

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.¹ 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.²

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.^{3 4} 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,

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

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

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

⁴ <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