HOUSE COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY DEMOCRATS AND SENATE COMMITTEE ON THE BUDGET

HOUSE COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY DEMOCRATS

UNITED STATES SENATE COMMITTEE on the BUDGET

DENIAL, DISINFORMATION, AND DOUBLESPEAK: BIG OIL'S EVOLVING EFFORTS TO AVOID ACCOUNTABILITY FOR CLIMATE CHANGE

JOINT STAFF REPORT

April 2024

EXECUTIVE SUMMARY

This joint staff report on Big Oil's decades-long deception campaign is the culmination of a nearly three year-long investigation by the Democratic staff of the House Committee on Oversight and Accountability (House Oversight), which has worked with Democratic staff of the Senate Budget Committee staff during the 118th Congress. The investigation, focused on ExxonMobil Corporation (Exxon), Chevron Corporation (Chevron), Shell USA Inc. (Shell), BP America Inc. (BP), the American Petroleum Institute (AI), and the Chamber of Commerce (the Chamber), provides a rare glimpse into the extensive efforts undertaken by fossil fuel companies to deceive the public and investors about their knowledge of the effects of their products on climate change and to undermine efforts to curb greenhouse gas emissions.

This final joint staff report builds on the House Oversight Committee's earlier hearings, public memoranda, and document releases, and it presents new findings from the investigation. The key findings include:

- **Documents demonstrate for the first time that fossil fuel companies internally do not dispute that they have understood since at least the 1960s that burning fossil fuels causes climate change and then worked for decades to undermine public understanding of this fact and to deny the underlying science.** In fall 2015, blockbuster reporting by Inside Climate News and the Los Angeles Times revealed that Big Oil companies such as Exxon knew that burning fossil fuels was a major contributor to climate change. Companies publicly rejected the reporting at the time, but new documents corroborate the reporting and show that fossil fuel companies internally did not dispute the findings but tried to dismiss them as "hyperbolic" and "journalistic malpractice."

- **Big Oil's deception campaign evolved from explicit denial of the basic science underlying climate change to deception, disinformation, and doublespeak.** The fossil fuel industry evolved from denying climate science to spreading disinformation and perpetuating doublespeak about the safety of natural gas and its commitment to reducing greenhouse gas emissions. New documents demonstrate that Big Oil companies:

    - seek to position natural gas as a "bridge fuel" between coal and cleaner, renewable energy, while enmeshing natural gas in the U.S. energy economy for the long-term;

    - seek to portray natural gas as a green, climate-friendly fuel, while internally acknowledging that there is significant scientific evidence that the lifecycle emissions from gas are as bad as coal and are incompatible with scientific emissions reduction targets;

    - make public pledges to support the Paris Agreement and to achieve net zero emissions while internally recognizing that they could not achieve those goals or referring to them as outside of their business plans;

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- privately lobby—either directly or through their trade associations—against pro-climate legislation and regulations that they publicly claimed to support;

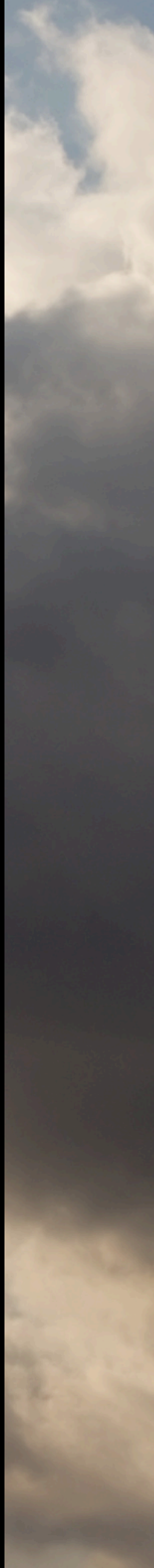
- publicly celebrate carbon capture technologies to help reduce harmful emissions while privately acknowledging that the technology is expensive and claiming that it cannot be scaled without federal government investment; and

- publicly promoted algae-based biofuels as an innovative low-carbon technology while investing little in its research and development and then cancelling the programs entirely.

- **The fossil fuel industry relies on trade associations to spread confusing and misleading narratives and to lobby against climate action.** Fossil fuel companies use trade associations, think tanks, and other nonprofits to influence public policy proposals and messaging, including API and the Chamber, as well as the Oil and Gas Climate Initiative, Natural Gas Supply Association, and Western States Petroleum Association. New emails between fossil fuel executives and these groups demonstrate how the companies influenced and leveraged the associations and other organizations to control their messaging and use them to lobby for unpopular proposals that they do not want to be associated with.

- **The fossil fuel industry strategically partners with universities to lend an aura of credibility to its deception campaigns while also silencing opposition voices.** Fossil fuel companies establish funded partnerships with academic institutions to enhance their credibility, shape academic research programs to provide studies supportive of a prolonged life for oil and gas, leverage the resulting research to their advantage, and bolster access to policymakers. New documents reveal previously unknown funding levels and show how companies condition their funding on academics' cooperation and alignment with companies' business needs. Additional documents demonstrate that companies actively tracked individuals and organizations critical of the industry and monitored their social media.

- **All six entities—Exxon, Chevron, Shell, BP, API, and the Chamber—obstructed and delayed the Committees' investigation.** Despite valid subpoenas, the entities refused to fully comply with the investigation, making baseless legal arguments and flouting longstanding congressional practices and norms for investigations. The companies further obstructed the investigation by significantly redacting or entirely withholding more than 4,000 documents without any valid basis.



CHAPTER 1: INTRODUCTION AND INVESTIGATION BACKGROUND

I. INTRODUCTION

Decades of climate denial and legislative obstruction by the fossil fuel industry have forestalled meaningful government action to avert climate change, "the defining crisis of our time."[1] The effects on people around the world are already significant and will only worsen over time absent urgent action. Syntheses of the work of thousands of climate scientists demonstrate that 1.5°C of warming above preindustrial levels will cause extreme heat waves, flooding, drought, food scarcity, and sea level rise.[2] The world is on track to hit 1.5°C of warming in the next decade, and with each additional increment of warming, the effects worsen.[3] With global warming now on course to breach 1.5°C compared to preindustrial levels, at least five tipping points—rapid and irreversible transformations of Earth systems—are likely to be triggered. These physical tipping points could also lead to "social tipping [points] such as financial destabilization, disruption of social cohesion, and violent conflict that would further amplify impacts on people" as well as risk "catastrophic, global-scale loss of capacity to grow staple crops" that could result in food system collapse across the world.[4]

Scientific evidence makes clear that any new fossil fuel development is incompatible with the Paris Agreement, a treaty signed by 195 countries including the United States, which sets a long-term goal of keeping global temperature rise below 2°C with an additional ambition to keep it below 1.5°C. The International Energy Agency (IEA) is unequivocal that, in order to achieve that goal, there must be no new or expanded greenhouse gas-emitting fossil fuel—including natural gas—projects approved for development, "beyond projects already committed."[5] Similarly, the United Nations' (UN) 2020 Production Gap Report found that, "[b]etween 2020 and 2030, global coal, oil, and gas production would have to decline annually by 11%, 4%, and 3%, respectively, to be consistent with a 1.5°C pathway."[6] There is a "'large consensus' across all published studies that developing new oil and gas fields is 'incompatible'

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[1] United Nations, *The Climate Crisis—A Race We Can Win* (online at www.un.org/en/un75/climate-crisis-race-we-can-win) (accessed Apr. 29, 2024).

[2] Intergovernmental Panel on Climate Change, *Climate Change 2023: Synthesis Report* (2023) (online at www.ipcc.ch/report/ar6/syr/downloads/report/IPCC_AR6_SYR_SPM.pdf).

[3] *When Will Global Warming Actually Hit the Landmark 1.5°C Limit*, Nature (May 19, 2023) (online at www.nature.com/articles/d41586-023-01702-w); *10 Big Findings from the 2023 IPCC Report on Climate Change*, World Resources Institute (Mar. 20, 2023) (online at www.wri.org/insights/2023-ipcc-ar6-synthesis-report-climate-change-findings).

[4] *New Report: Tipping Point Threats and Opportunities Accelerate*, Stockholm Resilience Center (Dec. 6, 2023) (online at www.stockholmresilience.org/research/research-news/2023-12-06-new-report-tipping-point-threats-and-opportunities-accelerate.html).

[5] International Energy Agency, *Net Zero by 2050: A Roadmap for the Global Energy Sector* (Oct. 2021) (online at https://iea.blob.core.windows.net/assets/deebef5d-0c34-4539-9d0c-10b13d840027/NetZeroby2050-ARoadmapfortheGlobalEnergySector_CORR.pdf).

[6] United Nations, *The Production Gap* (2020) (online at https://productiongap.org/2020report/).

with the 1.5°C target."[7] In all scenarios holding warming below 1.5°C, the International Institute for Sustainable Development found that "[g]lobal oil and gas production and consumption must decrease by at least 65% by 2050."[8]

As set out in this joint staff report, as well as two prior memoranda, documents obtained by the then-House Committee on Oversight and Reform (House Oversight Committee) during the 117th Congress demonstrate that, contrary to public statements supportive of the Paris Agreement, major oil and gas companies' and their trade associations' business models and political influencing activities are inconsistent with any credible pathway to a safe climate.[9]

II. THE HOUSE OVERSIGHT COMMITTEE'S INVESTIGATION

On October 23, 2019, in view of the risks posed by climate change and public reporting about the role the fossil fuel industry has played in suppressing scientific evidence, the Subcommittee on Civil Rights and Civil Liberties of the House Oversight Committee held the first congressional hearing about climate denialism, "Examining the Oil Industry's Efforts to Suppress the Truth About Climate Change." At this hearing, former Exxon scientists confirmed that Exxon knew the reality of climate change as early as the 1970s but concealed that reality from the public. Dr. Martin Hoffert, a former Exxon consultant, testified that Exxon's actions were "immoral" and "greatly set back efforts to address climate change."[10]

Two years later, on September 16, 2021, the House Oversight Committee launched an investigation into the fossil fuel industry's decades-long deception campaign.[11] The House Oversight Committee sent investigative letters to ExxonMobil (Exxon), BP America Inc. (BP), Shell Oil Company (Shell), Chevron Corporation (Chevron), the American Petroleum Institute (API), and the Chamber of Commerce (the Chamber). None of the entities met the deadline for responding to the Committee's requests for information and documents, and each eventually

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[7] *New Fossil Fuels 'Incompatible' with 1.5C Goal, Comprehensive Analysis Finds*, Carbon Brief (Oct. 23, 2022) (online at www.carbonbrief.org/new-fossil-fuels-incompatible-with-1-5c-goal-comprehensive-analysis-finds/).

[8] International Institute for Sustainable Development, *Navigating Energy Transitions: IISD Report* (Oct. 2022) (online at www.iisd.org/system/files/2022-10/navigating-energy-transitions-mapping-road-to-1.5.pdf).

[9] Memorandum from Chairwoman Carolyn B. Maloney and Chairman Ro Khanna to Members of the Committee on Oversight and Reform, *Investigation of Fossil Fuel Industry Disinformation* (Sept. 14, 2022) (online at https://oversightdemocrats.house.gov/sites/evo-subsites/democrats-oversight.house.gov/files/2022.09.14%20FINAL%20COR%20Supplemental%20Memo.pdf); Memorandum from Chairwoman Carolyn B. Maloney and Chairman Ro Khanna to Members of the Committee on Oversight and Reform, *Investigation of Fossil Fuel Industry Disinformation* (Dec. 9, 2022) (online at https://oversightdemocrats.house.gov/sites/evo-subsites/democrats-oversight.house.gov/files/2022-12-09.COR_Supplemental_Memo-Fossil_Fuel_Industry_Disinformation.pdf).

[10] Committee on Oversight and Reform, Subcommittee on Civil Rights and Civil Liberties, *Hearing on Examining the Oil Industry's Efforts to Suppress the Truth About Climate Change,* 116th Cong. (Oct. 23, 2019) (online at https://oversightdemocrats.house.gov/legislation/hearings/examining-the-oil-industry-s-efforts-to-suppress-the-truth-about-climate-change).

[11] Committee on Oversight and Reform, *Press Release: Oversight Committee Launches Investigation of Fossil Fuel Industry Disinformation on Climate Crisis* (Sept. 16, 2021) (online at https://oversightdemocrats.house.gov/news/press-releases/oversight-committee-launches-investigation-of-fossil-fuel-industry).

made only a limited production primarily containing non-substantive, trivial and publicly available materials such as press clippings, regulatory filings, and pages from the entities' own websites. On October 21, 2021, the House Oversight Committee sent additional letters to all six entities, extending the production due date to October 25, 2021. Still, none of the entities made substantial productions of the key documents the House Oversight Committee requested.[12]

As a result of their initial obstruction, on November 2, 2021, the House Oversight Committee subpoenaed all six entities.[13] The subpoenas required the six entities to produce all documents dating from November 30, 2015, that (1) were sent, received, or created by board members and executives and related to climate change and clean energy, including documents addressing industry marketing and advertising on those topics; (2) were sufficient to demonstrate the amount and itemization of all direct or indirect funding to employees and external contractors related to climate change and clean energy; and (3) related to the entities' plans to reduce greenhouse gases.[14] Even after receiving these subpoenas, the entities failed to comply fully—or, in some cases, at all—as discussed in Chapter 6 of this staff report.

As part of its investigation, the House Oversight Committee also held hearings demonstrating the ways that Big Oil was fueling the climate crisis. At the first hearing, titled "Fueling the Climate Crisis: Exposing Big Oil's Disinformation Campaign to Prevent Climate Action," CEOs from Exxon, BP, Chevron, Shell, API, and the Chamber testified. House Oversight Committee Members questioned the CEOs about their organizations' roles in the fossil fuel industry's "long-running, industry-wide campaign to spread disinformation about the role of fossil fuels in causing global warming."[15]

At the second hearing, titled "Fueling the Climate Crisis: Examining Big Oil's Climate Pledges," climate and environmental experts testified about "the urgent need for fossil fuel companies to fundamentally alter their operations and reduce emissions, and assess[ed] whether the companies' climate pledges will meet that goal, or are instead just the latest example of climate disinformation."[16]

At the final hearing, titled "Fueling the Climate Crisis: Examining Big Oil's Prices, Profits, and Pledges," individuals directly affected by the climate crisis offered firsthand accounts about surviving climate change-induced severe weather events. In a second panel,

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[12] Committee on Oversight and Reform, *Press Release: Chairwoman Maloney Subpoenas Top Fossil Fuel Entities for Key Documents* (Nov. 2, 2021) (online at https://oversightdemocrats.house.gov/news/press-releases/chairwoman-maloney-subpoenas-top-fossil-fuel-entities-for-key-documents).

[13] *Id.*

[14] *Id.*

[15] Committee on Oversight and Reform, *Hearing on Fueling the Climate Crisis: Exposing Big Oil's Disinformation Campaign to Prevent Climate Action,* 117th Cong. (Oct. 28, 2021) (online at https://oversightdemocrats.house.gov/legislation/hearings/fueling-the-climate-crisis-exposing-big-oil-s-disinformation-campaign-to).

[16] Committee on Oversight and Reform, *Hearing on Fueling the Climate Crisis: Examining Big Oil's Climate Pledges,* 117th Cong. (Feb. 8, 2022) (online at https://oversightdemocrats.house.gov/legislation/hearings/fueling-the-climate-crisis-examining-big-oils-climate-pledges).

experts on economic, environmental, and energy policy examined Exxon's, Chevron's, BP's, and Shell's record-breaking profits and the inadequacy of their climate pledges.[17]

In September 2022, in connection with that third hearing, and again in December 2022, the House Oversight Committee released memoranda and documents obtained by the Committee. These memoranda and documents showed that fossil fuel companies had misled the public and investors about their supposed commitments to reduce greenhouse gas emissions and had continued to obstruct the House Oversight Committee's investigation despite being subpoenaed.[18]

Alongside this joint staff report, the House Oversight Committee's Democratic staff, at the direction of Ranking Member Jamie Raskin, is releasing additional documents obtained through the investigation commenced during the 117th Congress. These documents further demonstrate that fossil fuel companies—directly and through their trade associations—worked in concert to deceive the public and investors and to undermine efforts to curb greenhouse gas emissions.

[17] Committee on Oversight and Reform, *Hearing on Fueling the Climate Crisis: Examining Big Oil's Prices, Profits, and Pledges,* 117th Cong. (Sept. 15, 2022) (online at https://oversightdemocrats.house.gov/legislation/hearings/fueling-the-climate-crisis-examining-big-oil-s-prices-profits-and-pledges).

[18] Memorandum from Chairwoman Carolyn B. Maloney and Chairman Ro Khanna to Members of the Committee on Oversight and Reform, *Investigation of Fossil Fuel Industry Disinformation* (Sept. 14, 2022) (online at https://oversightdemocrats.house.gov/sites/evo-subsites/democrats-oversight.house.gov/files/2022.09.14%20FINAL%20COR%20Supplemental%20Memo.pdf); Memorandum from Chairwoman Carolyn B. Maloney and Chairman Ro Khanna to Members of the Committee on Oversight and Reform, *Investigation of Fossil Fuel Industry Disinformation* (Dec. 9, 2022) (online at https://oversightdemocrats.house.gov/sites/evo-subsites/democrats-oversight.house.gov/files/2022-12-09.COR_Supplemental_Memo-Fossil_Fuel_Industry_Disinformation.pdf).

Documents obtained by the House Oversight Committee demonstrate that:

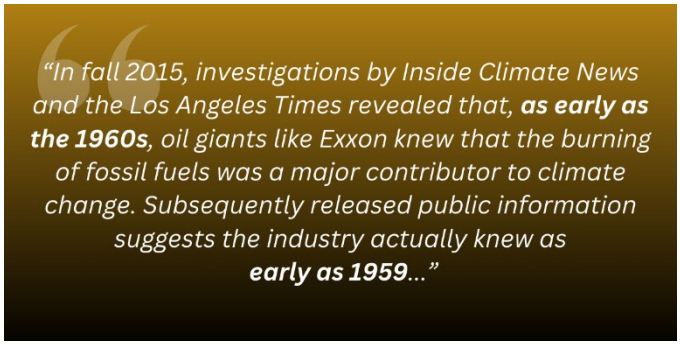
- Although fossil fuel companies claim to support the Paris Agreement, the climate plans that they have pledged to adopt—even if fully implemented—are not sufficient to achieve the greenhouse gas reductions necessary to meet the Paris Agreement's goals. Moreover, at least some companies' internal communications call into question their putative support of the Paris Agreement.
- Despite fossil fuel companies pledging to meet various emissions reduction targets, internal communications show that they continue to promote a future dominated by oil and gas and routinely take actions that are directly at odds with their pledges.
- Fossil fuel companies publicly tout investments in low-carbon technologies such as algae-based biofuels, while privately asserting the impracticability of these technologies in light of serious questions about their readiness, cost, and scalability.
- Fossil fuel companies publicly tout carbon capture and sequestration (CCS) as a solution for reducing emissions from fossil fuel combustion but fail to invest sufficient resources in deploying it and then blame the federal government for not providing taxpayer money to help them do so.
- Fossil fuel companies are aware of scientific evidence that the lifecycle emissions from natural gas may be equal to those from coal, yet continue to market natural gas as a safe, clean fuel that will help achieve climate goals.
- Fossil fuel companies publicly support climate policies such as carbon pricing and methane regulations while privately opposing them or paying trade associations to oppose and block them on their behalf.
- Fossil fuel companies collaborate with one another and industry groups to develop pro-fossil fuel disinformation, downplay the industry's responsibility for climate change, and obstruct meaningful climate action.

Together, these documents demonstrate how the strategy behind the fossil fuel industry's campaign of climate denialism and obstruction has shifted over time. As the effects of climate change have worsened—and, in turn, become more apparent—over the past three decades, the fossil fuel industry's outright denial has become more difficult to sustain. As a result, the industry shifted gears to focus on a campaign of deception about its true intentions with respect to the Paris Agreement, emissions reduction targets, low carbon technologies, the alleged safety of natural gas, and climate policies. This campaign sold to the public and investors a false story of progress while lobbying to protect and even expand the role of oil and gas in the U.S. energy mix.

Finally, despite being legally required to produce responsive documents pursuant to a valid congressional subpoena, the fossil fuel companies and their trade associations failed to fully comply with these subpoenas and obstructed the congressional investigation in many ways, including by failing to provide certain responsive documents and concealing key information through baseless and extensive redactions. Perhaps most egregiously, the Chamber furnished only 24 documents responsive to the subpoena.

CHAPTER 2: HISTORY OF CLIMATE DENIALISM

In fall 2015, investigations by *Inside Climate News* and the *Los Angeles Times* revealed that, as early as the 1960s, oil giants like Exxon knew that the burning of fossil fuels was a major contributor to climate change.[19] Subsequently released public information suggests the industry actually knew as early as 1959, when nuclear scientist Edward Teller explained to a symposium hosted by API that carbon dioxide emissions from burning oil would melt ice caps and raise sea levels.[20] In 1963, the burning of fossil fuels was already being linked to rising carbon dioxide levels and a rising global average temperature.[21] At the 1965 annual meeting of API, then-president Frank Izard said that "carbon dioxide is being added to the earth's atmosphere by the burning of coal, oil, and natural gas at such a rate that by the year 2000 the heat balance will be so modified as possibly to cause marked changes in climate beyond local or even national



[19] *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/); *How Exxon Went from Leader to Skeptic on Climate Change Research*, Los Angeles Times (Oct. 23, 2015) (online at https://graphics.latimes.com/exxon-research/).

[20] *On Its 100th Birthday in 1959, Edward Teller Warned the Oil Industry About Global Warming,* The Guardian (Jan. 1, 2018) (online at www.theguardian.com/environment/climate-consensus-97-per-cent/2018/jan/01/on-its-hundredth-birthday-in-1959-edward-teller-warned-the-oil-industry-about-global-warming).

[21] *Implications of Rising Carbon Dioxide Content of the Atmosphere*, The Conservation Foundation (1963) (online at https://babel.hathitrust.org/cgi/pt?id=mdp.39015004619030&view=1up&seq=4).

efforts." He went on to say that "[o]ur industry must give its fullest cooperation in this national effort to improve our air and water resources."[22]

By the late 1970s, the question was not *if* fossil fuels were contributing to climate change, but "how soon and how fast and how bad" climate change would be.[23] Exxon itself recognized in 1979 that the concentration of carbon dioxide in the atmosphere had been increasing since the start of the industrial revolution due to fossil fuel combustion, that it would lead to global warming, and that "[t]he present trend of fossil fuel consumption will cause dramatic environmental effects before the year 2050."[24]

Despite recognition by the fossil fuel industry that its products contributed substantially to climate change, including by Exxon's subsidiary tasked with conducting scientific research and engineering for the company, Exxon devised a campaign of climate change denial orchestrated to delay the enactment of greenhouse gas-reducing policies in the United States and globally.[25] In 1988, instead of communicating the findings of its scientific research, the company embarked on a calculated strategy to "emphasize the uncertainty in scientific conclusions regarding the potential enhanced Greenhouse Effect."[26]

Other industry advocacy groups engaged in similar tactics. Exxon was a member of the Global Climate Coalition, a now-defunct industry lobbying group that opposed the United States signing the Kyoto Protocol in 1997.[27] In 1998, as the world continued to grapple with the need to cut carbon emissions, API sent a memorandum to its Global Climate Science Communications Team, later leaked to the *New York Times*, that stated: "Victory will be achieved when average citizens 'understand' (recognize) uncertainties in climate science. ... Unless 'climate change' becomes a non-issue ... there may be no moment when we can declare victory."[28] This now-infamous "Victory Memo" laid out the industry's campaign to deceive the public by raising

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[22] Frank N. Ikard, *Meeting the Challenges of 1966*, American Petroleum Institute (1965) (online at www.climatefiles.com/trade-group/american-petroleum-institute/1965-api-president-meeting-the-challenges-of-1966/).

[23] *Drilled: The Bell Labs of Energy*, Critical Frequency (Nov. 13, 2018) (online at www.dropbox.com/sh/fi4n4g13nqt2f7m/AADPpB8CXzw3Q7aEN_hts3J2a/S1%20Transcripts?dl=0&preview=Drilled_Ep03.docx&subfolder_nav_tracking=1).

[24] Exxon, *Controlling the CO2 Concentration in the Atmosphere* (Oct. 1979) (online at www.climatefiles.com/exxonmobil/1979-exxon-memo-on-potential-impact-of-fossil-fuel-combustion/).

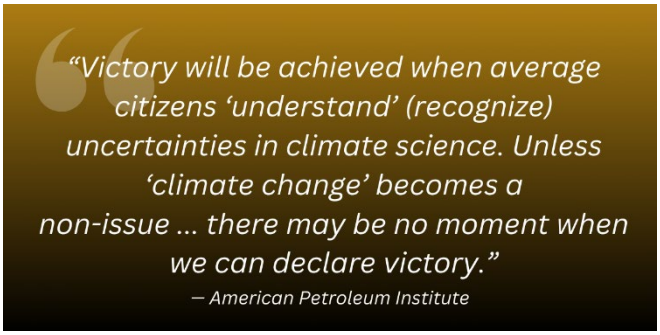
[25] *How Exxon Went from Leader to Skeptic on Climate Change Research*, Los Angeles Times (Oct. 23, 2015) (online at https://graphics.latimes.com/exxon-research/).

[26] Exxon, *The Greenhouse Effect* (Aug. 1988) (online at www.climatefiles.com/exxonmobil/566/).

