
EXPEDITED FREEDOM OF INFORMATION ACT REQUEST

March 4, 2025

Via NOAA/DOC Public Access Link and Certified Mail

National Oceanic and Atmospheric Administration
Public Reference Facility (SOU1000)
1315 East-West Highway (SSMC3)
Room 9719
Silver Spring, Maryland 20910

RE: Freedom of Information Act Request for Records Held by the National Weather Service

This is a request on behalf of Public Employees for Environmental Responsibility (“PEER”) pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, for information concerning the National Oceanic and Atmospheric Administration’s (“NOAA”) National Environmental Satellite, Data, and Information Service’s (“NESDIS”) actions in connection with the politically motivated attacks on NOAA’s mission, employees, and life-saving functions. This request first provides background that illustrates the importance of the information at issue and then specifically identifies the information being requested. This request also demonstrates that PEER is entitled to expedited processing and a fee waiver.

I. BRIEF FACTUAL BACKGROUND

On January 20, 2025, the Trump Administration created DOGE by executive order. *See* Exec. Order No. 14158, *Establishing and Implementing the President’s “Department of Government Efficiency,”* 90 Fed. Reg. 8,441 (Jan. 20, 2025). Despite its name, DOGE is not a Cabinet-level department. Rather, it is a temporary contracted organization, led by Elon Musk, and broadly charged with carrying out the Trump Administration’s agenda of federal spending cuts and deregulation. *Id.* DOGE is scheduled to end on July 4, 2026. *Id.*

Since its establishment, DOGE has embedded at federal agencies across the government, directed the cancellation of federal contracts, spearheaded mass firings of federal employees for dubious reasons, and accessed sensitive data, all under the guise of “auditing contracts grants and related programs for waste, fraud and abuse.” Aaron Blake, *Trump and Musk can’t seem to locate much evidence of fraud*, WASH. POST (Feb. 13, 2025) (Attach. A); *accord* Benjamin Siegel et al., *What’s going to break? DOGE staffers ‘scorching the earth’ as they reshape federal government*, ABC NEWS (Feb. 6, 2025) (Attach. B); Eric Levitz, *The blatant lie behind Elon Musk’s power grab*, Vox (Feb. 7 2025) (Attach. C). However, “when pressed for evidence [of fraud or waste], [DOGE] do[esn’t] seem to have much or any.” Aaron Blake, *supra* (Attach. A). Instead, Mr. Musk, DOGE personnel, and the Trump Administration have pointed “to programs

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that might sound wasteful to some but were congressionally authorized.” *Id.* Indeed, *two separate judges* have *specifically rebuked* the Trump Administration for claiming fraud but not producing evidence of it. *Id.*; accord Chris Arnold, *Courts block Trump's DOGE actions — chaos, panic not proving to be best legal strategy*, NPR (Feb. 15, 2025) (“The examples of “fraud” Trump has so far offered up actually appear to be programs he just doesn’t like, such as diversity initiatives.”) (Attach. D).

As DOGE continues to operate under dubious authority and with seemingly reckless abandon when it comes to the complicated infrastructure and systems that comprise the federal government, concerns have grown over its access to, and use of, the data held and information systems managed by federal agencies. The executive order that created DOGE explicitly limited its access to “all unclassified agency records,” and only “to the maximum extent consistent with law.” 90 Fed. Reg. 8,441. However, media reports have detailed the successful efforts of DOGE personnel to gain access to highly sensitive data and systems at various federal agencies, including but not limited to the Treasury Department, the General Services Administration (GSA), the Office of Personnel Management (OPM), and NOAA. *See, e.g.*, Jeff Stein, *Musk aides gain access to sensitive Treasury Department payment system*, WASH. POST (February 1, 2025) (Attach. E); Theodore Schleifer et al., *Elon Musk’s Next Target: Government Buildings*, NY TIMES (January 30, 2025) (Attach. F); Isaac Stanley-Becker et al., *Musk’s DOGE agents access sensitive personnel data, alarming security officials*, WASH. POST (February 6, 2025) (Attach. G); Michael Sainato, *Doge staffers enter NOAA headquarters and incite reports of cuts and threats*, THE GUARDIAN (Feb. 4, 2025) (Attach. H). These data systems touch nearly every aspect of American life and contain the sensitive personal information of individual Americans, as well as confidential business information and national security information. *See e.g.*, Hon. Zoe Lofgren et al., House of Rep., to VADM Nancy Hann, Acting Admin, NOAA (Feb. 10, 2025) (Attach. I); Fatima Hussein & Josh Boak, *Treasury watchdog begins audit of Musk DOGE team’s access to the US government’s payment system*, ASSOC. PRESS (Feb. 14, 2025) (Attach. J).

Yet, despite unprecedented access to sensitive and important government systems that contain the personal data of nearly every American and that help keep Americans safe from foreign adversaries, climate disasters, and consumer fraud, the Trump Administration and DOGE continue to resist meaningful oversight of DOGE’s activities. *See* Peter Charalambous, *Contradictory statements about Musk make it unclear who runs DOGE*, ABC NEWS (Feb. 17, 2025) (quoting U.S. District Judge John Bates, who wrote that DOGE is “curiously” avoiding the “agency” label in an apparent attempt to “escape the obligations that accompany agencyhood — such as being subject to the Freedom of Information Act, the Privacy Act and the Administrative Procedures Act -- while reaping only its benefits”) (Attach. K). For example, despite public statements that Mr. Musk is DOGE’s head, the Administration recently argued in an affidavit filed in federal court that Mr. Musk “is not the administrator of the newly formed entity.” *Id.* In response to reporter’s questions about who actually *is* in charge, lawyers for the government simply stated, “I don’t know.” *Id.* Meanwhile, chaos continues to spread across federal agencies, many of which have already laid off probationary employees and are now facing widespread reductions in force of career civil servants. *See, e.g.*, Chris Arnold, *supra* (Attach. D); Jill Colvin et al., *Anger, chaos and confusion take hold as federal workers face mass layoffs*, ASSOC. PRESS (Feb. 14, 2025). As the federal workforce is decimated, few remain to perform the vital functions and services that many Americans take for granted. *See, e.g.*, Michael Sainato, *Doge staffers*

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enter NOAA headquarters and incite reports of cuts and threats, THE GUARDIAN (Feb. 4, 2025) (Attach. M).

DOGE's directives and rhetoric bear the fingerprints of Project 2025, the rightwing blueprint for overhauling government developed by the Heritage Foundation. *See* Elena Shao et al., *How Trump's Directives Echo Project 2025*, NY TIMES (Feb. 14, 2025) (Attach. N); Peter Green, *Donald Trump's playbook for privatizing America's government*, QUARTZ (Feb. 5, 2025) (Attach. O). Although the Trump Administration attempted to distance itself from the document and its agenda during the election, a recent New York Times analysis of the Trump Administration's major actions "reveals a symbiotic relationship between Mr. Trump and Project 2025 in a number of critical areas." Elena Shao et al., *supra* (Attach. N). Particularly relevant here, Project 2025 calls for the privatization of many essential government functions, including services provided by NOAA. Rachel Leingang, *Project 2025: rightwing manifesto's key proposals and how they could affect you*, THE GUARDIAN (Aug. 1, 2024) (Attach. P); Camille Baker, *How Could the Weather Service Change Under Trump?*, NY TIMES (Feb. 8, 2025) (Attach. Q). If fully implemented, the American public stands to lose access to critical services provided at a price that keeps them accessible to citizens. *See* Camille Baker, *supra* (Attach. Q); Alejandra Borunda et al., *Trump officials signal potential changes at NOAA, the weather and climate agency*, NPR (Feb. 15, 2025) (Attach. R).

At the same time, the enterprises in which Mr. Musk and many political appointees have significant financial interests stand to gain significantly from the privatization of huge swaths of government services. *See, e.g.*, Chris Hayes, *Elon Musk is a walking conflict of interest*, MSNBC (Feb. 6, 2025) (Attach. S); Letter from Hon. Deborah K. Ross & Hon. Eric Sorensen, House of Rep., to Pres. Donald J. Trump (Feb. 10, 2025) (expressing concern regarding DOGE's activities and actions towards NOAA and the potential conflicts of interest with Mr. Musk's business interests) (Attach. T); Soo Rin Kim, *As Musk works to slash federal spending, his own firms have received billions in government contracts*, ABC NEWS (Feb. 10, 2025) (Attach. U); Accountable.us, Press Release, *Watchdog: Billionaire Commerce Nominee Howard Lutnick Simply Too Conflicted to Confirm* (Feb. 18, 2025), available at <https://accountable.us/watchdog-billionaire-commerce-nominee-howard-lutnick-simply-too-conflicted-to-confirm/> (noting Howard Lutnick's business interests in the satellite industry) (Attach. V); Letter from Hon. Zoe Lofgren et al, to VADM Nancy Hann (Attach. I). Indeed, as DOGE works to slash federal spending, Mr. Musk's companies have received billions in federal contracts. *See, e.g.*, Mike Bedigan, *Elon Musk savaged as SpaceX gets new \$40m defense contract amid his cutting of federal spending*, YAHOO! FINANCE (Feb. 12, 2025) (Attach. W); Joey Roulette et al., *Exclusive: Trump Air Force nominee arranged satellite contract in manner that favored Musk's SpaceX*, REUTERS (Feb. 7, 2025) (Attach. X); April Rubin, *Musk's SpaceX personnel visiting FAA to suggest improvements*, AXIOS (Feb. 17, 2025) (Attach. Y); Eric Lipton & Kirsten Grind, *Elon Musk's Business Empire Scores Benefits Under Trump Shake-Up*, NY TIMES (Feb. 11, 2025) (Attach. Z). Even more concerning, the Trump Administration has suggested that Mr. Musk will determine potential conflicts of interest with his businesses. Dana Hall, Bloomberg, *White House Says Musk Will Police His Own Conflicts of Interest*, MSN (Feb. 5, 2025) (Attach. AA).

Concerns over potential conflicts of interest, mass layoffs, and privatization are particularly acute at NOAA. Across its various line offices and agencies, NOAA provides

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essential services in weather forecasting, climate preparedness, coastal resilience, nautical charting, fisheries management, and species protection. Relevant here, NESDIS “provides secure and timely access to global environmental data and information from satellites and other sources to promote and protect the nation’s security, environment, economy, and quality of life.” NESDIS, NOAA, *Our Mission*, <https://www.nesdis.noaa.gov/about/our-mission>. The agency has “end-to-end responsibility for ensuring the quality and availability of [environmental] information” collected with its “constellation of weather and environment-monitoring satellites” to support “vital products and services used daily across the country,” including products and services essential to weather forecasting, environmental monitoring, and the securing of life, property, and economic prosperity. NESDIS, NOAA, *What We Do*, <https://www.nesdis.noaa.gov/about/what-we-do>.

Despite NOAA’s myriad important functions, Project 2025 calls for the dismantling of the agency, which it refers to as “one of the main drivers of the climate change alarm industry.” See Camille Baker, *supra*; see also Alejandra Borunda et al., *supra* (Attach. R). In particular, Project 2025 suggests slashing NOAA’s budget and privatizing much of the agency’s weather forecasting work. See Camille Baker, *supra*. Given this agenda, Mr. Musk’s business interests in industries adjacent to NOAA’s work—including aerospace, telecommunications, and artificial intelligence—raise serious conflict of interest questions about his meddling with the agency’s data and operations as well as its public mission, particularly in light of the lack of transparency surrounding Mr. Musk and DOGE’s activities and access to NOAA’s data and systems. See, e.g., Letter from Hon. Zoe Lofgren et al, to VADM Nancy Hann (Attach. I); Letter from Hon. Deborah K. Ross & Hon. Eric Sorensen, House of Rep., to Pres. Donald J. Trump (Feb. 10, 2025) (expressing concern regarding DOGE’s activities and actions towards NOAA and the potential conflicts of interest with Mr. Musk’s business interests); Alejandra Borunda et al., *supra* (Attach. R).

