

June 7, 2018

Mr. Stephen K. Benjamin  
Mayor of Columbia and President,  
The United States Conference of Mayors  
1737 Main Street  
Columbia, SC 29201

Mr. Tom Cochran  
CEO and Executive Director  
The United States Conference of Mayors  
1620 I Street NW  
Washington, DC 20006

Dear Messrs. Benjamin and Cochran,

As leaders of associations representing manufacturers of all sizes and sectors, we write to you today to highlight the growing threat of litigation against manufacturers in America. In many of our states, well-funded groups and plaintiffs' attorneys are targeting manufacturers with politically motivated lawsuits that only undermine the contributions these companies make to the American economy. These lawsuits have at times been supported, and even propelled, by mayors, which is why we are bringing this issue to your attention. It is our hope that we can work together on productive steps to reverse this concerning trend.

Our associations and the National Association of Manufacturers have been leading the response to this threat through the Manufacturers' Accountability Project (MAP)—a national effort aimed at exposing the actors and motives behind the ever-growing number of legal attacks against manufacturers in America.<sup>1</sup> Since launching last November, the MAP has worked to educate stakeholders about the efforts of plaintiffs' attorneys and public officials—along with their deep-pocketed funders—who are bringing forth these cases.

Most recently the central players in this campaign have focused their efforts on energy manufacturers. Since July 2017, thirteen cities and counties have filed lawsuits against fossil fuel producers, alleging they knew their operations were contributing to climate change, yet took no public action to try to mitigate the effects.<sup>2</sup>

This is demonstrably false, as *Bloomberg* reported that the five biggest oil and natural gas companies reduced their emissions by an average of 13 percent between 2010 and 2015, outpacing the United States' 4.9 percent reduction over the same period.<sup>3 4</sup> What these plaintiffs actually seek to do is to distort tort law to shift the responsibility and blame for a complex, diffuse, global problem onto a single sector of the manufacturing industry upon whose products we all rely.

While climate litigation against energy manufacturers may be the current trend, we are also seeing this same tactic applied throughout other manufacturing sectors. Paint companies, plastics producers, and food marketers, among others, are being served lawsuits based on the same ill-conceived legal arguments. Accusations that these companies knew their legal,

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<sup>1</sup> <http://mfgaccountabilityproject.org/2017/11/13/manufacturers-accountability-project-exposing-and-counteracting-network-to-denigrate-manufacturing-in-america/>

<sup>2</sup> <https://www.sheredling.com/wp-content/uploads/2018/01/1.22.18-NEWS-RELEASE-City-Sues-Fossil-Fuel-Companies-for-Climate-Change-Damages.pdf>

<sup>3</sup> <https://www.bloomberg.com/news/articles/2017-09-18/big-oil-becomes-greener-with-cuts-to-greenhouse-gas-pollution>

<sup>4</sup> <https://www3.epa.gov/climatechange/ghgemissions/inventoryexplorer/#allsectors/allgas/gas/all>

regulated and necessary products in some way posed a danger to the public, but hid this fact to preserve their profitability and thus perpetuating a “public nuisance,” are misguided.

This is a misuse of tort law and a waste of resources being put toward cases that have been struck down time again by courts across the country. These resources could otherwise be dedicated to pursuits that will result in real solutions to address this issue. Undermining the manufacturing sector through fruitless litigation is counterproductive. Manufacturers are an integral part of our nation’s framework. According to the most recent data, manufacturers contributed \$2.18 trillion to the U.S. economy in 2016. Manufacturers also make up over 8 percent of the workforce, with nearly 12.5 million workers in the United States.

We ask you today to consider how these cases have affected your courtrooms and constituents, and whether steps can be taken to establish guidelines for how mayors should engage on such matters. We seek to engage with the United States Conference of Mayors and its members directly and productively in the weeks to come to discuss how we can collectively address this pressing issue.

Respectfully,

National Association of Manufacturers

Alliance of Wyoming Manufacturers  
Arkansas State Chamber of Commerce/Associated Industries of Arkansas  
Associated Industries of Florida  
Associated Industries of Missouri  
California Manufacturers & Technology Association  
Chamber of Commerce of Hawaii  
Colorado Association of Commerce & Industry  
Georgia Association of Manufacturers  
Iowa Association of Business & Industry  
Kansas Chamber of Commerce & Industry  
Maryland Chamber of Commerce  
Michigan Manufacturers Association  
Mississippi Manufacturers Association  
Nebraska Chamber of Commerce & Industry  
Nevada Manufacturers Association  
New Mexico Business Coalition  
North Carolina Chamber  
Pennsylvania Manufacturers' Association  
Rhode Island Manufacturers Association  
State Chamber of Oklahoma  
Tennessee Chamber of Commerce & Industry  
Texas Association of Business  
The Ohio Manufacturers' Association  
Utah Manufacturers Association  
West Virginia Manufacturers Association  
Wisconsin Manufacturers & Commerce

CC: Lindsey de la Torre, National Association of Manufacturers