[27] *Global Climate Coalition: Fighting Global Climate Action in Favor of Fossil Fuels' Survival*, Climate Liability News (Apr. 25, 2019) (online at www.climateliabilitynews.org/2019/04/25/gcc-global-climate-coalition-un-fossil-fuels/).

[28] *1998 American Petroleum Institute Global Climate Science Communications Team Action Plan,* American Petroleum Institute (online at www.documentcloud.org/documents/2840903-1998-API-Global-Climate-Science-Communications) (accessed Apr. 26, 2024).

"serious question on the science" by emphasizing "both sides" of the debate, and by depicting those promoting emissions reductions as "out of touch with reality."[29]



New documents obtained by the House Oversight Committee confirm the reporting by *Inside Climate News* and the *Los Angeles Times* in 2015: the fossil fuel industry has been aware of the reality of climate change (and the substantial role that fossil fuels play in temperature rise) for nearly 60 years. Yet the industry consistently conducted deception campaigns to blunt the political peril of such evidence and undermine proposed legislation and regulations governing greenhouse gas emissions.[30]

The documents demonstrate that despite its public statements at the time, Exxon did not dispute the reporting internally. Publicly, Exxon stated in a press release and in a letter that the stories were, "inaccurate and deliberately misleading."[31] A December 2015 email from an Exxon communications advisor indicated that the company conceded the journalists' findings.[32] In discussing a potential public response, the advisor wrote that Exxon didn't "actually ... dispute much of what these stories report." Instead, the advisor expressed frustration that journalists interpreted "the facts so negatively."[33] The advisor wrote:

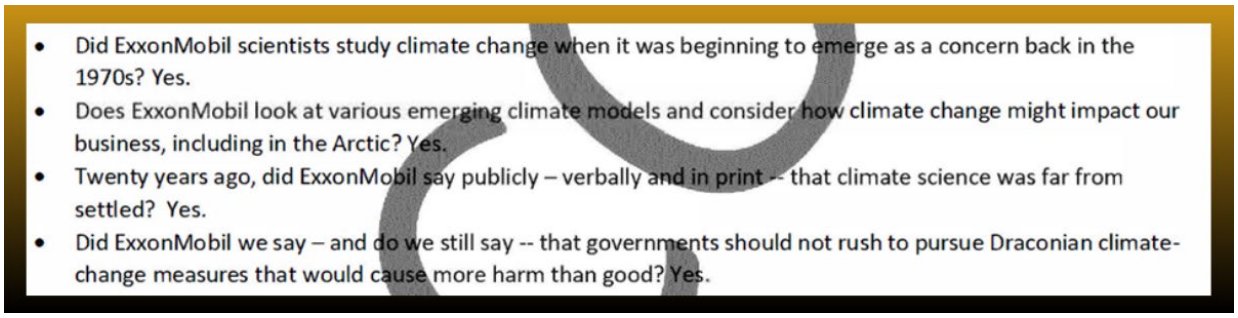
[29] *Id*.

[30] *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/); *How Exxon Went from Leader to Skeptic on Climate Change Research*, Los Angeles Times (Oct. 23, 2015) (online at https://graphics.latimes.com/exxon-research/).

[31] Exxon, *ExxonMobil Says Climate Research Stories Inaccurate and Deliberately Misleading* (Oct. 2015) (online at https://ir.exxonmobil.com/news-releases/news-release-details/exxonmobil-says-climate-research-stories-inaccurate-and) (accessed Apr. 16, 2024); Letter from ExxonMobil Corporation to Mr. Lee Bollinger, President Columbia University (Nov. 20, 2015) (online at www.politico.com/f/?id=00000151-5a8a-d6a2-a155-dbca213c0000).

[32] EM-HCOR3-00073317.

[33] *Id*.



Other documents acknowledge previous systematic efforts companies took to conceal their internal understanding of fossil fuel-induced climate change, including questioning journalists' integrity and motivations. In the December 2015 Exxon email, the communications advisor labeled them as "advocacy-funded journalists" rather than "traditional journalists," notwithstanding the reality that the company did not dispute the facts presented in the stories.[34] A March 2016 internal email between BP government affairs leadership members reveals that BP agreed with Exxon's dismissal of the reporting, deeming it "silliness," and expressing admiration for Exxon's response.[35]

Documents also demonstrate that the fossil fuel industry's duplicity continued at least into the last decade. In the 2010s, companies not only recognized their previous efforts to deny climate change but also continued to deny it anew. For example, although Chevron largely failed to comply with the Committee's subpoena, one 2016 spreadsheet produced by BP reflected it's view that Chevron had not yet "acknowledge[d] man made climate change exists."[36]

In February 2016, Exxon released a blog in response to the allegations regarding its deliberate undermining of climate change evidence.[37] While the final published piece asserted that the company "believes the risk of climate change is clear and warrants action," earlier drafts obtained by the House Oversight Committee do not discuss climate change as a threat or advocate for environmental protection.[38] Instead, initial language vigorously defends the role of fossil fuels, labeling the accusations against Exxon as "way off the mark" and the reporting as "journalistic malpractice."[39] Moreover, the drafts accuse the journalists of "misrepresent[ing] what we believe and what we have told the public," later amended to accuse them of being "deliberately inaccurate and misrepresent[ing] the basic facts."[40]

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[34] *Id.*

[35] BPA_HCOR_00117818.

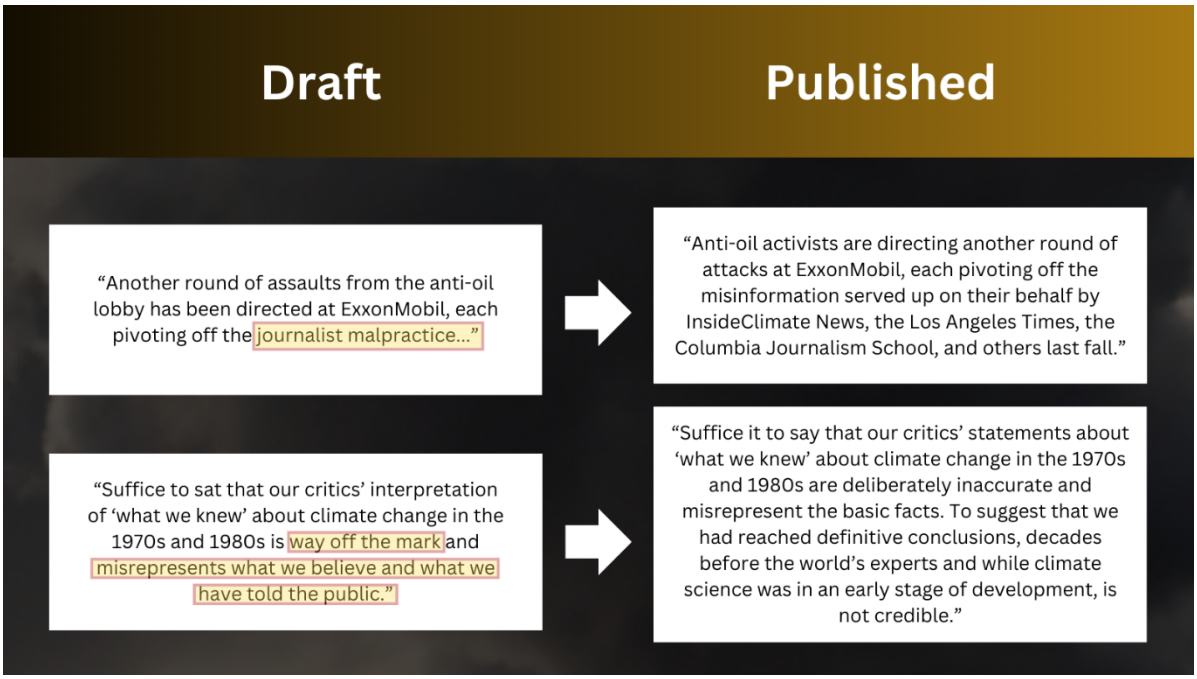
[36] BPA_HCOR_00283274.

[37] *Significant Differences of Opinion,* ExxonMobil (Feb. 24, 2016) (online at https://exxonmobilperspectives.com/2016/02/24/significant-differences-of-opinion/#print).

[38] *Id.*

[39] EM-HCOR3-00216152; EM-HCOR3-00216157.

[40] *Id.*; *Significant Differences of Opinion,* ExxonMobil (Feb. 24, 2016) (online at https://exxonmobilperspectives.com/2016/02/24/significant-differences-of-opinion/#print).



The contrast between the draft and final language provides an almost real-time glimpse into the evolution of climate denial strategies as fossil fuel companies pivoted from outright climate denial to a new strategy of deception. Instead of misrepresenting the science and the consequences of climate change, they pivoted to misrepresenting their business plans, their investments in low carbon technologies, the alleged safety of natural gas, and their support for various climate policies and emission reduction targets.[41]

The documents obtained by the Committee show the fossil fuel industry's adoption of this new approach. Today's climate denialism centers on greenwashing industry commitments that purport to address climate change, such as adopting industry pledges to move away from fossil fuels while funneling millions of dollars—often through a web of trade associations and think tanks supported by the fossil fuel industry—into campaigns that push anti-climate action agendas.[42]

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[41] Additional documents detailing references to historical deception include: BPA_HCOR_00041460; CHEV-117HCOR-0046737; CHEV-117HCOR-0047108; CHEV-117HCOR-0045529; EM-HCOR3-00247952. Emails from an Exxon advisor dated January 2016 similarly appear to affirm Exxon's awareness of its historical deception. Discussing a draft opinion piece, a communications advisor suggests replacing "working against climate policies" with "working against climate science." A media relations manager responded, "It's true that Inside Climate News originally accused us of working against the science but ultimately modified their accusation to working against policies meant to stop climate change, such as Kyoto. I'm ok either way since they were both true at one time or another." EM-HCOR3-00071758; EM-HCOR3-00071760.

[41] The United Nations defines greenwashing as "misleading the public to believe that a company or other entity is doing more to protect the environment than it is." United Nations, *Greenwashing—The Deceptive Tactics Behind Environmental Claims* (online at www.un.org/en/climatechange/science/climate-issues/greenwashing) (accessed Apr. 19, 2024).

CHAPTER 3: MODERN CLIMATE DENIALISM AND DOUBLESPEAK

Industry documents obtained by the House Oversight Committee reveal that fossil fuel companies routinely mislead the public and investors about their emission reduction targets, their plans to comply with the Paris Agreement, the viability of low-carbon technologies they tout, the alleged safety of natural gas, and their commitments to support various climate policies.

I. DOUBLESPEAK: EMISSIONS REDUCTION TARGETS

Shell, Exxon, and Chevron have each made climate pledges, including emission reduction targets, albeit with varying degrees of ambition and different approaches for achieving carbon neutrality. Despite their differences, a common theme is the pledges' reliance on ambiguous language and long-term targets to avoid more aggressive, necessary action. All four fossil fuel companies claim that their pledges will allow them to meet the Paris Agreement goal of net zero emissions by 2050, using clever marketing and green-sounding language to convince the public that they are taking climate change seriously.

In 2020, BP pledged to reach net zero in its oil and gas production on an absolute basis and to cut by 50% from 2019 levels the carbon intensity of the products it sells by 2050 or sooner.[43] It also promised to install methane measurement at all of its major oil and gas processing sites between 2019 and 2023 and to reduce methane intensity in its operations by 50% in that time period (one goal BP successfully accomplished). BP also pledged to increase the proportion of investment into non-oil and gas businesses over time.[44] And it has set some near-term climate goals across operations, production, and sales, and it appears to be on track to meet some of those goals.[45]

But recent public statements as well as internal documents produced to the House Oversight Committee demonstrate that BP's external pledges were inconsistent with its internal positions. Just two months ago, in February 2024, BP interim CEO Murray Auchincloss made clear that BP would pursue a profit-oriented "demand strategy" that would require increasing its oil output: "[W]e see growing demand for energy right now across the globe … [We are] going to invest in today's energy system … So that's investing into oil and gas."[46] Documents

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[43] BP, *Press Release: BP Sets Ambition for Net Zero by 2050, Fundamentally Changing Organisation to Deliver* (Feb. 12, 2020) (online at www.bp.com/en/global/corporate/news-and-insights/press-releases/bernard-looney-announces-new-ambition-for-bp.html). Carbon intensity is "the ratio of carbon dioxide per unit of energy, or the amount of carbon dioxide emitted as a result of using one unit of energy in production." World Bank, *Databank: Metadata Glossary* (online at https://databank.worldbank.org/metadataglossary/world-development-indicators/series/EN.ATM.CO2E.EG.ZS) (accessed Apr. 29, 2024).

[44] BP*, Press Release: BP Sets Ambition for Net Zero by 2050, Fundamentally Changing Organisation to Deliver* (Feb. 12, 2020) (online at www.bp.com/en/global/corporate/news-and-insights/press-releases/bernard-looney-announces-new-ambition-for-bp.html).

[45] *BP's Path to Emission Reduction: Analyzing Targets and Achievements*, Offshore Technology (Jan. 18, 2024) (online at www.offshore-technology.com/data-insights/bp-net-zero-targets/?cf-view).

[46] *BP to Increase Oil Output, New Chief Says*, New York Times (Feb. 6, 2024) (online at www.nytimes.com/2024/02/06/business/bp-oil-gas-profits.html).

obtained during the House Oversight Committee's investigation suggest this has always been true.

Other 2019 internal emails demonstrate a lack of support at the highest levels of BP leadership for emissions cuts consistent with the Paris Agreement targets. The Climate Leadership Council (CLC) is a non-profit, bipartisan organization founded to advocate for a carbon dividends policy funded through a carbon tax, which would gradually increase until emissions reduction goals are achieved. In 2019, CLC pushed for a climate roadmap to cut U.S. carbon emissions in half by 2035. BP—through another third-party group, OGCI declined to participate in the campaign to promote the initiative.[47] An internal email chain at the time shows BP executives internally flagging CLC's outreach to OGCI, asking it to support a potential announcement from CLC oil and gas member companies, including Exxon, BP, and Shell, during a UN meeting. BP's Vice President of Strategic Planning wrote: "just wanted you to be aware as reducing emissions in half by 2035 sounds pretty out there!"[48] Of course, reducing emissions by half by 2035, as CLC's plan called for, would be roughly consistent with Paris Agreement targets, which BP claimed to support.

Private emails just before BP's February 2020 net zero pledge demonstrate that BP's global lead for Sustainability and Climate Policy and Partnerships did not believe that BP had any ability to meet its net zero target by 2050. In a June 2019 email thread showing BP's internal discussion on how to respond to a press request for comment, the BP official said, "it goes a bit too far to state or imply support for net zero by 2050, because that would require policy likely to put some existing assets at risk, and we haven't discussed that internally." He suggested BP respond by claiming to be "supportive of ambitious targets and timetables, including net zero targets," emphasizing that "***we need to stand by our public support for the Paris goals and the achievement of net zero*** 'in the coming decades.'"[49]

Another document shows BP in damage control mode after it opposed a shareholder resolution seeking to establish robust emissions targets on BP products. A 2019 email from a Communications and External Affairs official on the day after BP's Annual General Meeting strongly encouraged shareholders to oppose the resolution. The email, highlighting both a *Financial Times* op-ed and a note to "key climate stakeholders," illustrates BP's public support for the Paris Agreement to justify its refusal to commit to specific emissions reduction plans:

> [O]ur strategy is consistent with the Paris Agreement and we welcome steps that support a faster transition to a low carbon energy system. That said, the pace and nature of the energy transition remains[sic] uncertain. Therefore, we could not support a second resolution proposed by a group called Follow This that called for emissions targets on BP

[47] Climate Leadership Council, *The Baker Shultz Carbon Dividends Plan: Bipartisan Climate Roadmap* (Aug. 2021) (online at https://clcouncil.org/reports/Bipartisan-Climate-Roadmap.pdf).

[48] BPA_HCOR_00170209; BPA_HCOR_00170216; BPA_HCOR_00170225. The document also shows internal debate between CLC member companies over a proposed policy provision granting fossil fuel companies relief from liability for climate harms. "CLC delivered to me late Friday (in hard copy) their revised Pillar document and a comms plan for rollout of this (including esp [sic] removal of the liability relief provision)… Bottom line, XOM has apparently agreed to this plan at least for now and so crisis averted in terms of XOM on one side or Microsoft on the other making a noisy withdrawal over the liability issue."

[49] BPA_HCOR_00105125 (emphasis added).

> products. We have no control over these emissions and to support such a resolution would not provide the necessary flexibility to transform in response to whatever form the transition will take.[50]

BP's own public relations consultants advised the company that, after testing proposed messages with relevant audiences, respondents felt BP was greenwashing its image with incremental examples of emissions reductions, while not demonstrating sustained action to become a cleaner company.[51] Purple Strategies, a political communications firm, assisted BP in refining its narrative as a "transitioning" or "greening" company. BP and Purple Strategies organized focus groups with "multi-issue activists and armchair pundits" and "ESG-oriented financial elites."[52] A 2021 document titled "Transitioning Companies Narrative Refinement & Exploration: Engaged & Influential Segments" sets out findings aimed at helping BP appear greener.[53] Purple Strategies concluded that the tested narrative "prove[d] that bp is *thinking* in the right direction but falls short of providing that we are *acting* in the right way."[54] Purple Strategies suggested ways BP could change its behavior to appear more committed to the green transition:

> A single or discrete example of an investment in cleaner energy does not a greening company make. As we found with ESG investors, segments need to see sustained efforts and investments over time to believe in bp's commitment. Clear benchmarking and reporting on goals, along with focused leadership and accountability are crucial to believing in change.[55]

In other words, in order to be perceived as a truly green company by investors, BP had to actually become a low-carbon company, something it was not actually doing.

An undated draft document that appears to be from 2021 entitled "Greening companies narrative – DISCUSSION DRAFT" shows how BP executives worked to downplay the climate crisis.[56] For example, one comment on the draft appears to show a BP official suggesting the phrase "[t]o meet a tough challenge" rather than "[i]n a crisis," adding that "[b]y using [crisis] language we risk putting pressure on ourselves ('so why then aren't you doing more?') but by not using it we risk counting ourselves out of the conversation before we've got started."[57] BP

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[50] BPA_HCOR_00073042.

[51] The United Nations defines greenwashing as "misleading the public to believe that a company or other entity is doing more to protect the environment than it is." United Nations, *Greenwashing—The Deceptive Tactics Behind Environmental Claims* (online at www.un.org/en/climatechange/science/climate-issues/greenwashing) (accessed Apr. 29, 2024).

[52] *See, e.g.*, BPA_HCOR_00106758; BPA_HCOR_00326467; BPA_HCOR_00326638.

[53] BPA_HCOR_00326640.

[54] *Id*.

[55] *Id*.

[56] BPA_HCOR_00193837.

[57] *Id*.

officials also suggested using the term "lower carbon" practices in lieu of "greener" to avoid potential "inclusion of other sustainability issues."[58]

Shell pledged "net-zero carbon emissions from our operations" by 2050 and "net-zero carbon emissions from the energy products we sell, ... which currently account for over 90% of the total emissions we report."[59] Shell also pledged to reduce its absolute emissions by 50% by 2030, compared to 2016 levels on a net basis. Shell plans to eliminate routine flaring of natural gas from its upstream operations, maintain methane emissions intensity below 0.2% by 2025, and achieve near-zero methane emissions by 2030.[60]

The evidence that Shell is on track to meet these targets is scant.[61] In 2018, a Shell External Relations Manager expressed doubt that net zero emissions were possible by 2050, suggesting it might take until 2070. The Shell manager also expressed concern that a think tank whose research Shell was considering amplifying "is pushing harder & faster for net-zero carbon emissions than Shell finds plausible at this time (e.g. 2050/60 vs 2070)."[62] Other Shell documents demonstrate that the company planned to extract oil and gas for as long as possible. In conversations between Shell executives at an event with reporters in 2020, Shell's chief economist stated that the company was "going to get as much out of [oil and gas] for as long as we can." A Shell deepwater strategy employee said, "In terms of emissions, [deepwater] is one of the cleanest ways to go. Of course, when you put it in your car and burn it, it's oil..." After a news outlet published these statements, in internal documents, Shell's communication team dismissed the outlet that published as a "local rag" and stated that they hoped that no one would read it. One official, however, conceded the article made for "uncomfortable reading."[63]

Exxon has pledged an "ambition to achieve net zero greenhouse gas emissions for operated assets by 2050, backed by a comprehensive approach to develop detailed emission-reduction roadmaps for major facilities and assets" and "supported by 2030 emission-reduction plans, including net-zero plans for Permian Basin operations."[64] In a December 2021 press release, Exxon also pledged to eliminate routine flaring, a type of operational emission, in the

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[58] *Id*.

[59] Shell, *Our Climate Target* (online at www.shell.com/energy-and-innovation/the-energy-future/our-climate-target.html) (accessed Apr. 17, 2024).

[60] *Shell Plans to Increase Fossil Fuel Production Despite its Net-Zero Pledge*, National Public Radio (June 14, 2023) (online at www.npr.org/2023/06/14/1182102392/shell-plans-to-increase-fossil-fuel-production-despite-its-net-zero-pledge).

[61] Environmental Defense Fund, *Flaring Flatline: Commitments on Natural Gas Flaring Outpace Progress* (June 2022) (online at https://business.edf.org/wp-content/blogs.dir/90/files/Flaring-Flatline.pdf;) *Shell Cuts Scope 1, 2, and Methane Emissions,* Energy Digital (Apr. 20, 2022) (online at https://energydigital.com/oil-and-gas/shell-cuts-scope-1-2-and-methane-emissions).

[62] SOC-HCOR-045422.

[63] SOC-HCOR-391063.

[64] ExxonMobil, *Press Release: ExxonMobil Announces Ambition for Net-Zero Greenhouse Gas Emissions by 2050* (Jan. 18, 2022) (online at https://corporate.exxonmobil.com/news/news-releases/2022/0118_exxonmobil-announces-ambition-for-net-zero-greenhouse-gas-emissions-by-2050).

Permian Basin.[65] The company also pledged to decrease operational methane emissions intensity by 70% to 80% of 2016 levels by 2030.[66] However, none of the pledges address emissions released from Exxon's products when they are burned for energy, which account for around 85% of Exxon's total emissions.[67]

Internal Exxon documents demonstrate that the company touts one-off, insubstantial emissions reductions, rather than setting ambitious climate targets and holding the entire company accountable for meeting them. In its 2017 Chairman's Annual Meeting Book, Exxon explained its refusal to set an ambitious, company-wide climate plan aligned with the Paris Agreement.[68]

As the document explains:

> [O]ur processes include, where appropriate, setting tailored objectives at the business, site, and equipment levels, and then stewarding progress toward meeting those objectives ... ExxonMobil believes this rigorous bottom-up approach is a more effective and meaningful way to drive efficiency improvement and GHG [greenhouse gas] emissions reduction than simply setting high-level corporate targets.[69]

Another document shows that Exxon would not strive to comply with rigorous voluntary third-party climate disclosure standards from respected nongovernmental organizations (NGOs) like the Carbon Disclosure Project and the Task Force on Climate-Related Disclosure. The Exxon Chairman's Annual Meeting book from 2017 stated: "we do not believe striving for a [Carbon Disclosure Project] 'A' grade, as some of our competitors have indicated (Shell & BP) is in the best interest of the company."[70]

A 2018 spreadsheet obtained by the Committee shows that Exxon and fellow oil major ConocoPhillips collaborated to discuss whether disclosure standards set by the International Petroleum Industry Environmental Conservation Association (IPIECA), an oil-industry trade group, should incorporate stronger climate risk disclosures, in particular, "a description of their risks and opportunities by sector and/or geography."[71] The spreadsheet shows that

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[65] ExxonMobil, *Press Release: ExxonMobil Plans for Net-Zero Emissions in Permian Basin Operations by 2030* (Dec. 6, 2021) (online at https://corporate.exxonmobil.com/news/news-releases/2021/1206_exxonmobil-plans-for-net-zero-emissions-in-permian-basin-operations-by-2030); *Exxon Halts Routine Gas Flaring in the Permian, Wants Others to Follow,* Reuters (Jan. 25, 2023) (online at www.reuters.com/business/energy/exxon-halts-routine-gas-flaring-permian-wants-others-follow-2023-01-24/).

[66] ExxonMobil, *Advancing Climate Solutions Report: Methane* (Jan. 2024) (online at https://corporate.exxonmobil.com/sustainability-and-reports/advancing-climate-solutions/methane).

[67] ExxonMobil, *Scope 3 Emissions* (2022) (online at https://corporate.exxonmobil.com/-/media/global/files/advancing-climate-solutions-progress-report/2022-july-update/scope-3-emissions.pdf); Securities and Exchange Commission, *Notice of Exempt Solicitation* (2023) (online at www.sec.gov/Archives/edgar/data/34088/000183988223012483/xom_px14a6g-051023.htm).

[68] EM-HCOR3-00942441.

[69] *Id*.

[70] *Id.*

[71] EM-HCOR3-00876629.

