

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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WASHINGTON, DC 20515-6143

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<https://oversight.house.gov>

September 16, 2021

Ms. Suzanne Clark
President and Chief Executive Officer
U.S. Chamber of Commerce
1615 H Street, N.W.
Washington, D.C. 20062

Dear Ms. Clark:

We are writing to request information and documents regarding the reported role of the U.S. Chamber of Commerce in a long-running, industry-wide campaign to spread disinformation about the role of fossil fuels in causing global warming, and to request your appearance at a Committee hearing on Thursday, October 28, 2021. We are deeply concerned that the fossil fuel industry has reaped massive profits for decades while contributing to climate change that is devastating American communities, costing taxpayers billions of dollars, and ravaging the natural world. We are also concerned that to protect those profits, the industry has reportedly led a coordinated effort to spread disinformation to mislead the public and prevent crucial action to address climate change.

Just four fossil fuel companies—BP, Shell, Chevron, and ExxonMobil—reported nearly \$2 trillion in profits between 1990 and 2019.¹ During this same period, the global climate crisis became increasingly dire, and its deadly impact on Americans increased. The world experienced 19 of the warmest years on record between 2000 and 2020.² In each of the last six years, the United States has faced more than ten weather and climate disasters—including storms, wildfires, and heat waves—costing over \$1 billion each. There were 22 reported billion-dollar climate disasters across the country in 2020.³

Public reporting indicates that the Chamber of Commerce and its allies in the fossil fuel industry have worked to prevent serious action on global warming by generating doubt about the documented dangers of fossil fuels and misrepresenting the scale of your efforts to develop

¹ *Revealed: Big Oil's Profits Since 1990 Total Nearly \$2tn*, The Guardian (Feb. 12, 2020) (online at www.theguardian.com/business/2020/feb/12/revealed-big-oil-profits-since-1990-total-nearly-2tn-bp-shell-chevron-exxon).

² National Aeronautics and Space Administration, *Global Temperature* (online at <https://climate.nasa.gov/vital-signs/global-temperature/>) (accessed on July 20, 2021).

³ National Oceanic and Atmospheric Administration, *Billion-Dollar Weather and Climate Disasters: Overview* (online at www.ncdc.noaa.gov/billions/) (accessed on July 23, 2021).

alternative energy technologies—some of the same tactics the tobacco industry used to resist regulation while selling products that kill hundreds of thousands of Americans.⁴

Fossil Fuel Industry Spread Disinformation About Climate Science for Decades

Fossil fuel companies and the Chamber of Commerce have been aware of the science of climate change for decades. By 1977, an Exxon scientist warned the company's management about the connection between fossil fuel emissions and the "general scientific agreement that the most likely manner in which mankind is influencing the global climate is through carbon dioxide release from the burning of fossil fuels."⁵ From 1979 to 1983, the American Petroleum Institute (API) and its oil company members, including the companies that are now operating as or owned by Exxon, Shell, and Chevron, participated in a task force that shared climate science research and discussed possible ways to reduce emissions.⁶

In 1988, Dr. James Hansen, then the director of the National Aeronautics and Space Administration's Institute for Space Studies, testified before Congress that "it was 99 percent certain that the warming trend was not a natural variation but was caused by a buildup of carbon dioxide and other artificial gases in the atmosphere" and that the global warming effect was already "starting to cause changes in climate and weather." Dr. Hansen emphasized, "It is time to stop waffling so much and say that the evidence is pretty strong that the greenhouse effect is here."⁷

In response to these developments, fossil fuel industry actors reportedly sought to counteract prevailing scientific knowledge. A 1998 memorandum developed with input from representatives of Chevron, ExxonMobil, API, and other industry-funded front groups detailed plans for a coordinated disinformation campaign targeting the media, the public, and policymakers. In discussing actions around climate policy, the memorandum declared, "victory will be achieved when average citizens 'understand' (recognize) uncertainties in climate science"

⁴ *Big Oil Is the New Big Tobacco. Congress Must Use Its Power to Investigate*, The Guardian (Jan. 20, 2020) (online at www.theguardian.com/commentisfree/2020/jan/20/big-oil-congress-climate-change); *Doubt over Climate Science Is a Product With an Industry Behind It*, The Guardian (Mar. 5, 2015) (online at www.theguardian.com/environment/planet-oz/2015/mar/05/doubt-over-climate-science-is-a-product-with-an-industry-behind-it); Union of Concerned Scientists, *The Climate Deception Dossiers: Internal Fossil Fuel Industry Memos Reveal Decades of Corporate Disinformation* (July 2015) (online at www.ucsusa.org/sites/default/files/attach/2015/07/The-Climate-Deception-Dossiers.pdf).