DOGE’s infiltration of NOAA presents unacceptable risks to the data systems Americans rely upon every day, including the systems that enable weather forecasting, farming outlooks, coastal flooding projections, wildfire alerts, and hurricane tracking. Accord David Schechter et al., *Former top NOAA scientist under Trump issues a “Sharpie-gate” warning*, CBS NEWS (Feb. 8, 2025) (Attach. BB); Scott Dance, *Scientists on alert as NOAA restricts contact with foreign nationals*, WASH. POST (Feb. 7, 2025) (Attach. CC); Spencer Soicher, *‘Malicious, vindictive, and overly aggressive’: Meteorologists and weather industry say breaking up NOAA would have catastrophic effects*, 9NEWS (Feb. 7, 2025) (Attach. DD). The unleashing of unvetted, untrained DOGE employees on the agency risks the breakdown of these crucial services. Accord Letter from Hon. Zoe Lofgren et al, to VADM Nancy Hann (Attach. I); Spencer Soicher, *supra* (Attach. DD); Scott Dance, *supra* (Attach. CC); David Schechter et al., *supra* (Attach. BB).

Moreover, DOGE’s meddling in NOAA’s systems risks severely compromising confidential business information and information critical to national security. See Letter from Hon. Zoe Lofgren et al, to VADM Nancy Hann (Attach. I). Indeed, in a February 10, 2025 letter to the Acting Administrator of NOAA, Ranking Members of the House Committee on Science, Space, and Technology expressed their “great alarm” for “the shocking disregard for data privacy and security protocols exhibited by personnel associated with [DOGE],” and their “extreme[] concerned that allowing DOGE unfettered access to NOAA systems is an attempt by

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the Trump administration to sabotage the agency in furtherance of Project 2025’s agenda to dismantle it.” *Id.* Particularly relevant here, the Members explained that NESDIS “operates the Aviation Weather Initiative, which improves aviation safety by informing operators of weather conditions and airline deicing.” *Id.* In light of Project 2025’s stated goal of privatizing many of NOAA’s functions and services, “the potential conflicts of interest between DOGE, SpaceX, and NOAA,” and the lack of oversight of DOGE’s activities, the Members expressed their concerns that “[b]y infiltrating NOAA’s systems, DOGE could be improperly exfiltrating data and setting the stage for selling off its capabilities to the highest bidder.” *Id.*¹

These concerns are exacerbated by the Trump Administration’s decision to appoint Howard Lutnick, an individual with significant financial interests in aerospace enterprises, to Secretary of Commerce. *See, e.g.,* Accountable.us, *supra* (noting Howard Lutnick’s business interests in the satellite industry) (Attach. V). Relatedly, the nomination of two weather experts, Neil Jacobs and Taylor Jordan, to key NOAA leadership positions—called “unusual” by former career civil servants—has only fueled concerns that surgical cuts into NESDIS’s functions, coupled with DOGE’s sledgehammer approach to the federal enterprise, will cripple the agency’s weather forecasting services, endangering the lives and livelihoods of millions of Americans. *See, e.g.,* Alejandra Borunda et al., *supra* (Attach. R).

II. REQUESTED RECORDS

Pursuant to FOIA, 5 U.S.C. § 552(a)(3), PEER requests information concerning NOAA’s interactions with Elon Musk, DOGE and its operatives, and the nominated political appointees to NOAA leadership positions. Specifically, PEER requests the following:

- From January 1, 2024 through the date the records search is made for this request, any and all records mentioning, discussing, addressing, explaining, describing, referring to, containing, dealing with, or otherwise citing to, either in whole or in part, directly or indirectly, the application of FOIA to conversations, meetings, interactions, deliberations and/or discussions about the following individuals and/or entities:
 - Elon Musk
 - Nikhil Rajpal
 - Howard Lutnick
 - Neil Jacobs
 - Taylor Jordan
 - The Department of Government Efficiency (“DOGE”)
 - SpaceX

¹ These fears are far from speculative. Indeed, DOGE is already attempting to develop an AI chatbot, “GSAi,” to comb through GSA data, suggesting that similar efforts may soon be applied to other agencies and data systems. *See* Letter from Hon. Zoe Lofgren et al, to VADM Nancy Hann (Attach. I). This raises serious questions about whether government data is being improperly exfiltrated and manipulated on servers that lack the security measures required of government systems.

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- Starlink
 - xAI
 - Tesla
 - Musk Foundation
 - Seadrill
 - Transocean
 - Panasonic Avionics (including Panasonic Weather Solutions)
 - Satellogic, Inc.
- From January 1, 2024 through the date the records search is made for this request, any communications, meeting materials, reports, contracts, cooperative agreements, and other records generated or received by NESDIS that mention, discuss, address, explain, describe, refer to, contain, deal with, otherwise cite to, or include as the recipient(s) or sender, either in whole or in part, directly or indirectly, the following entities and/or individuals:
 - Elon Musk
 - Nikhil Rajpal
 - Howard Lutnick
 - Neil Jacobs
 - Taylor Jordan
 - The Department of Government Efficiency (“DOGE”)
 - SpaceX
 - Starlink
 - xAI
 - Tesla
 - Musk Foundation
 - Seadrill
 - Transocean
 - Panasonic Avionics (including Panasonic Weather Solutions)
 - Satellogic, Inc.
- From January 1, 2024 through the date the records search is made for this request, any communications, meeting materials, reports, contracts, cooperative agreements, and other records generated or received by NESDIS that were sent to, received from, or shared with the corporations, partnerships, or other business associations (including parent companies and subsidiaries, whether wholly or partly owned) in which the following individuals currently have, or previously had, financial interests:
 - Elon Musk
 - Nikhil Rajpal
 - Howard Lutnick
 - Neil Jacobs
 - Taylor Jordan

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A *non-exhaustive* list of outside entities includes, but again, *is not limited to* employees, agents, affiliates, and representatives of the following corporate entities:

- SpaceX
- Starlink
- xAI
- Tesla
- Musk Foundation
- Seadrill
- Transocean
- Panasonic Avionics (including Panasonic Weather Solutions)
- GE Aerospace
- Satellogic, Inc.

For this request, the term “records” refers to, but is not limited to, correspondence of any kind, memoranda, letters, notes, schedules, electronic mail, telephone logs, minutes of meetings, peer review comments, work papers, reports, studies, and/or data, as well as any other information regarding the foregoing types of records. Additionally, the terms “information” and “communication” encompasses records and documents (handwritten, typed, electronic or otherwise produced, reproduced, or stored) in NOAA’s possession or control that were generated, received, obtained, held, or created by or for the agency by any entity, agent, consultant, affiliate, or representative within or outside the federal government.

Because FOIA provides that if portions of a document are exempt from release, the remainder must nevertheless be segregated and disclosed, 5 U.S.C. § 552(b), we request that you provide us with all non-exempt portions of the requested information, along with an explanation of which documents, if any, may be privileged or exempt from disclosure and the basis for any exemption applied.

FOIA states that “a determination of whether to provide expedited processing shall be made, and notice of the determination shall be provided to the person making the request, within 10 days after the date of the request,” after which the agency “shall process as soon as practicable [the] request for records.” 5 U.S.C. § 552(a)(6)(E)(ii). “[I]n order to make a determination,” an agency must, inter alia, “determine and communicate the scope of the documents it intends to produce and withhold, and the reasons for withholding any documents.” *Citizens for Responsibility & Ethics in Wash. v. Fed. Election Comm’n*, 711 F.3d 180, 188 (D.C. Cir. 2013). Accordingly, for any documents or portions of documents that you block release due to specific exemption(s) from the requirements of FOIA, please provide an index itemizing and describing the documents or portions of documents withheld. The index should provide a detailed justification for claiming a particular exemption that explains why each such exemption applies to the document or portion of a document withheld. *See Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974)

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III. REQUEST FOR EXPEDITED PROCESSING

FOIA requires that “each agency shall promulgate regulations . . . providing for expedited processing of requests for records in cases in which the person requesting the records demonstrates a compelling need.” 5 U.S.C. § 552(a)(6)(E)(i). The statute specifies that “compelling need” means, “with respect to a request made by a person primarily engaged in disseminating information, urgency to inform the public concerning actual or alleged Federal Government activity.” *Id.* § 552(a)(6)(E)(v)(II). Department of Commerce regulations implementing FOIA require that FOIA requests be processed on an expedited basis when the request involves “[a] matter of widespread and exceptional media interest involving questions about the Government's integrity which affect public confidence; or [a]n urgency to inform the public about an actual or alleged Federal Government activity, if made by a person primarily engaged in disseminating information.” 15 C.F.R. § 4.6(f)(1)(iii), (iv).

Agencies must respond to expedited requests within 10 days. 5 U.S.C. § 552(a)(6)(E)(ii)(I); *accord* 15 C.F.R. § 4.6(f)(4). Where granted, requests receiving expedited processing “shall be given priority and processed as soon as practicable.” 15 C.F.R. § 4.6(f)(4). The attached declaration substantiates PEER’s request for expedited processing and is incorporated by reference herein.

A. PEER’s Request Satisfies The Media-Related Standard For Expedited Processing.

Under the so-called “media-related standard” for expedited processing, requestors need only demonstrate that the subject matter of their request involves “[a] matter of widespread and exceptional media interest involving questions about the Government's integrity which affect public confidence.” 15 C.F.R. § 4.6(f)(1)(iii).

As demonstrated by the numerous newspaper articles cited above and in the attached Declaration, DOGE’s infiltration of government agencies in general—and NOAA in particular—is a matter of “widespread and exceptional media interest.” *ACLU v. U.S. Dep’t of Justice*, 321 F. Supp. 2d 24, 31 (D.D.C. 2004). The same rings true for the potential privatization of NOAA’s vital data systems and services, including but not limited to the NESDIS and NOAA’s many aerospace functions. The conflicts of interest issues raised by Mr. Musk’s involvement in DOGE and NOAA, as well as the conflicts of interest and long-term goals of the Trump Administration (particularly vis-à-vis Project 2025) and its selections for key leadership positions within the agency, have likewise generated significant media attention. Significantly, the articles cited above represent a representative sampling of the many articles on these topics (e.g., DOGE, NOAA, privatization, Project 2025, access to data systems, and conflicts of interest) that appear “in a variety of publications and repeatedly reference the ongoing national discussion” about the Trump Administration’s actions regarding NOAA and its public mission. *ACLU*, 321 F. Supp. 2d at 31. This “flurry of media attention,” coupled with the “troubling amount of public distortion and misinformation in connection” with DOGE and its activities cannot be ignored. *Id.*

The articles cited in this request and attached declaration “also illustrate that the information [PEER] ha[s] requested implicates government integrity.” *Id.* Multiple lawsuits have