ConocoPhillips argued that IPIECA disclosures did "not need to get more granular than a description of potential future risk."[72] ConocoPhillips also balked at reporting Scope 3 emissions, disagreeing that they were an "important metric to judge a company by."[73]

Chevron released a report detailing its intention to reach net zero by 2050, but its actual actions have been the least substantial of any company. The pledge only addresses operational emissions, which constitute less than 10% of Chevron's overall climate pollution.[74] One study calculated that the company's total projected emissions from 2022 to 2025 are larger than the emissions of ten European countries combined.[75] And despite this net zero pledge, Chevron expects to spend between $18.5 billion and $19.5 billion in 2024 on new oil and gas projects—an 11% increase year over year.[76]

II. DOUBLESPEAK: PARIS AGREEMENT

Publicly available information and documents produced to the House Oversight Committee demonstrate that fossil fuel companies have no intention of aligning corporate emissions reductions with the Paris Agreement despite public statements supporting the Agreement. Rather than developing plans that recognize the fossil fuel industry's responsibility to reduce greenhouse gas emissions, the companies (1) de-emphasize or ignore responsibility for reducing emissions from the burning of their oil and gas products for energy, transferring blame and responsibility to consumers for the vast majority of their emissions; and (2) overemphasize minimal investments in clean or renewable energy projects that are insufficient to achieve the goals of the Paris Agreement.

Fossil fuel production must decrease annually for the world to meet international climate goals. However, fossil fuel companies implement business plans to expand their oil and gas production and extraction activities, in turn generating enormous profits. These enormous profits are a result of industry-wide business models that are inconsistent with the Paris Agreement.

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[72] *Id.;* Other documents show that the companies closely track their competitors' climate pledges and projections: EM-HCOR3-00005564; EM-HCOR3-00040924; EM-HCOR3-00876410; BPA_HCOR_00283274, BPA_HCOR_00037840, BPA_HCOR_00049634, BPA_HCOR_00050382, BPA_HCOR_00155874; EM-HCOR3-00876629.

[73] *Id.*

[74] *Worthless: Chevron's Carbon Offsets Are Mostly Junk and Some May Harm, Research Says,* The Guardian (May 24, 2023) (online at www.theguardian.com/environment/2023/may/24/chevron-carbon-offset-climate-crisis).

[75] *Id.*

[76] *Chevron Increases Project Spending by 11% for 2024*, Reuters (Dec. 7, 2023) (online at www.reuters.com/business/energy/chevron-forecasts-16-bln-capex-2024-2023-12-06).

Climate Pledges	Reality
 "In February 2020 we set out our ambition to be a net zero company by 2050 or sooner and to help the world get to net zero. This ambition is supported by 10 aims: five to help us become a net zero company, and five to help the world get to net zero. We believe that our net zero ambition and aims, taken together, set out a path for bp that is consistent with the goals of the Paris Agreement."	 Remaining in the Paris Agreement was "the most obvious course of action to take. All the benefits and few of the risks. That was really why the Paris Agreement was designed the way it was - to enable flexible transition from one political regime to the next. No one is committed to anything, other than to stay in the game."
 "Our strategy is straightforward - we are leveraging our strengths to safely deliver lower carbon energy to a growing world. Our capabilities, assets and customers are distinct advantages. We are building on these strengths as we aim to lead in lower carbon intensity oil, products and natural gas and to advance new products and solutions that reduce the carbon emissions of major industries."	 According to MSCI, Chevron's current activities would result in 3.2°C of global temperate rise when extrapolated over the entire economy—well above the Paris Agreement targets.
ExxonMobil "'ExxonMobil is committed to playing a leading role in the energy transition, and Advancing Climate Solutions articulates our deliberate approach to helping society reach a lower-emissions future,' said Darren Woods, chairman and chief executive officer. 'We are developing comprehensive roadmaps to reduce greenhouse gas emissions from our operated assets around the world, and where we are not the operator, we are working with our partners to achieve similar emission-reduction results.'"	ExxonMobil He continues, "[b]oth 2 deg C and 1.5 deg C would require unprecedented changes to the global energy system and economy, at a rate and scale never before demonstrated."
 "Shell aims to become a net-zero emissions energy business by 2050 or sooner, in step with society. That's why we're setting our goals in line with the Paris Climate Agreement. Achieving these goals takes a variety of innovative and integrated energy solutions to get where we're headed. And while change is never easy, Shell Energy will work with you to make the process easier, charting a path to net-zero that works best for your organization."	 Despite originally pledging to reach net zero by 2050 for its total emissions consistent with the Paris Agreement, Shell now concedes that the "2050 target is 'currently outside our planning period.'"

Exxon first announced its support for the Paris Agreement in 2015.[77] In a 2021 blog post, Exxon's Director of Greenhouse Gas and Climate Change reiterated that the company "has supported [the Paris Agreement] since its adoption in 2015."[78] Yet, a document obtained by the House Oversight Committee shows that in a 2019 memo, the very same Exxon official recommended to Exxon's CEO that the company urge the Oil and Gas Climate Initiative (OGCI), a CEO-level group that claims to support greenhouse emissions in the fossil fuel industry, to remove any references to the Paris Agreement from its documents, including public statements and an annual report. He sought to avoid any language that "potentially commits [OGCI] members to enhanced climate-related governance, strategy, risk management, and performance metrics and targets."[79] The document, which catalogued "critical edits" Exxon provided to OGCI, noted that Chevron was "generally aligned" with the approach.

Exxon clearly understood that its investment strategy was inconsistent with the Paris Agreement. However, the company absolved itself from responsibility because it had already written off the possibility of the world reaching 2°C ; that is, it did not believe that the global energy system was on track to meet the Paris Agreement. In a 2018 email, the same Exxon official who edited the OGCI documents wrote: "I don't think hypothetical 1.5 deg C scenarios (vs hypothetical 2 deg C scenarios) should really change our thinking vis a vis upstream strategy…we don't yet see the world even approaching a 2 deg C pathway (via Paris NDCs, signpost monitoring, etc.), let alone a 1.5 deg C pathway." He continues, "[b]oth 2 deg C and 1.5 deg C would require unprecedented changes to the global energy system and economy, at a rate and scale never before demonstrated."[80]

In 2024, Exxon confirmed that it would continue to increase oil and gas production, by about 10% over the next four years, from a projected 3.8 million barrels of oil equivalent a day by 2024 to 4.2 million barrels of oil equivalent per day by 2027. With the recent acquisition of Pioneer Natural Resources, the company will double its Permian shale oil and gas output to about 1.3 million barrels per day.[81] Exxon and partners plan to spend $12.9 billion to develop their sixth offshore oil project in Guyana, which would start operations in 2027 and bring Exxon's oil output in Guyana to over 1.2 million barrels per day.[82]

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[77] *Inside Exxon's Strategy to Downplay Climate Change,* Wall Street Journal (Sept. 14, 2023) (online at www.wsj.com/business/energy-oil/exxon-climate-change-documents-e2e9e6af).

[78] ExxonMobil, *Reaffirming Our Commitment to the Paris Agreement* (Jan. 20, 2021) (online at https://corporate.exxonmobil.com/news/viewpoints/commitment-paris-agreement).

[79] EM-HCOR3-00064980.

[80] EM-HCOR3-00022185; EM-HCOR3-00611488.

[81] *Exxon Mobil Forecasts Increases in Project Spending, Oil Output*, Reuters (Dec. 6, 2023) (online at www.reuters.com/markets/commodities/exxon-mobil-forecasts-higher-production-2024-2023-12-06/).

[82] *Exxon Proposes Sixth Oil Project in Guyana for $12.9 Billion*, Reuters (Aug. 21, 2023) (online at www.reuters.com/business/energy/exxon-proposes-sixth-oil-project-guyana-129-billion-2023-08-21/).

According to investment firm MSCI, Exxon's current activities would result in 3.2°C of global temperature rise when extrapolated over the entire economy—well above the Paris Agreement targets.[83]

Chevron first announced its support for the Paris Agreement in 2016, calling it a "good first step."[84] But internal documents suggest that Chevron was either not assumed to be truly committed to the Paris Agreement or quickly changed its position to curry favor with the Trump Administration. In early 2017, a Trump Administration official emailed a Chevron official, among others, to offer talking points on President Trump's withdrawal from the Paris Agreement, urging recipients to "use and share as you see fit and please do flood the zone with public communications of support—TV, radio, social media, statements, op-eds, etc. The climate-change supporters will be out there trashing this move, so we'd love as much back-up for the President as possible."[85]

Chevron's oil and gas activities have also increased. In 2023, Chevron produced a record 3.1 million oil-equivalent barrels per day, and it projects a rise in production between 4% and 7% in 2024.[86] Last year, Chevron's production in the Permian Basin reached a record 860,000 barrels per day and is on a path to reach 1 million barrels per day in 2025. Like Exxon, Chevron does not see any need to act since it does not believe that the world is on track to meet climate goals.[87] Chevron officials followed countries' public pledges under the Paris Agreement via an internal coordinating body called the "Chevron Flexibility Mechanisms Evaluation Network," which noted in 2021 that "nationally determined contributions are falling short of the needed

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[83] MSCI, *ESG Ratings & Climate Search Tool* (online at www.msci.com/our-solutions/esg-investing/esg-ratings-climate-search-tool/issuer/exxon-mobil-corporation/IID000000002127471) (accessed Apr. 29, 2024).

[84] *These Oil and Coal Companies Have the Worst Climate Change Records,* Vice (Oct. 6, 2016) (online at www.vice.com/en/article/8q8k34/these-oil-and-coal-companies-have-the-worst-climate-change-records).

[85] CHEV-117HCOR-0047194. Other documents that show fossil fuel industry internal positions or influence on federal policy include: BPA_HCOR_00033564; API_00015121 (payment to Republican Legislative Campaign Committee); BPA_HCOR_00255778 (payment to the historic Ford's Theatre, in part because "Members of Congress, the Administration and more regularly attend Ford's Theatre."); BPA_HCOR_00052952 ("the really big climate command & control regulation would be a future Refinery GHG rule (similar to the CPP) and we could avoid that rule with a carbon tax. Of course, [the Trump] Administration will not promulgate a Refinery GHG rule so the benefit of a carbon tax to BP is diminished for the time-being."); BPA _HCOR_00326061 (lobbying in support of National Environmental Policy Act rollbacks); SOC-HCOR-340463; BPA_HCOR_00177553 ("if the US goes overboard [on climate policy] compared to other places in the world, it could greatly disadvantage the US business."). Other relevant documents include: BPA_HCOR_00032843; BPA_HCOR_00035421; BPA_HCOR_00050804; BPA_HCOR_00050382; BPA_HCOR_00076592; BPA_HCOR_00052136; BPA_HCOR_00113157; BPA_HCOR_00110495; BPA_HCOR_00351971; BPA_HCOR_00038733, BPA_HCOR_00038791; BPA_HCOR_00341624; BPA_HCOR_00333437; BPA_HCOR_00110808; BPA_HCOR_00112636; BPA_HCOR_00112638; BPA_HCOR_00052946; BPA_HCOR_00174512; BPA_HCOR_00174515; BPA_HCOR_00283161; BPA_HCOR_00288824; BPA_HCOR_00325882; BPA_HCOR_00325889.

[86] *Chevron Earnings Fall but Shareholders See Record Windfall in 2023, Company Raises Dividend 8%*, CNBC (Feb. 2, 2024) (online at www.cnbc.com/2024/02/02/chevron-cvx-q4-earnings-report-2023.html); *Chevron, Chevron Supports Well-Designed Climate Policy* (online at www.chevron.com/sustainability/environment/climate-policy) (accessed Apr. 19, 2024).

[87] CHEV-117HCOR-0066712; CHEV-117HCOR-0038538; CHEV-117HCOR-0066758; CHEV-117HCOR-0108369.

pathway to the well below 2°C goal."[88] According to MSCI, Chevron's current activities would result in 3.2°C of global temperate rise when extrapolated over the entire economy—well above the Paris Agreement targets.[89]

BP expressed support for the Paris Agreement beginning in 2015, and its website currently claims that its operations are "consistent with the goals of the Paris Agreement" and that the company "support[s] the goals of the 2015 Paris Agreement," including to "pursu[e] efforts to limit the global temperature increase to 1.5°C."[90] However, in one 2017 email thread, BP's global head of Sustainability and Climate Policy, Partnerships, and Stakeholder Relations opined that the U.S. remaining in the Paris Agreement was "the most obvious course of action to take. All the benefits and few of the risks. That was really why the Paris Agreement was designed the way it was - to enable flexible transition from one political regime to the next. ***No one is committed to anything, other than to stay in the game.***"[91]

BP sought to take advantage of the Trump Administration's pro-fossil fuel extraction agenda despite BP's stated support for the Paris Agreement. One email thread discussed submitting a *Washington Post* op-ed, a draft of which praised the Trump Administration's "calls for increasing domestic energy production and reforming the federal regulatory system."[92] A BP Communications and External Affairs executive explained the need for the op-ed to "strik[e] the right balance between supporting the administration's energy agenda and gently pushing it to stay in Paris"—a curious approach given that the Trump Administration's agenda included withdrawing from the Paris Agreement altogether.[93]

Perhaps most telling, despite its previous statements supportive of the Paris Agreement, BP's CEO announced earlier this year that the company would increase oil and gas production from 2024 through 2027, citing increased global demand for energy.[94] The increase in production is inconsistent with the Paris Agreement. Scientists are clear that to meet the goals of the Paris Agreement, new and expanded oil and gas exploration must stop immediately.[95] MSCI found in its "Implied Temperature Rise" ratings that, if BP's business plan was extrapolated to

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[88] *Id*.

[89] MSCI, *ESG Ratings & Climate Search Tool* (online at www.msci.com/our-solutions/esg-investing/esg-ratings-climate-search-tool/issuer/chevron-corporation/IID000000002161679) (accessed Apr. 29, 2024).

[90] BP, *Getting to Net Zero* (2022) (online at www.bp.com/en/global/corporate/sustainability/getting-to-net-zero.html) (accessed Apr. 19, 2024); BP, *BP High Level Climate Policy Positions* (May 2023) (online at www.bp.com/content/dam/bp/business-sites/en/global/corporate/pdfs/sustainability/group-reports/bp-climate-policy-positions.pdf) (accessed Apr. 19, 2024).

[91] BPA_HCOR_00068113 (emphasis added).

[92] BPA_HCOR_00029988; BPA_HCOR_00029214; BPA_HCOR_00029217; BPA_HCOR_00039194.

[93] Other officials shared comments on the draft, suggesting that the op-ed should make sure to highlight gas's potential role in modulating intermittent renewables and to make "the overall role of gas more prominent in our narrative." *See* BPA_HCOR_00029996.

[94] *BP to Increase Oil Output, New Chief Says*, New York Times (Feb. 6, 2024) (online at www.nytimes.com/2024/02/06/business/bp-oil-gas-profits.html).

[95] International Energy Agency, *Net Zero by 2050: A Roadmap for the Global Energy Sector* (Oct. 2021) (online at https://iea.blob.core.windows.net/assets/deebef5d-0c34-4539-9d0c-10b13d840027/NetZeroby2050-ARoadmapfortheGlobalEnergySector_CORR.pdf).

the global economy, the world would warm 3.1°C—similar to Exxon's and Chevron's ratings and well above Paris Agreement targets.[96] The documents, actions, and analyses suggest that BP's stated commitment to the Paris Agreement is not credible.

Like its peer companies, Shell also first expressed support for the Paris Agreement in 2015 and now claims that it "supports the more ambitious goal of the Paris Agreement, which is to limit the rise in global average temperature this century to 1.5° Celsius."[97] However, MSCI still estimates that, if extrapolated across the economy, Shell's activities would be consistent with 2.3°C of warming.[98] In 2021, Shell promised to undertake a gradual decline of about 1–2 % a year in total oil production through 2030, including divestments.[99] Then, last summer, Shell announced plans to boost fossil fuel production.[100] It now states that oil and gas production will remain stable until 2030 and that it will invest $40 billion in fossil fuel production between 2023 and 2035.[101] Shell's current oil and gas expansion plans are inconsistent with the Paris Agreement. Despite originally pledging to reach net zero by 2050 for its total emissions consistent with the Paris Agreement, Shell now concedes that the "2050 target is 'currently outside our planning period.'"[102]

III. DOUBLESPEAK: ROLE OF NATURAL GAS AS A CLEAN FUEL

Fossil fuel companies greenwash the risks surrounding natural gas, promoting it as a clean energy alternative to fossil fuels and misleading the public regarding well-established and accepted scientific facts. Natural gas—also sometimes referred to as fossil gas—is a "fossil fuel energy source" of which the "largest component is methane."[103] Methane, in turn, is a "powerful greenhouse gas, about 84 times more potent than carbon dioxide measured over a 20-year

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[96] MSCI, *ESG Ratings & Climate Search Tool* (online at www.msci.com/our-solutions/esg-investing/esg-ratings-climate-search-tool/issuer/bp-plc/IID000000002140371) (accessed Apr. 29, 2024).

[97] *Id.*; Shell, *Our Journey to Achieving Net Zero* (2022) (online at https://reports.shell.com/sustainability-report/2022/achieving-net-zero-emissions/energy-transition/our-journey-to-achieving-net-zero.html).

[98] MSCI, *ESG Ratings & Climate Search Tool* (online at www.msci.com/our-solutions/esg-investing/esg-ratings-climate-search-tool/issuer/shell-plc/IID000000002137074) (accessed Apr. 29, 2024).

[99] Shell, *Shell Energy Transition Strategy* (2021) (online at www.shell.com/energy-and-innovation/the-energy-future/shell-energy-transition-strategy/_jcr_content/root/main/section_1679944581/simple/promo/links/item0.stream/1651509559757/7c3d5b317351891d2383b3e9f1e511997e516639/shell-energy-transition-strategy-2021.pdf).

[100] *Shell Plans to Increase Fossil Fuel Production Despite Its Net Zero Pledge,* NPR (June 14, 2023) (online at www.npr.org/2023/06/14/1182102392/shell-plans-to-increase-fossil-fuel-production-despite-its-net-zero-pledge).

[101] *Shell Joins BP and Total in U-Turning on Climate Pledges to Reward Shareholders*, Euronews (June 15, 2023) (online at www.euronews.com/green/2023/06/15/shell-joins-bp-and-total-in-u-turning-on-climate-pledges-to-reward-shareholders).

[102] *Shell Plans to Increase Fossil Fuel Production Despite Its Net Zero Pledge,* NPR (June 14, 2023) (online at www.npr.org/2023/06/14/1182102392/shell-plans-to-increase-fossil-fuel-production-despite-its-net-zero-pledge).

[103] U.S. Energy Information Administration, *Natural Gas Explained*, (online at www.eia.gov/energyexplained/natural-gas) (accessed Apr. 3, 2024).

period."[104] The Environmental Protection Agency (EPA) has recently estimated that "methane emissions from natural gas and petroleum systems and from abandoned oil and natural gas wells were the source of about 33% of total U.S. methane emissions and about 4% of total U.S. greenhouse gas emissions."[105] Recent studies have shown that global methane emissions are significantly higher than estimated previously.[106] Methane leaks "undermine [natural gas'] credentials as a better fossil fuel."[107] Notably, although the fossil fuel industry did not coin the term "natural gas," it has leaned into its positive connotations and adopted it as its own; a 2020 Yale Program on Climate Change Communication study demonstrated that attaching the term "natural" to terms "gas" and "methane gas" made each significantly more favorable in the eyes of the public.[108]

Despite the risks of methane emissions, fossil fuel companies advocated for natural gas expansion and promoted natural gas as a "bridge fuel," and eventually even a safe "destination fuel." Behind the scenes, industry leaders recognize the methane-related risks of natural gas while acting to lock in dangerous emissions for decades to come.

Documents show that fossil fuel companies and their trade associations promote natural gas as "clean" without acknowledging the environmental effect of methane. API developed a 2016 draft print ad showing people engaging in outdoor activities like skydiving, soaring on a playground swing, and playing basketball that states: "Natural gas doesn't just cook dinner. Thanks to natural gas the air up here is cleaner than it's been in 25 years."[109]

Company and trade association documents demonstrate that the fossil fuel industry (1) knew that natural gas was no cleaner than other fossil fuels absent wide-scale deployment of carbon capture technologies; and (2) actively undermined methane emissions regulations, despite recognizing that regulation was necessary to control harmful greenhouse gases.

A March 2018 draft presentation marked "Confidential" identifies the "challenge" facing BP as extensive press pieces reporting that natural gas is a fossil fuel that contributes to climate change, including 15 articles from late 2016 to late 2017 that describe the risks of methane emissions associated with natural gas. The slides are titled "Gas doesn't support climate goals when you take methane emissions into account." The presentation describes a forthcoming BP communications campaign to "advance and protect the role of gas – and BP – in the energy

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[104] United Nations Environment Programme, *Is Natural Gas Really the Bridge Fuel the World Needs?* (Jan. 12, 2023) (online at www.unep.org/news-and-stories/story/natural-gas-really-bridge-fuel-world-needs).

[105] U.S. Energy Information Administration, *Natural Gas Explained* (online at www.eia.gov/energyexplained/natural-gas/natural-gas-and-the-environment.php) (accessed Apr. 17, 2024).

[106] United Nations Environment Programme, *International Methane Emissions Observatory (IMEO)* (online at www.unep.org/topics/energy/methane/international-methane-emissions-observatory-imeo) (accessed Apr. 29, 2024).

[107] United Nations Environment Programme, *Is Natural Gas Really the Bridge Fuel the World Needs?* (Jan. 12, 2023) (online at www.unep.org/news-and-stories/story/natural-gas-really-bridge-fuel-world-needs).

[108] *Should It Be Called "Natural Gas" or "Methane"?*, Yale Program on Climate Change Communication (Dec. 1, 2020) (online at https://climatecommunication.yale.edu/publications/should-it-be-called-natural-gas-or-methane/).

[109] API_00073103. It is unclear whether this ad ever ran.

transition."[110] One key pillar of the campaign strategy was to "'Harness excitement' around renewables by positioning gas as the perfect partner," even though methane and carbon dioxide emissions from producing, transporting, and burning natural gas present significant risks. The document recommends funding white papers by research institutions like Princeton University and Imperial College "highlighting [the] role of gas as a friend to renewables;" hosting global stakeholder events with influential leaders; and highlighting "hero projects" to demonstrate the benefits of gas and offer anecdotal evidence of methane management. BP estimated spending $1.1 million in the first year of the campaign alone.[111]

A 2017 BP email asserted that "promoting and protecting the role of gas as an **increasing** part of our energy mix is a **paramount priority**. We need to be ready to speak to this wherever there is a credible effort to dis-incentivize gas."[112] BP asserted that natural gas "play[s] a key role in meeting the dual challenge of providing more energy with fewer emissions. It is cleaner than other fossil fuels when burnt in power generation or used in industrial processes and offers numerous health, climate and economic benefits."[113]

API viewed natural gas as part of a broader "license to operate" for the fossil fuel industry. A 2020 document prepared by API for BP shows the industry's viewpoint that "oil & gas will be part of the long-term energy mix by facilitating technological innovation to lower carbon emissions from the production and use of oil & gas."[114] API further suggests multiple greenwashing actions, such as "[s]howcas[ing] [b]reakthrough [t]echnologies," and "[e]stablish[ing], [e]xpand[ing], or [p]artner[ing] with an oil and gas information sharing network."[115]

The industry publicly promoted natural gas while acknowledging internally that the risks of methane were problematic. Comments on a draft outline for a 2017 speech by BP's then-CEO Robert Dudley acknowledged explicitly that internal modeling suggested that widespread carbon capture technologies would be necessary to even come close to aligning natural gas emissions with the Paris Agreement goals: "You don't say anything about concerns about ... the idea that, once built, gas locks in future emissions above a level consistent with 2 degrees, at least without CCUS. All the models with a continuing role for gas see wide CCUS deployment."[116]

In December 2019, a lobbyist sent BP's then-VP and Head of U.S. Policy and Regulatory Affairs an article highlighting that methane emissions from natural gas offset the climate benefits, adding "This is an issue that will not go away."[117] The BP executive forwarded the article to colleagues, noting: "Curious whether any [of] you are familiar with or have insight

[110] BPA_HCOR_00306762.

[111] *Id.*

[112] BPA_HCOR_00072717.

[113] BPA_HCOR_00142497.

[114] BPA_HCOR_00337704.

[115] *Id.*

[116] BPA_HCOR_00116893.

[117] BPA_HCOR_00264915.

into this study. ***It is quite concerning to us as another blow against natural gas***, and in this case associated with MIT."[118]

IV. DOUBLESPEAK: EMISSIONS REDUCTION MEASURES

Documents obtained by the House Oversight Committee demonstrate that fossil fuel companies often expressed public support for emissions reduction measures while internally opposing and funding efforts to undermine relevant legislation and regulations that would have established meaningful emissions reductions requirements.

A. Methane Regulations

Scientists have discovered that the production and transportation of natural gas causes leaks of large volumes of methane into the atmosphere; and that, accounting for methane leaks, natural gas may be just as harmful to the climate as coal.[119] According to the IEA, despite readily available methane abatement technologies, "[t]he challenge is to incentivize the deployment of these abatement technologies via voluntary or regulatory means."[120] The IEA acknowledges that some abatement can be economical for fossil fuel companies, but policy and regulatory interventions may be needed to incentivize companies to reduce their emissions.[121]

Fossil fuel companies publicly advocate for methane management as a way to promote continued fossil fuel exploration and extraction.

In 2017, API convened a program to coordinate voluntary efforts to reduce the industry's methane emissions, known as the Environmental Partnership.[122] In 2021, after supporting Trump Administration rollbacks of methane emissions from the oil and gas industry, API reversed itself and announced that it "support[ed] the direct regulation of methane from new and existing sources."[123]

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[118] *Id.* (emphasis added).

