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## Senate poised to revive probe of Big Oil climate claims

By Corbin Hiar, Lesley Clark, Emma Dumain | 02/13/2023 06:09 AM EST



Senate Budget Chair Sheldon Whitehouse (D-R.I.) on Capitol Hill. Francis Chung/E&E News/POLITICO

A leading congressional critic of the fossil fuel industry plans to use his new position atop the Senate Budget Committee to continue investigating Big Oil's alleged efforts to mislead the public about the causes and consequences of global warming.

The strength of Sen. Sheldon Whitehouse's inquiry could hinge on when — or if — he can get his hands on a massive tranche of internal industry documents obtained by House Democrats in the previous Congress that have been in limbo since Republicans took control this year.

"We are interested in trying to make sure their work is not lost and that the tasks that are left undone can still be pursued," the Rhode Island Democrat told E&E News in an interview last week.

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Launched by Democrats on what was then called the House Oversight and Reform Committee in 2021, the high-stakes probe has been on ice since the party lost its majority in the chamber.

The investigation forced the heads of oil majors and their trade associations to testify under oath about climate change for the first time, and shined light on how these groups were concerned about maintaining public support for fossil fuels while minimizing their vulnerability to a growing wave of climate litigation (*E&E Daily* (<https://subscriber.politicopro.com/article/eenews/2022/12/12/takeaways-from-the-democrats-big-oil-investigation-00073407>), Dec. 12, 2022).

The congressional revelations came as two dozen mostly Democratic-led cities, counties and states filed lawsuits against the industry, seeking compensation for the costs of dealing with the effects of climate change. The cases have been tied up in procedural wrangling, but backers of the litigation hope the Hill inquiry will help their case, as it did when the tobacco industry agreed to a \$206 billion settlement in 1998 (*Climatewire* (<https://subscriber.politicopro.com/article/eenews/2023/01/03/biden-scotus-could-sway-climate-litigation-in-2023-00074347>), Jan. 3).

Now Whitehouse — long one of Congress' most vocal environmentalists — has a powerful platform from which to advance the climate misinformation probe and precedent to draw on for such cross-chamber investigations, according to former congressional investigators.



Rep. Ro Khanna (D-Calif.) during a hearing in the last Congress about the oil industry. |

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Rep. Ro Khanna (D-Calif.), former chair of House Oversight's now-disbanded Environment Subcommittee, said Whitehouse should have plenty of leads to pursue. Khanna helped helm the House's oil misinformation investigation, along with former Rep. Carolyn Maloney (D-N.Y.), who chaired the full Oversight Committee.

"There's still a lot of documents we have to go through; there's a lot of things they haven't fully complied with in terms of the subpoenas, particularly the state of knowledge of executives and what they knew about the science," Khanna said. "We basically had a team of four lawyers and staff looking at it. We need a much bigger group with resources to continue the work."

There's just one problem: Whitehouse's team doesn't yet have access to the internal documents obtained from Exxon Mobil Corp., Chevron Corp., Shell PLC, BP PLC, the American Petroleum Institute and the U.S. Chamber of Commerce.

Whitehouse, Khanna and others on Capitol Hill could not say why the House documents have not been delivered to the Senate Budget Committee.

Austin Hacker, a spokesperson for Republicans on the newly rebranded House Oversight and Accountability Committee, confirmed that Chair James Comer (R-Ky.) has little interest in continuing the probe.

"Instead of fulfilling the Oversight Committee's responsibility to root out waste, fraud and abuse in the federal government, Democrats weaponized their majority resources to wage a war against America's oil and gas industry [and] appease radical climate activists," he said.

Democrats are still evaluating the best way to move forward amid fears that the House Republican majority could seek to prevent transmission of materials across the Capitol.

"How one goes about that is not a settled question yet," Whitehouse said. "But I do think it would be a shame if it just died — that it wasn't followed up on — because of the Republican leadership in the House."

## 'Nothing inappropriate'



House Oversight and Accountability Chair James Comer (R-Ky.). | Francis Chung/POLITICO

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How exactly House Republicans could stymie the probe is unclear.

But Democrats' caution is understandable. The GOP already took an unprecedented step to restrict House Democrats' ability to conduct oversight activities.