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been filed regarding DOGE's actions and access to sensitive data and government systems. *See* Alex Lemonides et al., *Tracking the Lawsuits Against Trump's Agenda*, NY TIMES (last updated Feb. 19, 2025), available at <https://www.nytimes.com/interactive/2025/us/trump-administration-lawsuits.html> (Attach. EE). Additionally, articles from the New York Times and ABC News, among others, report widespread concern among the public, Congress, and experts regarding the constitutionality of DOGE and the Trump Administration's actions. *See, e.g.*, German Lopez, *A Constitutional Crisis?*, NY TIMES (Feb. 7, 2025) (Attach. FF); Devin Dwyer, *Is Elon Musk's government role unconstitutional? What the Supreme Court might say*, ABC NEWS (Feb. 17, 2025) (Attach. GG). In particular, the articles cite concerns regarding Musk's authority to make decisions about agency expenditures, contracts, government property, regulations. *See* Devin Dwyer, *supra*. Other articles report on the growing dissent in Congress as drastic—likely illegal—reductions in the federal workforce and expenditures impact the American public. *See, e.g.*, Meryl Kornfield et al., *Do Dems want to get out of DOGE?*, WASH. POST (Feb. 11, 2025) (Attach. HH); Andrew Solender & Stef W. Kight, *Trump faces growing DOGE revolt from GOP lawmakers*, AXIOS (Feb. 19, 2025) (Attach. II); Ivan Pereira & Jay O'Brien, *Republicans block Musk from congressional subpoena as DOGE continues to access government data*, ABC NEWS (Feb. 5, 2025) (Attach. JJ). Still more report on the growing public concern over Mr. Musk's conflicts of interest as he accesses systems containing sensitive information on his competitors and is given responsibility over agencies that are responsible for regulating his many business ventures. *See, e.g.*, Chris Hayes, *supra* (Attach. S); Letter from Hon. Deborah K. Ross & Hon. Eric Sorensen, to Pres. Donald J. Trump (expressing concern regarding DOGE's activities and actions towards NOAA and the potential conflicts of interest with Mr. Musk's business interests) (Attach. R); Soo Rin Kim, *supra* (Attach. U); Letter from Hon. Zoe Lofgren et al, to VADM Nancy Hann (Attach. I). Notably, concerns regarding potential conflicts of interest extend to the Trump Administration's political appointees and nominees to key positions in the Department of Commerce and NOAA. *See, e.g.*, Accountable.us, *supra* (noting Howard Lutnick's business interests in the satellite industry) (Attach. V); Alejandra Borunda et al., *supra* (Attach. R).

Thus, PEER's request seeks to compel NOAA to be more forthcoming with respect to the highly impactful decisions and actions directed by DOGE and Mr. Musk, as well as with respect to conflicts of interest and those who stand to gain if/when Project 2025's agenda is implemented at NOAA. Particularly when viewed in light of the Trump Administration's resistance to any public or Congressional oversight, *see* Peter Charalambous, *supra* (Attach. K), the suggestions of possible legal and ethics violations more than suffice to "suggest an improper government act to the detriment of public confidence." *ACLU*, 321 F. Supp. 2d at 31.

B. PEER's Request Involves An Urgency To Inform The Public Made By A Person Primarily Engaged In Information Dissemination.

Even if PEER did not qualify for expedited processing under the "media-related standard"—which it unquestionably does—PEER would nevertheless qualify for expedited processing under the "compelling need" test.

The regulations provide that requesters falling within the "compelling need" category must "establish that he or she is a person whose primary professional activity or occupation is information dissemination, though it need not be his or her sole occupation." 15 C.F.R.

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§ 4.6(f)(3). Such requesters “must also establish a particular urgency to inform the public about the Government activity involved in the request—one that extends beyond the public's right to know about Government activity generally.” *Id.* The regulations specifically note that “[t]he existence of numerous articles published on a given subject can be helpful to establishing the requirement that there be an ‘urgency to inform’ the public on a topic.” *Id.*

1. PEER Is Primarily Engaged In Information Dissemination

As suggested by FOIA’s plain meaning and legislative history, the term “primarily engaged in disseminating information” means that “information dissemination be the main [and not merely an incidental] activity of the requestor.” *Allied Progress v. CFPB*, No. 17-686 (CKK), 2017 WL 1750263, at *3 (D.D.C. May 4, 2017) (quoting *Landmark Legal Found. v. EPA*, 910 F. Supp. 2d 270, 276 (D.D.C. 2012)). Publishing information “need not be [the organization's] sole occupation,” *id.*, but must be a primary activity in furtherance of the organization’s mission, *see Leadership Conference on Civil Rights v. Gonzales*, 404 F. Supp. 2d 246, 260 (D.D.C. 2005) (finding that the plaintiff was “primarily engaged in disseminating information” where the “plaintiff disseminates information regarding civil rights and voting rights to educate the public, promote effective civil rights laws, and ensure their enforcement by the Department of Justice”).

As explained in the attached declaration, PEER’s “primary objectives” are to “promot[e] ‘a higher standard of environmental ethics and scientific integrity’ within the federal government, and ‘[i]nform[] the administration, Congress, state officials, media and the public about substantive environmental, natural resource and public health issues of concern to PEER members.’” Decl. Timothy Whitehouse ¶ 3. To that end, “[a] key aspect of [PEER’s] recent work has been the investigation and publication the Trump Administration’s efforts to overhaul (and indeed, largely impede) the federal scientific enterprise—including by suppressing scientific and other technical work, purging the civil service, and privatizing essential government functions and services—and the resulting impacts on environmental regulation and management.” *Id.* ¶ 4. In particular, PEER has worked to expose conflicts of interest in the new Administration and protect whistleblowers from retaliation. *Id.* Prior to the second Trump inauguration, PEER was a prominent supporter of scientific integrity and environmental ethics in the government, and strongly opposed the incoming Administration’s “vision for restructuring the entire federal government” advocated by the then-nascent DOGE and its co-leaders, Elon Musk and Vivek Ramaswamy. *Id.* PEER has an established history of working to compile and disseminate information to the general public, Congress, and policymakers highlighting the importance of scientific integrity and environmental ethics in decisionmaking and holding our policymakers accountable. *See, e.g.,* Tom Perkins, *PFAS widely added to US pesticides despite EPA denial, study finds*, THE GUARDIAN (July 23, 2024) (discussing PEER’s research showing that “‘forever chemicals’ [are] increasingly found in products as agency claims the chemicals aren’t being used”) (Attach. KK); Sheraz Sadiq, *Nearly 60 million acres of BLM land fail to meet agency’s standards for land health*, OR. PUB. BROADCAST (May 24, 2024) (citing PEER’s study showing that livestock grazing is the main reason why nearly 60 million acres of BLM rangeland fail the agency’s own standards for land health) (Attach. LL); Jim Waymer, *Environmental group: Florida pollution enforcement fell into ‘COVID coma’*, FL. TODAY (Sept. 29, 2021) (citing

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PEER's analysis of state environmental prosecutions) (Attach. MM); Decl. Timothy Whitehouse ¶¶ 4, 8, 11.

Particularly relevant here, PEER has been at the forefront of efforts to monitor the Trump Administration's efforts to dismantle administrative agencies, gather and disseminate information regarding the impacts that those efforts will have on the federal science enterprise and services, and advocate for impacted federal employees. When it became apparent that DOGE had moved to infiltrate NOAA and meddle with its data and systems, PEER was ready with a rapid response analysis highlighting how the dismantling and privatization of NOAA threatens to deprive the American public of access to critical weather and climate data, all while personally enriching the people charged with managing the agency for the public good, and immediately requested that agency leaders disclose information regarding DOGE's access to internal databases. *See* PEER, Press Release, *NOAA Must Show Musk the Door* (Feb. 10, 2025) (Attach. NN); Mike Ludwig, *DOGE Ransacks NOAA, Raising Fears About Privatization of Climate Data*, TRUTHOUT (Feb. 8, 2025) (quoting PEER's analysis) (Attach. OO); *accord* Decl. Timothy Whitehouse ¶ 6. PEER's analysis and efforts in this space subsequently informed the reporting of outlets like Yahoo News. *See* Mike Ludwig, *supra* (Attach. OO). PEER has continued to compile, synthesize, and disseminate information relevant to DOGE's actions impacting federal environmental and science agencies through various media, including traditional articles, press releases, and podcasts. *See, e.g.*, The Landscape, *Layoffs at Interior are causing chaos and heartbreak* (Feb. 20, 2025) (podcast featuring PEER's Executive Director, Tim Whitehouse) (Attach. PP); Decl. Timothy Whitehouse ¶¶ 4, 7, 11. PEER has risen to the task by developing expert analyses designed to inform members of media, Congress, the Biden administration, and the general public. *See generally* Jeff Ruch, PEER, *Administration of "Alternative Facts" – No Fact Checkers Welcome* (Feb. 13, 2025) (Attach. QQ); Kyla Bennett, PEER, *GOP Takes Aim at Scientific Integrity* (Jan. 27, 2025) (Attach. RR); Tim Whitehouse, PEER, *Three Things You May Have Missed About Project 2025* (Jan. 22, 2025) (Attach. SS). PEER's efforts in this space have received national media coverage and have been explicitly referenced by members of Congress in various fora. *See* Decl. Timothy Whitehouse ¶ 4; *See, e.g.*, Kevin Bogardus, *DOGE lands at EPA*, E&E NEWS (Feb. 12, 2025) (Attach. TT); Assoc. Press, *Trump administration lays off most probationary staff and warns big cuts to come*, THE GUARDIAN (Feb. 13, 2025) (Attach. UU); David W. Chen & Isabelle Taft, *A National Park Guide Was Flying Home From a Work Trip. She Was Fired Midair*, NY TIMES (Feb. 15, 2025) (Attach. VV); Mike Ludwig, *supra* (Attach. OO). PEER's request will further those efforts by providing information relevant to the Trump Administration's efforts to exercise unprecedented control over NOAA and its agencies, as well as who stands to benefit from such interference. Decl. Timothy Whitehouse ¶¶ 11-13.

Thus, PEER has easily demonstrated that it "intend[s] to disseminate the information obtained," *see* Decl. Timothy Whitehouse ¶ 12; that its "core mission . . . is to inform public understanding on operations and activities of government," including by "gather[ing] and disseminat[ing] information that is likely to contribute significantly to the public understanding of executive branch operations and activities," *see id.* ¶¶ 4, 6-7, 11-13; and that it "intend[s] to give the public access to documents transmitted via FOIA," *see id.* ¶¶ 3, 11-13. *Prot. Democracy Proj. v. U.S. Dep't of Def.*, 263 F. Supp. 3d 293, 298 (D.D.C. 2017). These representations establish that PEER is "primarily engaged in disseminating information." *Id.*

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2. The Request Involves An Urgency To Inform The Public About Actual And Alleged Federal Government Activity

Three factors are pertinent to assessing whether there is an urgency to inform: “(1) whether the request concerns a matter of current exigency to the American public; (2) whether the consequences of delaying a response would compromise a significant recognized interest; and (3) whether the request concerns federal government activity.” *Al-Fayed v. CIA*, 254 F.3d 300, 310 (D.C. Cir. 2001). Because PEER’s request seeks information concerning federal entities (i.e., NOAA and DOGE), there can be no debate that PEER’s request concerns federal government activity and thus satisfies the third element. As demonstrated below, PEER’s request likewise satisfies the first two elements and thus qualifies for expedited processing.

a. PEER Has Demonstrated That Its Request Concerns A Matter Of Current Exigency

It is beyond legitimate dispute that the records requested “pertain to a matter of current exigency to the public.” This factor is satisfied where the requested records implicate matters that are “currently unfolding.” *Al-Fayed*, 254 F.3d at 310. Here, the records requested pertain to the actions of DOGE—a “temporary contracted organization” that is broadly charged with implementing sweeping federal spending cuts and carrying out the Trump Administration’s agenda of deregulation—and those of other federal employees and operatives, as they pertain to the operation of offices within NOAA, a federal agency. As of the date of this letter, DOGE continues to cancel federal contracts, direct federal policy, and access databases and systems under dubious—likely illegal—circumstances and authority. The installation into key agency leadership positions of individuals who support the Trump Administration’s deregulatory agenda while at the same time having significant interests in the very industries targeted for deregulation likewise raises significant conflict of issues concerns. The impacts of DOGE’s actions and threats towards federal workers, all while the Trump Administration appoints seriously conflicted individuals to lead the very agencies that their business and personal interests would see privatized and/or dismantled, continue to reverberate through the federal government and beyond. *See, e.g.*, PEER, Press Release, *supra* (Attach. NN); Mike Ludwig, *supra* (Attach. OO); Accountable.us, *supra* (Attach. V); Alejandra Borunda et al., *supra* (Attach. R); Letter from Hon. Zoe Lofgren et al, to VADM Nancy Hann (Attach. I); Letter from Hon. Deborah K. Ross & Hon. Eric Sorensen, to Pres. Donald J. Trump (Attach. T); Chris Hayes, *supra* (Attach. S); Soo Rin Kim, *supra* (Attach. U); Mike Bedigan, *supra* (Attach. W); Joey Roulette et al., *supra* (Attach. X); April Rubin, *supra* (Attach. Y); Eric Lipton & Kirsten Grind, *supra* (Attach. Z). Because PEER’s request seeks information that directly concerns DOGE’s actions, as well as conflicts of interest that apply to politically appointed and/or nominated agency officials, PEER’s FOIA request clearly pertains to matters that are “the subject of a currently unfolding story.” *Al-Fayed*, 254 F.3d at 310.