[119] Deborah Gordon et al., *Evaluating Net Life-Cycle Greenhouse Gas Emissions Intensities from Gas and Coal at Varying Methane Leakage Rates*, Environmental Research Letters (July 17, 2023) (online at https://iopscience.iop.org/article/10.1088/1748-9326/ace3db); Rocky Mountain Institute, *Coal vs. Natural Gas* (online at https://coalvsnaturalgas.org/) (accessed Apr. 29, 2024).

[120] International Energy Agency, *Methane Abatement Options* (online at www.iea.org/reports/methane-tracker-2020/methane-abatement-options) (accessed Apr. 29, 2024).

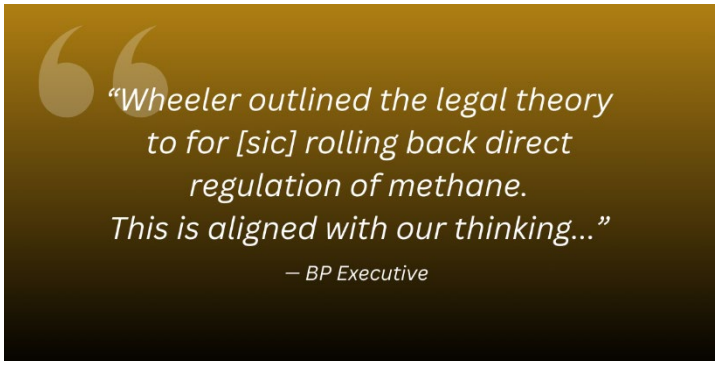
[121] *Id.*

[122] American Petroleum Institute, *Natural Gas, Oil Industry Launch Environmental Partnership to Accelerate Reductions in Methane, VOCs* (Dec. 5, 2017) (online at www.api.org/news-policy-and-issues/news/2017/12/04/natural-gas-oil-environmental-partnership-accelerate-reductions-methane-vocs).

[123] American Petroleum Institute, *Positioned for Climate Action* (Mar. 25, 2021) (online at www.api.org/news-policy-and-issues/blog/2021/03/25/positioned-for-climate-action); American Petroleum Institute, *Why EPA's Modified Methane Rule is Good for the U.S.* (Aug. 14, 2020) (online at www.api.org/news-policy-and-issues/blog/2020/08/14/why-epas-modified-methane-rule-is-good-for-the-us).

BP claims to support direct, federal regulation of methane, stating, "we want a strong rule that brings everybody in our industry on board to tackle this potent greenhouse gas."[124] Exxon similarly states that it "has long advocated for federal methane regulations as the most effective way to reduce methane emissions at scale."[125] Shell not only stated its support for methane regulations but publicly opposed the Trump Administration's rollback of methane regulations.[126]

Notwithstanding the companies' putative public support for federal regulation of methane emissions, their internal communications demonstrate that companies only made voluntary commitments to avoid mandatory methane regulations, which they viewed as potentially unfavorable to their business.



Internal BP documents directly undermine BP's public support for methane regulations. In a 2019 email that references then-EPA Administrator Andrew Wheeler's proposed plan to roll back methane emissions regulations, a BP executive stated: "Wheeler outlined the legal theory to for [*sic*] rolling back direct regulation of methane. ***This is aligned with our thinking*** but probably the first time it was said in public?"[127] Two years before, BP representatives had lobbied Congress on the methane emissions regulations and submitted public comments to Trump Administration agencies requesting they be reconsidered or revoked.[128]

However, when EPA's methane rollback was finalized the following year, BP, along with other fossil fuel companies, including Shell and Exxon, claimed to oppose the rollback, stating it "respectfully disagree[d]" with the Trump Administration's decision.[129]

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[124] BP, *Methane Emissions and Natural Gas* (online at www.bp.com/en_us/united-states/home/who-we-are/advocating-for-net-zero-in-the-us/methane-emissions.html) (accessed Apr. 19, 2024).

[125] ExxonMobil, *ExxonMobil Urges Action on Methane Emissions Regulation* (Jan. 28, 2021) (online at https://corporate.exxonmobil.com/news/viewpoints/action-on-methane-regulations) (accessed Apr. 19, 2024).

[126] Gretchen Watkins, *Methane Rollback Puts U.S. on Wrong Track* (Oct. 2, 2020) (online at www.linkedin.com/pulse/methane-rollback-puts-us-wrong-track-gretchen-watkins/) (accessed Apr. 19, 2024).

[127] BPA_HCOR_00341864 (emphasis added). Other documents released today demonstrating that the companies under investigation engaged in greenwashing by promoting natural gas despite its climate risks include: BPA_HCOR_00037138; BPA_HCOR_00041460; BPA_HCOR_00066438; BPA_HCOR_00033285; BPA_HCOR_00046941; BPA_HCOR_00047004; BPA_HCOR_00049579; BPA_HCOR_00142491; BPA_HCOR_00156022; BPA_HCOR_00218612; BPA_HCOR_00263376; BPA_HCOR_00277809; BPA_HCOR_00278701; BPA_HCOR_00282067; BPA_HCOR_00280577; EM-HCOR3-00002391; EM-HCOR3-00005936; EM-HCOR3-00007129; EM-HCOR3-00151405.

[128] Unearthed, *BP Lobbied Trump Administration to Roll Back Key U.S. Climate Rules* (Dec. 3, 2019) (online at https://unearthed.greenpeace.org/2019/03/12/bp-lobbied-trump-climate-methane-obama/).

[129] *Major Oil Companies Oppose EPA Methane Rollback,* The Hill (Aug. 14, 2020) (online at https://thehill.com/policy/energy-environment/512097-oil-majors-oppose-epa-methane-rollback/).

A 2017 API document shows that the voluntary methane program noted above was explicitly formed to ensure that efforts the industry was already making were "captured in a way that effectively explains what is being accomplished to the public and ***benefits the oil and gas industry***" in an effort to "stave off future regulation."[130]

Shell documents demonstrate that days after President Trump was elected, a Shell media manager worked to "soften [methane reduction] language and still be true to ourselves" in an effort not to upset the Trump Administration, which sought to roll back methane standards. Shell ultimately stated that it "favor[s] a pragmatic approach — one that takes into account a combination of incentives, technology and best practices."[131]

Currently, most fossil fuel companies do not comprehensively measure or disclose their methane emissions, instead submitting estimates to EPA based on an EPA mandated methodology that "vastly understate[s] the problem."[132] None of the oil companies investigated have publicly disclosed annual methane emissions except estimates made using EPA's inaccurate methodologies. Despite actual direct measurements of methane through tools such as ground, aerial, or satellite surveys, the companies that are working to reduce their methane emissions are still "years away from being able to make comprehensive calculations." [133] A 2022 House Committee on Science, Space, and Technology investigation examined ten oil and gas companies operating in the Permian Basin. It found that companies were still inconsistently deploying updated technologies to quantify and continuously monitor methane leaks and only in limited pilot projects. All ten companies claimed they did not have internal annualized methane calculations.[134]

Even where there are regulatory measures in place to reduce such emissions, without accurate data it is impossible to determine if the methane measures are implemented effectively.[135] A spreadsheet obtained by the House Oversight Committee shows previously unreleased internal estimates of BP's U.S. methane emissions in 2016. The spreadsheet acknowledges significant gaps in the company's monitoring and raises questions about how

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[130] BPA_HCOR_00039279 (emphasis added); BPA_HCOR_00107932.

[131] SOC-HCOR-106138.

[132] *Difficulty Measuring Methane Slows Plan to Slash Emissions*, Associated Press (Jan. 31, 2021) (online at https://apnews.com/article/drones-business-climate-and-environment-0a1ab9be3427818cfe5f33521b9b05c2). Oil and gas companies are required to submit emissions-factor calculations of methane to EPA, which do not involve actual direct measurements of methane, such as through ground, aerial, or satellite surveys. Rather, they estimate methane emissions based on type of equipment in a facility and then add up the total number of pieces of equipment for each category type to arrive at an aggregate methane estimate. For this reason, they are considered imprecise.

[133] *Methane Emissions from Oil and Gas Exceed EPA Estimates, Study Finds*, Yale Environment 360 (June 29, 2021) (online at https://e360.yale.edu/digest/methane-emissions-from-oil-and-gas-exceed-epa-estimates-study-finds).

[134] Majority Staff, House Committee on Science, Space, and Technology, *Seeing CH4 Clearly: Science-Based Approaches to Methane Monitoring in the Oil and Gas Sector*, at 3–9 (June 2022) (online at https://democrats-science.house.gov/imo/media/doc/science_committee_majority_staff_report_seeing_ch4_clearly.pdf).

[135] *Difficulty Measuring Methane Slows Plan to Slash Emissions*, Associated Press (Jan. 31, 2021) (online at https://apnews.com/article/drones-business-climate-and-environment-0a1ab9be3427818cfe5f33521b9b05c2).

much BP has known about its methane emissions compared to the official estimates it submits to the EPA.[136]

B. Emissions Reductions Policies

Beyond methane, companies contradicted their public positions supporting emissions reduction by directly lobbying against climate legislation and regulations or by funding candidates who opposed them. One series of documents highlights BP's strategy to oppose climate policies. A document from 2016 states that its Communications and External Affairs (C&EA) "team exists entirely to protect BP's license to operate in the U.S., help BP businesses achieve their objectives in the United States and protect the company's reputation." The document instructs that those goals can be achieved by "develop[ing] and wag[ing] strategic campaigns that favorably influence legislative, regulatory and public opinion outcomes," mitigating "the potentially harmful impact of ... detrimental policy and political developments," and expanding "the company's capacity to influence regulators on key climate-related initiatives."[137] A similar 2016 document emphasizes that BP's primary goal was to remain "a trusted voice for those who can influence BP's ability to operate in the U.S.," including by "preventing harmful legislation or regulation (examples include climate, ozone, RFS, Dodd Frank, exports, and taxes.)"[138] In Alaska, BP's C&EA team aimed to "support passage of LNG [liquid natural gas—or methane gas] project enabling legislation in 2016 and voter approval of a constitutional amendment on the November 2016 ballot."[139]

A 2020 draft email shows BP mobilized its employees and retirees to elect preferred candidates in Texas who would oppose climate regulations. BP encouraged employees to contribute to BP's employee PAC (BPEPAC). The email states that "BPEPAC is used to advance the interests of BP in America by making political contributions to candidates or organizations who share our philosophy on energy advancement and climate. Contributions are approved by the BPEPAC Board to candidates based on recommendations from several stakeholders, including our government and public affairs team."[140] The draft email argues that "Texas [was] shifting politically," meaning that:

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[136] BPA_HCOR_00346826. Additional documents that discuss methane management and public communications include: SOC-HCOR-414139; SOC-HCOR-407252; SOC-HCOR-390975; BPA_HCOR_00028921; BPA_HCOR_00028931; SOC-HCOR-127255; SOC-HCOR-017912; SOC-HCOR-112216; SOC-HCOR-051302; CHEV-117HCOR-0124097; EM-HCOR3-00636619; EM-HCOR3-00041055; SOC-HCOR-437485; SOC-HCOR-437482; SOC-HCOR-437010; SOC-HCOR-116264; SOC-HCOR-414015; SOC-HCOR-413710; SOC-HCOR-413383; SOC-HCOR-404410; SOC-HCOR-014504; SOC-HCOR-268679.

[137] BP also hoped to play "an influential role in shaping the tax policy debate ahead of any 2017 reform initiatives." BPA_HCOR_00304402.

[138] BPA_HCOR_00172240. In the same document, BP aimed to expand its influence by "leverage[ing] existing elected, regulatory, media and third-party relationships," and "building and nurturing new relationships with candidates in key federal, state and local political races."

[139] *Id.*

[140] BPA_HCOR_00256706. For example, a 2018 email describes contributions from the BPEPAC to Senator Ted Cruz (R-TX), including $2,500 in 2018. BPA_HCOR_00102525. Another document further elaborates BP's strategy for the BPEPAC. Through the BPEPAC, BP aimed to "educate and empower the BP

> BPEPAC will be equally if not more important to our future in Texas. This is an election year, and the BPEPAC will help us support a candidate for Texas Railroad Commissioner, and legislative candidates who will help us resolve eminent domain, water recycling, and tax issues during the 2021 Texas legislative session, among other critical issues.[141]

Public records suggest that BP's strategy was effective. In 2020, BPEPAC donated $5,000 to James Wright, the Republican candidate for Texas Railroad Commissioner. The Texas Oil & Gas Association (TXOGA), a trade association of which BP is a member, gave $76,000 to Wright. TXOGA gave more to Wright than any donor except the Texas Republican Party. BP and its trade associations contributed 6.7% of the campaign contributions made to Wright—the most by any non-party donor.[142] The Texas Railroad Commission has jurisdiction over oil- and gas-industry regulations, including those related to drilling, gas utilities, LNG, and pipeline safety. Since his election, Mr. Wright and the Commission have been lenient with oil companies' pollution and greenhouse gas emissions from methane leaks and flaring, the practice of burning off excess gas. The Commission even allowed the industry to help draft oilfield waste regulations two years before the public was allowed a one-month comment period, and it approved 95% of companies' applications for flaring in 2022.[143]

Internal emails also demonstrate that Shell contributed to a campaign against a state-level carbon tax—and then sought to mitigate bad press after its opposition became public. In a 2018 email, a Shell media manager explained that the company had wished to maintain " Shell's status as a global champion for a carbon price while appearing neutral on the voter referendum in Washington state — despite the widespread industry (and internal) belief the initiative was, essentially, flawed."[144] But "when it was made public that money Shell contributed to WSPA [Western States Petroleum Association] was going directly to the campaign to defeat the initiative," the media manager admitted they could no longer rely on the "'way out' that existed prior (**answer**: *Shell is on record supporting carbon pricing - we will let the voters decide — we are not contributing to the VOTE NO campaign)*."[145] When caught, Shell was forced to prepare a

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grassroots—employees, retirees and vendors—so they clearly understand issues of importance to the company and can be mobilized to advocate on BP's behalf." This engagement took the form of newsletters, "lunch & learns, Congressional visits," and "get out the vote efforts" for political campaigns, including "data on how to volunteer for Presidential campaigns." BPA_HCOR_00304402.

[141] BPA_HCOR_00256706. Documents show that in 2017, BP hosted the House Committee on Energy and Commerce Chairman at its Texas headquarters. BPA_HCOR_00183626; BPA_HCOR_00183614.

[142] Follow the Money, *James (Jim) Wright* (online at www.followthemoney.org/entity-details?eid=48644913); BP, *Our Participation in Trade Associations: 2023 Progress Update* (Apr. 2023) (online at www.bp.com/content/dam/bp/business-sites/en/global/corporate/pdfs/sustainability/our-participation-in-trade-associations-2023-progress-update.pdf); Ballotpedia, *Texas Railroad Commissioner Election 2020* (online at https://ballotpedia.org/Texas_Railroad_Commissioner_election,_2020) (accessed Apr. 19, 2024).

[143] *Meet the Texas Commissioners Who Could Stymie Biden's Climate Agenda*, Politico (June 20, 2023) (online at www.politico.com/news/2023/06/20/texas-biden-climate-methane-00098572); *Oilfield Companies Helped to Craft Texas' New Waste Rules for 2 Years Before the Public Got to See Them*, Texas Tribune (Oct.4, 2023) (online at www.texastribune.org/2023/10/04/texas-oilfield-waste-disposal-rules-railroad-commission/).

[144] SOC-HCOR-376287.

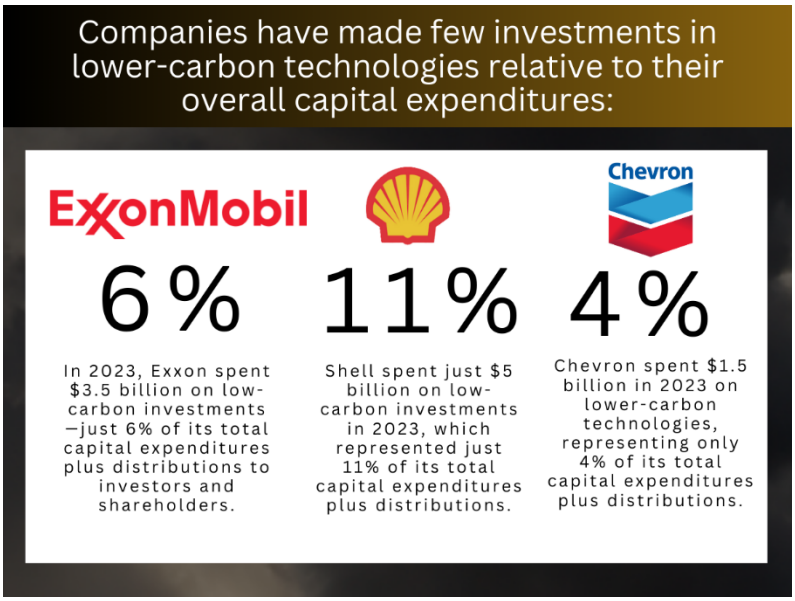
[145] *Id.*

public statement that acknowledged Shell's previous opposition, but promised not to further contribute to the WSPA campaign.

V. DOUBLESPEAK: LOW-CARBON TECHNOLOGIES

Fossil fuel companies publicly promote low-carbon technologies such as carbon capture and algae-based biofuels while investing little in commercial deployment. None of the companies has invested significant portions of its overall capital expenditures on developing low-carbon technologies. Nonetheless, companies have heavily promoted these not-yet scaled technologies. Documents obtained by the House Oversight Committee reveal that the companies are aware that such technologies are either difficult to scale (algae) or costly to scale (carbon capture) yet mislead the public and investors about the technologies' importance for reducing carbon pollution and meeting the goals of the Paris Agreement.

Publicly available information shows that companies have made few investments in lower-carbon technologies relative to their overall capital expenditures. For example, Chevron spent $1.5 billion in 2023 on lower-carbon technologies, representing only 4% of its total capital expenditures plus distributions.[146] It has only pledged $10 billion of capital allocation toward "lower carbon" projects by 2028.[147]



In 2023, Exxon spent $3.5 billion on low-carbon investments—just 6% of its total capital expenditures plus distributions to investors and shareholders.[148] In the next five years, Exxon claims it will invest up to $17 billion to reduce carbon emissions—even if it does so, that would account for only 14–17% of its total capital expenditures.[149] Shell, similarly, spent just $5 billion on low-carbon investments in 2023, which represented just 11% of its total capital

[146] *Big Distributions Threaten Majors' Low-Carbon Spend*, Energy Intelligence (Aug. 10, 2023) (online at www.energyintel.com/00000189-ddce-d433-a5ad-fdff7f2f0000).

[147] Chevron, *Press Release: Chevron CEO: Company is Working to Lower Carbon Intensity of Business*, (Nov. 8, 2023) (online at www.chevron.com/newsroom/2023/q4/chevron-ceo-company-is-working-to-lower-carbon-intensity-of-business).

[148] *Big Distributions Threaten Majors' Low-Carbon Spend*, Energy Intelligence (Aug. 10, 2023) (online at www.energyintel.com/00000189-ddce-d433-a5ad-fdff7f2f0000).

[149] *ExxonMobil Plus Pioneer Are Shaping the Energy Transition*, Forbes (Oct. 24, 2023) (online at www.forbes.com/sites/ianpalmer/2023/10/24/exxonmobil-plus-pioneer-are-shaping-the-energy-transition).

expenditures plus distributions.[150] BP reduced investments in lower-carbon technologies in both 2022 and 2023 compared with 2021, even after counting investments in convenience stores at gas stations as low-carbon investments.[151]

Shell generated just 0.02% of energy from renewable sources in 2022, while 91% of Shell's investments went toward fossil fuels.[152] Shell misleadingly reported that it had a renewable generation capacity of 6.4 gigawatts—the unit for renewable generation capacity—when the actual number was closer to 2.2 gigawatts if plants still under construction or committed for sale were omitted.[153] In 2022, BP generated just 0.17% of its total energy from renewable sources, reporting a renewables capacity of 2.2 gigawatts in 2022.[154]

As set out more fully in the two sections that follow, companies have focused on funding extensive and long-lasting media campaigns touting low-carbon technologies—carbon capture and storage (CCS) and algae-based biofuels—while admitting internally that algae-based biofuels were not yet viable at scale (before cancelling algae research altogether) and refusing internally to commit adequate investments in deploying carbon capture.

A. Companies Are Not Making Substantial Investments in CCS

CCS is the process of capturing CO_2 emissions at the source and injecting them into deep underground geologic formations for safe, secure, and permanent storage. At scale, CCS could facilitate the transition to net-zero CO_2 emissions by: tackling emissions from existing assets; providing a way to address emissions from some of the most challenging sectors; providing a cost-effective pathway to scale up low carbon hydrogen production rapidly; and allowing for CO_2 removal from the atmosphere.[155] On its face, the promotion of CCS by the fossil fuel industry seems like a positive step on the path to net zero, allowing fossil fuel companies to employ the method during an energy transition to renewables.

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[150] *Big Distributions Threaten Majors' Low-Carbon Spend,* Energy Intelligence (Aug. 10, 2023) (online at www.energyintel.com/00000189-ddce-d433-a5ad-fdff7f2f0000).

[151] *Shell and BP Among Oil Firms Accused of Greenwashing over Renewable Energy*, Independent (Aug. 23, 2023) (online at www.independent.co.uk/climate-change/news/shell-bp-oil-greenwashing-greanpeace-climate-b2397689.html); *Weekly Data: BP and Shell's Spending on Renewables Flatlines in 2023*, Energy Monitor (Feb. 7, 2024) (online at www.energymonitor.ai/finance/corporate-strategy/weekly-data-oil-majors-bp-and-shells-spending-on-renewables-flatlines-in-2023/?cf-view).

[152] *Shell and BP Among Oil Firms Accused of Greenwashing over Renewable Energy*, Independent (Aug. 23, 2023) (online at www.independent.co.uk/climate-change/news/shell-bp-oil-greenwashing-greanpeace-climate-b2397689.html).

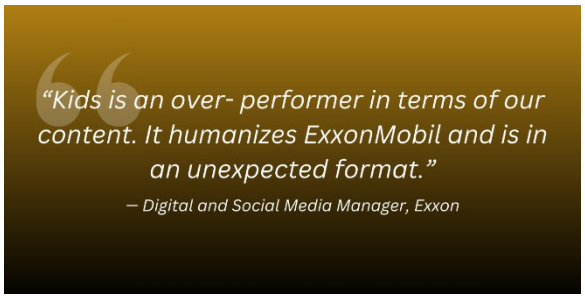
[153] *Id*.; Other documents that address companies' climate pledges include: BPA_HCOR_00038395; BPA_HCOR_00120091; BPA_HCOR_00120650.

[154] *Shell and BP Among Oil Firms Accused of Greenwashing over Renewable Energy*, Independent (Aug. 23, 2023) (online at www.independent.co.uk/climate-change/news/shell-bp-oil-greenwashing-greanpeace-climate-b2397689.html); EnergyComment and Greenpeace, *The Dirty Dozen: The Climate Greenwashing of 12 European Oil Companies* (June 2023) (online at https://greenpeace.at/uploads/2023/08/report-the-dirty-dozen-climate-greenwashing-of-12-european-oil-companies.pdf).

[155] International Energy Agency, *Net Zero by 2050: A Roadmap for the Global Energy Sector* (Oct. 2021) (online at www.energy.gov/sites/default/files/2021-12/IEA%2C%20Net%20Zero%20by%202050.pdf).

The rosy story that the fossil fuel industry depicts through news and social media campaigns targeting consumers, however, is inconsistent with statements the companies make in internal documents, which show: (1) a coordinated campaign to use CCS to prolong the use of natural gas, perhaps indefinitely; (2) natural gas plant projects do not economically capture CO_2 compared to a free-to-pollute business model; (3) fossil fuel companies refuse to adequately fund their CCS projects (despite billions in profits) and advocate instead for increased subsidies from the federal government; and (4) at present levels of industry investment, the current pace of the CCS buildout is too slow to achieve needed reductions in CO_2.

In particular, fossil fuel companies have funded extensive and long-lasting media campaigns that tout carbon capture technology and their investments in its development. They use misleading tag lines such as "It's one way ExxonMobil is helping industrial plants ... be more like plants." The advertisements juxtapose natural gas smoke stacks with images of plant matter such as seedlings, leaves, and curling vines.[156] Advertising firm BBDO stated explicitly in that their strategy in the CCS ad campaign was to "use third party validation to add credibility to the importance of our work on CCS technology" in order to convince "people who see ExxonMobil as part of the problem of rising emissions, rather than part of the solution" to instead "believe ExxonMobil is actively working on effective ways to reduce the world's CO_2 levels."[157]



Exxon has also developed CCS ads that both feature and target youth through a "Kids series," aimed at Gen Z as well as "Young Professionals and Skeptical Independents."[158] A 2019 email chain with members of Exxon's Public and Government Affairs group demonstrates how Exxon is actively attempting to convince younger generations that Exxon cares about the environment and their future. The Digital and Social Media Manager wrote: "Kids is an over-performer in terms of our content. It humanizes ExxonMobil and is in an unexpected format."[159] The rhetorical reliance on carbon capture is not matched by capital investments necessary for it to be deployed at scale. The same email chain suggested "[d]e-emphasiz[ing] concept that catching carbon is difficult or hard. […] We changed the messaging at the end to not focus on how catching carbon is hard," instead substituting, 'Carbon capture and storage: making a difference for future generations.'"[160]

[156] EM-HCOR3-00524824; EM-HCOR3-00519383; EM-HCOR3-00519355.

[157] EM-HCOR3-00298426.

[158] EM-HCOR3-00758838.

