

Oil and Gas Industry Initiatives to Discredit Climate Change Lawsuits by Cities and Counties

FACTSHEET

As of June 2018, U.S. cities and counties have filed eleven lawsuits against members of the oil and gas industry, seeking to recover some of the costs associated with climate change impacts. For over 50 years, several oil and gas companies have known that their products were dangerous, yet they chose to conceal this knowledge from the public in order to continue promoting and selling fossil fuels. The communities bringing the lawsuits have demanded that these companies pay their fair share of the costs being imposed on taxpayers.

The cases are still pending in court, but the industry has responded with a public relations campaign that aims to discredit the lawsuits and discourage other jurisdictions from filing similar lawsuits.

In the United States, the oil and gas industry has traditionally relied on the American Petroleum Institute (API) to lead outreach to the public and elected officials on climate change issues. However, the industry has taken a different approach in its response to the climate change lawsuits. API has played a quieter role, possibly because the plaintiffs are relying on evidence that implicates API in efforts to conceal the dangers of fossil fuels.

Instead, the oil and gas industry has worked through a series of intermediaries that aim to discredit climate change litigation and discourage other communities from filing additional lawsuits. The most active intermediaries include:

- Manufacturers' Accountability Project
- Energy In Depth
- Western Wire
- Main Street Investors
- Legal Newslines
- Climate Litigation Watch

In most cases, these intermediaries do not disclose when they have financial and strategic relationships with oil and gas companies that are defendants in the lawsuits. Most of the organizations have a close relationship with FTI Consulting, a Washington, D.C.-based public relations firm that works on behalf of ExxonMobil and other members of the oil and gas industry. In 2014, FTI Consulting described [its approach](#) in working through intermediary organizations:

"It is important to interact with and assist reporters, breaking through any confusion with direct, substantive outreach, and delivering timely, useful materials. Left unengaged, some reporters can seek the path of least resistance and file stories on whatever material finds its way into their inboxes.

The way to accomplish this is to have a team in place that is knowledgeable, responsive and absolutely relentless in ensuring the proper facts are brought to light—and provide that team the ability to say, do and write things that individual company employees cannot and should not."

For members of the media, public officials, and citizens concerned about climate change, we recommend asking the following questions if you have contact with any of these actors:

- Do you receive funding from any defendants in the climate lawsuits?
- Do any defendants in the climate lawsuits sit on your governing bodies?
- Do you have a financial relationship with FTI Consulting?

MANUFACTURERS' ACCOUNTABILITY PROJECT

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| Where Housed | National Association of Manufacturers (NAM) Washington, D.C. |
| Focus Area | Established in November 2017, this is the main oil industry initiative operating at the national level to discredit the climate change lawsuits. |
| Interest in Climate Lawsuits | The initiative does not disclose its funding. Several defendants in the climate lawsuits sit on NAM's board: Exxon, ConocoPhillips, and Marathon Petroleum. FTI Consulting, which works with ExxonMobil, was also listed as the press contact on a press release announcing a NAM-funded study that looked at the impact of shareholder resolutions. |
| How Describes Self | Aims to "set the record straight and highlight the concerted, coordinated campaign being waged by trial lawyers, public officials, deep-pocketed foundations and other activists who have sought to undermine and weaken manufacturers in the United States." |

ENERGY IN DEPTH

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| Where Housed | Independent Petroleum Association of America (IPAA) Washington, D.C. |
| Focus Area | Established in 2009 by what is now FTI Consulting. Originally focused on hydraulic fracking, but has since expanded to include a focus on climate litigation. |
| Interest in Climate Lawsuits | The initiative was established with funding from API, as well as three companies that are now defendants in the lawsuits: Chevron, Shell, and BP. The initiative does not disclose its current funding. Several defendants in the climate lawsuits sit on IPAA's board: ConocoPhillips, Marathon, Occidental Petroleum, Anadarko Petroleum Corporation, and Devon Energy. |
| How Describes Self | "A research, education and public outreach campaign focused on getting the facts out about the promise and potential of responsibly developing America's onshore energy resource base." |

WESTERN WIRE

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| Where Housed | Western Energy Alliance (WEA) Denver, Colorado |
| Focus Area | Established in 2017. Focused on the West, publishing stories that portray the climate lawsuits as a "conspiracy." |
| Interest in Climate Lawsuits | WEA does not disclose its members, but its board includes a representative of Exxon. Nearly every person listed on their staff actually works at FTI Consulting. |
| How Describes Self | "The go-to source for news, commentary and analysis on pro-growth, pro-development policies across the West." |

MAIN STREET INVESTORS

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| Where Housed | Main Street Investors is a coalition that includes the National Association of Manufacturers, American Council for Capital Formation, Savings & Retirement Foundation, Small Business & Entrepreneurship, Equity Dealers of America. FTI Consulting is listed as the press contact on the press release announcing the coalition . |
| Focus Area | Focused on pushing back on shareholder activism on climate-related financial risks. |
| Interest in Climate Lawsuits | Main Street Investors is not focused on climate litigation, but rather shareholder resolutions that have put pressure on companies like ExxonMobil to disclose climate-related financial risks. |
| How Describes Self | <p>“In 1950, retail investors directly owned more than 90 percent of the stocks issued by U.S. companies. Today, that number is closer to 30 percent, with securities markets these days increasingly being dominated by big, institutional and often passive holders.</p> <p>Of course, on balance, the rise of passive investing, which is designed to track the performance of an index as opposed to trying to beat it, has been great for the retail investing community, generating steady, low-fee returns for millions of Americans.</p> <p>But as the size and influence of these massive institutional holders has grown, so too has their power, influence and share of voice – drowning out the voices and interests of Main Street investors who, despite controlling the single largest pool of equity capital in the world, have almost no ability today to influence the decisions these funds make on their behalf, with their money.</p> <p>The Main Street Investors Coalition was created to help change that. Stand with us as we seek to bring much-needed reform to a badly broken, costly and inherently unfair system.”</p> |

LEGAL NEWSLINE

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| Where Housed | U.S. Chamber of Commerce’s U.S. Chamber Institute for Legal Reform Washington, D.C. |
| Focus Area | Publishes regular, critical coverage of the climate lawsuits, but was not established specifically for this purpose. The initiative pays to re-post its content on Forbes.com. |
| Interest in Climate Lawsuits | The initiative does not disclose its funding. Several defendants in the climate lawsuits sit on the Chamber’s board: Shell, BP, and ConocoPhillips. |
| How Describes Self | “Interest-based newswire dedicated to 24/7 coverage of state supreme courts and state attorneys general.” |

CLIMATE LITIGATION WATCH

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| Where Housed | Government Accountability & Oversight (GAO) |
| Focus Area | Established in 2018. Focuses on publishing documents that seek to uncover a “conspiracy” among the individuals and organizations involved in climate lawsuits. |
| Interest in Climate Lawsuits | The initiative does not disclose its funding. It was created by an employee of the Energy and Environment Legal Institute and the Competitive Enterprise Institute, both of which have been active in efforts to spread doubt about climate change. |
| How Describes Self | “Climate Litigation Watch will serve as a clearinghouse for documents in pending court cases, news coverage, background information on the key players who—public records available on the site show—have driven and are driving this coordinated effort, be they activists, financial backers, or litigators.” |