



To: Majority Members, House Committee on Science, Space, and Technology  
From: Subcommittee on Investigations and Oversight Majority Staff  
Date: 22 January 2023  
Subject: Preliminary Findings - SBTi Investigation

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In March 2023, the Committee on Science, Space, and Technology (Committee) launched an investigation into the genesis of a proposed rule that, if finalized, would require U.S. contractors to work with third-party private entities to disclose their greenhouse gas emissions and set emission reduction targets.<sup>1</sup> The Committee is concerned with the legality of the delegation of quasi-regulatory authorities to private entities, and has sought to understand how and why these entities were selected. There were growing public concerns that these entities did not go through a rigorous, fair, and open selection process and that they were arbitrarily selected.<sup>2</sup> The names of the two private entities included in the proposed rule are the Carbon Disclosure Project (CDP) and Science Based Target initiative (SBTi). This memorandum contains the Committee's preliminary investigatory findings regarding the selection of CDP and SBTi.<sup>3</sup>

## **I. HIGHLIGHTS**

- The Council on Environmental Quality (CEQ) inappropriately influenced the Federal Acquisition Regulatory (FAR) Council to write federal acquisition regulations in a way that sought to unfairly benefit environmental activist groups with significant ties to Democrat donors and CEQ staff. In their haste to direct power, influence, and money to environmental activist groups they ignored serious national security concerns, violated basic constitutional principles, and appear to have held conflicts of interest.<sup>4</sup> These conflicts of interest are believed to have existed at CEQ during the development of the proposed rule.<sup>5</sup>

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<sup>1</sup> Press release, House Committee on Science, Space, and Technology, Science Committee Chairs Call for Answers on FAR Council Proposed Emission Rule (Mar. 14, 2023), <https://science.house.gov/2023/3/science-committee-chairs-call-for-answers-on-far-council-proposed-emissions-rule>.

<sup>2</sup> Chamber of Commerce of the United States of America, Comment Letter on Proposed Rule to Require the Federal Acquisition Regulation: Disclosure of Greenhouse Gas Emissions and Climate-Related Financial Risk (Nov. 14, 2022), <https://www.regulations.gov/comment/FAR-2021-0015-0254>; Aerospace Industries Association, Comment Letter on Proposed Rule to Require the Federal Acquisition Regulation: Disclosure of Greenhouse Gas Emissions and Climate-Related Financial Risk (Feb. 13, 2023), <https://www.aia-aerospace.org/wp-content/uploads/AIA-Comments-FAR-2021-015-Climate-Risk-GHG-2-13-23-Final.pdf>.

<sup>3</sup> The findings in this report are only preliminary. The investigation is still ongoing and certain findings may change as new information is made available to the Committee.

<sup>4</sup> Chamber of Commerce of the United States of America, Comment Letter on Proposed Rule to Require the Federal Acquisition Regulation: Disclosure of Greenhouse Gas Emissions and Climate-Related Financial Risk (Nov. 14, 2022), <https://www.regulations.gov/comment/FAR-2021-0015-0254>; Aerospace Indus. Ass'n, *supra* note 2; A Bar Too High: Concerns with CEQ's Proposed Regulatory Hurdle for Federal Contracting, Before the Subcomm. on Investigations & Oversight, 118th Cong., (Victoria Killion Testimony) <https://science.house.gov/2023/9/a-bar-too-high-concerns-with-ceq-s-proposed-regulatory-hurdle-for-federal-contracting> (referencing where a non-partisan CRS expert testified to potential legal concerns relating to the Major Questions Doctrine, Private Nondelegation Doctrine, and First Amendment free speech concerns are present) [*hereinafter* A Bar Too High].

<sup>5</sup> See attached exhibits.

- Member agencies of the FAR Council did not substantively vet or meet with anyone at CDP or SBTi.<sup>6</sup> Efforts to communicate with CDP and SBTi were directed by CEQ, with CEQ coordinating with CDP to ensure consistent messaging to executive branch offices involved with the process. Additionally, documents provided to the Committee show conversations between CEQ and CDP may have been conducted outside of official channels via WhatsApp, likely in violation of the Federal Records Act.<sup>7</sup>
- CEQ provided misleading testimony during the November 30, 2023, hearing before the Committee.<sup>8</sup> As a result, Ranking Member Lofgren and Representative Foushee have requested that CEQ correct the record.<sup>9</sup>