The [rules package](https://www.congress.gov/118/bills/hres5/BILLS-118hres5eh.pdf) (<https://www.congress.gov/118/bills/hres5/BILLS-118hres5eh.pdf>), governing the 118th Congress, which the chamber adopted last month along party lines, included a provision weakening the so-called seven-member rule. Oversight Democrats used that obscure but powerful tool while in the minority to pursue information about the Trump International Hotel. But the GOP last month added a provision requiring Comer to be one of the seven members.

Even if House Republicans push through additional rule changes or take other steps to prevent the document sharing, it would only delay the investigation, according to former congressional investigators.

Whitehouse's team could subpoena the documents again from the oil companies and trade associations. And there's a long history of investigations moving from chamber to chamber, depending on which party controls the gavels.

Whitehouse has taken early steps that could facilitate cooperation with House Oversight Democrats. He recently hired Jonathan Misk and Aria Kovalovich to handle the committee's oversight portfolio. Both previously worked for the House Oversight Democrats.

Misk was staff director and general counsel for the Subcommittee on Economic and Consumer Policy, and Kovalovich was a staffer for Khanna in his capacity as chair of the former Environment Subcommittee.

"It's a common practice for both sides of the aisle to work across the chambers, when one side is in the majority and the other side's in the minority," said Susanne Sachsman Grooms, a partner at Kaplan Hecker & Fink LLP who previously served as deputy staff director on the House Oversight Committee. "There's nothing inappropriate about it."

House Oversight Democrats seem eager to help.

The party's "investigation into the fossil fuel industry's role in the global warming crisis remains ongoing," a spokesperson for ranking member Jamie Raskin (D-Md.) said in a statement. "We continue to welcome the interest and efforts of our Senate partners to hold Big Oil accountable and look forward to working together to take meaningful action on climate change."

Of the groups targeted by the House Democrats' probe, Exxon and Chevron didn't respond to requests for comment. BP, Shell and the U.S. Chamber declined to comment.

The oil and gas industry "is focused on continuing to produce affordable, reliable energy while tackling the climate challenge, and any allegations to the contrary are false," said Megan Bloomgren, an American Petroleum Institute spokesperson. "API will continue to work with policymakers on both sides of the aisle for policies that support industry innovation and further the progress we've made on emissions reductions."

## 'Finish the job'

Meanwhile, outside groups pursuing climate litigation — including state attorneys general who are suing some oil and gas firms for their role in exacerbating climate change — have been anxiously waiting for news about the next phase of the climate misinformation investigation.

They raised alarms in December, in the final weeks of the Democrats' House majority, when it appeared that additional documents would not be released.

The Center for Climate Integrity, which supports the climate lawsuits against the industry, said that House Democrats risked "epic failure" if the materials did not see the light of day.

Those activists said they were encouraged by Whitehouse's remarks to E&E News.

"Our position is: We want to finish the job," said center President Richard Wiles. "Let's continue the investigation."

The House committee had uncovered compelling evidence that the industry continues to lie about its commitments to climate change, Wiles said.

Among the documents released last year was an [email exchange](https://subscriber.politicopro.com/article/eenews/2022/09/15/democrats-showcase-embarrassing-oil-industry-documents-00056963) (<https://subscriber.politicopro.com/article/eenews/2022/09/15/democrats-showcase-embarrassing-oil-industry-documents-00056963>) that suggested tension between Exxon's public statements about algae biofuel as a clean energy breakthrough and the technology's actual capabilities.

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Bloomberg reported Friday (<https://www.bloomberg.com/news/articles/2023-02-10/exxon-retreats-from-major-climate-effort-to-make-biofuels-from-algae>) that the company is now walking back its support for the venture.

Wiles called Whitehouse’s comments “the first hopeful signal we’ve had on the Senate side that there’s some desire to continue the House investigation.”

Delta Merner, who leads the Union of Concerned Scientists’ Science Hub for Climate Litigation, which provides scientific evidence for climate litigation cases, said the need for an investigation was “even more pressing in the current time frame.”

She noted 2022 was one of the hottest years on record and one of the most costly in terms of climate-related disasters. But in recent weeks, Merner added, oil and gas companies have reported record profits while also shrinking their climate ambitions (*Energywire* (<https://subscriber.politicopro.com/article/eenews/2023/02/10/why-oil-majors-are-cutting-back-on-renewables-00082082>), Feb. 10).

“It’s time for our government to be understanding and investigating all of that, and this is one clear way for the government to act,” Merner said.

*This story also appears in Climatewire and Energywire.*

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