⁵ *Exxon's Own Research Confirmed Fossil Fuels' Role in Global Warming Decades Ago*, Inside Climate News (Sept. 16, 2015) (online at <https://insideclimatenews.org/news/16092015/exxons-own-research-confirmed-fossil-fuels-role-in-global-warming/>).

⁶ *Exxon's Oil Industry Peers Knew About Climate Dangers in the 1970s, Too*, Inside Climate News (Dec. 22, 2015) (online at <https://insideclimatenews.org/news/22122015/exxon-mobil-oil-industry-peers-knew-about-climate-change-dangers-1970s-american-petroleum-institute-api-shell-chevron-texaco/>).

⁷ *Global Warming Has Begun, Expert Tells Senate*, New York Times (June 24, 1988) (online at www.nytimes.com/1988/06/24/us/global-warming-has-begun-expert-tells-senate.html).

and when “recognition of uncertainties becomes part of the ‘conventional wisdom.’”⁸ The Chamber of Commerce also consistently took a stance of climate skepticism over the decades that followed, framing the science as too uncertain to warrant action and pitting climate policy against economic growth.⁹

Reports indicate that fossil fuel companies continued their climate “counter movement” by contributing millions of dollars to academic and policy groups to influence third-party promotion of climate misinformation.¹⁰ Throughout the 1990s, ExxonMobil, Chevron, BP, and Shell all joined API and the U.S. Chamber of Commerce in one such trade group, the Global Climate Coalition (GCC), which lobbied the U.S. government in an effort to derail international action to reduce carbon pollution emissions. The GCC’s successful campaign led to the United States’ leaving the Kyoto climate agreement in 2001. Documents prepared for then-Under Secretary of State Paula Dobriansky’s 2001 meeting with the GCC stated, “POTUS rejected Kyoto, in part, based on input from you.”¹¹

One study found that between 2003 and 2010, 91 think tanks and advocacy organizations that downplayed global warming were heavily funded by ExxonMobil, Koch Industries, DonorsTrust, and other industry groups.¹² These organizations held out the appearance of neutrality, while reportedly working to “identify, recruit, and train” scientists to publish research aligned with industry, lobbying public officials to oppose efforts to address climate change, and harassing scientists.¹³ They pressed journalists to give media coverage to industry-backed researchers, giving the misleading appearance of a division of opinion among climate scientists.¹⁴

⁸ American Petroleum Institute, et al., *Global Climate Science Communications Plan 1998* (Dec. 2015) (online at <https://insideclimatenews.org/wp-content/uploads/2015/12/Global-Climate-Science-Communications-Plan-1998.pdf>). When questioned by the *New York Times*, “[i]ndustry representatives confirmed that the documents were authentic.” *Industrial Group Plans to Battle Climate Treaty*, *New York Times* (Apr. 26, 1998) (online at www.nytimes.com/1998/04/26/us/industrial-group-plans-to-battle-climate-treaty.html).

⁹ *Id.*

¹⁰ *How the Oil Industry Made Us Doubt Climate Change*, BBC News (Sept. 20, 2020) (online at www.bbc.com/news/stories-53640382).

¹¹ *Some Like It Hot*, Mother Jones (May/June 2005) (online at www.motherjones.com/environment/2005/05/some-it-hot/); *Revealed: How Oil Giant Influenced Bush*, *Guardian* (June, 8, 2005) (online at www.theguardian.com/news/2005/jun/08/usnews.climatechange).

¹² Robert J. Brulle, *Institutionalizing Delay: Foundation Funding and the Creation of U.S. Climate Change Counter-Movement Organizations*, *Climatic Change* (Feb. 2014) (online at www.researchgate.net/publication/263114280_Institutionalizing_Delay_Foundation_Funding_and_the_Creation_of_US_Climate_Change_Counter-Movement_Organizations).