## **II. BACKGROUND**

On May 25, 2021, President Biden issued Executive Order 14030 directing the Federal Acquisition Regulatory Council (FAR Council), in consultation with the Council on Environmental Quality (CEQ), to propose regulations to:

“(i) require major Federal suppliers to publicly disclose greenhouse gas emissions and climate-related financial risk and to set science-based reduction targets;”<sup>10</sup>

As the name suggests, the FAR Council was established to “assist in the direction and coordination of government-wide procurement policy and government-wide procurement regulatory activities in the federal government.”<sup>11</sup> The role of the FAR Council is to ensure that “procurement regulations, promulgated by executive agencies, are consistent with Federal Acquisition Regulation (FAR).”<sup>12</sup> In accordance with the Office of Federal Procurement Policy Act, the FAR Council is led by the Administrator for Federal Procurement Policy, which is located within the Office of Management and Budget (OMB).<sup>13</sup> The Administrator for Federal Procurement Policy provides the overall direction of procurement policy and has the legal authority to prescribe proposed rules under the FAR Council’s name.<sup>14</sup> The FAR Council membership includes representatives from the Department of Defense; the National Aeronautics and Space Administration (NASA); and the General Services Administration (GSA).<sup>15</sup>

On December 8, 2021, CEQ, OMB, and the Office of Climate Policy within the White House published a memorandum for the heads of executive departments and agencies providing guidance

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<sup>6</sup> *Infra* pg 7 - The FAR Council did not adequately vet CDP or SBTi.

<sup>7</sup> Exhibits C & J.

<sup>8</sup> A Bar Too High.

<sup>9</sup> Letter from Zoe Lofgren, Valerie Foushee, Ranking Members, House Committee on Science, Space, and Technology to Brenda Mallory, Director, Council on Environmental Quality (Dec. 14, 2023), <https://democrats-science.house.gov/ranking-members-lofgren-and-foushee-letter-to-ceq-chair-mallory>.

<sup>10</sup> Exec. Order No. 14030, 86 FR 27967, <https://www.federalregister.gov/documents/2021/05/25/2021-11168/climate-related-financial-risk>.

<sup>11</sup> Federal Acquisition Regulatory Council, *About the FAR Council*, Acquisition.gov, (last visited Jan. 8, 2023) <https://www.acquisition.gov/far-council>.

<sup>12</sup> *Id.*

<sup>13</sup> 41 U.S.C. § 1101.

<sup>14</sup> *Id.*

<sup>15</sup> 41 U.S.C. § 1302.

on the implementation of EO 14030.<sup>16</sup> The memo was written by Gina McCarthy, National Climate Advisor; Brenda Mallory, Chair of CEQ; and Shalanda Young, Acting Director of OMB. The memo explicitly referenced CDP and SBTi, recommending that:

[T]he Federal Acquisition Regulatory Council should leverage existing third-party standards and systems including the Task Force on Climate-Related Financial Disclosures (TCFD) Recommendations, **CDP** reporting system, and **Science Based Targets Initiative** (SBTi) criteria, or equivalents, in the development of regulatory amendments to promote contractor attention on reduced carbon emissions and Federal sustainability.” [emphasis added]<sup>17</sup>

On November 11, 2022, the FAR Council published the proposed rule titled “Disclosure of Greenhouse Gas Emissions and Climate-Related Financial Risk.”<sup>18</sup> Under the proposed rule, all federal contractors would have to disclose their greenhouse gas emissions, and major contractors, defined as businesses with contracts valued at over \$50 million, would be required to set “science-based reduction targets.”<sup>19</sup> The rule calls for all public disclosures of greenhouse gas emissions to be made through CDP.<sup>20</sup> “CDP is a not-for-profit charity that runs the global disclosure system for investors, companies, cities, states and regions to manage their environmental impacts.”<sup>21</sup> To comply, contractors would need to fill out CDP’s climate disclosure survey, submit additional information to CDP, and pay CDP’s administrative fees before the climate disclosures are published.<sup>22</sup> CDP charges companies approximately \$3,000-\$7,300 for this service.<sup>23</sup>

For major contractors, the proposed rule would require that they take the additional steps of setting science-based emission reduction targets based on SBTi standards and then have SBTi validate those targets.<sup>24</sup> Because SBTi serves as both standard-setter and validator they exert complete control over the process, including establishing scientific methodologies, from start to finish. SBTi also charges a fee to perform this service, ranging from \$9,500 to \$14,500.<sup>25</sup>