That the records requested relate to matters that are of urgent interest to the American public—if not the global public—is further evidenced by the numerous newspaper articles concerning DOGE, Mr. Musk, the Trump Administration’s appointed and nominated officials to positions that could imminently benefit their former colleagues and business interests, and the dismantling of administrative agencies. *See, e.g.*, PEER, Press Release, *supra* (Attach. NN);

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Mike Ludwig, *supra* (Attach. OO); Accountable.us, *supra* (Attach. V); Alejandra Borunda et al., *supra* (Attach. R); Letter from Hon. Zoe Lofgren et al, to VADM Nancy Hann (Attach. I); Letter from Hon. Deborah K. Ross & Hon. Eric Sorensen, to Pres. Donald J. Trump (Attach. T); Chris Hayes, *supra* (Attach. S); Soo Rin Kim, *supra* (Attach. U); Mike Bedigan, *supra* (Attach. W); Joey Roulette et al., *supra* (Attach. X); April Rubin, *supra* (Attach. Y); Eric Lipton & Kirsten Grind, *supra* (Attach. Z). The intense media interest in these matters corroborates the public’s concerns over the future of the administrative state. *See* 15 C.F.R. § 4.6(f)(3) (“The existence of numerous articles published on a given subject can be helpful to establishing the requirement that there be an ‘urgency to inform’ the public on a topic.”). Indeed, as widely reported by the media, DOGE is currently accessing data and systems at NOAA that could contain confidential business information and national security information that could personally benefit Mr. Musk and the Trump Administration’s political appointees and nominees. *See, e.g.,* Alejandra Borunda et al., *supra* (Attach. R); Letter from Hon. Zoe Lofgren et al, to VADM Nancy Hann (Attach. I); Letter from Hon. Deborah K. Ross & Hon. Eric Sorensen, to Pres. Donald J. Trump (Attach. T); Chris Hayes, *supra* (Attach. S); Soo Rin Kim, *supra* (Attach. U). Additionally, Project 2025, which aligns with many of the Trump Administration’s stated policy goals, *see* Elena Shao et al., *supra* (Attach. N); Peter Green, *supra* (Attach. O), calls for the dismantling of NOAA and the privatization of many of its functions, which again could personally benefit Mr. Musk and the Trump Administration’s political appointees and nominees. Because the records PEER seeks relate to these pressing issues, there is unquestionably a “compelling need” to process PEER’s request expeditiously. *See Wadelton v. Dep’t of State*, 941 F. Supp. 2d 120, 123 (D.D.C. 2013) (reporting that courts have found a “compelling need” to exist when the subject matter of the request was “central to a pressing issue of the day”).

Accordingly, the records PEER requests clearly pertain to matters that are “the subject of a currently unfolding story.” *Al-Fayed*, 254 F.3d at 310.

- b. PEER Has Demonstrated That The Consequences Of Delaying Its Request Severely Compromise The Public’s Significant Interest In Participating In The Ongoing Debate Surrounding DOGE, Project 2025, And The Dismantling Of Administrative Agencies

Because PEER’s request implicates matters that are currently being debated and acted upon, the consequences of delaying any response are severe and prejudicial. As explained above, the actions of Mr. Musk, DOGE, and the Trump Administrations political appointees and nominees are matters of significant public interest. If production of the requested records is unduly delayed, PEER, the public at large, and Congress will be precluded from exercising meaningful oversight of the Trump Administration’s highly significant and controversial actions and activities with respect to the future of NOAA—and the extent to which those actions are influenced by special-interest groups—before those actions reach a point where they cannot easily be undone. For example, as explained, the Trump Administration and its allies have suggested that NOAA should be broken up and many of its functions and services reduced or privatized. *See, e.g.,* Rachel Leingang, *supra* (Attach. P); Camille Baker, *supra* (Attach. Q). Alejandra Borunda et al., *supra* (Attach. R). Once employees are laid off, offices are closed or reduced, and contracts with private companies are signed, the dismantling of NOAA is

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essentially a fait accompli and there will be little the public can do to undo the resulting damage. *Accord Decl. Timothy Whitehouse* ¶¶ 9, 14.

Additionally, mounting Congressional and public pressure on the Trump Administration to address rising energy prices has conferred a sense of urgency on federal officials, underscoring the importance of monitoring NOAA's actions. Indeed, just last week, ostensibly pursuant to DOGE's instructions, NOAA fired hundreds of its employees, compromising, *inter alia*, the agency's weather forecasting, climate sensing, and data management missions. *See Eric Zerkel et al., How Americans will feel the impact of Trump's weather forecasting layoffs*, CNN (Mar. 1, 2025) (Attach. WW); Scott Dance & Kasha Patel, *Trump fired hundreds at NOAA, Weather Service. Here's what that means for forecasts*, WASH. POST (Mar. 1, 2025) (Attach. XX); Alejandra Borunda, *NOAA firings raise concerns over agency's ability to forecast hurricanes and more*, NPR (Mar. 3, 2025) (Attach. YY). Without countervailing input from PEER or the public, the Trump Administration, assisted by DOGE, political appointees, and allies, will continue to act quickly to take a sledgehammer to the federal science enterprise, clearing the way for the privatization of many of NOAA's vital, lifesaving services and functions that will have a devastating effect on public health and safety. The fact that these actions are being taken under the direct leadership of those who would stand to benefit from NOAA's functions only heightens these concerns. Accordingly, it is essential that information concerning NOAA's activities in this space—including information about influence from special interests—is available to the public and to Congress while there is time for meaningful course correction. *See Payne Enters., Inc. v. United States*, 837 F.2d 486, 494 (D.C. Cir. 1988) (“[S]tale information is of little value.”).

More broadly, delay of PEER's request will also preclude PEER, the public at large, and Congress “from obtaining in a timely fashion information vital to the current and ongoing debate surrounding” the propriety of high-profile government action—i.e., the wholesale reduction in the size and function of the federal government and privatization of many of the government's essential services that have direct implications for the safety of life and property. Being closed off from such a debate is itself a harm in an open democracy. *See Elec. Frontier Found. v. Off. of Dir. of Nat'l Intelligence*, 2007 WL 4208311, at *7 (N.D. Cal. Nov. 27, 2007) (“[O]ngoing public and congressional debates about issues of vital national importance cannot be restarted or wound back.”). Indeed, to ensure that the American people are not put unnecessarily at risk and that taxpayer dollars are being funneled towards services that benefit *all* Americans—as opposed to just a few private actors—Congress and the public must have a complete understanding of the actions of DOGE and the Trump Administration's appointees and allies and how those actions may be influenced by special or personal interests. To that end, as set forth in the attached declaration, PEER will work to share its reports and information products developed from information gained through this FOIA request, current and former federal employees, and whistleblowers with members of Congress and their staff, PEER's members and supporters, and journalists, as well as with the general public by posting regular news releases and updates on PEER's website. *See Decl. Timothy Whitehouse* ¶¶ 4, 8, 11.

The numerous media reports citing PEER's considerable expertise on the federal science enterprise affirms the value of PEER's information products to the public and to Congress. *Id.* However, to have any meaningful impact on the debate, information about how the Trump

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Administration has used DOGE and its appointees and allies to cut into NOAA’s mission and services—information implicated by the records PEER seeks—must be released and disseminated quickly; any delay in processing PEER’s request only diminishes the value of the information to PEER, the public, and Congress. *Id.* ¶¶ 6, 10-11; *see also Elec. Frontier Found.*, 2007 WL 4208311, at *7; *Prot. Democracy Proj.*, 263 F. Supp. 3d at 299 (finding that a delay in processing FOIA request would compromise a significant recognized interest where the information sought was highly relevant to ongoing debates regarding “high profile government action”).

For all these reasons, PEER has demonstrated that any delay in processing its request will compromise significant recognized interests in facilitating meaningful public debate regarding high-profile government action.

c. PEER Has Demonstrated That The Information Is Urgently Needed

Although the Department of Commerce’s regulations implementing FOIA explain that requesters seeking expedited processing “must also establish a particular urgency to inform the public about the Government activity involved in the request—one that extends beyond the public’s right to know about Government activity generally,” 15 C.F.R. § 4.6(f)(3), FOIA “does not authorize an agency to offer its own definition of ‘compelling need,’” *Al-Fayed*, 254 F.3d at 307. As the D.C. Circuit explained in *Al-Fayed*, the term “compelling need” “is defined by FOIA itself, and because the definition applies across the government,” individual agency interpretations or elaborations of that definition—“whether through case-specific determinations or through regulations”—are afforded no deference. *Id.*

We need not delve into the thorny subject of deference here, as it is clear that under the circumstances of this request, the two inquiries essentially merge. As explained, this request concerns a matter of current exigency—i.e., is the subject of a currently unfolding story. Likewise, this request implicates matters that are of significant public interest and that are currently being debated and acted upon by federal officials *now*. The actions that DOGE is currently taking and the policies that DOGE and the Trump Administration’s political appointees and nominees are currently influencing and implementing are already impacting our federal workforce, agencies, programs, and services. Hence, oversight must be established and solutions to the damage currently being wrought must be developed and implemented quickly. Delaying any response to this request risks precluding the public from exercising meaningful oversight of the Trump Administration’s unprecedented seizure of executive power and the dismantling of an agency that touches the lives of every American, *see* Tim Whitehouse Decl. ¶ 14, matters of significant public concern. Under these circumstances, PEER has thus also demonstrated that there is “particular urgency to inform the public about the Government activity involved in the request—one that extends beyond the public’s right to know about Government activity generally,” 15 C.F.R. § 4.6(f)(3). Accordingly, it is clear that the requested information is also “urgently needed,” as that term is defined by the Department of Commerce. *See id.*

IV. REQUEST FOR A FEE WAIVER

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Regarding fee waivers, FOIA provides that “[d]ocuments shall be furnished without any charge or at a charge reduced below the [regular fee schedule] if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii). The Department of Commerce’s regulations specify that it will provide a full or partial fee waiver if the requester demonstrates “that disclosure is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 15 C.F.R. § 4.11(l)(1). The Department’s regulations implementing FOIA further explain that to determine whether disclosure is in the public interest, the agency must consider:

- (i) . . . whether the subject of the requested records concerns the operations or activities of the Government. . . .
- (ii) . . . whether the disclosure is “likely to contribute” to an understanding of Government operations or activities. . . .
- (iii) . . . [w]hether disclosure of the requested information will contribute to the understanding of a reasonably broad audience of persons interested in the subject, as opposed to the individual understanding of the requester. . . . [and]
- (iv) . . . whether the disclosure is likely to contribute “significantly” to public understanding of Government operations or activities.