[159] *Id.*

[160] *Id.*

Exxon has conducted greenwashing campaigns across various platforms that target specific reporters, media outlets, demographics, and audiences.[161] One advertising campaign on CCS was intended to be "targeted to our three key segments — Enthusiasts, Professionals and Independents" and "run on programs such as *Meet the Press,* and on cable news channels."[162] Another CCS advertising campaign was scripted to reach a "gen-pop" and "opinion leaders" audience and to be read on National Public Radio broadcasts. The script read:

> Support for NPR and the following message comes from ExxonMobil. The company that believes that Carbon Capture technologies are critical for lowering global CO2 emissions. And more and more scientists agree. As a leader in capturing emissions in its own operations, ExxonMobil is working on ways to make this technology more efficient and affordable for other industries as well. That's the Unexpected Energy of ExxonMobil.[163]

Internal documents show Exxon hired a reputation management company, Polecat, to examine the effectiveness of the CCS campaigns in counteracting statements made by climate-focused NGOs.[164] Shell hired the same company to analyze a potential engagement with Exxon on CCS but ultimately decided against engaging due to potential negative blowback. Their emails show that Shell was concerned that "NGO's and media are picking up on 'shadow' players."[165]

The companies' massive public-facing campaigns portray CCS as a viable and available solution to increasing greenhouse gas emissions, but the companies acknowledge internally that they are not planning to deploy the technology at the scale needed to solve the warming crisis. By Exxon's own admission, CCS technology would need to be deployed at 185 times its current rate of deployment to reach net zero by 2050.[166] A June 15, 2016, internal presentation by BP's Carbon Solutions division titled "CO_2 Capture, Utilization, and Storage (CCUS): Overview of the technology components, policy and value proposition", contains no fewer than eight statements contradicting BP's own public ad campaigns.[167] The presentation reveals that CCS at scale is not economically viable against a free-to-pollute business model and that a "robust carbon price [would be] needed to stimulate CCUS deployment."[168] In sum, "[d]espite its importance and ambition to meet decarbonization goals, CCUS has stalled and commercial

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[161] EM-HCOR3-00591761; EM-HCOR3-00615278; EM-HCOR3-00615685; EM-HCOR3-00615681; EM-HCOR3-00521304; EM-HCOR3-00521296; EM-HCOR3-00519730; EM-HCOR3-00519728; EM-HCOR3-00519824; EM-HCOR3-00519410.

[162] EM-HCOR3-00591761.

[163] EM-HCOR3-00519410.

[164] SOC-HCOR-118087.

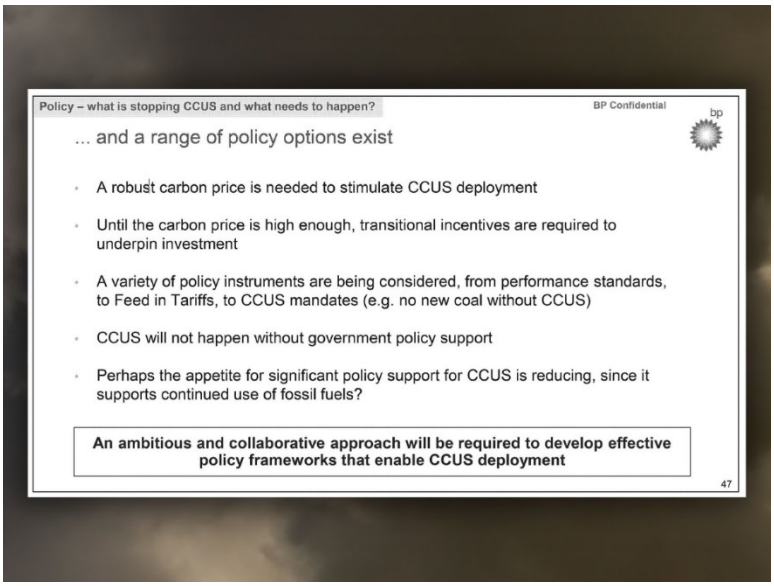
[165] SOC-HCOR-116861.

[166] ExxonMobil, *Emissions* (online at https://corporate.exxonmobil.com/what-we-do/energy-supply/global-outlook/emissions) (accessed Apr. 29, 2024).

[167] BPA_HCOR_00037840; BPA_HCOR_00049634.

[168] *Id.* BP noted that at least 4,810 miles of "new CO_2 pipeline infrastructure will be required" in the U.S. and Europe to link fossil fuel combustion with storage sites.

deployment is very limited."[169] The fossil fuel industry recognizes that the rollout of CCS at scale is moving too slowly to reach net zero emissions by 2050 and that the reason is their own extremely modest investment, but their public claims conceal this reality.



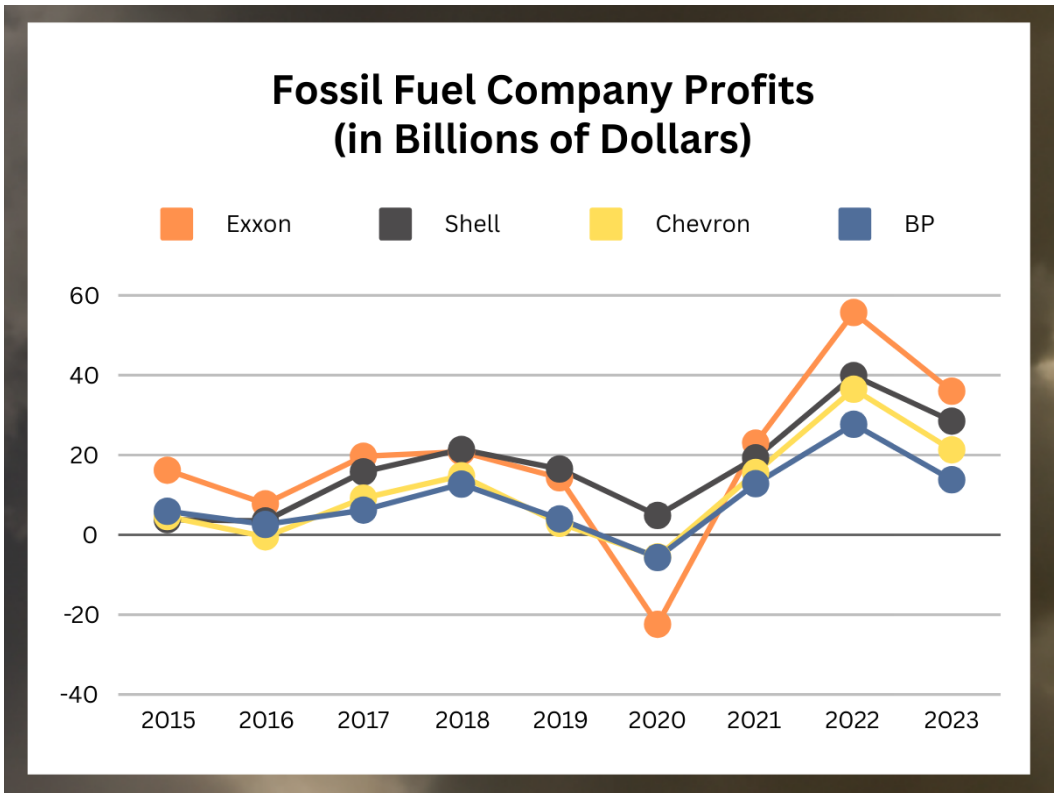
Fossil fuel companies stall the development of CCS technology at scale, seeking taxpayer dollars even though each earned tens of billions in profits in 2023. A July 2019 Shell slideshow says that "CCS requires more than 45Q [tax incentives] to incentivize" and that to make CCS "profitable and competitive" Shell would need to obtain 45Q tax incentives, a reference to existing tax credits for CCS, and maximize government support.[170] In short, the companies have decided not to invest adequately until the government provides them with even larger subsidies than those already available. As recently as February 2024, Exxon's CEO argued that the "dirty secret" underpinning the climate crisis is that *customers* are not willing to pay to put carbon capture on existing fossil fuel plants—an admission that Exxon is unwilling to spend its own billions to scale CCS projects.[171]

Fossil fuel companies elide the difference between investing in emissions reductions they can afford and investing in emissions reductions that pay for themselves. Fossil fuel industry profits have always been significant, but since Q1 2021 they have shot up to the highest levels on record; raising significant questions about companies claims that they need taxpayer dollars to pursue low-carbon technologies:

[169] *Id.*

[170] SOC-HCOR-056632.

[171] *Exxon CEO Blames Public for Failure to Fix Climate Change,* The Hill (Feb. 28, 2024) (online at https://thehill.com/policy/energy-environment/4494543-exxon-ceo-blames-public-for-failure-to-fix-climate-change).



Source: Analysis conducted by Committee staff based on companies' annual reports from 2015 through 2023.

The industry's true goal is to prolong, perhaps indefinitely, the unabated use of fossil fuels. BP stated that "CCUS could help sustain gas demand growth for longer, supporting gas markets, the value of gas and potentially liquid fuels."[172] A July 2018 briefing for Bernard Looney, then-Chief Executive of BP's Upstream Business (and later BP's CEO) stated that "CCUS … enables 21 years … of continued current consumption level of coal, 59 years … for gas, and 29 years … for oil."[173] A 2021 document titled "Campaign … Gas, CCS, and Hydrogen" identifies BP's business objective of ensuring that gas has "an enduring role over the next decades."[174] BP and other fossil fuel giants view publicizing CCS without actually deploying it at scale as a method to ensure that fossil fuels like natural gas are used for as long as possible.

B. Companies Touted Low-Carbon Algae Biofuels That Were Never Commercially Viable

In 2008, BP, Chevron, Exxon, and Shell all announced programs to research and develop algae as a biofuel. Their public statements heavily promoted their research and development funding for algae-based biofuels, giving the impression that they were embracing a transition to

[172] BPA_HCOR_00037840; BPA_HCOR_00049634.

[173] BPA_HCOR_00058113.

[174] BPA_HCOR_00029063, BPA_HCOR_00029157.

low-carbon energy even though the technology was unproven and difficult to scale. As of 2023, all companies ended their algae biofuels programs.

Exxon was the last of the oil companies to end its algae biofuels program, in 2023. Until it terminated its algae program, however, Exxon ran costly advertisements focusing on algae as a climate solution. From 2009 to 2023, public information suggests that Exxon spent nearly $175 million to advertise its algae program, while only spending $350 million on the research and development of algae technology.[175] Put differently, Exxon spent nearly half as much on *advertising* algae as a climate solution as it did on actually *researching* it. Algae experts have said *billions* of dollars of research and development were necessary to commercialize the technology—an amount to which Exxon never got close despite its fantastical advertisements.[176]

Internally, Exxon scientists and other officials questioned the practicality of algae biofuels. The House Oversight Committee previously revealed that, in 2018, Exxon stated that algae biofuel technology was "[s]till decades away from the scale we need."[177] An email from 2017 acknowledged, "[a]s you know, [the Senior Vice President of Exxon] has made comments about us getting too far out there on the original algae ads."[178] Exxon employees said that they "will replace any lines that imply the technology is live today."[179] One employee cautioned that the images in the advertisement "could suggest the work is in scale-up mode."[180] Another employee responded, "the images have to be visually stimulating to get the audience engaged"

[175] *Big Oil Firms Touted Algae as Climate Solution. Now All Have Pulled Funding,* The Guardian (Mar. 17, 2023) (online at www.theguardian.com/environment/2023/mar/17/big-oil-algae-biofuel-funding-cut-exxonmobil).

[176] *Id*.

[177] Memorandum from Chairwoman Carolyn B. Maloney and Chairman Ro Khanna to Members of the Committee on Oversight and Reform, *Investigation of Fossil Fuel Industry Disinformation* (Sept. 14, 2022) (online at https://oversightdemocrats.house.gov/sites/evo-subsites/democrats-oversight.house.gov/files/2022.09.14%20FINAL%20COR%20Supplemental%20Memo.pdf); Memorandum from Chairwoman Carolyn B. Maloney and Chairman Ro Khanna to Members of the Committee on Oversight and Reform, *Investigation of Fossil Fuel Industry Disinformation* (Dec. 9, 2022) (online at https://oversightdemocrats.house.gov/sites/evo-subsites/democrats-oversight.house.gov/files/2022-12-09.COR_Supplemental_Memo-Fossil_Fuel_Industry_Disinformation.pdf).

[178] EM-HCOR3-00084836.

[179] EM-HCOR3-00133998.

[180] EM-HCOR3-00084836.

and that the images "tested very well."[181] Other emails stressed that the ads should "keep the facts high-level and tout the innovative work in research, science, and engineering."[182]

An internal Exxon document titled "Algae Biofuels Program Talking Points" explicitly states that the investment in algae biofuels was potentially prohibitive: "ExxonMobil's analysis has concluded that final development and broad deployment of algae based biofuels by the company would require future investments of billions of dollars."[183]

Despite these known limitations, Exxon's highest-ranking officials used the algae program to greenwash its public image. Internal emails show Exxon's CEO Darren Woods requested that his staff add to a speech "more relevant climate related technology" (*i.e.*, explicitly requesting references to Exxon's algae biofuels program) in lieu of references to prior collaboration with a university.[184] An Exxon public and government affairs official responded to Mr. Woods that "the reason we did not initially include [the algae program] was because it did not directly address the speech's original core argument: oil and gas production (specifically) and environmental progress (include climate change risk management) are not incompatible."[185]

CHAPTER 4: FOSSIL FUEL INDUSTRY COLLABORATION

Fossil fuel companies rely on trade associations, think tanks, and other nonprofits to spread misleading narratives to the public, without having to put their names directly on advertisements, lobbying, or PR campaigns.[186] They work together to ensure that their messaging and financial contributions to these third-party groups are consistent. Several documents uncovered in the course of the House Oversight Committee's investigation showcase the collaboration between fossil fuel companies and their trade associations and other industry groups.

I. FOSSIL FUEL INDUSTRY TRADE ASSOCIATIONS AND OTHER ORGANIZATIONS

An armada of trade associations, organizations, and coalitions works with and for fossil fuel companies to perpetuate deceptive and misleading industry narratives; API and the Chamber

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[181] *Id*.

[182] EM-HCOR3-00000219.

[183] EM-HCOR3-00604560.

[184] EM-HCOR3-00075997.

[185] *Id.* Other documents released today demonstrate that the companies under investigation engaged in greenwashing by articulating vague climate pledges while taking limited actions to address the climate crisis, including: API_00011422, BPA_HCOR_00106758, BPA_HCOR_00110850, BPA_HCOR_00051046, BPA_HCOR_00068514, BPA_HCOR_00119095, BPA_HCOR_00119138, BPA_HCOR_00119116, BPA_HCOR_00119159, BPA_HCOR_00142017, CHEV-117HCOR-0021954, EM-HCOR3-00168834, EM-HCOR3-00029549, EM-HCOR3-00047501, EM-HCOR3-00213182, EM-HCOR3-00247946, EM-HCOR3-00216215, EM-HCOR3-00238134, and EM-HCOR3-00238304.

[186] *Fossil Fuel Giants Are Pumping Out Greenwashing—Their Tricks Won't Work*, Union of Concerned Scientists (Nov. 13, 2023) (online at https://blog.ucsusa.org/kathy-mulvey/fossil-fuel-giants-are-pumping-out-greenwashing-their-tricks-wont-work/).

were direct subjects of the House Oversight Committee's investigation. Documents also shed light on other organizations the fossil fuel companies coordinate with—or take advantage of—to obstruct climate progress.

A. American Petroleum Institute

API is the nation's leading oil and gas trade organization. Its membership includes 600 oil and gas companies, including major corporations in upstream, midstream, and downstream operations such as BP, Chevron, Exxon, and Shell.[187]

Through initiatives like API Energy Excellence and the Climate Committee, API portrays itself as engaging in environmental and safety progress by encouraging the development of new technologies and transparent reporting.[188] However, API's Climate Action Framework, purportedly aimed at accelerating low-carbon technologies and innovation, mitigating emissions, and advocating for government carbon pricing policies, has been criticized for a "lack of specifics."[189] Its focus on carbon pricing was belied by an Exxon lobbyist "caught on camera ... saying that a carbon tax will never happen and that support for the measure was a public relations ploy intended to stall more serious measures."[190]

API serves as a hub for industry coordination against climate progress. In 2018, Exxon CEO Darren Woods assumed the role of chairman of API's board of directors. He emailed other board members, including representatives from Shell, BP, Chevron, Enbridge, Anadarko, Noble, Marathon, Phillips66, and Conoco, and noted that API's upcoming Executive Committee meeting would include a "strategic alignment" segment to focus on "WHAT gaps we have vs. WHY we have them (i.e. no finger pointing/blame games)." He described that the meeting's objective was to "put together an assessment of API's strengths, opportunities and ideas for potential improvements," including "above and beyond advocacy priorities," based on "an ExxonMobil view." [191] This email illustrates that fossil fuel companies directly determine API's strategy to undermine and oppose climate legislation and regulations.

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[187] American Petroleum Institute, *Membership* (online at https://api.org/membership) (accessed Apr. 29, 2024).

[188] American Petroleum Institute, *API Energy Excellence* (online at https://api.org/oil-and-natural-gas/api-energy-excellence) (accessed Apr. 29, 2024); American Petroleum Institute, *Organization* (online at https://api.org/about/organization) (accessed Apr. 29, 2024).

[189] American Petroleum Institute, *Climate Action Framework* (online at https://api.org/climate) (accessed Apr. 29, 2024); *How a Powerful US Lobby Group Helps Big Oil to Block Climate Action*, The Guardian (July 19, 2023) (online at www.theguardian.com/environment/2021/jul/19/big-oil-climate-crisis-lobby-group-api).

[190] *How a Powerful US Lobby Group Helps Big Oil to Block Climate Action*, The Guardian (July 19, 2023) (online at www.theguardian.com/environment/2021/jul/19/big-oil-climate-crisis-lobby-group-api).

[191] SOC-HCOR-123718. Additional documents detailing API's role in influence campaigns and industry coordination include: API_00015262; API_00015296; API_00015308; API_00016127; API_00016130; API_00016189; API_00016162; API_00016167; API_00016170; API_00016178; API_00016182; API_00016187; API_00016289; API_00016291; API_00016184; BPA_HCOR_00028668 (RFS); BPA_HCOR_00030447 (API Climate Policy Task Force); BPA_HCOR_00035868 (hearing on fossil fuel subsidies); BPA_HCOR_00039279 (methane); BPA_HCOR_00076532; BPA_HCOR_00076537; BPA_HCOR_00111189; BPA_HCOR_00150971 (fracking harms); BPA_HCOR_00156229; BPA_HCOR_00222362; BPA_HCOR_00326338;

B. United States Chamber of Commerce

The Chamber has long played an organizing and convening role for the fossil fuel industry, opposing climate action and preserving business as usual. In 2007, for example, the Chamber ran television advertisements against climate legislation claiming that it would prevent people from heating their homes and driving to work. The Chamber publicly opposed significant climate legislation including the Waxman-Markey cap-and-trade bill that died in the Senate in 2010.[192] In 2014, the Chamber convened "about 30 corporate lawyers, coal lobbyists and Republican political strategists" to devise "a legal strategy for dismantling the climate change regulations" they expected to be promulgated by the Obama Administration.[193]

The Chamber has repeatedly been labeled one of the most powerful political opponents to climate progress in the United States.[194] Last year, independent researchers at InfluenceMap released renewed evidence of the Chamber's persistent lobbying against climate policies. According to InfluenceMap, the Chamber has "continued opposition to meaningful legislation and regulation introduced by the federal government" while simultaneously issuing "positive PR […] to create the impression of reform for climate-conscious investors and corporate members."[195] As *Politico* explained, the InfluenceMap analysis demonstrated that the Chamber's "positions on climate policies mostly reflect the views of its fossil fuel members."[196] Notably, the Chamber has refused to disclose, even to its members, the extent of its funding from fossil fuel interests.

BPA_HCOR_00326503; BPA_HCOR_00326504; BPA_HCOR_00326553; BPA_HCOR_00339690; EM-HCOR3-00377606; EM-HCOR3-00377436; EM-HCOR3-00381270; EM-HCOR3-00426393; API_00011007; API_00011011; API_00015105; Chamber-HCOR-00041610; BPA_HCOR_00156229; BPA_HCOR_00156242; BPA_HCOR_00298443; BPA_HCOR_00326338; SOC-HCOR-354103; EM-HCOR3-00604560 BPA_HCOR_00054162.

[192] *Chamber of Commerce Details Opposition to Waxman-Markey Bill,* Wall Street Journal (May 14, 2009) (online at https://blogs.wsj.com/environmentalcapital/2009/05/14/chamber-of-commerce-details-opposition-to-waxman-markey-bill/); *Chamber Ad Urges Senate to Reject Lieberman-Warner Bill,* E&E News (Nov. 30, 2007) (online at https://subscriber.politicopro.com/article/eenews/2007/11/30/chamber-ad-urges-senate-to-reject-lieberman-warner-bill-206112).

[193] *Move to Fight Obama's Climate Plan Started Early,* New York Times (Aug. 3, 2015) (online at www.nytimes.com/2015/08/04/us/obama-unveils-plan-to-sharply-limit-greenhouse-gas-emissions.html).

[194] *See, e.g.*, InfluenceMap, *The U.S. Chamber's Climate Policy Engagement* (Feb. 2023) (online at https://influencemap.org/briefing/The-U-S-Chamber-of-Commerce-and-Climate-Policy-21084); InfluenceMap, *The U.S. Chamber of Commerce and Climate Policy* (Mar. 2022) (online at https://influencemap.org/report/The-US-Chamber-of-Commerce-and-its-Corporate-Members-on-Climate-17631); InfluenceMap, *Industry Groups and their Carbon Footprints* (Sept. 2019) (online at https://influencemap.org/report/Trade-Groups-and-their-Carbon-Footprints-f48157cf8df3526078541070f067f6e6).

[195] InfluenceMap, *The U.S. Chamber's Climate Policy Engagement* (Feb. 2023) (online at https://influencemap.org/briefing/The-U-S-Chamber-of-Commerce-and-Climate-Policy-21084).

[196] *Dissecting the Chamber's Stance on Climate Policies*, Politico (Feb. 16, 2023) (online at www.politico.com/newsletters/the-long-game/2023/02/16/dissecting-the-chambers-stance-on-climate-policies-00083181).

The Chamber has opposed various legislative climate efforts.[197] In 2022, the Chamber sought to block the Inflation Reduction Act, the most significant climate bill Congress has ever passed. It funded ads specifically aimed at pressuring the U.S. senators from Arizona to vote against the bill.[198] On the regulatory side, the Chamber opposes the EPA's recent "Power Plant Rule," a proposed rule that would protect public health and reduce harmful pollutants while delivering up to $85 billion in climate and health benefits over the next two decades.[199] The Chamber opposes EPA's recent proposed rules for vehicle greenhouse gas emissions standards for light-, medium-, and heavy-duty vehicles.[200] The Chamber opposed the Securities and Exchange Commission's (SEC) proposed climate disclosure rules, writing that they "exceed the SEC's lawful authority and are vast and unprecedented in their scope, complexity, rigidity and prescriptive particularity."[201] In courtrooms, as a litigant and as an amicus curiae, the Chamber has a long history of opposing climate rules and laws, and supporting deregulatory theories propounded by polluting industries to fetter people's ability to protect themselves from pollution and climate harms.[202]

C. Oil and Gas Climate Initiative

OGCI is a CEO-led effort that claims to assist the oil and gas industry in curtailing its greenhouse gas emissions, primarily by advocating for CCUS and methane emissions reduction initiatives.

Comprised of 12 of the world's largest energy companies, OGCI members collectively account for approximately one-third of the global oil and gas supply.[203] While OGCI attempts to

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[197] Chamber-HCOR-00001188.

[198] *U.S. Arizona Chambers Run Ads Targeting Sinema, Kelly over Reconciliation Bill*, The Hill (Aug. 2, 2023) (online at https://thehill.com/lobbying/3584204-us-arizona-chambers-run-ads-targeting-sinema-kelly-over-reconciliation-bill/).

[199] Environmental Protection Agency, *Press Release: EPA Proposes New Carbon Pollution Standards for Fossil Fuel-Fired Power Plants to Tackle the Climate Crisis and Protect Public Health* (May 11, 2023) (online at www.epa.gov/newsreleases/epa-proposes-new-carbon-pollution-standards-fossil-fuel-fired-power-plants-tackle); *Chamber of Commerce Finds Significant Flaws in EPA's Power Plant Rule*, Institute for Energy Research (July 5, 2023) (online at www.instituteforenergyresearch.org/regulation/chamber-of-commerce-finds-significant-flaws-in-epas-power-plant-rule/).