¹³ Union of Concerned Scientists, *The Climate Deception Dossiers: Internal Fossil Fuel Industry Memos Reveal Decades of Corporate Disinformation* (June 29, 2015) (online at www.ucsusa.org/sites/default/files/attach/2015/07/The-Climate-Deception-Dossiers.pdf).

¹⁴ Naomi Oreskes and Erik Conway, *Merchants of Doubt: How a Handful of Scientists Obscured the Truth on Issues from Tobacco Smoke to Climate Change* (2011); Jane Mayer, *Dark Money: The Hidden History of the Billionaires Behind the Rise of the Radical Right* (2017).

Fossil fuel industry actors reportedly paid over \$1.2 million to Dr. Willie Soon, an aerospace engineer with no climate science training. According to media reports, Dr. Soon described his climate-science-denying papers and testimony before Congress as “deliverables” to his corporate donors.¹⁵ Fossil fuel interests amplified his studies in media stories, publications, and talking points.¹⁶

Fossil fuel companies and their allies also publicly spread doubt themselves. For example, then-Chief Executive Officer of Exxon Corporation, Lee Raymond, said in 1997, “Currently, the scientific evidence is inconclusive as to whether human activities are having a significant effect on the global climate.”¹⁷ At a 2014 Senate Foreign Relations Committee hearing, Chamber official Karen Harbert claimed misleadingly that global warming “is caused by lots of different things, and you can’t say that climate change is only caused by humans.”¹⁸ In 2017, a senior vice president at the Chamber’s Institute for 21st Century Energy described climate change in public remarks as based on “religion,” not “scientific facts.”¹⁹

The Disinformation Campaign Continues Today

We are concerned that these strategies of obfuscation and distraction continue today. Reporting indicates that, facing weak market performance and investor pressure, some large fossil fuel companies have taken public stances in support of action on global warming while continuing efforts in private to block meaningful solutions and legislation.²⁰ ExxonMobil and Chevron publicly supported the Paris Agreement, and BP and Shell have made “net-zero”

¹⁵ *Deeper Ties to Corporate Cash for Doubtful Climate Researcher*, New York Times (Feb. 21, 2015) (online at www.nytimes.com/2015/02/22/us/ties-to-corporate-cash-for-climate-change-researcher-Wei-Hock-Soon.html).

¹⁶ *How Big Oil Lost Control of Its Misinformation Machine*, Inside Climate News (Dec. 22, 2017) (online at <https://insideclimatenews.org/news/22122017/big-oil-heartland-climate-science-misinformation-campaign-koch-api-trump-infographic/>); *Researcher Helps Sow Climate-Change Doubt: Industry-Funded Cambridge Astrophysicist Adds to Partisan Divide*, Boston Globe (Nov. 5, 2013) (online at <https://bostonglobe.com/news/nation/2013/11/05/harvard-smithsonian-global-warming-skeptic-helps-feed-strategy-doubt-gridlock-congress/uHssYO1anoWSiLw0v1YcUJ/story.html>); Union of Concerned Scientists, *Smoke, Mirrors & Hot Air: How ExxonMobil Uses Big Tobacco’s Tactics to Manufacture Uncertainty on Climate Science* (Jan. 2007) (online at www.ucsusa.org/sites/default/files/2019-09/exxon_report.pdf).

¹⁷ *Exxon Sowed Doubt About Climate Science for Decades by Stressing Uncertainty*, Inside Climate News (Oct. 22, 2015) (online at <https://insideclimatenews.org/news/22102015/Exxon-Sowed-Doubt-about-Climate-Science-for-Decades-by-Stressing-Uncertainty>).

¹⁸ *Here Is Exactly What the Chamber of Commerce Thinks About Global Warming*, the Atlantic (Mar. 13, 2014) (online at www.theatlantic.com/politics/archive/2014/03/here-is-exactly-what-the-chamber-of-commerce-thinks-about-global-warming/447177/).

¹⁹ Energy and Policy Institute, *“Hell to Pay” If Trump Targets EPA Climate Science, Says U.S. Chamber Official* (Feb. 20, 2017) (online at www.energyandpolicy.org/u-s-chamber-official-hell-pay-trump-targets-epa-climate-science/).