Id. § 4.11(l)(2). To demonstrate that the requested disclosure is not primarily in the commercial interest of the requester, the Department will consider “[t]he existence and magnitude of [any] commercial interest,” and, if so, “whether any identified commercial interest of the requester is sufficiently great, in comparison with the public interest in the disclosure.” *Id.* § 4.11(l)(3).

A. The FOIA Request Directly Concerns The Activities Or Operations Of The Federal Government.

It is beyond legitimate dispute that this request directly concerns “identifiable operations or activities of the Federal Government.” 22 C.F.R. § 171.16(a)(1)(i). The request involves records relating to the actions, communications, and activities of Trump Administration officials to significantly overhaul NOAA, a federal agency of immense importance to the American public, as well as potential conflicts of interests that may influence the management of the agency. The request thus clearly relates to the activities or operations of the federal government. Indeed, any decisions made by DOGE, Mr. Musk, and the Trump Administration’s political appointees and nominees with respect to the management of NOAA are taken at the direction of the Trump Administration, and thus are direct actions taken by the federal government or its representatives. As such, this request directly concerns the activities or operations of the federal government.

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B. The FOIA Request Is Likely To Contribute To The Public Understanding Of Those Activities and Operations.

This FOIA request is likely to contribute to the public understanding of the activities and operations of the Federal Government in several distinct ways. The requested information has not been publicly disclosed, despite requests from interested parties and news media. *See* 15 C.F.R. § 4.11(1)(2)(ii) (providing that “[t]he disclosure of information that already is in the public domain, in either the same or a substantially identical form, would not be likely to contribute to such understanding”). Therefore, the requested information is both new and will help to confirm or clarify information that has been made public, in particular, information regarding the federal government’s efforts to reduce and/or break apart NOAA, privatize the vital functions and/or services that NOAA provides, and the extent to which the government’s efforts in those regards are influenced by special interests. Indeed, the FOIA request will help clarify, for the first time, the conflicts of interests that apply to DOGE, Mr. Musk, and the Trump Administration’s political appointees and nominees to key NOAA leadership positions, and the extent to which those conflicts may influence or have influenced decisions and actions regarding the management and future of the agency. These crucial pieces of information will contribute to the public’s understanding of the federal government’s decision-making process regarding the future of NOAA, its employees, and the vital, life-saving services the agency provides. Specifically, the records requested will be meaningfully informative as to DOGE’s actions with respect to NOAA; the existing relationships between key Administration officials (both appointed and nominated), their personal and financial interests, and the agency; the types of policy decisions that are being made; and whether/how those decisions are being considered.

The services that NOAA provides to the American people—including, *inter alia*, weather forecasting, data collection and dissemination, earth observations, and space commerce management—are of critical importance to the safety of life and property. The question of how to efficiently provide these services consistent with the principles of scientific integrity in the face of shrinking federal budgets, rising costs, and escalating pressure from private industry is of increasing importance in light of worsening climate change and the surging frequency of major climate-driven disasters. Hence, there has been considerable public interest in Project 2025’s calls to dismantle NOAA and privatize many of its functions. To that end, through these records, PEER expects to significantly increase the public’s understanding of the Trump Administration’s actions and plans with respect to the agency, whether and to what extent the Administration’s key allies and officials stand to benefit from the privatization of NOAA and its agencies, and whether and to what extent private interests are influencing the Administration’s goals for the future of the federal science enterprise.

A broad sector of the public is concerned that the Trump Administration is prioritizing the private interests of its allies over the health and safety of the American people. Additionally, as demonstrated by various news articles, *see, e.g.*, David Schechter et al., *supra* (Attach. BB); Scott Dance, *supra* (Attach. CC); Spencer Soicher, *supra* (Attach. DD); EER, Press Release, *supra* (Attach. NN); Mike Ludwig, *supra* (Attach. OO); Accountable.us, *supra* (Attach. V); Alejandra Borunda et al., *supra* (Attach. R); Chris Hayes, *supra* (Attach. S); Soo Rin Kim, *supra* (Attach. U); Mike Bedigan, *supra* (Attach. W); Joey Roulette et al., *supra* (Attach. X); April Rubin, *supra* (Attach. Y); Eric Lipton & Kirsten Grind, *supra* (Attach. Z), the public is deeply

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concerned about the influence of Project 2025 on the Trump Administration's plans for the future of the administrative state, as well as the undue influence that unelected billionaires and their operatives may exercise over NOAA and its future. Accordingly, information concerning the Trump Administration's actions and activities with respect to NOAA is essential to the public's understanding of these important and timely matters. The contents of the request are therefore meaningfully informative, and will contribute to the understanding of a reasonably broad audience because they relate to information about the actions of a federal agency on matters that directly affect the everyday lives of Americans and have a nexus to environmental, energy, geopolitical, and economic impacts.

The public is always well-served when it knows how the government conducts its activities, particularly matters touching on important questions about how agencies are implementing their statutory duties or about how Congress should enact further legislation to ensure that agencies are complying with congressional intent. The records produced from this FOIA request will produce the most reliable information available to the public on these important matters ongoing within the agency, and, indeed, in most cases this is the only way that the public has to gain insight. Hence, there can be no dispute that disclosure of the requested records to the public will significantly contribute to educating the public about NOAA's operations, activities, and decisionmaking. PEER will utilize the released records and our organizational expertise to help our members, lawmakers, activists, the general public, and the media to increase their understanding of these important issues.

C. Disclosure Will Contribute To The Understanding Of A Reasonably Broad Audience Of Interested Persons.

Pursuant to the Department of Commerce's regulations implementing FOIA, when considering whether the requested disclosure will contribute to the understanding of a reasonably broad audience of persons interested in the subject, the agency will consider the "requester's expertise in the subject area and ability and intention to effectively convey information to the public." 15 C.F.R. § 4.11(l)(2)(iii). "It shall be presumed that a representative of the news media will satisfy this consideration." *Id.*

PEER qualifies as a representative of the news media and thus, presumptively satisfies this factor. The Department of Commerce's regulations implementing FOIA defines "representative of the news media" to mean "means any person or entity that actively gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work and distributes that work to an audience." 15 C.F.R. § 4.11(b)(6). The term "news" is further defined to mean "information that is about current events or that would be of current interest to the public." *Id.* The "past publication record of a requester" is considered evidence that the requester falls within the news media category. *Id.*

As explained above and in the attached declaration, PEER is primarily engaged in information dissemination and has a demonstrated "expertise in the subject area" of the federal science enterprise, including environmental ethics, scientific integrity, and conflicts of interest. 15 C.F.R. § 4.11(l)(2)(iii); Decl. Timothy Whitehouse ¶¶ 4, 8, 11. Additionally, PEER "gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw

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material into a distinct work, and distributes that work to an audience.” *See* 5 U.S.C. § 552(a)(4)(A)(ii); *Nat’l Sec. Archive v. U.S. Dep’t of Def.*, 800 F.2d 1381, 1387 (D.C. Cir. 1989). Indeed, PEER has extensive and well-exercised means to keep the public informed on the operations and activities of the federal government. *See* Decl. Timothy Whitehouse ¶¶ 8, 11. Significantly, PEER does not merely obtain information and then contact members of the press to relate that information; rather, PEER independently analyzes the information, drafts its own reports, newsletters, and articles on the issues, and disseminates the information broadly through its own website and publications to our members and other interested persons. *See, e.g., id.* ¶¶ 4, 8, 11. Accordingly, PEER has met this criterion for a fee waiver.

In any event, even if not considered a member of the news media, disclosure of the requested information to PEER will undoubtedly “contribute to the understanding of a reasonably broad audience of persons interested in the subject.” 15 C.F.R. § 4.11(1)(2)(iii). As extensively explained above, the disclosure of the information requested will contribute to the understanding of a reasonably broad audience because it concerns issues that are controversial and highly impactful to Americans’ daily lives, including on decisions to allow unelected officials with questionable credentials access confidential business and/or national security information, and decisions to reduce, eliminate, and/or privatize NOAA’s services and/or functions. The public will benefit from the broad disclosure of the requested information by better understanding the federal government’s assessment of the risks presented by these decisions to the American people.

Moreover, PEER has the intent and ability to disseminate this information broadly as it has a large member base of individuals with a strong interest in matters that concern the federal science enterprise. PEER has a demonstrated “expertise in th[is] subject area and [the] ability and intention to effectively convey information to the public.” 15 C.F.R. § 4.11(1)(2)(iii). PEER has over NUMBER staff, clients, and supporters across the United States who place a priority on ensuring that the federal government takes proper considerations for the impacts of its actions on the environment and public health. This starts with knowing what the government is doing, who they are in communications with, and what is being asked of policymakers.

To that end, PEER utilizes various means of communication to update its staff, clients, and supporters, as well as the media and general public, on government activities that may impact human health and the environment. These methods include, but certainly are not limited to, providing essential information in easy-to-read reports, a quarterly news magazine, fact sheets, press statements, public hearings and events, phone calls, letters to the editor, blogs, email alerts, and webpage updates. *See, e.g.,* Decl. Timothy Whitehouse ¶¶ 4, 8, 11. Specifically for this request, PEER plans to alert the public, members of Congress, policymakers, and supporters as to recent government actions and activities undertaken as part of a massive effort to overhaul administrative agencies, including by reducing the federal workforce; reducing, eliminating, and/or privatizing certain agencies, their services, and/or their functions; and implementing the policy goals of the controversial Project 2025. As a result of its partnerships with other non-profit organizations and journalists, and its respected role in public education, PEER is well-positioned to disseminate the requested information to its partners and the media, who will in turn disseminate the information across their networks of members and supporters, amplifying the organization’s reach.

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In summary, as a well-known non-profit organization with a large following, experience in news dissemination, and multiple partnerships with other non-profit groups, the news media, and Congressional offices, PEER will most certainly have the ability to disseminate this information to a reasonably broad audience. As PEER is a non-profit committed to “[m]onitor[ing] agencies by serving as a “watch dog” for the public interest,” and “[i]nform[ing] the administration, Congress, state officials, media and the public about substantive environmental, natural resource and public health issues of concern to PEER members,” PEER, *About Us*, <https://peer.org/about-us/> (last visited Feb. 24, 2025), including through the investigation and publication of the federal government’s efforts to suppress scientific and other technical work, purge the civil service, and privatize essential government functions and services—as well as the resulting impacts on the health and safety of American lives and property—actions taken by federal officials to interfere with the operations and management of NOAA are directly correlated both with the expertise of PEER and with the interests of its supporters and partners.