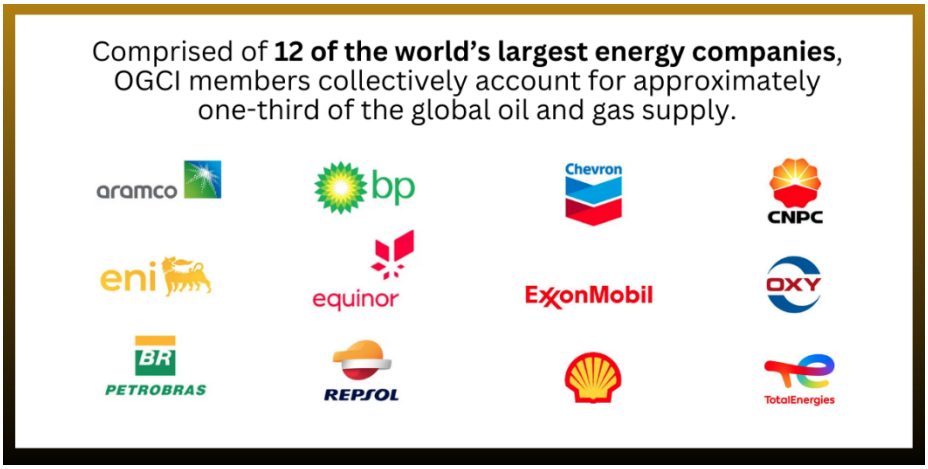
[200] Environmental Protection Agency, *Proposed Rule: Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles*, 88 Fed. Reg. 29185 (May 5, 2023) (proposed rule) (online at www.epa.gov/regulations-emissions-vehicles-and-engines/proposed-rule-multi-pollutant-emissions-standards-model); Letter from U.S. Chamber of Commerce et al. to President Joseph R. Biden, Jr. (July 11, 2023) (online at https://growthenergy.org/wp-content/uploads/2023/07/Multi-Stakeholder-Letter.pdf).

[201] U.S. Chamber of Commerce, *U.S. Chamber Comments on SEC's Proposed Rule on Mandatory Climate Disclosures* (June 16, 2023) (online at www.uschamber.com/finance/u-s-chamber-comments-on-secs-proposed-rule-on-mandatory-climate-disclosures).

[202] See, e.g., *The US Chamber of Commerce Has Helped Downplay the Climate Threat, a New Report Concludes*, Inside Climate News (June 29, 2021) (online at https://insideclimatenews.org/news/29062021/us-chamber-of-commerce-downplay-climate-threat-new-report-concludes/); Union of Concerned Scientists, *Who's Fighting the Clean Power Plan and EPA Action on Climate Change* (Apr. 13, 2016) (online at www.ucsusa.org/resources/whos-fighting-clean-power-plan#toc-us-chamber-of-commerce).

[203] Oil and Gas Climate Initiative, *About OGCI* (online at https://ogci.com/about) (accessed Apr. 29, 2024).

"promote a climate-friendly image," its stated goal to reach net zero emissions omits Scope 3 emissions,—*i.e.*, the emissions produced by the burning of fossil fuels for energy—which "make up the vast majority of an oil company's total carbon footprint."[204] Members include BP, Chevron, Exxon, and Shell.



Exxon and Chevron were initially hesitant about joining OGCI at its outset but ultimately became members in 2018.[205] Documents demonstrate that Exxon hesitated because of concerns that the group was "very disorganized, its overarching propose [sic] / objective was generally unclear and that the governance was basically undefined."[206] Exxon revisited the matter in 2015 after Shell and BP had joined but still believed that the initiative was "more about 'window dressing' in preparation for COP21 [the 2015 UN Climate Change Conference] than trying to achieve lasting results."[207]

Once Exxon did join the group, it provided "critical edits" for OGCI announcements, statements, and its annual report, with which Chevron was "generally aligned." Some of these edits included removing references to the Paris Agreement and language that "potentially commits members to enhanced climate-related governance, strategy, risk management, and performance metrics and targets."[208] These memoranda demonstrate the collaboration among

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[204] *Oil and Gas Climate Initiative*, DeSmog (online at www.desmog.com/oil-and-gas-climate-initiative/) (accessed Apr. 29, 2024); *Oil Group's Net-Zero Goal Shuns Emissions Cuts That Would Threaten Core Assets*, S&P Global (Sept. 29, 2021) (online at www.spglobal.com/marketintelligence/en/news-insights/latest-news-headlines/oil-group-s-net-zero-goal-shuns-emissions-cuts-that-would-threaten-core-assets-66773327); *Yale Experts Explain Scope 3 Emissions*, Yale Sustainability (Nov. 14, 2023) (online at https://sustainability.yale.edu/explainers/yale-experts-explain-scope-3-emissions).

[205] Oil and Gas Climate Initiative, *Who We Are* (online at https://ogci.com/who-we-are) (accessed Apr. 29, 2024); *ExxonMobil Agrees to Join Oil and Gas Climate Change Alliance*, The Guardian (Sept. 20, 2018) (online at https://theguardian.com/business/2018/sep/20/exxonmobil-joins-oil-gas-climate-change-alliance-global-warming).

[206] EM-HCOR3-00942272.

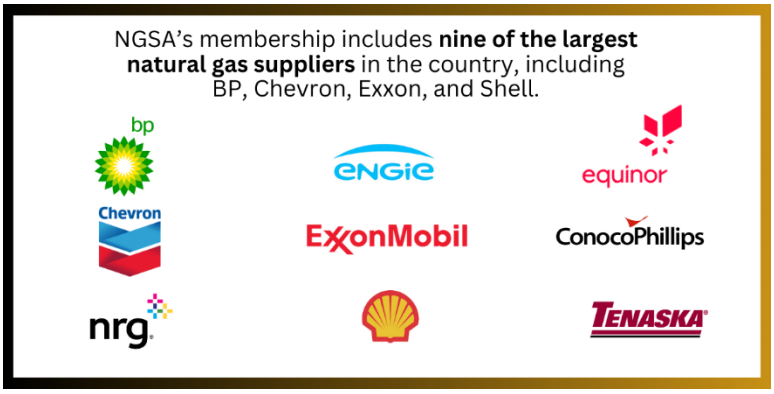
[207] *Id.* Other documents relating to OGCI include: BPA_HCOR_00037358; BPA_HCOR_00126551; BPA_HCOR_00151042; BPA_HCOR_00158509; BPA_HCOR_00268188; EM-HCOR3-00064996; EM-HCOR3-00559732; EM-HCOR3-00783916; EM-HCOR3-00919501; EM-HCOR3-00919678; EM-HCOR3-00919695; SOC-HCOR-123622; SOC-HCOR-144016; BPA_HCOR_00128024; BPA_HCOR_00126554; BPA_HCOR_00127273.

[208] EM-HCOR3-00064980.

fossil fuel companies to control messaging of organizations of which they are members to avoid additional commitments regarding climate.

D. Natural Gas Supply Association

The Natural Gas Supply Association (NGSA) is the sole domestic trade association focusing on producer-marketer issues within the natural gas industry.[209] NGSA's membership includes nine of the largest natural gas suppliers in the country, including BP, Chevron, Exxon, and Shell.[210] The association is a partner organization of the Center for Liquefied Natural Gas, which advocates for the interests of the LNG industry.[211]



Publicly, NGSA expresses support for achieving economy-wide net-zero greenhouse gas emissions by 2050, in alignment with the Paris Agreement goals.[212] But NGSA opposes certain "inappropriate" regulations that hinder its members' ability to provide "affordable and reliable" natural gas—an objective that often conflicts with reducing greenhouse gas emissions.[213]

In June 2021, NGSA emailed its "Business Leadership Committee" asking for feedback from its members in crafting a response to Department of Energy Secretary Jennifer Granholm, who was quoted as saying that natural gas should only be considered clean in a Clean Energy Standard if combined with CCS. BP internally expressed concern that the "Administration [was] moving towards squeezing out gas" and asked, "what we need to be doing with Administration (besides pushing for strong Methane regulation) to preserve the role for gas in power generation."[214]

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[209] Natural Gas and Supply Association, *Who We Are* (online at https://ngsa.org/wp-content/uploads/sites/3/2023/09/NGSA-Who-We-Are-9.23.pdf) (accessed Apr. 29, 2024).

[210] *Id.*

[211] *Id.*

[212] Natural Gas and Supply Association, *Environment and Climate* (online at https://ngsa.org/issues/environment-and-climate/) (accessed Apr. 29, 2024).

[213] Natural Gas and Supply Association, *About Us: Chairman's Greeting* (online at https://ngsa.org/about-us/) (accessed Apr. 29, 2024).

[214] BPA_HCOR_00063504; BPA_HCOR_00244435.

E. Western States Petroleum Association

The Western States Petroleum Association (WSPA) is one of the oldest oil and gas trade associations in the United States. BP, Chevron, Exxon, and Shell are members, among others. InfluenceMap describes the organization as "actively engaged on climate policy with strongly negative positions, particularly on state-level policy in California, Washington, and Oregon."[215] WSPA has lobbied against bills designed to reduce emissions, including by working to establish a network of "citizen activist" groups in western states.[216]

Two key documents obtained by the House Oversight Committee reveal BP's comprehensive campaign in Washington, in collaboration with WSPA, to oppose state and local policies that would have cut climate-warming emissions. After a Washington county proposed an ordinance that would require one of BP's refineries to reduce its carbon emissions and make it more difficult to obtain permits to expand or upgrade refineries, BP launched a statewide campaign to oppose it. In an internal memorandum, BP outlined a planned "$300,000 advocacy campaign to build opposition to the proposal in its current form and persuade local officials to amend, postpone or give up on the plan."[217] The document noted that WSPA would "also run a coordinated $200,000 grassroots voter activation campaign on behalf of its membership."[218] In the memorandum, BP explained that, "given the opposition to our industry in this area of the United States[,] ... we are also developing a comprehensive Washington State strategy" for "managing business and reputational risk from our West Coast operations" in the long-term.[219]

A document from a few months after the memorandum shows how BP's statewide strategy evolved.[220] In the document, BP identified a handful of key actions and investments to exert its influence in the region. BP planned to enhance "external education, community engagement, political influence and advocacy [that] can change the narrative, stem the flow of bad policy and create opportunities for business growth."[221] The team asked for a "significant increase in C&EA funding" as well as $2.5 million to construct a salmon hatchery that, officials

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[215] InfluenceMap, *Western States Petroleum Association* (online at https://lobbymap.org/influencer/Western-States-Petroleum-Association-WSPA) (accessed Apr. 29, 2024).

[216] *Leaked: The Oil Lobby's Conspiracy to Kill Off California's Climate Law* (Nov. 25, 2014) (online at www.bloomberg.com/news/articles/2014-11-25/leaked-the-oil-lobbys-conspiracy-to-kill-off-californias-climate-law).

[217] BPA_HCOR_00224135.

[218] *Id.* The memo warns, "there is a risk that those who support the proposal will argue that this is a climate issue and criticize BP for opposing it." However, they predict that "any negative stories are likely to be much more muted than the criticism from the Washington State ballot initiative in 2018, as we do not expect major e-NGOs (TNC, EDF) will get involved" and that "BP plans to mitigate this risk with advertising, as well as earned media and direct advocacy."

[219] *Id.*

[220] BPA_HCOR_00278794. In the document, titled, "Creating a Better Environment to help BP deliver its Operational and Strategic Priorities in Washington State," BP admitted it had previously spent $13 million to successfully defeat a 2018 carbon pricing proposal in Washington State, because BP claimed, "it would not have effectively reduced carbon emissions." However, BP admitted that if the measure had passed the company would have lost $38 million in profits by 2020, worsening to $137 million by 2035.

[221] *Id.*

believed, "would change the dynamic of how the public and elected officials view the refinery." The team requested between $2.5 and $4.5 million for "hard persuasion" tactics, such as television advertising, and $300,000 for "soft persuasion" to be invested in the community and grow support that "will be helpful with elected officials."[222]

BP believed that its Washington strategy was necessary because they feared that their reputation would "only get worse unless we change the public's perception of us and the elected official's lack of respect for our business."[223]

II. ABUSE OF THE NATIONAL PETROLEUM COUNCIL

The National Petroleum Council (NPC) serves as a domestic advisory committee representing oil and gas industry views to the Secretary of Energy. Housed within the Department of Energy's Office of Fossil Energy and Carbon Management, NPC consists of approximately 200 individuals appointed by the Secretary. According to the agency, these members serve without compensation as representatives of industry or associated interests collectively, not as delegates of specific companies or affiliations.[224]

NPC members currently include David Lawler, Chairman and President of BP America Inc.; Michael Wirth, Chairman of the Board and CEO of Chevron Corporation; Darren Woods, Chairman, President, and CEO of ExxonMobil Corporation; and Gretchen Watkins, President of Shell USA Inc.[225] Despite the agency's assertion that members act independently, it is clear that the direct involvement of top fossil fuel executives has allowed them to influence NPC's work in a way that benefits their companies' interests.

For example, Exxon produced NPC's Topic Paper #1, Role of Natural Gas in a Low-Carbon Economy. In one of the later versions of this document, edits sent around by Southwestern Energy, a fossil fuel company, removed all references to natural gas's "potential greater use to displace higher carbon intensive fossil fuels," such as coal and oil, despite industry claims that natural gas is a bridge fuel between these more carbon intensive fossil fuels and a clean energy future.[226]

NPC's most recent report, released in 2019, focused on the expansion of carbon capture deployment domestically.[227] Meeting minutes show that the report was led by BP America and included ExxonMobil, Total, and Occidental Oil and Gas Corporation among others, as part of the Coordinating Subcommittee (CSC) for the study. The meeting minutes show that McKinsey

[222] *Id.*

[223] *Id.*

[224] National Petroleum Council, *Mission* (online at https://energy.gov/fecm/national-petroleum-council-npc) (accessed Apr. 29, 2024).

[225] National Petroleum Council, *NPC Members* (Dec. 7, 2023) (online at https://energy.gov/fecm/articles/npc-members) (accessed Apr. 19, 2024).

[226] EM-HCOR3-00246947.

[227] National Petroleum Council, *Meeting the Dual Challenge: A Roadmap to At-Scale Deployment of Carbon Capture, Use, and Storage* (Dec. 12, 2019) (online at https://energy.gov/sites/default/files/2022-10/CCUS_V1-FINAL.pdf).

& Company would provide support to the study, including interviews with companies on the NPC study.[228] CSC "agreed to work language to reduce reputation risk" for the fossil fuel companies involved.[229]

NPC's report sought to describe a "roadmap" to scaling up carbon capture deployment in the energy and industrial sectors as a fossil fuel-friendly climate "solution." The report did not mention that industry investment was inadequate to employ carbon capture technology at a scale necessary to meet ambitious climate targets. However, the cost should not have been any surprise to the companies. As far back as 2007, then-CEO of ExxonMobil and Chairman of NPC Lee Raymond acknowledged that carbon capture is "a huge, huge undertaking ... and the cost is going to be very, very significant."[230] Companies did not invest sufficiently in the technology, leading the IEA to characterize the fossil fuel industry's reliance on carbon capture to reduce emissions as "an illusion."[231]

Fossil fuel companies not only fail to invest in carbon capture technologies at scale but also then use the mere existence of the technologies to justify new oil and gas projects.

CHAPTER 5: TARGETING UNIVERSITIES, THE PRESS, AND CRITICS

I. CULTIVATING RELATIONSHIPS WITH ACADEMIC INSTITUTIONS

The oil and gas industry cultivates partnerships with academic institutions as a way to influence climate research toward an energy transition that favors maintaining fossil fuels for as long as possible; bolster its ability to claim expertise on climate science; and gain access to thought leaders.[232] In the words of one BP official, the academics' research was to be "informed by the business challenges we need solved."[233] Although the existence of relationships between industry and academia has long been known, documents released by the House Oversight Committee (1) reveal for the first time previously unknown funding amounts and (2) shed light on how companies condition grants on cooperation from academics and their perception of the relationship's business value.

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[228] SOC-HCOR-123228.

[229] BPA_HCOR_00156030.

[230] *Id.*

[231] *Id.* Other documents discussing the work of the NPC include: BPA_HCOR_00135544; BPA_HCOR_00089421; BPA_HCOR_00089557; BPA_HCOR_00091900; EM-HCOR3-00246788; EM-HCOR3-00246789; EM-HCOR3-00246789; EM-HCOR3-00246790; EM-HCOR3-00246791; EM-HCOR3-00246796; EM-HCOR3-00246797; EM-HCOR3-00246798; EM-HCOR3-00246807; EM-HCOR3-00246934; EM-HCOR3-00246926; EM-HCOR3-00246940; EM-HCOR3-00246942; EM-HCOR3-00246947; SOC-HCOR-123223; SOC-HCOR-123228; BPA_HCOR_00135813. Other documents showing collaboration between companies through third-party organizations include: BPA_HCOR_00114332.

[232] *Princeton's Climate Research: In the Service of BP*,Daily Princetonian (Feb. 6, 2023) (online at www.dailyprincetonian.com/article/2023/02/princeton-bp-carbon-mitigation-initiative-greenwashing-climate-change-reputation).

[233] BPA_HCOR_00141678.

A. Funding and Shaping Academic Research Programs

Six fossil fuel companies, including BP, Chevron, Exxon, and Shell, spent an estimated $700 million on academic research programs between 2010 and 2020, though exact figures are unknown because disclosure requirements for university funding are limited.[234] The funding the companies have provided has filled a research-shaping role the companies' funding facilitated. As one study found, research centers funded by fossil fuel interests are more "favourable in their reports towards natural gas than towards renewable energy," especially in communications that specifically mention fossil fuel companies. Programs less dependent on fossil fuel industry funding show the reverse, with a more neutral sentiment towards gas, and more favorability towards renewable energy.[235]

BP's sponsorship of Princeton University's Carbon Mitigation Initiative (CMI) spans over 20 years and is the longest among the industry-university relationships. CMI seeks "to design safe, effective and affordable carbon mitigation strategies."[236] One spreadsheet reveals that, between 2012 and 2017, BP funded CMI at levels between $2.1 and $2.6 million annually.[237] BP also provides funding to climate policy academic programs at Harvard and Tufts, including the Harvard Kennedy School and the Climate Policy Lab at the Fletcher School at Tufts University.[238] BP gave "$416k to Harvard and $250k to Tufts, per year" between 2019 and 2021, for programs focusing on "policy themes including but not limited to: carbon pricing, land use and carbon offsets, transportation, and technology innovation."[239]

One BP email memorialized a conversation with a Princeton University climate systems modeler about research BP requested on the use of carbon capture technologies from Princeton's

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[234] *Fossil Fuel Companies Donated $700 Million to US Universities over 10 Years*, The Guardian (Mar. 1, 2023) (online at www.theguardian.com/environment/2023/mar/01/fossil-fuel-companies-donate-millions-us-universities); Data for Progress and Fossil Free Research, *Accountable Allies: The Undue Influence of Fossil Fuel Money in Academia* (Mar. 2023) (online at www.dataforprogress.org/memos/accountable-allies-the-undue-influence-of-fossil-fuel-money-in-academia).

[235] Douglas Almond, Xinming Du & Anna Papp, *Favourability Towards Natural Gas Relates to Funding Source of University Energy Centres* (Nov. 10, 2022) (online at www.nature.com/articles/s41558-022-01521-3).

[236] Princeton University, High Meadows Environmental Institute, *Carbon Mitigation Initiative* (online at https://cmi.princeton.edu/about/) (accessed Apr. 29, 2024).

[237] BPA_HCOR_00038639.

[238] BPA_HCOR_00115928.

[239] *Id.*

Net Zero America academic project. That project claims to "quantif[y] five distinct technological pathways, all using technologies known today, by which the United States could decarbonize its entire economy."[240] The BP email notes that the researcher "will recommend [an] infrastructure program to advance net zero policies with emphasis on CCUS – building 'backbone' of pipelines to transport carbon from emitters to the Permian and Gulf Coast." The email demonstrates how BP's relationship with Princeton allowed it to advocate directly for energy and emissions policies like carbon capture without accountability for refusing to invest at scale.[241]

One spreadsheet rates how strongly Princeton, Harvard University, and Tufts University research plans fit BP's strategic priorities of "advantaged" oil, or oil that has incrementally fewer emissions per barrel than other barrels on the market, supporting a "shift to gas" from coal, and "market-led downstream growth," referring to increasing BP's petroleum refining business—all of which emphasize a continued reliance on fossil fuel.[242]

Shell's Global Methane Communications Plan describes an academic-industry partnership at the Imperial College London as providing "thought leadership and research into technology that could ***underpin role for gas***."[243] A 2017 email notes that the program is "focused on supporting fundamental research and develop [sic] innovative technology solutions to support the ongoing energy transition," including on renewables, energy storage, and "new end-uses for natural gas."[244] In the same email, an official described Shell's plan to "'embed' Shell scientists" at the University of California (UC), Berkeley.[245] Shell funds the Energy Biosciences Institute at UC Berkley and spent $25 million over five years on the program.[246]

In recent years, Exxon partnered with at least 80 universities, including the Massachusetts Institute of Technology (MIT), the University of Texas, Stanford University, National University of Singapore, and National Technical University of Singapore.[247] From 2016 to 2017, Exxon planned to fund dozens of projects at academic institutions, including $600,000 to MIT; $325,000 to George Washington University's Regulatory Studies Center; $175,000 to Indiana

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[240] Princeton University, *Net-Zero America: Potential Pathways, Infrastructure, and Impacts* (online at https://netzeroamerica.princeton.edu/) (accessed Apr. 29, 2024).

[241] BPA_HCOR_00339744.

[242] BPA_HCOR_00038639.

[243] SOC-HCOR-112216 (emphasis added).

[244] SOC-HCOR-155807.

[245] *Id.*; *Accountable Allies: The Undue Influence of Fossil Fuel Money in Academia*, Data for Progress (Mar. 1, 2023) (online at www.dataforprogress.org/memos/accountable-allies-the-undue-influence-of-fossil-fuel-money-in-academia).

[246] *EBI, Shell Sign $25 Million Partnership to Fund New Energy Tech Research*, Berkeley News (Mar. 15, 2017) (online at https://news.berkeley.edu/2017/03/15/energy-biosciences-institute-shell-partnership).

[247] ExxonMobil, *University and National Labs Partnerships* (online at https://corporate.exxonmobil.com/who-we-are/technology-and-collaborations/university-and-national-labs-partnerships) (accessed Apr. 29, 2024).

University's School of Public and Environmental Affairs; $140,000 to Stanford University; and $50,000 to the University of Massachusetts Amherst.[248]

Similarly, Chevron has partnered with major universities for workforce development and facility upgrades, including the Colorado School of Mines; Louisiana State University; MIT; Stanford University; Texas A&M University; UC Berkeley; UC Davis; the University of Texas, Austin; Tuskegee University; North Carolina A&T State University; Prairie View A&M University; and Florida International University.[249] It does not appear that Chevron produced relevant documents on this subject, even though the scope of the House Oversight Committee's subpoena covered these documents.

B. Conditioning Grants on Cooperation from Researchers

Fossil fuel companies conditioned their funding to academic institutions on the extent of their cooperation and sensitivity to industry business needs. A 2016 internal document marked "confidential" reveals that BP officials recommended cutting the budget for Harvard and Tufts research partnerships because it was finding it difficult to "obtain more value" as compared to the perceived success of BP's partnership with Princeton, explaining that the "CMI discussions are directly relevant to BP whereas the Harvard/Tufts discussions" were not. Accordingly, the official recommended cutting funding to Harvard in favor of "a tighter focus limited to climate policy and geopolitics," which "should enable a more integrated approach between the policy work at Harvard/Tufts and the scientific work at CMI." The official recommended marginalizing researchers with whom BP worked less well and propping up those who were more favorable to BP. His final recommendation was to renew the Harvard grant at a "[m]aximum of $400k," preferring "zero for geopolitics but understand[ing] it may need to be $50–$100k if necessary to manage the relationship."[250]

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[248] EM-HCOR3-00726663.

[249] Chevron, *University Partnerships and Association Relations* (online at www.chevron.com/sustainability/social/university-partnership) (accessed Apr. 29, 2024); *Accountable Allies: The Undue Influence of Fossil Fuel Money in Academia*, Data for Progress (Mar. 1, 2023) (online at www.dataforprogress.org/memos/accountable-allies-the-undue-influence-of-fossil-fuel-money-in-academia).

[250] BPA_HCOR_00308117.

BP reduced funding for the Harvard and Tufts programs by around 40%. Harvard's grant decreased from $700,000 annually to $400,000, and Tufts grant decreased from $215,000 to $200,000.[251]

C. Studying the Disruption of Climate Change to Core Business

Other documents show that, through their academic partnerships, the companies had clear knowledge of the effect of climate change on their business. A slide presentation prepared by a Princeton researcher funded through BP's CMI titled "The Challenge of Climate Change" reveals BP's understanding of the threats to BP's core business posed by a shift from fossil fuel consumption to lower carbon alternatives: "the climate problem has the potential to disrupt BP's core business" because "effective climate policies can emerge that discourage fossil fuel consumption ... and that subsidize or otherwise promote efficiency and low carbon energy." The presentation identifies incremental changes for BP to address climate change, such as reining in flaring and methane leaks, and supplanting coal usage in Asia with natural gas.[252] In a separate email, a BP official applauded the Princeton researcher's perspective that shifting toward natural gas, in part through increased LNG exports, would cut overall global emissions.[253] The email described the CMI-funded researcher as a "big advocate of this as part of our case for gas."[254]

D. Using Academic Programs to Bolster Access to Policymakers

Fossil fuel companies sought to gain access to policymakers and influential thought leaders by funding academic research programs. One internal BP email describes the Tufts program as "the policy complement to our longstanding Carbon Mitigation Initiative (CMI) climate science program with Princeton," noting that it benefits BP because "many of their faculty are former senior government officials with deep insight, credibility and influence with US and global policymakers."[255] Similarly, a "confidential" document from around 2018 describes the benefit of the BP partnership with Harvard and Tufts as "access to unparalleled expertise at the forefront of research in the areas of climate change science, technology and policy," which helps BP "provide a business perspective to help shape international policy."[256]

In a 2020 email, BP coordinated with Princeton officials on the Net Zero America study, which maps different pathways by which the United States could decarbonize its economy.[257]

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[251] BPA_HCOR_00028087; In a 2014 internal document noting both Tufts' and Harvard's Energy Policy and Geopolitics Programs, BP's budget allocation for universities included a combined $700 thousand distributed amongst several researchers at Harvard's Belfer Center for Science and International Affairs. An additional $215 thousand was allocated to Tuft's Fletcher School. BPA_HCOR_00117652.