²⁰ *Revealed: ExxonMobil’s Lobbying War on Climate Change Legislation*, Channel 4 News (June 30, 2021) (online at www.channel4.com/news/revealed-exxonmobils-lobbying-war-on-climate-change-legislation).

pledges for their direct emissions.²¹ At the same time, fossil fuel companies continue to invest overwhelmingly in fossil fuel extraction and to support efforts to extend the life of their investments in fossil fuel, all while lobbying against reforms that would curb global warming.²² In 2018, the fossil fuel industry supported efforts to roll back vehicle emission standards enacted by the Obama Administration.²³ More recently, the industry has challenged the transition toward electric vehicles by opposing the installation of vehicle charging stations.²⁴

Between 2015 and 2018, the five largest publicly traded oil and gas companies reportedly spent \$1 billion to promote climate disinformation through “branding and lobbying.”²⁵ According to court filings by advocacy organizations, Chevron paid for advertising that celebrates the company’s investments in renewable energy but spent only 0.2% of its annual capital expenditure budget on lower-carbon energy resources.²⁶ ExxonMobil has publicized its investments in algae biodiesel research, even though most scientists agree that algae biodiesel is not likely commercially viable.²⁷ In the meantime, ExxonMobil has proceeded with investments in oil and gas.²⁸

²¹ Chevron, *Chevron Supports Well-Designed Climate Policy* (online at www.chevron.com/sustainability/environment/climate-policy) (accessed Aug. 19, 2021); Energy Factor by ExxonMobil, *Reaffirming Our Commitment to the Paris Agreement* (Jan. 20, 2021) (online at <https://energyfactor.exxonmobil.com/insights/partners/commitment-paris-agreement/>); *Shell Sets Emission Ambition of Net Zero by 2050, with Customer Help*, Reuters (Apr. 16, 2020) (online at www.reuters.com/article/us-shell-emissions/shell-sets-emission-ambition-of-net-zero-by-2050-with-customer-help-idUSKCN21Y0MW); *BP’s New CEO Pledges Net Zero Emissions By 2050*, CNN (Feb. 12, 2020) (online at www.cnn.com/2020/02/12/business/bp-net-zero/index.html).

²² *How the Oil Industry Has Spent Billions to Control the Climate Change Conversation*, The Guardian (Jan. 8, 2020) (online at www.theguardian.com/business/2020/jan/08/oil-companies-climate-crisis-pr-spending); *How a Powerful US Lobby Group Helps Big Oil to Block Climate Action*, The Guardian (July 19, 2021) (online at www.theguardian.com/environment/2021/jul/19/big-oil-climate-crisis-lobby-group-api).

²³ *The Oil Industry’s Covert Campaign to Rewrite American Car Emissions Rules*, New York Times (Dec. 13, 2018) (online at www.nytimes.com/2018/12/13/climate/cape-emissions-rollback-oil-industry.html); *Trump Finalizes Rollback of Obama-era Vehicle Fuel Efficiency Standards*, Reuters (Mar. 31, 2020) (online at www.reuters.com/article/us-usa-autos-emissions/trump-finalizes-rollback-of-obama-era-vehicle-fuel-efficiency-standards-idUSKBN21I25S).

²⁴ *The Oil Industry vs. the Electric Car*, Politico (Sept. 16, 2019) (online at www.politico.com/story/2019/09/16/oil-industry-electric-car-1729429?utm_source=Sailthru&utm_medium=email&utm_campaign=Issue:%202019-09-16%20Utility%20Dive%20Newsletter%20%5Bissue:23009%5D&utm_term=Utility%20Dive).

²⁵ InfluenceMap, *Big Oil’s Real Agenda on Climate Change* (Mar. 2019) (online at <https://influencemap.org/report/How-Big-Oil-Continues-to-Oppose-the-Paris-Agreement-38212275958aa21196dae3b76220bdde>).

²⁶ *Fossil Fuel Firms Face New Challenge over “Greenwashing” Ads*, Reuters (June 22, 2021) (online at www.reuters.com/article/us-usa-fossilfuel-climate-change-adverti/fossil-fuel-firms-face-new-challenge-over-greenwashing-ads-idUSKCN2DZ00B).

²⁷ *Exxon’s Climate Fix Is Algae. Experts Say It Won’t Work*, E&E News (Nov. 2, 2020) (online at <https://subscriber.politicopro.com/article/eenews/1063717527>).

