

13 July 2016

The Honorable Lamar Smith
Chairman
Committee on Science, Space, and Technology
U.S. House of Representatives
2321 Rayburn House Office Building
Washington, D.C. 20515

Re: Response to the Committee's letter of 6 July 2016.

Dear Mr. Chairman:

The Climate Accountability Institute's work has focused since its establishment in 2011 on the emissions of carbon dioxide and methane traceable to the production of oil, natural gas, and coal by major companies that provide carbon fuels to world markets with the knowledge that the waste product of combustion is carbon dioxide. CAI and our colleagues have argued in peer reviewed papers that oil and gas and coal companies have a moral and perhaps legal responsibility for climate-related damages and a burden to prevent further climate change by investing in non-carbon energy sources and to potentially keep a proportion of carbon reserves undeveloped in alignment with science-based targets for future emissions.¹

I am, as Director of the Institute, pleased to coordinate a meeting with you, other majority members, and minority members in order to discuss the nature and results of our research findings with respect to tracing emissions of carbon dioxide to the primary producers of carbon fuels. Our work has been referred to in the press as "the ninety Carbon Majors,"² and in our scientific papers as "major carbon producers."³ Our work has quantified the emissions of CO₂ and methane from the production and consumption of fossil fuels to the world's largest multinational and state-owned oil, gas, and coal companies from as early as 1854 to 2013; we are currently updating production and emissions to 2015.

CAI has not met with or otherwise discussed our quantitative and accountability work with State Attorneys General. CAI has and will continue to support legal and quantitative work regarding the attribution of greenhouse gas emissions to fossil fuel producers and the responsibility of producers to avoid emissions that will exceed safe targets for atmospheric CO₂ concentrations as determined by international scientific work. CAI is engaging with a leading international oil and gas company to strategize about an effective response to the challenge of anthropogenic climate change aligned with the internationally recognized target of a global temperature rise not exceeding 2°C. CAI is available to discuss effective

¹ Frumhoff, Peter C., Richard Heede, & Naomi Oreskes (2015) The climate responsibilities of industrial carbon producers, *Climatic Change*, vol. 132(2):157-171; URL: link.springer.com/article/10.1007/s10584-015-1472-5.

² Goldenberg, Suzanne (2013) Just 90 companies caused two-thirds of man-made global warming emissions, *The Guardian*, 20 November 2013, available at: tinyurl.com/qbcbbq3.

³ Heede, Richard (2014) Tracing anthropogenic CO₂ and methane emissions to fossil fuel and cement producers 1854-2010, *Climatic Change*, vol. 122(1): 229-241; URL: link.springer.com/article/10.1007/s10584-013-0986-y.

Heede, Richard, & Naomi Oreskes (2016) Potential emissions of CO₂ and methane from proved reserves of fossil fuels: An alternative analysis, *Global Env. Change*, vol. 36:12-20; URL: sciencedirect.com/science/article/pii/S0959378015300637.

solutions to the rising threat posed by continued combustion of fossil fuels with the House Committee on Science, Space, and Technology and with any oil and gas company wishing to discuss the central role that the industry can and, in my view, should take with respect to future production of carbon fuels and investments in non-carbon energy sources and carbon offsets.

CAI will *not*, however, provide documents and communications to the Committee regarding our collaborative work with other organizations named in your request. It is my position — based on legal arguments submitted to the Committee on behalf of the Union of Concerned Scientists, Greenpeace, 350, and other NGOs, as well as by Ranking Member Eddie Bernice Johnson⁴ — that your request for “documents and communications”⁵ lacks jurisdictional authority and is a violation of my First Amendment rights as an independent scientist to exercise free speech and my freedom to assemble with other scientists and thinkers.

Our work has not and does not “deprive companies, nonprofit organizations, and scientists of their First Amendment rights and ability to fund and conduct scientific research free from intimidation and threats of prosecution.”⁶ Scientists from these companies, trade associations, and think tanks are free to discuss and publish their work in peer-reviewed journals and other media. To be clear, CAI is respectful of contrarian opinions and dissenting science. We have no need, nor any ability, to intimidate these individuals, nor to threaten the First Amendment rights of ExxonMobil or other major oil and gas companies.

It is up to the courts to decide any matter of legal culpability for fraudulent statements made by oil & gas or coal companies with respect to either climate science or the risks posed by climate change to the producibility and valuation of assets owned by companies on behalf of shareholders. CAI does not engage in filing lawsuits. We do, however, stand by our scientific work, and we are prepared to provide expert testimony if requested.

I do not concur with your contention that the Science Committee has oversight or legislative authority over our work, past or present, or over our collaborate work with a number of other organizations, some of which are named in your letter of 18 May 2016.

I respectfully decline your invitation to provide documents and communications to the Committee. I am, however, pleased to discuss our scientific and policy work with the Committee as long as members from both sides of the aisle will be able to participate.

Sincerely,



Director, Climate Accountability Institute

CC: Ranking Member Eddie Bernice Johnson.

⁴ Honorable Eddie Bernice Johnson (2016) Letter to Honorable Lamar Smith, Chairman, USHR Committee on Science, Space, and Technology, 23 June 2016.

⁵ Smith, Lamar (2016) Letters to Climate Accountability Institute dated 18 May 2016, 17 June 2016, and 6 July 2016.

⁶ *Ibid.*