D. The Disclosure Will Enhance The Public’s Understanding Of The Subject To A Significant Extent.

As exhaustively detailed above, the information requested is of high importance to all American people and certainly PEER’s large member base, who have interests in environmental and science policy. The information requested is new and would help clarify the government’s decisionmaking process and rationale with respect to highly consequential decisions and actions related to the Trump Administration’s actions regarding NOAA and its future, as well as the extent to which those actions are influenced by special interests that stand to benefit from the reduction, elimination, and/or privatization of the agency’s services. The contents of the request are therefore meaningfully informative, and PEER intends to take the information disclosed and compile, distill, and disseminate policy analyses, news alerts, reports, and articles to inform the public, members of Congress, policymakers, and supporters as to DOGE’s infiltration of NOAA and the impacts of DOGE’s actions on federal employees and contractors, information and data security, privatization of agency functions, and potential conflicts of interest with the personal and business interests of high-level Trump Administration officials. In light of PEER’s established record of significantly contributing to the public’s understanding of and discourse on closely related subjects, there is no reason to doubt similar a outcome will occur here. Accordingly, considering the foregoing, PEER has more than adequately demonstrated that disclosure will significantly enhance the public’s understanding of federal efforts to reshape the administrative state and the federal science enterprise *See* 15 C.F.R. § 4.11(1)(2)(iv).

E. PEER Does Not Have A Commercial Interest That Would Be Furthered By The Requested Disclosure.

Because PEER seeks the information in support of its news-dissemination function, this request “shall not be considered for commercial use.” 15 C.F.R. § 4.11(b)(6).

In any event, even if not considered a member of the news media, PEER is a not-for-profit charitable organization with no commercial interest in or use for the information requested.

EXPEDITED FREEDOM OF INFORMATION ACT REQUEST

15 C.F.R. § 4.11(l)(3). There is no “existence” or “magnitude” to any commercial interest associated with this request, and PEER’s “primary interest in disclosure” is simply to benefit the public interest by informing the public and other members of the media as to government activities. *Id.* § 4.11(l)(3)(i). The organization’s main purpose in requesting the documents is to increase public knowledge and participation in the government process so fundamental to the effective working of a democracy.² The requested information will be broadly disseminated to the public, and will be used to educate and inform the public regarding the federal government’s decisionmaking processes and actions responding to the energy crisis. Thus, PEER’s request is not rooted in a purpose that furthers its commercial, trade or profit interests. *See* Off. Mgmt. & Budget, *Uniform Freedom of Information Act Fee Schedule and Guidelines*, 52 Fed. Reg. 10,012, 10,017-18 (Mar. 27, 1987); 15 C.F.R. § 4.11(l)(3). Accordingly, PEER does not have a commercial interest in the disclosure of the requested information.

For the reasons outlined above, PEER is entitled to a fee waiver for this request. As a non-profit, public interest organization, PEER has extremely limited financial resources with which to cover the copying and search expenses of this request. If the request for a fee waiver is denied and any expenses associated with this request are in excess of \$25.00, please obtain PEER’s approval before any such charges are incurred.

CONCLUSION

We look forward to receiving the agency’s final, expedited response within 10 working days. Thank you for your prompt attention to this matter. Please email me at lizzie@eubankslegal.com with any questions about this FOIA request. Please also include Timothy Whitehouse at twhitehouse@peer.org on all correspondence.

Respectfully submitted,

/s/Elizabeth L. Lewis

Elizabeth L. Lewis

Senior Associate Attorney

² As explained above, *supra* at 13-14, PEER also qualifies as a “representative of the news media,” and is further entitled to document search and review without charge (as well as the first 100 pages of paper copies free of charge). *See* 22 C.F.R. § 171.14 (b)(5)(ii)(C) (“representative of the news media is any person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience.”).

DECLARATION OF TIMOTHY WHITEHOUSE, EXECUTIVE DIRECTOR

I, Timothy Whitehouse, declare as follows:

1. I have personal knowledge of the matters asserted in this declaration, and if called upon to testify, I would state the same.

2. I am submitting this declaration in support of Public Employees for Environmental Responsibility's ("PEER") March 4, 2025 Freedom of Information Act ("FOIA") request to the National Oceanic and Atmospheric Administration's ("NOAA") National Environmental Satellite, Data, and Information Services ("NESDIS") for certain records concerning the relationship between NOAA and the recently-formed Department of Government Efficiency ("DOGE"), as well as Trump Administration appointees and nominees to key leadership positions within the agency. I hereby incorporate the FOIA request by reference.

3. I am PEER's Executive Director. In that role, I oversee PEER's efforts to scrutinize government activity that may impact human health and the environment, and to disseminate information on those activities to the public. To that end, PEER staff compile information obtained both from public sources and through FOIA requests, and use their expertise and editorial skills to quickly synthesize the information, develop meaningful alerts, reports, fact sheets, infographics, editorials, press releases, and articles, and disseminate those products to a wide audience to assist in our work to support "environmental and public health professionals, land managers, scientists, enforcement officers and other civil servants dedicated to upholding environmental laws and values." See PEER, *About PEER*, <https://peer.org/about-us/> (last visited Feb. 18, 2025). In this way, my staff help to facilitate and promote PEER's primary objectives of promoting "a higher standard of environmental ethics and scientific integrity" within the federal government, and "[i]nform[ing] the administration, Congress, state officials,

media and the public about substantive environmental, natural resource and public health issues of concern to PEER members.” *Id.*

4. A key aspect of our recent work has been the investigation and publication the Trump Administration’s efforts to overhaul (and indeed, largely impede) the federal scientific enterprise—including by suppressing scientific and other technical work, purging the civil service, and privatizing essential government functions and services—and the resulting impacts on environmental regulation and management. *See, e.g.*, PEER, *Areas of Work*, <https://peer.org/areas-of-work/> (last visited Feb. 18, 2025). PEER has also focused on exposing conflicts of interest in the new Administration and protecting whistleblowers from retaliation. *Id.*; *see also* Colleen Teubner, PEER, *Anonymous Activism and Whistleblowing in the Age of Trump* (Jan. 24, 2025) (Attach. ZZ). Accordingly, PEER has been at the forefront of monitoring the Trump Administrations actions towards public employees—particularly those in science- and environment-focused agencies—and sounding the alarm on DOGE’s unprecedented access to sensitive data and systems critical to the health and safety of all Americans. *See* PEER, *The Second Trump Administration*, <https://peer.org/second-trump-administration/> (last visited Feb. 18, 2025) (Attach. AAA); *see also* PEER, *Letter to Acting Commerce Secretary Jeremy Pelter – Musk access to NOAA databases*, <https://peer.org/letter-to-acting-commerce-secretary-jeremy-pelter-musk-access-noaa-databases/> (last visited Feb. 18, 2025) (Attach. BBB); PEER, *Letter to EPA Administrator Lee Zeldin – Musk Access to EPA Databases*, <https://peer.org/letter-to-epa-administrator-lee-zeldin-musk-access-to-epa-databases/> (last visited Feb. 18, 2025) (Attach. CCC). We have risen to this task by developing expert analysis designed to inform public employees, members of media, Congress, and the general public. *See, e.g.*, Jeff Ruch, PEER, *Administration of “Alternative Facts” – No Fact Checkers Welcome* (Feb. 13, 2025) (Attach.

QQ); Kyla Bennett, PEER, *GOP Takes Aim at Scientific Integrity* (Jan. 27, 2025) (Attach. RR); Tim Whitehouse, PEER, *Three Things You May Have Missed About Project 2025* (Jan. 22, 2025) (Attach. SS). Even before the second Trump inauguration, PEER was a prominent opponent of the “vision for restructuring the entire federal government” advocated by the then-nascent DOGE and its co-leaders, Elon Musk and Vivek Ramaswamy, highlighting Mr. Musk’s many conflicts of interest with the agencies he would soon audit and the contradiction between Mr. Musk and Mr. Ramaswamy’s claims—in particular, that the federal government is “spiraling out of control”—with the fact that “the total federal workforce has remained largely static, despite steady population growth over the decades.” Jeff Ruch, PEER, *Musk and Ramaswamy: The Smartest Most Clueless Guys in the Room* (Nov. 23, 2024) (Attach. DDD); *see also* Timothy Whitehouse, PEER, *The Federal Workforce Isn’t So Bloated* (Dec. 6, 2024) (Attach. EEE). PEER has also worked to inform its members and the public of the risks to the many services the government provides should DOGE’s goals become reality, even as its purported head, Mr. Musk, and other Trump Administration insiders stand to gain significantly. *See, e.g.*, PEER, Press Release, *NOAA Must Show Musk the Door* (Feb. 10, 2025), available at <https://peer.org/noaa-must-show-musk-the-door/> (Attach. NN). PEER’s work in this area has been widely cited by national news media outlets. *See, e.g.*, Kevin Bogardus, *DOGE lands at EPA*, E&E NEWS (Feb. 12, 2025) (Attach. TT); Assoc. Press, *Trump administration lays off most probationary staff and warns big cuts to come*, THE GUARDIAN (Feb. 13, 2025) (Attach. UU); David W. Chen & Isabelle Taft, *A National Park Guide Was Flying Home From a Work Trip. She Was Fired Midair*, NY TIMES (Feb. 15, 2025) (Attach. VV); Mike Ludwig, *DOGE Ransacks NOAA, Raising Fears About Privatization of Climate Data*, TRUTHOUT (Feb. 8, 2025) (Attach. OO).

5. On January 20, 2025, the Trump Administration created DOGE by executive order. *See* Exec. Order No. 14158, *Establishing and Implementing the President’s “Department of Government Efficiency,”* 90 Fed. Reg. 8,441 (Jan. 20, 2025). Although referred to as a “Department,” DOGE is in fact a temporary contracted organization that is led by Elon Musk and is broadly charged with implementing sweeping federal spending cuts and carrying out the Trump Administration’s agenda of deregulation. *See id.* Since its establishment, DOGE has embedded at federal agencies across the government as its personnel take a sledgehammer to the federal enterprise, cancelling contracts, directing mass firings, and accessing sensitive data and systems as it claims—without any evidence—that it is rooting out fraud and waste. *See* Aaron Blake, *Trump and Musk can’t seem to locate much evidence of fraud,* WASH. POST (Feb. 13, 2025) (Attach. A); Benjamin Siegel et al., *‘What’s going to break?’ DOGE staffers ‘scorching the earth’ as they reshape federal government,* ABC NEWS (Feb. 6, 2025) (Attach. B); Eric Levitz, *The blatant lie behind Elon Musk’s power grab,* Vox (Feb. 7 2025) (Attach. C). DOGE’s actions and access to sensitive data have raised the specter of serious conflicts of interest and ethical violations. *See, e.g.,* Bobby Allyn & Shannon Bond, *Elon Musk is barreling into government with DOGE, raising unusual legal questions,* NPR (Feb. 3, 2025) (Attach. FFF); Nick Schwellenbach, *Elon Musk’s DOGE Teams Raise Vetting, Ethics Concerns,* Proj. on Gov’t Oversight (Feb. 6, 2025) (Attach. GGG). Media reports have exposed the successful efforts by DOGE personnel to access highly sensitive systems at agencies across the federal government, including NOAA. Alejandra Borunda et al., *Trump officials signal potential changes at NOAA, the weather and climate agency,* NPR (Feb. 15, 2025) (Attach. R); FP Explainers, *Who is Nikhil Rajpal, the Indian-origin engineer who is part of Elon Musk’s controversial Doge?,* FIRSTPOST (Feb. 10, 2025) (Attach. HHH); Fatima Hussein & Josh Boak, *Treasury watchdog begins audit*

of Musk DOGE team's access to the US government's payment system, ASSOC. PRESS (Feb. 14, 2025) (Attach. J); Michael Sainato, *Doge staffers enter NOAA headquarters and incite reports of cuts and threats*, THE GUARDIAN (Feb. 4, 2025) (Attach. H); *see also* Hon. Zoe Lofgren et al., House of Rep., to VADM Nancy Hann, Acting Admin, NOAA (Feb. 10, 2025) (expressing concern regarding the “unacceptable risks to data systems” at NOAA presented by “DOGE’s infiltration” of the agency, particularly in light of the confidential business information and national security information contained within those systems) (Attach. I). These data systems contain the personal information of millions of Americans, as well as confidential business information and information pertinent to national security. *See, e.g.*, Letter from Hon. Zoe Lofgren et al, to VADM Nancy Hann (Attach. I). Yet, the Trump Administration and DOGE continue to resist meaningful oversight of DOGE’s activities. *See* Peter Charalambous, *Contradictory statements about Musk make it unclear who runs DOGE*, ABC NEWS (Feb. 17, 2025) (quoting U.S. District Judge John Bates, who wrote that DOGE is “curiously” avoiding the “agency” label in an apparent attempt to “escape the obligations that accompany agencyhood — such as being subject to the Freedom of Information Act, the Privacy Act and the Administrative Procedures Act -- while reaping only its benefits”) (Attach. K).