²⁸ *U.S. and European Oil Giants Go Different Ways on Climate Change*, New York Times (Sept. 21, 2020) (online at www.nytimes.com/2020/09/21/business/energy-environment/oil-climate-change-us-europe.html).

Fossil fuel companies increasingly outsource lobbying to trade groups, obscuring their own roles in disinformation efforts. Recently, an ExxonMobil lobbyist was caught on video discussing the tactics employed by ExxonMobil to obstruct climate change legislation, including using API and other industry groups as the “whipping boy” to advocate for policy positions that ExxonMobil did not want to be associated with publicly. During the interview, he said, “Did we aggressively fight against some of the science? Yes.” He added, “Did we join some of these shadow groups to work against some of the early efforts? Yes, that’s true.”²⁹ He also detailed ExxonMobil’s lobbying efforts to include natural gas as a clean energy source in the event that Congress adopts a Clean Energy Standard, despite clear scientific evidence that natural gas is a major driver of climate change.³⁰

As a lobbying group representing the interest of oil and gas companies, the Chamber of Commerce has been active in an industry counter-movement that successfully defeated the Obama Administration’s signature climate legislation, the Waxman-Markey cap-and-trade bill.³¹ After the cap-and-trade bill failed, the Chamber invested in wide-ranging efforts to oppose the attempts to address climate change through regulatory actions.³² Under the Trump Administration, the Chamber continued to lobby to repeal Obama-era regulations, including methane standards.³³ It funded a misleading study stating 2.7 million jobs would be lost because

²⁹ *Revealed: ExxonMobil’s Lobbying War on Climate Change Legislation*, Channel 4 News (June 30, 2021) (online at www.channel4.com/news/revealed-exxonmobils-lobbying-war-on-climate-change-legislation).

³⁰ *ExxonMobil Lobbyist Reveals Company’s Involvement with “Forever Chemicals”*, Channel 4 News (July 1, 2021) (online at www.channel4.com/news/exxonmobil-lobbyist-reveals-companys-involvement-with-forever-chemicals); *Explainer: Cleaner but Not Clean—Why Scientists Say Natural Gas Won’t Avert Climate Disaster*, Reuters (Aug. 18, 2020) (online at www.reuters.com/article/us-usa-gas-climatebox-explainer/explainer-cleaner-but-not-clean-why-scientists-say-natural-gas-wont-avert-climate-disaster-idUSKCN25E1DR).

³¹ Brown University Climate and Development Lab, *Countermovement Coalitions: Climate Denialist Organizational Profiles*, (Nov. 2018) (online at www.climatedevlab.brown.edu/uploads/2/8/4/0/28401609/covercountermovementcoalitions.2.2019.pdf); *Rift at U.S. Chamber of Commerce Over Climate Change*, Reuters (Sept. 29, 2009) (online at www.reuters.com/article/btscenes-us-climate-usa-commerce/rift-at-u-s-chamber-of-commerce-over-climate-change-idUKTRE58S5XH20090929); *Chamber of Commerce Details Opposition to Waxman-Markey Bill*, Wall Street Journal (May 14, 2009) (online at www.wsj.com/articles/BL-EB-4849).

³² Global Energy Institute, *EPA Regulations* (online at www.globalenergyinstitute.org/epa-regulations) (accessed on Sept. 15, 2021); Global Energy Institute, *Partnership for a Better Energy Future: EPA Rule Risks Jobs, Increases Costs, Undercuts Energy Renaissance*, (Aug. 18, 2015) (online at www.globalenergyinstitute.org/partnership-better-energy-future-epa-rule-risks-jobs-increases-costs-undercuts-energy-renaissance); Application of Business Associations for Immediate Stay of Final Agency Action Pending Appellate Review, (Jan. 27, 2016), *State of West Virginia, et al. v. U.S. Environmental Protection Agency and Regina A. McCarthy, Administrator* (online at www.edf.org/sites/default/files/content/2016.01.27_business_assns_scutus_stay_application.pdf); Union of Concerned Scientists, *How News Outlets Factchecked the U.S. Chamber’s Flawed Clean Power Plan Numbers* (Aug. 12, 2015) (online at <https://blog.ucsusa.org/aaron-huertas/how-media-outlets-covered-the-chamber-analysis-of-the-epa-clean-power-plan-843/>).

