/wp-content/uploads/2026/05/2026-05-19-Letter-to-AO-Climate-Junkets.pdf>.

¹² *Id.* at 2.

¹³ Nate Raymond, *US judiciary withdraws new requirements for amicus brief disclosures*, Reuters (Mar. 27, 2026), <https://www.reuters.com/legal/government/us-judiciary-withdraws-new-requirements-amicus-brief-disclosures-2026-03-27/>.