6. As explained in PEER’s FOIA request, DOGE’s directives and rhetoric bear the fingerprints of Project 2025, the rightwing blueprint for overhauling government developed by the Heritage Foundation. Relevant here, Project 2025 calls for the dismantling of NOAA and the privatization of many of the essential services performed by NOAA’s line offices and agencies. In particular, Project 2025 calls for the privatization of many of NOAA’s essential weather forecasting and climate sensing and data collecting services. The unleashing of unvetted, untrained DOGE employees on the agency risks the breakdown of these crucial services. *See*,

e.g., David Schechter et al., *Former top NOAA scientist under Trump issues a “Sharpie-gate” warning*, CBS NEWS (Feb. 8, 2025) (Attach. BB); Scott Dance, *Scientists on alert as NOAA restricts contact with foreign nationals*, WASH. POST (Feb. 7, 2025) (Attach. CC); Spencer Soicher, *‘Malicious, vindictive, and overly aggressive’: Meteorologists and weather industry say breaking up NOAA would have catastrophic effects*, 9NEWS (Feb. 7, 2025) (Attach. DD); Alejandra Borunda et al., *supra* (Attach. R). At the same time, the involvement of Mr. Musk and other political appointees with significant personal and business interest in enterprises adjacent to NOAA’s public mission—including aerospace, ocean exploration, weather forecasting, telecommunications, and artificial intelligence—has only fueled concerns of conflicts of interests, self-dealing, and ethics violations. *See, e.g.*, Chris Hayes, *Elon Musk is a walking conflict of interest*, MSNBC (Feb. 6, 2025) (Attach. S); Letter from Hon. Deborah K. Ross & Hon. Eric Sorensen, House of Rep., to Pres. Donald J. Trump (Feb. 10, 2025) (expressing concern regarding DOGE’s activities and actions towards NOAA and the potential conflicts of interest with Mr. Musk’s business interests) (Attach. T); Soo Rin Kim, *As Musk works to slash federal spending, his own firms have received billions in government contracts*, ABC NEWS (Feb. 10, 2025) (Attach. U); Accountable.us, Press Release, *Watchdog: Billionaire Commerce Nominee Howard Lutnick Simply Too Conflicted to Confirm* (Feb. 18, 2025), available at <https://accountable.us/watchdog-billionaire-commerce-nominee-howard-lutnick-simply-too-conflicted-to-confirm/> (noting Howard Lutnick’s business interests in the satellite industry) (Attach. V); Letter from Hon. Zoe Lofgren et al, to VADM Nancy Hann (Attach. I). Indeed, through its various agencies, including (but not limited to) the National Weather Service, NESDIS, and the Office of Space Commerce, NOAA has oversight over and/or business agreements with several of the companies in which Mr. Musk and newly-confirmed Commerce

Secretary Howard Lutnick have held significant interests in at some point over the last calendar year. *See, e.g.*, NOAA, Press Release, *NASA Awards Launch Services Contract for NOAA's JPSS-4 Mission*, (July 22, 2024) available at <https://www.nesdis.noaa.gov/news/nasa-awards-launch-services-contract-noaas-jpss-4-mission>; Off. of Space Commerce, NOAA, *NOAA, SpaceX Enter Cooperative Agreement for Automated Collision Avoidance R&D* (Jan. 31, 2024), available at <https://www.space.commerce.gov/noaa-spacex-enter-cooperative-agreement-for-automated-collision-avoidance-rd/>; Jason Rainbow, *Satelloic gets NOAA license for move to the United States*, SpaceNews (Nov. 21, 2023) (Attach. III). Thus, as DOGE moved to infiltrate NOAA and meddle with its data and systems, PEER was ready with a rapid response analysis highlighting how the dismantling and privatization of NOAA threatens to deprive the American public of access to critical weather and climate data, all while personally enriching the people charged with managing the agency for the public good. *See* PEER, Press Release, *NOAA Must Show Musk the Door* (Feb. 10, 2025) (Attach. NN); accord Mike Ludwig, *supra* (quoting PEER's analysis) (Attach. OO).

7. Since the Trump Administration's announcement and creation of DOGE, PEER has continued to cover this important issue. In particular, PEER remains concerned about Mr. Musk's role as a driver of the dismantling of NOAA in light of his close ties to the aerospace and private weather industries, as well as his demonstrated disregard for the complex systems that maintain the integrity of the federal enterprise. *See* PEER, Press Release, *supra* (Attach. NN). Mr. Musk and his allies are calling unapologetically for massive cuts to the federal workforce, even as his companies benefit from federal contracts and work to integrate themselves into federal systems. *See* Mike Ludwig, *supra* (Attach. OO); Accountable.us, *supra* (Attach. V); Alejandra Borunda et al., *supra* (Attach. R); Letter from Hon. Zoe Lofgren et al, to VADM

Nancy Hann (Attach. I); Letter from Hon. Deborah K. Ross & Hon. Eric Sorensen, to Pres. Donald J. Trump (Attach. T); Chris Hayes, *supra* (Attach. S); Soo Rin Kim, *supra* (Attach. U); Mike Bedigan, *supra* (Attach. W); Joey Roulette et al., *Exclusive: Trump Air Force nominee arranged satellite contract in manner that favored Musk's SpaceX*, REUTERS (Feb. 7, 2025) (Attach. X); April Rubin, *Musk's SpaceX personnel visiting FAA to suggest improvements*, AXIOS (Feb. 17, 2025) (Attach. Y); Eric Lipton & Kirsten Grind, *Elon Musk's Business Empire Scores Benefits Under Trump Shake-Up*, NY TIMES (Feb. 11, 2025) (Attach. Z). This pattern threatens to repeat at NOAA, where Mr. Musk has installed DOGE employee Nikhil Rajpal, an engineer with no experience in weather, fisheries, or climate science, to enforce DOGE's directives. *See* FP Explainers, *supra* (Attach. HHH). Mr. Rajpal has obtained access to NOAA's data and systems that are vital to the agency's missions and contain confidential information, alarming officials and observers. *Id.*; *see also* Michael Sainato, *supra* (Attach. H). PEER has repeatedly sounded the alarm over DOGE's efforts to fire federal workers, cut programs, and slash federal regulations, as well as its attempts to effectuate those goals by allowing DOGE engineers to scrutinize federal agency databases. *See, e.g.*, PEER, Press Release, *supra* (Attach. NN); Mike Ludwig, *supra* (Attach. OO); The Landscape, *Layoffs at Interior are causing chaos and heartbreak* (Feb. 20, 2025) (podcast featuring PEER's Executive Director, Tim Whitehouse) (Attach. PP); Jeff Ruch, PEER, *Administration of "Alternative Facts" – No Fact Checkers Welcome* (Feb. 13, 2025) (Attach. QQ); Kyla Bennett, PEER, *GOP Takes Aim at Scientific Integrity* (Jan. 27, 2025) (Attach. RR); Tim Whitehouse, PEER, *Three Things You May Have Missed About Project 2025* (Jan. 22, 2025) (Attach. SS). Consistent with its mission of promoting "a higher standard of environmental ethics and scientific integrity" within federal agencies, PEER has likewise decried the growing influence of special interests as DOGE

cannibalizes the federal government for parts to sell to private industry. The appointment of persons with close ties to the private weather industry, such as Neil Jacobs and Taylor Jordan, only exacerbates these concerns. *See* Alejandra Borunda et al., *supra* (Attach. R) (noting that the nomination of two weather experts to the top positions in NOAA is “unusual”); *cf.* Maria Aspan & Scott Horsley, *Trump picks Wall Street investor Howard Lutnick as Commerce Secretary*, NPR (Nov. 19, 2024) (noting that Commerce Secretary Howard Lutnick has “promised to stack the next Trump administration with loyalists” to carry out the Administration’s agenda) (Attach. JJJ). It is particularly concerning that DOGE has operated in secret, outside of public or Congressional oversight, and has to date largely resisted judicial oversight.

8. Through its line offices and agencies, NOAA touches the lives of nearly every single American, whether through weather forecasting, fisheries management, coastal flooding prediction and management, ocean mapping, climate resilience, or hurricane and storm tracking. *See, e.g.,* Dr. Juan Declet-Barreto, Union of Concerned Scientists, Statement, *Dismantling NOAA Would Break Lifesaving Weather and Climate Data and Tools People in US Rely on Daily* (Feb. 5, 2025) (Attach. LLL), available at <https://www.ucsusa.org/about/news/dismantling-noaa-would-break-lifesaving-weather-and-climate-data-and-tools-people-us>. The role of Mr. Musk, DOGE, and the Trump Administration’s appointees, nominees, and allies in dismantling an agency that plays such a central role in public safety and national security is unquestionably a matter of significant and immediate public concern. Indeed, the significant and compelling public interest in the shameless display of corporate greed and elevation of partisanship over facts is demonstrated by the numerous news articles on the topic, *see, e.g.,* Mike Ludwig, *supra* (Attach. OO); Accountable.us, *supra* (Attach. V); Alejandra Borunda et al., *supra* (Attach. R); Letter from Hon. Zoe Lofgren et al, to VADM Nancy Hann (Attach. I); Letter from Hon.

Deborah K. Ross & Hon. Eric Sorensen, to Pres. Donald J. Trump (Attach. T); Chris Hayes, *supra* (Attach. S); Soo Rin Kim, *supra* (Attach. U); Mike Bedigan, *supra* (Attach. W); Joey Roulette et al., *supra* (Attach. X); April Rubin, *supra* (Attach. Y); Eric Lipton & Kirsten Grind, *supra* (Attach. Z). PEER staff have worked diligently to highlight to the media and Congressional members through expert analysis, information dissemination, and press releases the risks presented by the actions of DOGE, Mr. Musk, and his allies to health and public safety. *See generally* Jeff Ruch, *supra* (Attach. QQ); Kyla Bennett, *supra* (Attach. RR); Tim Whitehouse, *supra* (Attach. SS). PEER intends to continue to compile information, offer its expert analysis, develop meaningful alerts, reports, fact sheets, infographics, editorials, press releases, and articles, and disseminate those products to a wide audience to assist in our work. As explained, PEER has an established track record of successful engagement with its members, the media, Congress, and the general public. *See e.g.*, Kevin Bogardus, *supra* (Attach. TT); Assoc. Press, *supra* (Attach. UU); David W. Chen & Isabelle Taft, *supra* (Attach. VV); Mike Ludwig, *supra* (Attach. OO). Indeed, our work on environmental ethics and scientific integrity in the federal government has been cited by major news sources. *See, e.g.*, Tom Perkins, *PFAS widely added to US pesticides despite EPA denial, study finds*, THE GUARDIAN (July 23, 2024) (discussing PEER’s research showing that “‘forever chemicals’ [are] increasingly found in products as agency claims the chemicals aren’t being used”) (Attach. KK); Sheraz Sadiq, *Nearly 60 million acres of BLM land fail to meet agency’s standards for land health*, OR. PUB. BROADCAST (May 24, 2024) (citing PEER’s study showing that livestock grazing is the main reason why nearly 60 million acres of BLM rangeland fail the agency’s own standards for land health) (Attach. LL); Jim Waymer, *Environmental group: Florida pollution enforcement fell into ‘COVID coma’*, FL. TODAY (Sept. 29, 2021) (citing PEER’s analysis of state environmental

prosecutions) (Attach. MM). Consistent with its past practice, PEER will work to share its reports and information products developed from information gained through this FOIA request, current and former federal employees, and whistleblowers with members of Congress and their staff, PEER's members and supporters, and journalists, as well as with the general public by posting regular news releases and updates on PEER's website.