³³ InfluenceMap, *U.S. Chamber of Commerce* (online at <https://influencemap.org/influencer/US-Chamber-of-Commerce>).

of the Paris Agreement, which was cited by former President Trump as a reason to withdraw from the Agreement.³⁴

Requests for Information

As worsening natural disasters linked to global warming devastate communities in the United States and globally, one of Congress's top legislative priorities is combating the increasingly urgent crisis of a changing climate. To do this, Congress must address pollution caused by the fossil fuel industry and curb troubling business practices that lead to disinformation on these issues. In March 2021, the White House proposed an investment of close to \$2 trillion this decade through President Biden's American Jobs Plan,³⁵ with more than half of the investments potentially used to address the climate crisis.³⁶ Congress is contemplating wide-ranging climate change legislation in connection with the President's plan and beyond it.

To inform these efforts, our Committee is investigating the role of the fossil fuel industry and related entities in the unfolding crisis. In particular, we are seeking to understand your organization's role in contributing to climate change, and your organization's role in supporting disinformation or misleading the public to prevent action to address this global crisis.

In order to assist the Committee with this investigation, please produce the following documents or information by September 30, 2021. Unless otherwise specified, the applicable time period covered by these requests is from November 30, 2015 to the present:

1. All documents and communications sent, received, or created by key U.S. Chamber of Commerce leaders and executives, including the chief executive officer, members of the board, and the senior executives in charge of federal governmental affairs, U.S. public affairs, marketing and advertising, and public relations, relating to the following topics:

³⁴ *Fact-Checking President Trump's Claims on the Paris Climate Change Deal*, Washington Post (June 1, 2017) (online at www.washingtonpost.com/news/fact-checker/wp/2017/06/01/fact-checking-president-trumps-claims-on-the-paris-climate-change-deal/); Brief for *Amicus Curiae* Chamber of Commerce of the United States of America in Support of Respondents, 19-1230 (Sept. 16, 2020), *Union of Concerned Scientists et al. v. National Highway Traffic Safety Administration et al. And Coalition for Sustainable Automotive Regulation et. al.* (online at http://climatecasechart.com/climate-change-litigation/wp-content/uploads/sites/16/case-documents/2020/20200916_docket-19-1230_amicus-brief-2.pdf); Global Energy Institute, *U.S. Chamber Statement on Revised Vehicle Fuel Economy Standards* (Mar. 31, 2020) (online at www.globalenergyinstitute.org/us-chamber-statement-revised-vehicle-fuel-economy-standards).

³⁵ The White House, *Fact Sheet: The American Jobs Plan* (May 4, 2021) (online at www.whitehouse.gov/briefing-room/statements-releases/2021/03/31/fact-sheet-the-american-jobs-plan/).

³⁶ The White House, *Fact Sheet: The American Jobs Plan* (May 4, 2021) (online at www.whitehouse.gov/briefing-room/statements-releases/2021/03/31/fact-sheet-the-american-jobs-plan/); Center for Strategic and International Studies, *The American Jobs Plan Gets Serious About Infrastructure and Climate Change* (Apr. 2, 2021) (online at www.csis.org/analysis/american-jobs-plan-gets-serious-about-infrastructure-and-climate-change).

- a. climate science, climate policy, or climate change;
 - b. clean energy;
 - c. the role of the U.S. Chamber of Commerce, oil and gas companies, or the fossil fuel industry in causing, mitigating, or responding to climate change;
 - d. marketing, advertising, social media, or lobbying activities tending to influence public opinion on the issues described in Request 1(a)–(c), including communications with public relations firms or social media companies; and
 - e. communications with the federal government, including the White House and Congress, relating to any of the issues described in Request 1(a)–(c);
2. Documents sufficient to show the total amount and itemization of any direct or indirect funding provided by the U.S. Chamber of Commerce to any employees, contractors, or entities, including funding that is subsequently distributed to other entities, relating to any of the issues described in Request 1(a)–(d), and, for any such funding provided by the company, documents sufficient to show:
- a. what activity was funded; and
 - b. any results achieved; and
3. All internal and external policy memorandums, data, talking points, communications, leave-behind materials, and other documents that the U.S. Chamber of Commerce provided to Members of Congress, their staff members, or executive branch officials related to climate policy and legislation.