[252] BPA_HCOR_00043055.

[253] BPA_HCOR_00029996.

[254] BPA_HCOR_00029996.

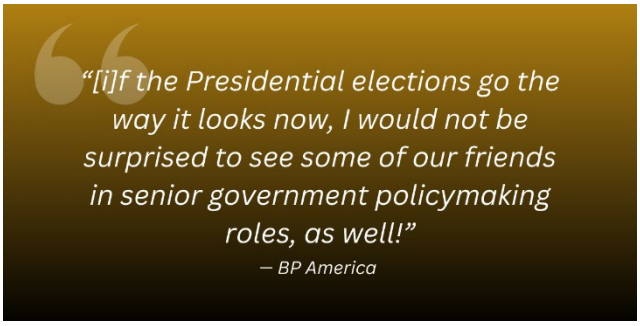
[255] BPA_HCOR_00115928.

[256] BPA_HCOR_00028087.

[257] Princeton University, Net-Zero America, *Net-Zero America: Potential Pathways, Infrastructure, and Impacts* (online at https://netzeroamerica.princeton.edu/?explorer=year&state=national&table=2020&limit=200) (accessed Apr. 29, 2024).

BP provided "just under $2 m[illion]" to fund the Net Zero America study, which the company viewed as important because the study had some alignment with the Biden-Harris Administration's climate policy agenda. Specifically, the BP official noted that the study "clearly plays to Biden's green agenda" and that principal researchers were "already advising Biden's transition team." As a result, BP could "leverage the study with the USG [United States government]."[258]

As the 2020 presidential elections approached and it appeared that President Biden would win, BP's Vice President of U.S. Policy and Regulatory Affairs pointed out that BP's relationship with Princeton was "becoming increasingly synergistic." BP admitted that, "[i]f the Presidential elections go the way it looks now, I would not be surprised to see some of our friends in senior government policymaking roles, as well!"[259]



II. TRACKING CRITICS AND PRESSURING NEWS OUTLETS

Documents obtained by the House Oversight Committee reveal that the fossil fuel industry actively tracks individuals, organizations, and news outlets critical of the industry.

One particularly disturbing email demonstrates that Exxon's chief security officer was tasked with tracking a specific activist, noting that he "has been very active in his communications of late. We are monitoring his location (now living in Vermont) and his social media."[260] The activist in question, a retired petroleum and industrial engineer who used to work for Exxon, provided testimony to the Vermont state legislature on fossil fuel infrastructure and had written op-eds concerning presidential climate plans, among other advocacy activities. A Shell email similarly demonstrated that climate activist activity is shared internally. The email, from May 2020, acknowledges that the coronavirus pandemic limited the ability of activist groups to protest, but that there was, in turn, a "sharp spike—43% more than average in social media ad spending." This caused concern that the activists "are not sitting on their hands—they are adapting and we expect that they will raise more than $1 billion this year to build their army of boots-on-the-ground supporters with the goal of killing off the fossil fuel industry."[261]

Other documents show that fossil fuel companies tracked outside advocacy efforts related to emissions reductions and environmental accountability. A BP official expressed concern about an "uptick in citizen suits" due to the "wide availability of high-tech monitoring devices" that citizens can use to measure pollution from hazardous chemicals in their local environments.

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[258] BPA_HCOR_00064996.

[259] BPA_HCOR_00115928.

[260] EM-HCOR3-00196006.

[261] SOC-HCOR-357654.

He worried that "NGOs will have more info" than what industry is required to report to the EPA.[262]

Documents produced by BP include numerous "Weekly Activist Report[s]" that track global critics and protest activity focused on the fossil fuel industry's role in climate change. One Weekly Activist Report identified specific activism, such as "Protests in Washington as part of 'Green New Deal'" and "Sunrise Movement occupies office of US Representative in Washington, DC."[263] API also tracked activities of climate activist groups via an email from an outside consulting group, which promised to contact API "if there is any concerning or threatening content related to API."[264]

The fossil fuel industry tracks critical social media content. One email from API to its internal Communications email list, titled "API Media Monitoring," appears to be part of a regular mass email blast that tracks critics of the industry. A 2017 email describes social media conversations on climate change following damaging snowstorms and wildfires throughout the country.[265] Another shows Exxon tracking social media content, including public posts on Facebook and Twitter discussing ExxonMobil and climate change, including "a review of tweets that use the hashtags #ExxonKnew and #EnergyLiesHere."[266]

Internal documents show companies pressuring news outlets pursuing stories that the companies believed were instigated by activists. In a 2016 email, an Exxon Media Relations Manager reacted angrily to questions from a Reuters journalist on Exxon's relationship with the American Legislative Exchange Council (ALEC), a nonprofit organization that has frequently undertaken political advocacy activities that appear to violate Internal Revenue Service (IRS) rules governing its tax-exempt status.[267] Providing a statement that could be used "if Reuters is taking this crap seriously," the official responded "how tone deaf are these guys for asking the IRS to investigate ALEC – an organization made up of more than 2000 conservative state lawmakers – after the IRS scandal last year? Of course anything passes for news when you slap the 'climate denier' label on it." When the journalist responded, "I hear

[262] BPA_HCOR_00073250; BPA_HCOR_00325882; BPA_HCOR_00288824.

[263] BPA_HCOR_00315600; BPA_HCOR_00315608.

[264] API_00106928. BP also mentions utilizing a consulting firm to help the company monitor environmental group activity. Referencing an article about the legal strategy of the environmental group Union of Concerned Scientists, a BP official wrote, "This story confirms the UCS strategy for state AG actions. I will have Brunswick pull the UCS emails." BPA_HCOR_00037904. Another email reveals that a few months into the Trump Administration, a Chevron official and an employee at the lobbying firm HBW Resources discussed the environmental movement's strategy to respond to push back on President Trump's pro-oil-and-gas agenda "for several months." CHEV-117HCOR-0020323.

[265] API_00015598.

[266] EM-HCOR3-00167190.

[267] *State Legislatures and ALEC*, Last Week Tonight with John Oliver (Nov. 2, 2014) (online at https://genius.com/Last-week-tonight-with-john-oliver-state-legislatures-and-alec-annotated).

you," the Exxon media relations manager replied, "Don't hear me. Kill the story."[268]

CHAPTER 6: OBSTRUCTION OF THE CONGRESSIONAL INVESTIGATION

As documented in the House Oversight Committee's memorandum dated December 9, 2022, Exxon, Chevron, Shell, BP, API, and the Chamber refused to fully cooperate with the House Oversight Committee's investigation, even after then-Chairwoman Maloney issued subpoenas to each company. Their obstruction is evident in many of the documents reviewed by the House Oversight Committee and released today.

I. ATTEMPTING TO UNDERMINE CONGRESSIONAL INVESTIGATION LEGAL FRAMEWORKS AND NORMS

A. Power and Scope of Congressional Investigative Authority

There is a clear legal framework supporting Congress's broad latitude to conduct investigations and requiring private sector entities to comply fully with congressional subpoenas. The Supreme Court has long recognized Congress's power conduct investigations, a power inherent in the legislative process, holding as early as 1927 that "[t]he power of inquiry—***with process to enforce it***—is an essential and appropriate auxiliary to the legislative function .... A legislative body cannot legislate wisely or effectively in the absence of information."[269] The Supreme Court has also made clear that such power is broad: "[The] power of the Congress to conduct investigations is inherent in the legislative process. That power is broad. It encompasses inquiries concerning the administration of existing laws as well as proposed or possibly needed statutes."[270] Indeed, the "scope of the power of inquiry ... is as penetrating and far-reaching as the potential power to enact and appropriate under the Constitution."[271] Courts defer to Congress's "broad power" to seek information "when the purpose asserted is supported by references to specific problems which in the past have been or which in the future could be the subjects of appropriate legislation."[272]

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[268] EM-HCOR3-00143706. Other documents discussing Exxon's relationship with ALEC include: EM-HCOR3-00765993; EM-HCOR3-00766014; EM-HCOR3-00567563; EM-HCOR3-00143706. Other documents tracking critics include: BPA_HCOR_00104837 ("Bloomberg will spend $500 million not just to close coal plants—it will be used to cap the use of natural gas."); SOC-HCOR-395123; "Monitoring and reactive engagement of low-priority NGOs is critical to the effective management of proximate risks presented by NGO interventions or campaigns to BP businesses' or projects' permission to operate." BPA_HCOR_00050200; BPA_HCOR_00073918. Shell contracted SIGWATCH, which describes itself as "the leading consultancy and data provider on activism" to produce a quarterly review of NGO criticism of Shell, as well as provide other analyses. SOC-HCOR-443104; SOC-HCOR-442772; SOC-HCOR-414119; SOC-HCOR-036102; SOC-HCOR-350105; SOC-HCOR-116047.

[269] *McGrain v. Daugherty*, 273 U.S. 135, 174 (1927) (emphasis added).

[270] *Watkins v. United States*, 354 U.S. 178, 187 (1957).

[271] *Barenblatt v. United States*, 360 U.S. 109, 111 (1959).

[272] *Shelton v. United States*, 404 F.2d 1292, 1297 (D.C. Cir. 1968).

Congress also has a long history of investigating the activities of companies and corporations.[273] The fact that such entities are not governmental is irrelevant, as "[i]t is unquestionably the ***duty of all citizens*** to cooperate with the Congress in its efforts to obtain the facts needed for intelligent legislative action. It is their ***unremitting obligation to respond to subpoenas***, to respect the dignity of the Congress and its committees, and to testify fully with respect to matters within the province of proper investigations."[274]

The companies here have failed to respect these well-established judicial interpretations and resulting practices.

B. Baseless First Amendment and Privilege Arguments

Some companies claimed that the First Amendment or undefined "privilege" protected them from the House Oversight Committee's subpoena. Exxon argued that the subpoena appeared "designed to intrude on ExxonMobil's First Amendment activities, including its constitutionally protected right to petition the government.[275]

Neither the First Amendment nor the petitioning clause permits the categorical withholding of documents from Congress.[276] Indeed, recent case law has affirmed Congress's right to conduct investigations into activities and subpoena documents that have been claimed to be protected by the First Amendment.[277] In effect, the fossil fuel industry proposes a novel theory of "privilege" in which the people's power of investigation through their Congress evaporates whenever the subject is a matter of public debate or legislative lobbying, and without even the customary requirements in courts of a privilege log identifying the documents withheld and the specific privilege asserted.

C. Disregard for Longstanding Congressional Practice and Norms

The companies' positions would upend longstanding House Oversight Committee and congressional practice. In 2006, the then-House Committee on Government Reform sought records and communications relating to Jack Abramoff's lobbying of White House officials via his lobbying firm Greenberg Traurig LLP. After issuing a subpoena to the firm, the House Oversight Committee obtained more than 14,000 pages of responsive documents.[278] More

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[273] See, e.g., see also *Trump v. Mazars USA, LLP*, 591 U.S. __ (2020).

[274] *Watkins*, 354 U.S. at 187–88 (emphases added).

[275] Letter from ExxonMobil Corporation to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform (Nov. 16, 2021).

[276] See, e.g., *Konigsberg v. State Bar of California*, 366 U.S. 36, 49-50 (1961) (rejecting the notion "that freedom of speech and association, as protected by the First and Fourteenth Amendments, are 'absolutes,' not only in the undoubted sense that where the constitutional protection exists it must prevail, but also in the sense that the scope of that protection must be gathered solely from a literal reading of the First Amendment.").

[277] See *Senate Permanent Subcom. on Investigations v. Ferrer*, 199 F. Supp. 3d 125, 139 (D.D.C. 2016).

[278] *Abramoff Put White House Contacts at 400*, Washington Post (Sept. 28, 2006) (online at www.washingtonpost.com/archive/politics/2006/09/29/abramoff-put-white-house-contacts-at-400/e9ecb97f-b689-477b-b2c2-d46605d49d2f/); Majority and Minority Staff, Committee on Government Reform (Sept. 29, 2006) (online at http://i.a.cnn.net/cnn/2006/images/09/29/final.abramoff.report.pdf).

recently, as part of a long-running investigation into the pharmaceutical industry, the House Oversight Committee requested—and received through voluntary compliance—internal communications and documents from several pharmaceutical companies related to lobbying activities, including through their trade association.[279]

II. SIGNIFICANTLY REDACTING OR WITHHOLDING DOCUMENTS

Despite the clear legal framework upholding Congress's broad latitude to conduct investigations and requiring private sector entities to comply with congressional subpoenas, companies heavily redacted or entirely withheld documents despite repeated objections by House Oversight Committee staff.

Of the six recipients of subpoenas, the Chamber obstructed the investigation most significantly. The Chamber produced only 5,503 documents in total—less than 9% of the average number of documents provided by the other companies under investigation. Of those 5,503 documents, only 24 were within scope. The Chamber was also the only entity that failed to produce any internal communications. Given the significant public information available about the Chamber's lobbying efforts on climate policies, the Chamber's failure to produce documents is not because the documents do not exist, but because the Chamber willfully failed to comply with the subpoena.

More broadly, the investigation identified 4,180 documents that were significantly redacted.[280] These documents include board minutes, communication plans, and emails and contracts about advertising. BP's production made up the vast majority of the redacted documents, with at least 3,733 documents with significant redactions—90% of the total number of significantly redacted documents and nearly 8% of the total documents produced by BP.

In one example, BP redacted all content from an email except "Sent from my iPhone" and the sender's email signature from an email thread between senior officials in BP's C&EA team with the subject "Conference: Climate Change Implementation."[281]

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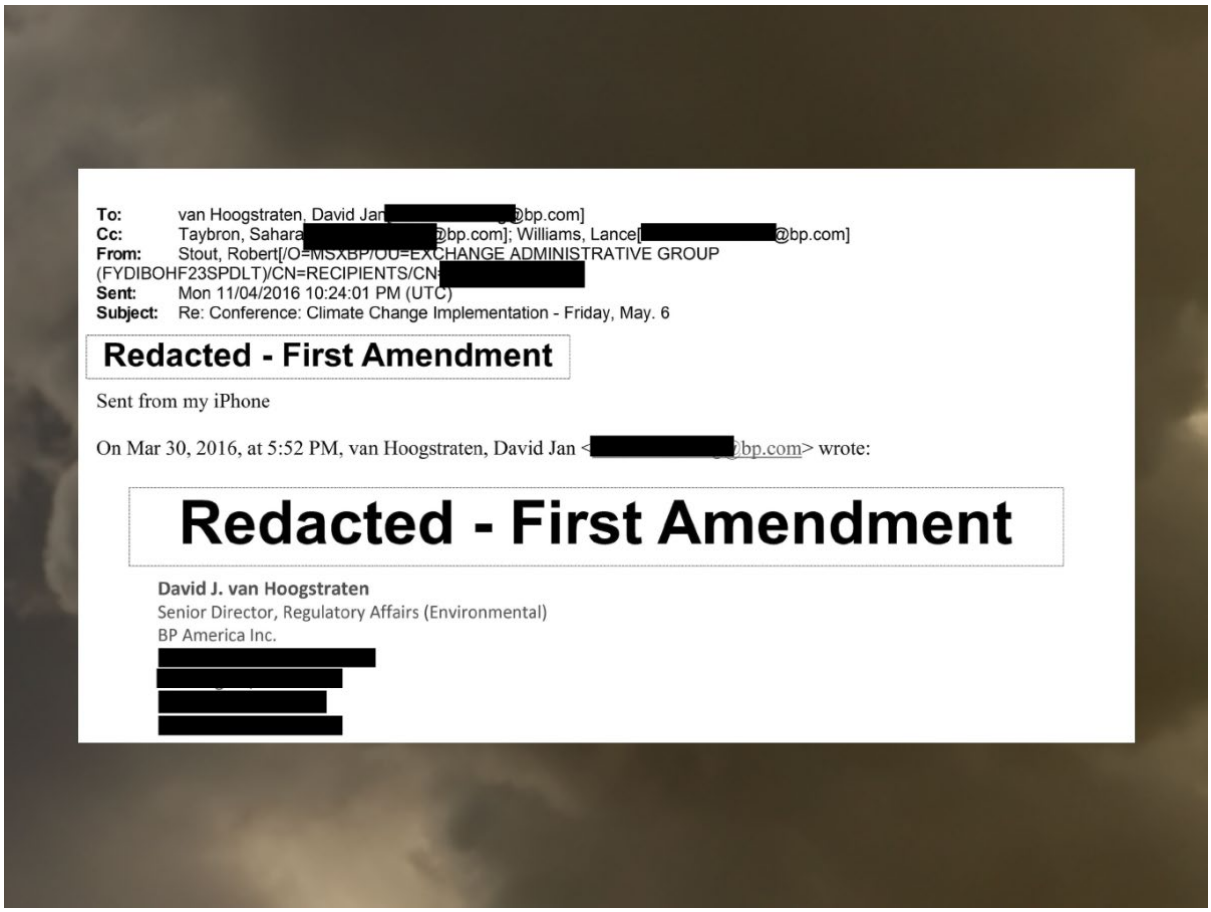
[279] *See* Committee on Oversight and Reform, *Drug Pricing Investigation: Majority Staff Report*, 117th Cong. (Dec. 2021) (online at https://oversight.house.gov/sites/democrats.oversight.house.gov/files/DRUG%20PRICING%20REPORT%20WITH%20APPENDIX%20v3.pdf).

[280] "Significantly redacted" in this context refers to documents that were redacted in their entirety, in which all of their substance was redacted (i.e. emails where only the greeting and signature were unredacted), or where key information such as the names of public relation firms or contract prices were redacted.

[281] BPA_HCOR_00344230.



To: van Hoogstraten, David Jan [redacted]@bp.com]
Cc: Taybron, Sahara[redacted]@bp.com]; Williams, Lance[redacted]@bp.com]
From: Stout, Robert[/O=MSXBP/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=[redacted]
Sent: Mon 11/04/2016 10:24:01 PM (UTC)
Subject: Re: Conference: Climate Change Implementation - Friday, May. 6

Redacted - First Amendment

Sent from my iPhone

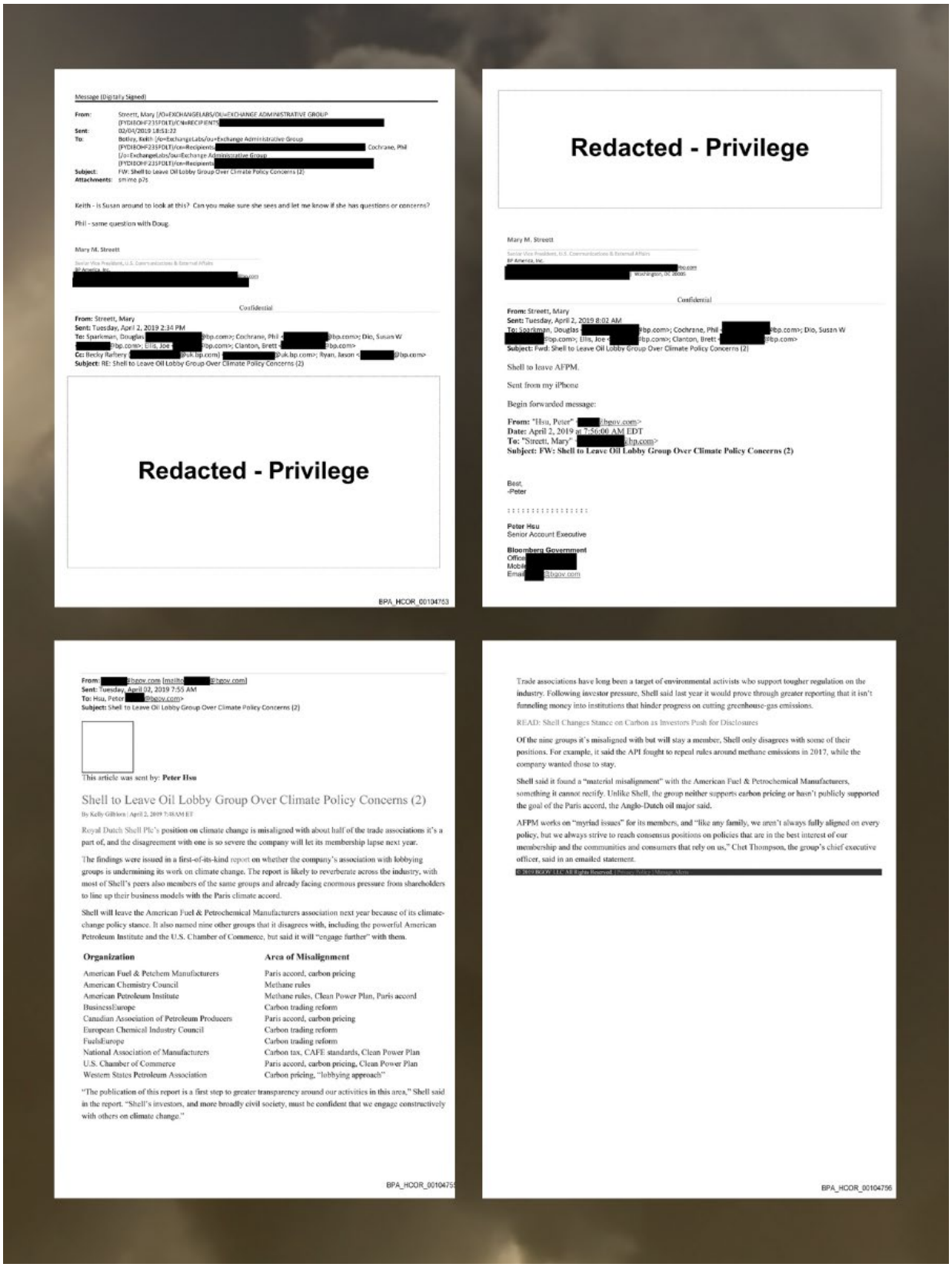
On Mar 30, 2016, at 5:52 PM, van Hoogstraten, David Jan <[redacted]@bp.com> wrote:

Redacted - First Amendment

David J. van Hoogstraten
Senior Director, Regulatory Affairs (Environmental)
BP America Inc.
[redacted]

BP also provided email threads where only one email within the thread was redacted, demonstrating that the company intentionally redacted key information, despite providing the rest of the thread:[282]

[282] BPA_HCOR_00104753.



Message (Digitally Signed)

From: Streett, Mary (/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF235FOLT)/CN=RECIPIENTS/[redacted])
Sent: 02/04/2019 18:51:22
To: Botley, Keith (/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF235FOLT)/cn=Recipients/[redacted] Cochrane, Phil (/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF235FOLT)/cn=Recipients/[redacted]
Subject: FW: Shell to Leave Oil Lobby Group Over Climate Policy Concerns (2)
Attachments: smime.p7s

Keith - is Susan around to look at this? Can you make sure she sees and let me know if she has questions or concerns?

Phil - same question with Doug.

Mary M. Streett

Senior Vice President, U.S. Communications & External Affairs
BP America, Inc.
[redacted]

Confidential

From: Streett, Mary
Sent: Tuesday, April 2, 2019 2:34 PM
To: Sparkman, Douglas [redacted]@bp.com>; Cochrane, Phil <[redacted]@bp.com>; Dio, Susan W [redacted]@bp.com>; Ellis, Joe <[redacted]@bp.com>; Clanton, Brett <[redacted]@bp.com>
Cc: Becky Raftery <[redacted]@uk.bp.com>; [redacted]@uk.bp.com>; Ryan, Jason <[redacted]@bp.com>
Subject: RE: Shell to Leave Oil Lobby Group Over Climate Policy Concerns (2)

Redacted - Privilege

BPA_HCOR_00104753

Redacted - Privilege

Mary M. Streett

Senior Vice President, U.S. Communications & External Affairs
BP America, Inc.
[redacted]
Washington, DC 20005

Confidential

From: Streett, Mary
Sent: Tuesday, April 2, 2019 8:02 AM
To: Sparkman, Douglas [redacted]@bp.com>; Cochrane, Phil <[redacted]@bp.com>; Dio, Susan W [redacted]@bp.com>; Ellis, Joe <[redacted]@bp.com>; Clanton, Brett <[redacted]@bp.com>
Subject: Fwd: Shell to Leave Oil Lobby Group Over Climate Policy Concerns (2)

Shell to leave AFPM.

Sent from my iPhone

Begin forwarded message:

From: "Hsu, Peter" <[redacted]@bgov.com>
Date: April 2, 2019 at 7:56:00 AM EDT
To: "Streett, Mary" <[redacted]@bp.com>
Subject: FW: Shell to Leave Oil Lobby Group Over Climate Policy Concerns (2)

Best,
-Peter

: : : : : : : : : : : : : : : : : :

Peter Hsu
Senior Account Executive

Bloomberg Government
Office [redacted]
Mobile [redacted]
Email [redacted]@bgov.com

From: [redacted]@bgov.com [mailto:[redacted]@bgov.com]
Sent: Tuesday, April 02, 2019 7:55 AM
To: Hsu, Peter <[redacted]@bgov.com>
Subject: Shell to Leave Oil Lobby Group Over Climate Policy Concerns (2)

This article was sent by: **Peter Hsu**

Shell to Leave Oil Lobby Group Over Climate Policy Concerns (2)

By Kelly Gilblom | April 2, 2019 7:48AM ET

Royal Dutch Shell Plc's position on climate change is misaligned with about half of the trade associations it's a part of, and the disagreement with one is so severe the company will let its membership lapse next year.

