

# U.S. House of Representatives

## Committee on Natural Resources

Washington, DC 20515

May 2<sup>nd</sup>, 2019

The Honorable Roger F. Wicker  
Chairman  
Committee on Commerce, Science, and Transportation  
United States Senate  
512 Dirksen Senate Office Building  
Washington, D.C. 20510

Dear Chairman Wicker and Ranking Member Cantwell:

I write to express grave concerns regarding the nomination of Barry Lee Myers as Under Secretary of Commerce for Oceans and Atmosphere and Administrator of the National Oceanic and Atmospheric Administration (NOAA) given new information and media reports regarding the willful negligence demonstrated by AccuWeather, Inc. with respect to protecting employees from harassment during Mr. Myers' tenure as CEO. These new reports raise serious questions about Mr. Myers' ability to lead NOAA, and given this new information, it is essential that you hold a hearing to investigate this matter before his nomination is considered by the full Senate.

In 2018, the Department of Labor Office of Federal Contract Compliance Programs (OFCCP) found that AccuWeather, Inc. discriminated against female employees by subjecting them to sexual harassment and a hostile work environment, ordering the firm to distribute \$290,000 to complainants through a Conciliation Agreement in June of that year.<sup>1</sup> During this time, Mr. Myers was AccuWeather's CEO, responsible for the overall management of the organization. According to the Conciliation Agreement, AccuWeather did not exercise reasonable care to prevent and correct such conduct, and AccuWeather denied the claims. The Conciliation Agreement between OFCCP and AccuWeather states that details of specific, alleged violations are found in a Notification of Results of Investigation issued on January 26, 2018, which recently became publicly available via an article in the *Washington Post*.<sup>2</sup>

The specific findings of widespread sexual harassment at AccuWeather by the OFCCP investigation are disturbing. According to the report, "Over two dozen witnesses spanning many different departments and in positions ranging from administrative support to senior management described unlawful sexual harassment that occurred at the company. This sexual harassment was so severe and pervasive, that some female employees resigned." The sexual harassment included unwelcome kissing, quid pro quo compensation for subordinate female employees who engaged in sexual relationships with senior male managers, and termination of employees who complained.

---

<sup>1</sup> U.S. Department of Labor, Office of Federal Contract Compliance Programs Conciliation Agreement with AccuWeather, Inc. (June 2018), available at: <https://www.dol.gov/ofccp/foia/files/20180619-AccuWeather-CA-100201572-MA-Redacted.pdf>

<sup>2</sup> Brice-Saddler, Michael. "Company led by Trump nominee was rife with harassment, including groping and kissing, report says." *The Washington Post*, April 12, 2019.

The OFCCP found that AccuWeather was aware of the sexual harassment but took no action to correct the unlawful activity.

Several months after the OFCCP investigation had been conducted, Mr. Myers submitted his nominee's questionnaire to the Senate Commerce Committee under oath in which he responded to a question on whether any business or nonprofit of which he was an officer had ever been involved as a party to an administrative proceeding. In his reply he stated, "AccuWeather has been involved in routine civil and administrative actions such as contract disputes and employee claims for unemployment compensation, workers compensation, and other personnel matters."<sup>3</sup> This response is concerning as it appears that Mr. Myers was not forthcoming with the Committee, or believes the kind of behavior outlined in the OFCCP investigation is simply "routine."

NOAA employs over 11,000 federal workers. Many of these employees sacrifice the comforts of home to work in remote locations around the globe and at sea on research vessels and are particularly vulnerable to harassment and assault, requiring a responsible leader who will uphold their rights to work free of discrimination, harassment, and assault. In addition to holding no scientific expertise, a key desirable trait for a leader of the nation's scientific agency in charge of assessing and predicting changes of Earth systems and managing the ocean's living marine resources, Mr. Myers' leadership at AccuWeather has demonstrated that he is incapable of responsibly managing his workforce and protecting their civil rights.

Sincerely,



Raul M. Grijalva  
Chairman  
Natural Resources Committee

---

<sup>3</sup> <https://www.commerce.senate.gov/public/cache/files/d6e3899d-cb55-477e-88a4-58d0ee524647/E3DDBF09AD2B3F4B84447F5517E2B600.barry-myers-questionnaire-redacted.pdf>