9. As part of PEER's efforts to monitor and inform the public about the impacts to environmental ethics, scientific integrity, and the federal science enterprise from the actions of DOGE, Mr. Musk, and the Trump Administration's appointees and allies, we monitor the relationships and communications between federal officials and lobbyists and executives from regulated industries. We discovered that Mr. Musk and appointees and nominees for key positions within the Department of Commerce and NOAA—specifically, Howard Lutnick, Neil Jacobs, and Taylor Jordan—are uniquely positioned to have significant influence over the future of the science agency. *Accord supra* ¶ 7. As described in PEER's FOIA request, DOGE is working to drastically cut the federal workforce and facilitate the privatization of important government services, including several within NOAA. Indeed, Project 2025 has specifically called for the dismantling of NOAA for allegedly promoting “climate alarmism” and the privatization of the National Weather Service. At the same time, political appointees to key positions within NOAA have significant experience in the private aerospace and weather industries, and appear well-positioned to assist DOGE in making surgical cuts to NOAA's climate and weather science services and functions. However, cutting NOAA's climate sensing, weather forecasting, and other services is short-sighted and makes little sense. The science is unequivocal; the government's own National Climate Assessment recognizes that “human-caused climate change is increasing the frequency and intensity of . . . extreme weather . . . most

notably, the rise in vulnerability to drought, lengthening wildfire seasons in Western states, and the potential for extremely heavy rainfall becoming more common in the eastern states.” U.S. Global Change Res. Program, Fifth National Climate Assessment 1-17 (Nov. 14, 2023) [Fifth Nat’l Climate Assess.] (Attach. MMM); *accord* Adam B. Smith, NOAA, 2024: *An active year of U.S. billion-dollar weather and climate disasters* (Jan. 10, 2025) (Attach. NNN). Additionally, “sea level rise is worsening hurricane storm surge flooding.” Fifth Nat’l Climate Assess. at 1-17 (Attach. MMM). Yet, at the exact time that we should be supporting NOAA’s work to better understand and predict climate-related disasters, the Trump Administration and DOGE threaten to cripple the agency and hamstring its life-saving work. This result is particularly untenable because NOAA itself has shown that climate change has contributed to an exponential increase in billion-dollar disasters that threaten the lives and livelihoods of Americans across the nation.¹

10. DOGE and Mr. Musk’s development and implementation of its policies and directives are occurring behind closed doors without any participation from the public or non-governmental organizations. At the same time, Mr. Musk’s businesses have taken on increasing roles in the federal government, pushing aside career civil servants and subject-matter experts, consistent with Silicon Valley’s “move fast and break stuff” ethos. Additionally, the Trump Administration is nominating close allies to key positions within the Department of Commerce and NOAA with significant personal and business interests in industries adjacent to NOAA’s public mission, including aerospace, artificial intelligence, and weather forecasting. Without public oversight, NOAA is under direct and immediate threat from those who would privatize its

¹ Indeed, NOAA reports that in the 1980s, the country experienced, on average, one (inflation-adjusted) billion-dollar disaster every four months. *See* Adam Smith, *supra* (Attach. NNN). By 2024, the United States averaged one billion-dollar disaster *every three weeks*. *Id.* Between 2018 and 2022, the United States experienced eighty-nine billion-dollar events. *Id.*

vital, life-saving services in the interest of profit and deregulation, including those in the climate denial industry and companies that want to profit from the tax-payer funded data NOAA collects and provides for free. The public has a significant interest in ensuring that NOAA continues to function in the public interest and provides its climate data and weather forecasting—paid for by the taxpayers—to *all* Americans free of charge.

11. PEER has a demonstrated ability to disseminate the reports authored and information gathered by its staff regarding environmental ethics and scientific integrity in government to members of the news media, as well as to the public in general. I am proud that the reports that PEER has disseminated on these important issues have received significant and widespread coverage in several national and international publications, which demonstrates both the significant public interest in the topic, and PEER's recognized expertise in the subject. *See, e.g.,* Tom Perkins, *supra* (attach. KK); Sheraz Sadiq, *supra* (Attach. LL); Jim Waymer, *supra* (Attach MM); Mike Ludwig, *supra* (Attach. OO); The Landscape, *Layoffs at Interior are causing chaos and heartbreak* (Feb. 20, 2025) (podcast featuring PEER's Executive Director, Tim Whitehouse) (Attach. PP). PEER is proud to be a leading voice and source of information and analysis for the public regarding the federal science enterprise, the importance of scientific integrity, and the debate regarding environmental policy.

12. PEER's FOIA request will provide information directly relevant to the ongoing public debate regarding DOGE, Mr. Musk, and the Trump Administration's ongoing efforts to cripple federal science and privatize vital government services. The requested information will allow PEER to quickly respond to the Trump Administration's efforts by disseminating information to its members, Congress, and the public at large to ensure that the Trump Administration receives input from all stakeholders and is held accountable to taxpayers. The

future of NOAA concerns us all, and we must ensure that the agency continues to fulfill its mission as the government's nonpartisan scientific agency in charge of oceanic and atmospheric research, management, and regulation. American lives quite literally depend on it.

13. PEER's FOIA request will likewise provide information on DOGE's infiltration of NOAA and the impacts of DOGE's actions on federal employees and contractors, information and data security, privatization of agency functions, and potential conflicts of interest with the personal and business interests of high-level Trump Administration officials. As evidenced by the significant number of articles from various news media sources cited herein and in the incorporated FOIA request, these issues are matters of considerable public interest and concern. Additionally, the information requested by PEER directly implicates national security, government integrity, and ethics conflicts concerns. Indeed, PEER's request asks that NOAA be more forthcoming with respect to the actions of a billionaire, apparently unaccountable to anyone but the President, and those who would implement his controversial agenda without question, *see Andrew Prokop, The Trump administration told a judge Elon Musk does not head DOGE. Huh?*, VOX (Feb. 18, 2025) (describing DOGE's structure and staffing) (Attach. OOO); *cf. Melissa Quinn, Judge won't block Musk and DOGE from accessing data, making cuts at 7 federal agencies*, CBS NEWS (Feb. 18, 2025) (Attach. PPP).

14. Any delay in processing PEER's request will seriously compromise PEER's and the public's interests in meaningfully participating in debates over such important and pressing issues as the privatization of the NWS and other mission-critical services, the appropriate use of taxpayer funds to facilitate the collection and dissemination of ocean and atmospheric data, the constitutionality of DOGE and Mr. Musk's actions, the influence of special interests in the federal science enterprise, and the outsize influence that monied individuals at the highest levels

of government may influence policymakers and agency decisionmaking. Additionally, any delay in the processing of PEER’s request risks delivering information that is ultimately of limited utility. For example, DOGE is moving quickly to implement the Trump Administration’s agenda. The Administration is carrying out a “flood the zone” strategy, whereby the Administration moves quickly to overwhelm the media and the American public while enacting an agenda that remains deeply unpopular with many Americans. *See* Domenico Montanaro, *Trump carries out his 'flood the zone' strategy, creating a week of whiplash*, NPR (Feb. 7, 2025) (Attach. QQQ). Once many of the Administration’s policy goals are implemented—e.g., once confidential data are accessed, layoffs occur, and contracts with private companies signed—there will be little the government or public can do to undo the damage wrought. Indeed, just last week, ostensibly pursuant to DOGE’s instructions, NOAA fired hundreds of its employees, compromising, *inter alia*, the agency’s weather forecasting, climate sensing, and data management missions. *See* Eric Zerkel et al., *How Americans will feel the impact of Trump’s weather forecasting layoffs*, CNN (Mar. 1, 2025) (Attach. WW); Scott Dance & Kasha Patel, *Trump fired hundreds at NOAA, Weather Service. Here’s what that means for forecasts*, WASH. POST (Mar. 1, 2025) (Attach. XX); Alejandra Borunda, *NOAA firings raise concerns over agency’s ability to forecast hurricanes and more*, NPR (Mar. 3, 2025) (Attach. YY).

Additionally, mounting Congressional and public alarm over the Administration’s embracing of Project 2025, DOGE’s unfettered access to agencies and secure systems, and mounting evidence of corruption and self-dealing have all conferred a sense of urgency on Congressional Members and the public to act quickly and decisively to protect federal employees and preserve the administrative state, including through court actions. *See, e.g.*, Chandelis Duster & Juliana Kim, *Thousands of people protest in Washington, D.C., and across the U.S. on Presidents Day*, NPR

(Feb. 17, 2025); Lauren Gambino, *US Democrats call for more aggressive tactics against Trump and Musk: 'We're going to be the opposition'*, The Guardian (Feb. 9, 2025); Liz Goodwin & Hannah Knowles, *Lawmakers flooded with calls about Elon Musk: 'It is a deluge on DOGE'*, Wash. Post (Feb. 7, 2025); Rachel Jewett, *Members of Congress Raise Alarm Over DOGE Activity at NOAA, Via Satellite* (Feb. 5, 2025). The fact that DOGE personnel are reported to be working virtually non-stop to enact a dangerous agenda that will cost lives confers an added sense of urgency. Zachary B. Wolf, *We do not know what exactly Elon Musk is doing to the federal government*, CNN (Feb. 1, 2025) (Attach. RRR). Members of Congress are actively debating DOGE's actions and oversight. *See, e.g.*, Meryl Kornfield et al., *Do Dems want to get out of DOGE?*, WASH. POST (Feb. 11, 2025) (Attach. HH); Andrew Solender & Stef W. Kight, *Trump faces growing DOGE revolt from GOP lawmakers*, AXIOS (Feb. 19, 2025) (Attach. II); Ivan Pereira & Jay O'Brien, *Republicans block Musk from congressional subpoena as DOGE continues to access government data*, ABC NEWS (Feb. 5, 2025) (Attach. JJ). In light of all these factors, it is of paramount importance that PEER, the public, and Congress understand how DOGE, Mr. Musk, and the Trump Administration's appointees, nominees, and allies plan to reshape NOAA—and in particular, who stands to gain from those plans—while there is still time for meaningful course correction. Finally, any delay in the processing of PEER's request would preclude PEER, the public, and Congress's access to information directly relevant to legislative oversight and proposals regarding the importance of NOAA and its services, as well as the deepening Constitutional crisis. *See, e.g.*, German Lopez, *A Constitutional Crisis?*, NY TIMES (Feb. 7, 2025) (Attach. FF). If NOAA does not make the requested information available expeditiously, Congress may move forward with oversight efforts and legislative proposals

without the benefit of all of the relevant information, which hinders the development and implementation of meaningful and effective solutions to these matters of national importance.

15. For all these reasons, and for the reasons stated in PEER's FOIA request, PEER more than satisfies the requirements necessary to qualify for expedited processing.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.

Dated: 3-4-25



Timothy Whitehouse, Executive Director
Public Employees for Environmental
Responsibility