The findings were issued in a first-of-its-kind report on whether the company's association with lobbying groups is undermining its work on climate change. The report is likely to reverberate across the industry, with most of Shell's peers also members of the same groups and already facing enormous pressure from shareholders to line up their business models with the Paris climate accord.

Shell will leave the American Fuel & Petrochemical Manufacturers association next year because of its climate-change policy stance. It also named nine other groups that it disagrees with, including the powerful American Petroleum Institute and the U.S. Chamber of Commerce, but said it will "engage further" with them.

Organization	Area of Misalignment
American Fuel & Petchem Manufacturers	Paris accord, carbon pricing
American Chemistry Council	Methane rules
American Petroleum Institute	Methane rules, Clean Power Plan, Paris accord
BusinessEurope	Carbon trading reform
Canadian Association of Petroleum Producers	Paris accord, carbon pricing
European Chemical Industry Council	Carbon trading reform
FuelsEurope	Carbon trading reform
National Association of Manufacturers	Carbon tax, CAFE standards, Clean Power Plan
U.S. Chamber of Commerce	Paris accord, carbon pricing, Clean Power Plan
Western States Petroleum Association	Carbon pricing, "lobbying approach"

"The publication of this report is a first step to greater transparency around our activities in this area," Shell said in the report. "Shell's investors, and more broadly civil society, must be confident that we engage constructively with others on climate change."

BPA_HCOR_00104755

Trade associations have long been a target of environmental activists who support tougher regulation on the industry. Following investor pressure, Shell said last year it would prove through greater reporting that it isn't funneling money into institutions that hinder progress on cutting greenhouse-gas emissions.

READ: Shell Changes Stance on Carbon as Investors Push for Disclosures

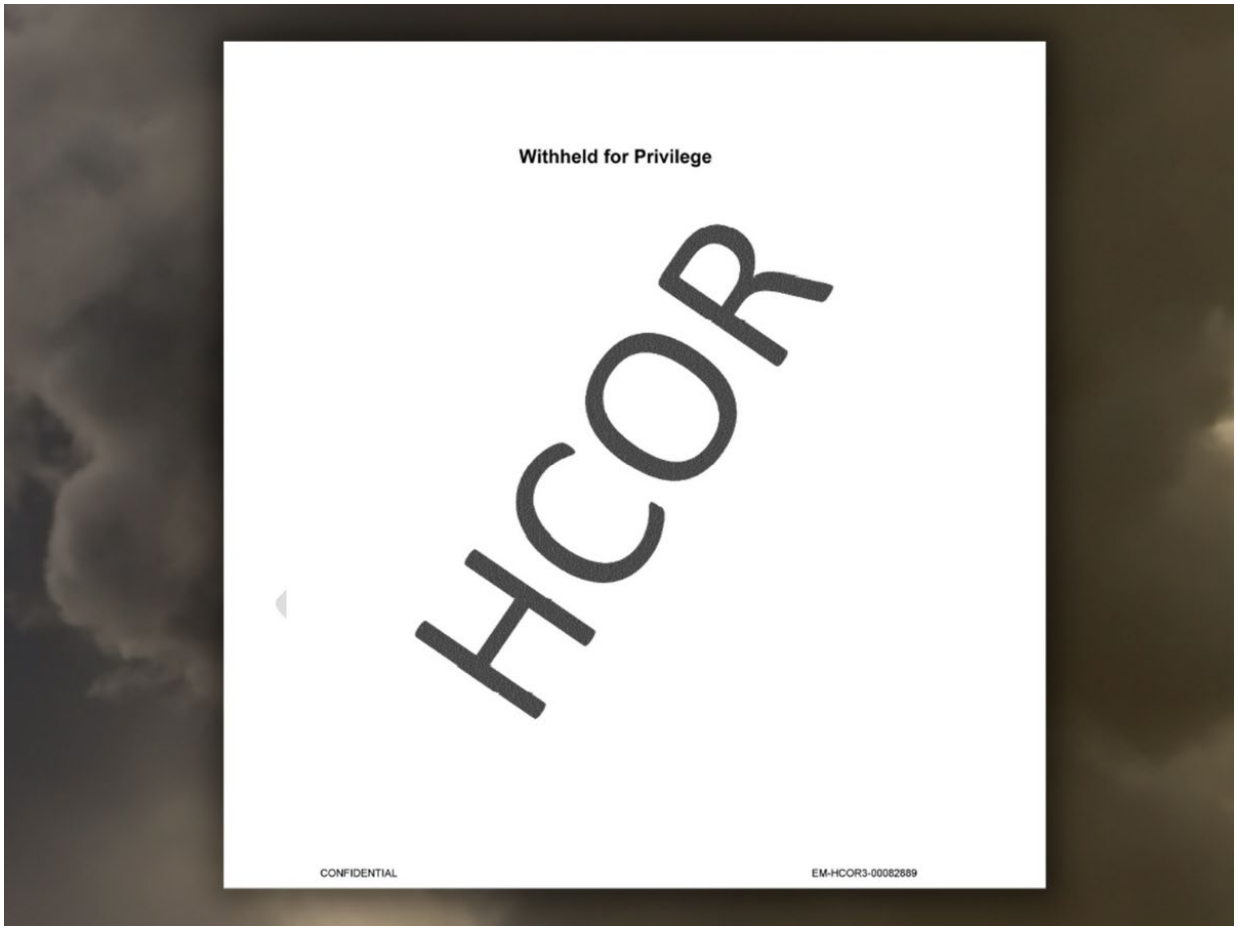
Of the nine groups it's misaligned with but will stay a member, Shell only disagrees with some of their positions. For example, it said the API fought to repeal rules around methane emissions in 2017, while the company wanted those to stay.

Shell said it found a "material misalignment" with the American Fuel & Petrochemical Manufacturers, something it cannot rectify. Unlike Shell, the group neither supports carbon pricing or hasn't publicly supported the goal of the Paris accord, the Anglo-Dutch oil major said.

AFPM works on "myriad issues" for its members, and "like any family, we aren't always fully aligned on every policy, but we always strive to reach consensus positions on policies that are in the best interest of our membership and the communities and consumers that rely on us," Chet Thompson, the group's chief executive officer, said in an emailed statement.

BPA_HCOR_00104796

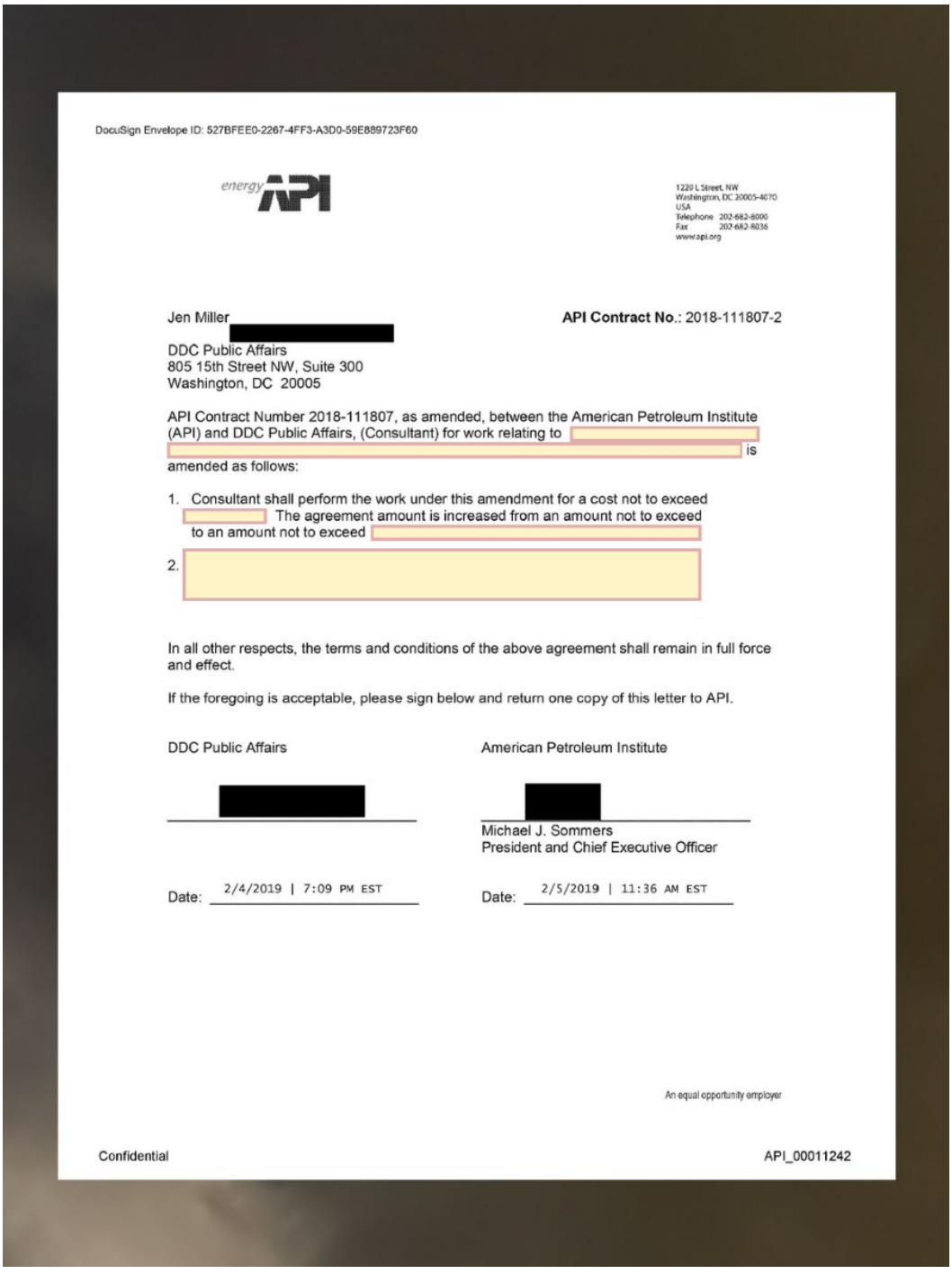
In another example, Exxon withheld multiple documents "for privilege" without specifying the privilege it was claiming and notwithstanding that Congress is not required to recognize common law privilege claims:[283]



API also produced several contracts between it and various third-party marketing and advocacy firms but redacted key information, including the monetary value of the contract and the subject of the engagement. One example follows:[284]

[283] EM-HCOR3-00082889.

[284] API_00011242.



DocuSign Envelope ID: 527BFEE0-2267-4FF3-A3D0-59E889723F60

energy API

1220 L Street, NW
Washington, DC 20005-4070
USA
Telephone 202-682-8000
Fax 202-682-8036
www.api.org

Jen Miller [redacted]

API Contract No.: 2018-111807-2

DDC Public Affairs
805 15th Street NW, Suite 300
Washington, DC 20005

API Contract Number 2018-111807, as amended, between the American Petroleum Institute (API) and DDC Public Affairs, (Consultant) for work relating to [redacted] is amended as follows:

1. Consultant shall perform the work under this amendment for a cost not to exceed [redacted] The agreement amount is increased from an amount not to exceed to an amount not to exceed [redacted]

2. [redacted]

In all other respects, the terms and conditions of the above agreement shall remain in full force and effect.

If the foregoing is acceptable, please sign below and return one copy of this letter to API.

DDC Public Affairs

[redacted]

Date: 2/4/2019 | 7:09 PM EST

American Petroleum Institute

[redacted]
Michael J. Sommers
President and Chief Executive Officer

Date: 2/5/2019 | 11:36 AM EST

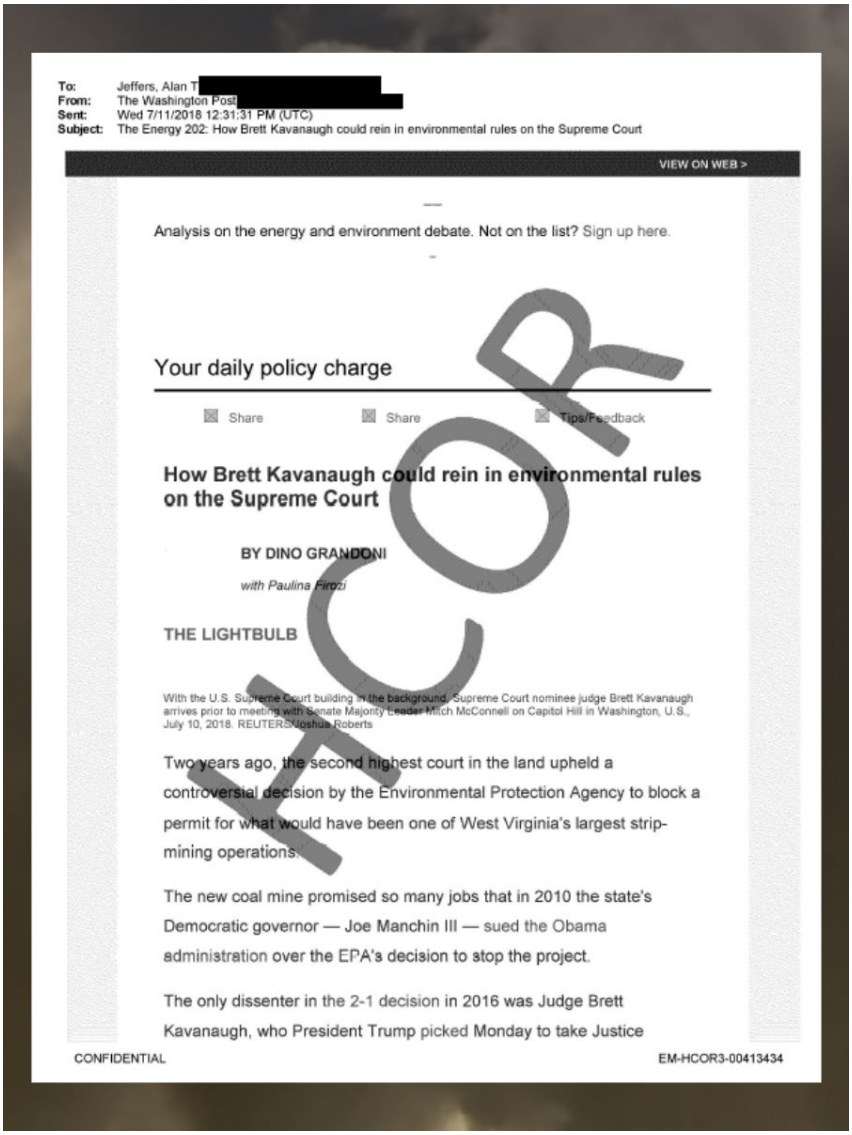
An equal opportunity employer

Confidential

API_00011242

In addition to withholding and redacting documents, companies also employed a "paper blizzard" tactic, providing the House Oversight Committee with hundreds of thousands of generic documents not responsive to any of the categories set forth in the subpoena. Of the more than 280,000 documents produced to the House Oversight Committee by all parties, more than 125,000 documents were mass emails, newsletters, flyers, and generally meaningless documents.

The number of generally meaningless documents that each company provided, expressed as a percentage of the total number of documents produced, are: Chamber—99.5%, Chevron—73.2%, API—63.4%, Exxon—58.3%, and Shell—40.6%. BP provided very few generally meaningless documents. Examples of such documents include daily "news" blasts to the entire company providing links to publicly available articles with nothing more, such as the following:[285]



To: Jeffers, Alan T [redacted]
From: The Washington Post [redacted]
Sent: Wed 7/11/2018 12:31:31 PM (UTC)
Subject: The Energy 202: How Brett Kavanaugh could rein in environmental rules on the Supreme Court

VIEW ON WEB >

Analysis on the energy and environment debate. Not on the list? Sign up here.

Your daily policy charge

Share Share Tips/Feedback

How Brett Kavanaugh could rein in environmental rules on the Supreme Court

BY DINO GRANDONI

with Paulina Firozi

THE LIGHTBULB

With the U.S. Supreme Court building in the background, Supreme Court nominee judge Brett Kavanaugh arrives prior to meeting with Senate Majority Leader Mitch McConnell on Capitol Hill in Washington, U.S., July 10, 2018. REUTERS/Joshua Roberts

Two years ago, the second highest court in the land upheld a controversial decision by the Environmental Protection Agency to block a permit for what would have been one of West Virginia's largest strip-mining operations.

The new coal mine promised so many jobs that in 2010 the state's Democratic governor — Joe Manchin III — sued the Obama administration over the EPA's decision to stop the project.

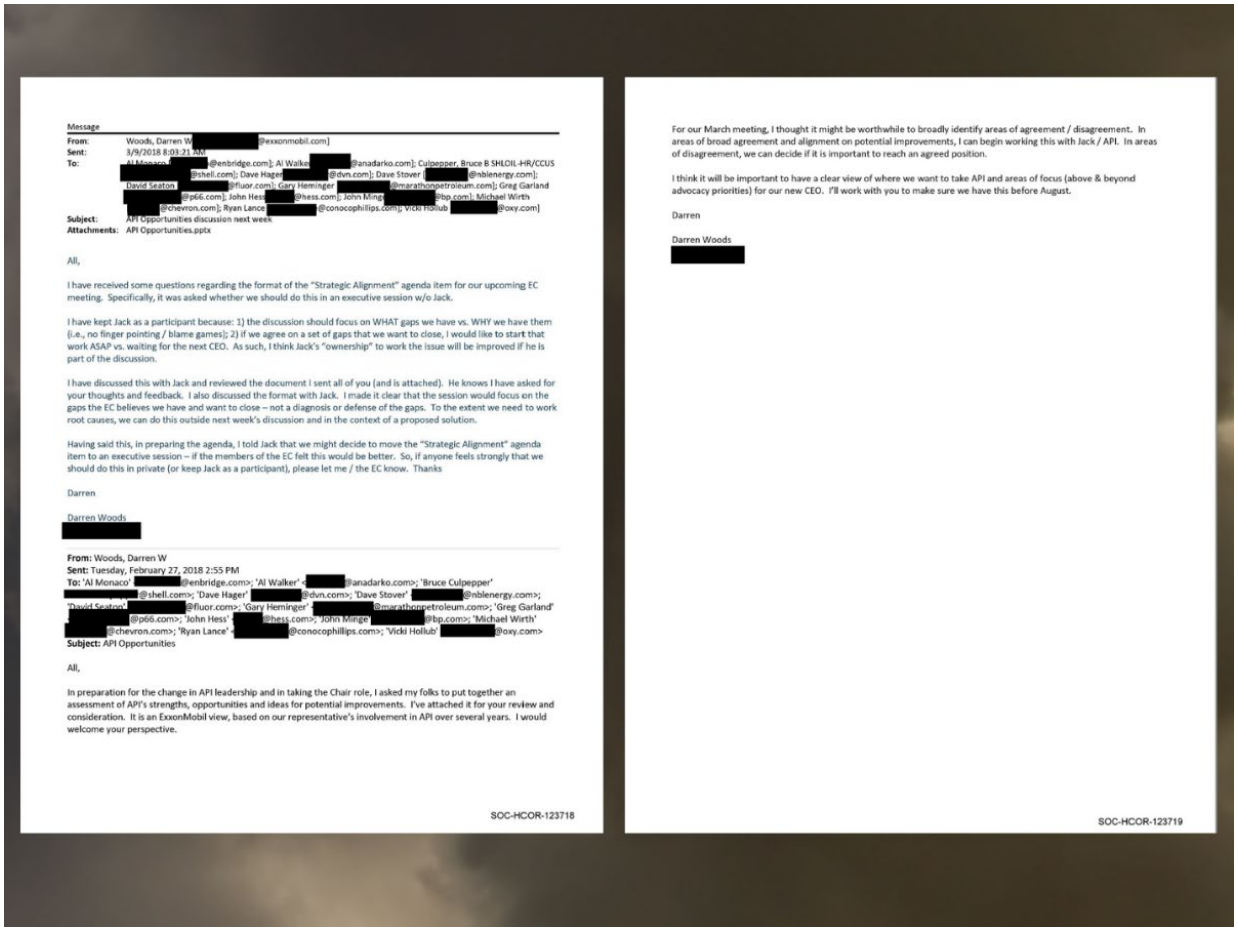
The only dissenter in the 2-1 decision in 2016 was Judge Brett Kavanaugh, who President Trump picked Monday to take Justice

CONFIDENTIAL EM-HCOR3-00413434

The review also identified a striking number of documents, especially emails, to which individuals from several companies under investigation were party, but that only one of the fossil fuel companies under investigation actually produced. This further demonstrates the companies' lack of full compliance with the House Oversight Committee's investigation, as such documents

[285] EM-HCOR3-00413434.

should have been produced by every company that had the document in its possession, custody, or control. For example, Shell provided the following relevant email, discussed in Chapter 4, Section I.A above, concerning "API Opportunities." Although Exxon CEO Darren Woods sent the email to a number of energy companies, including Chevron, BP, and Shell, only Shell produced it:[286]



Message

From: Woods, Darren W [redacted]@exxonmobil.com]
Sent: 3/9/2018 8:03:21 AM
To: [redacted]@enbridge.com]; Al Walke [redacted]@anadarko.com]; Culpepper, Bruce B SHLOIL-HR/CCUS [redacted]@shell.com]; Dave Hager [redacted]@dvn.com]; Dave Stover [redacted]@nblenergy.com]; David Seaton [redacted]@fluor.com]; Gary Heminger [redacted]@marathonpetroleum.com]; Greg Garland [redacted]@p66.com]; John Hess [redacted]@hess.com]; John Minge [redacted]@bp.com]; Michael Wirth [redacted]@chevron.com]; Ryan Lance [redacted]@conocophillips.com]; Vicki Hollub [redacted]@oxy.com]
Subject: API Opportunities discussion next week
Attachments: API Opportunities.pptx

All,

I have received some questions regarding the format of the "Strategic Alignment" agenda item for our upcoming EC meeting. Specifically, it was asked whether we should do this in an executive session w/o Jack.

I have kept Jack as a participant because: 1) the discussion should focus on WHAT gaps we have vs. WHY we have them (i.e., no finger pointing / blame games); 2) if we agree on a set of gaps that we want to close, I would like to start that work ASAP vs. waiting for the next CEO. As such, I think Jack's "ownership" to work the issue will be improved if he is part of the discussion.

I have discussed this with Jack and reviewed the document I sent all of you (and is attached). He knows I have asked for your thoughts and feedback. I also discussed the format with Jack. I made it clear that the session would focus on the gaps the EC believes we have and want to close – not a diagnosis or defense of the gaps. To the extent we need to work root causes, we can do this outside next week's discussion and in the context of a proposed solution.

Having said this, in preparing the agenda, I told Jack that we might decide to move the "Strategic Alignment" agenda item to an executive session – if the members of the EC felt this would be better. So, if anyone feels strongly that we should do this in private (or keep Jack as a participant), please let me / the EC know. Thanks

Darren

Darren Woods
[redacted]

From: Woods, Darren W
Sent: Tuesday, February 27, 2018 2:55 PM
To: 'Al Monaco' [redacted]@enbridge.com>; 'Al Walker' <[redacted]@anadarko.com>; 'Bruce Culpepper' [redacted]@shell.com>; 'Dave Hager' [redacted]@dvn.com>; 'Dave Stover' [redacted]@nblenergy.com>; 'David Seaton' [redacted]@fluor.com>; 'Gary Heminger' [redacted]@marathonpetroleum.com>; 'Greg Garland' [redacted]@p66.com>; 'John Hess' <[redacted]@hess.com>; 'John Minge' [redacted]@bp.com>; 'Michael Wirth' [redacted]@chevron.com>; 'Ryan Lance' <[redacted]@conocophillips.com>; 'Vicki Hollub' [redacted]@oxy.com>
Subject: API Opportunities

All,

In preparation for the change in API leadership and in taking the Chair role, I asked my folks to put together an assessment of API's strengths, opportunities and ideas for potential improvements. I've attached it for your review and consideration. It is an ExxonMobil view, based on our representative's involvement in API over several years. I would welcome your perspective.

SOC-HCOR-123718

For our March meeting, I thought it might be worthwhile to broadly identify areas of agreement / disagreement. In areas of broad agreement and alignment on potential improvements, I can begin working this with Jack / API. In areas of disagreement, we can decide if it is important to reach an agreed position.

I think it will be important to have a clear view of where we want to take API and areas of focus (above & beyond advocacy priorities) for our new CEO. I'll work with you to make sure we have this before August.

Darren

Darren Woods
[redacted]

SOC-HCOR-123719

[286] SOC-HCOR-123718.

CONCLUSION

The investigation and this report have set out new evidence about the extent of the fossil fuel industry's evolving efforts to avoid accountability for climate change. As previously understood, fossil fuel companies first approached climate change by branding it a "hoax" and denying outright that the burning of fossil fuels contributed to a warming planet. But as the science about climate change became too overwhelming to continue to deny its existence, Big Oil needed to pivot. Accordingly, as new documents set out in this report demonstrate, the fossil fuel industry engaged in an elaborate campaign of deception and doublespeak—supported by its armada of trade associations—marked by public claims to support climate action and significant private steps to avoid it as well as disinformation about the climate safety of natural gas and its role as a bridge fuel to a fossil-free future. For more than half a century, Big Oil has misled the American public about its role in the climate crisis, doing everything in its power to keep the United States and the world dependent on its polluting products. It is long past time to hold Big Oil accountable for its deception campaign and to take action to undo the harms it has perpetrated.