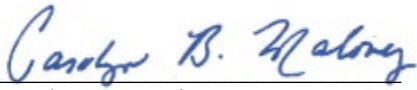
In addition, please confirm by September 23, 2021, that you will appear at the Committee’s hearing on October 28, 2021.

The enclosed Witness Instruction Sheet provides information for witnesses appearing before the Committee. Please note the procedures for submitting written testimony at least two business days prior to the hearing.

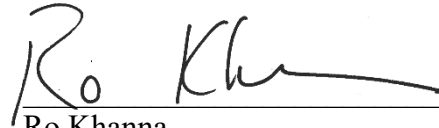
The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. An attachment to this letter provides additional instructions for responding to the Committee’s request. If you have any questions regarding this request, please contact Environment Subcommittee staff at (202) 225-5051.

Ms. Suzanne Clark
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Sincerely,



Carolyn B. Maloney
Chairwoman
Committee on Oversight and Reform



Ro Khanna
Chairman
Subcommittee on Environment

Enclosure

cc: The Honorable James Comer, Ranking Member
Committee on Oversight and Reform

The Honorable Ralph Norman, Ranking Member
Subcommittee on Environment

Responding to Oversight Committee Document Requests

1. In complying with this request, produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.
2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Committee.
3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other than that herein denoted, the request shall be read also to include that alternative identification.
4. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions.
5. Documents produced in electronic format should be organized, identified, and indexed electronically.
6. Electronic document productions should be prepared according to the following standards:
 - a. The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - b. Document numbers in the load file should match document Bates numbers and TIF file names.
 - c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - d. All electronic documents produced to the Committee should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,

INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

7. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.
8. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.
9. When you produce documents, you should identify the paragraph(s) or request(s) in the Committee's letter to which the documents respond.
10. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.
11. The pendency of or potential for litigation shall not be a basis to withhold any information.
12. In accordance with 5 U.S.C. § 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.
13. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.
14. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
15. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) every privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the privilege(s) asserted.
16. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control.
17. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

18. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.
19. All documents shall be Bates-stamped sequentially and produced sequentially.
20. Two sets of each production shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2105 of the Rayburn House Office Building.
21. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic

message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, or otherwise.

3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.
4. The term “including” shall be construed broadly to mean “including, but not limited to.”
5. The term “Company” means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.
6. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual’s complete name and title; (b) the individual’s business or personal address and phone number; and (c) any and all known aliases.
7. The term “related to” or “referring or relating to,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.
8. The term “employee” means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.
9. The term “individual” means all natural persons and all persons or entities acting on their behalf.

Committee on Oversight & Reform
Witness Instruction Sheet

1. Witnesses should provide their testimony, biography, and "Truth in Testimony" disclosure and certification form via email to Oversight_Clerks@mail.house.gov no later than 10:00 a.m. two business days prior to the hearing.
2. Witnesses should also provide a short biographical summary and include it with the electronic copy of testimony provided to the Clerk.
3. At the hearing, each witness will be asked to summarize his or her written testimony in five minutes or less in order to maximize the time available for discussion and questions. Written testimony will be entered into the hearing record and may extend to any reasonable length.
4. Written testimony will be made publicly available and will be posted on the Committee's website and the U.S. House of Representatives Document Repository. It is therefore recommended that personally identifiable information, such as addresses and phone numbers, not be included in the biographical information.
5. The Committee does not provide financial reimbursement for witness travel or accommodations. Witnesses with extenuating circumstances, however, may submit a written request for such reimbursements to Robin Butler, Financial Administrator, 2157 Rayburn House Office Building, at least one week prior to the hearing. Reimbursements will not be made without prior approval.
6. Witnesses with disabilities should contact Committee staff to arrange any necessary accommodations.
7. Please note that Committee Rule 16(b) requires counsel representing an individual or entity before the Committee or any of its subcommittees, whether in connection with a request, subpoena, or testimony, promptly submit a notice of appearance to the Committee. If this applies to you, please email the address above to acquire this form.

For inquiries regarding these rules and procedures, please contact the Committee on Oversight and Reform at (202) 225-5051.