SBTi was originally established in 2015, as a collaboration between the CDP, World Wide Fund for Nature, United Nations Global Compact, and World Resource Institute.<sup>26</sup> In June 2023, it incorporated as a standalone company in the United Kingdom, seven months after being named in the proposed rule, and three months after the Committee began its investigation.<sup>27</sup> In its

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<sup>16</sup> Memorandum from Shalanda Young, Brenda Mallory, and Gina McCarthy, Executive Office of the President to Heads of Executive Departments and Agencies, United States government (Dec. 8, 2021), <https://www.whitehouse.gov/wp-content/uploads/2021/12/M-22-06.pdf>.

<sup>17</sup> *Id.* at 8-9.

<sup>18</sup> Federal Acquisition Regulation: Disclosure of Greenhouse Gas Emissions and Climate-Related Financial Risk, 87 Red. Reg. 218 (proposed on Nov. 14, 2022) (to be codified 48 C.F.R pt. 1.4,9,23,52).

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> Carbon Disclosure Project, Who we are, CDP.net, (last visited Jan. 17, 2024) <https://www.cdp.net/en/info/about-us>.

<sup>22</sup> *Id.*

<sup>23</sup> Carbon Disclosure Project, Admin fee FAQ, CDP.net, (last visited Jan. 8, 2023) <https://www.cdp.net/en/info/admin-fee-faq>.

<sup>24</sup> *Supra* note 10.

<sup>25</sup> Science Based Targets, SBTi Announces Updated SME Definition and Fees, Science Based Targets.org, (Nov. 1, 2023) <https://sciencebasedtargets.org/news/sbti-announces-updated-sme-definition-and-fees>.

<sup>26</sup> Science Based Targets, Head of Standards, Science Based Targets, (last visited Jan. 12, 2023) <https://sciencebasedtargets.org/resources/files/Head-of-Standards.pdf>.

<sup>27</sup> *Certification of Incorporation of a Private Limited Company: Science Based Targets Initiative LTD*, COMPANIES HOUSE U.K. (Jun. 26. 2023), <https://find-and-update.company-information.service.gov.uk/company/14960097/filing-history>.

incorporation documents, SBTi listed the We Mean Business coalition, CDP, World Wide Fund for Nature, and World Resource Institute as its shareholders.<sup>28</sup> It appears that it is currently not registered in the United States. Additionally, the We Mean Business coalition, which is listed as a shareholder of SBTi is an organization closely linked to the New Venture Fund, a known Democratic “dark money” group that does not disclose its donors.<sup>29</sup>

To summarize, President Biden instructed CEQ to work with the FAR Council to develop regulations requiring U.S. contractors to disclose their greenhouse gas emissions and set science-based emission reduction targets. CEQ published a memo stopping just short of requiring the FAR Council to write CDP and SBTi into the regulation. Ultimately, the FAR Council published a proposed rule that would require U.S. contractors to contract with these companies in order to do business with the federal government.

### **III. PRELIMINARY INVESTIGATIVE FINDINGS**

CEQ inappropriately influenced the FAR Council to write federal acquisition regulations in a way that sought to unfairly benefit specific special interest environmental activist groups with significant and direct ties to Democratic political donors.<sup>30</sup> Not only was this proposed rule void of objectivity, but the CEQ staff working on the proposed rule also previously worked for the same environmental groups that they were now advocating from their government posts.<sup>31</sup> In their haste to direct power, money, and influence to specific special interest environmental activist groups they ignored serious national security concerns, violated basic constitutional principles, and appear to have held conflicts of interest.<sup>32</sup>

CEQ attempted to obstruct the Committee’s oversight efforts by delaying the production of records and failing to provide all relevant documents throughout this investigation.<sup>33</sup> However despite these attempts, the information provided to the Committee points to this rulemaking being a deliberate act on the part of CEQ to alter federal acquisition regulations with the ultimate goal of

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<sup>28</sup> *Id.*

<sup>29</sup> Alana Goodman, Biden Proposal Would Give Foreign Climate Group Veto Power Over U.S. Military Contracts, THE WASHINGTON FREE BEACON (Jul. 13, 2023), <https://freebeacon.com/biden-administration/biden-proposal-would-give-foreign-climate-group-veto-power-over-u-s-military-contracts/>.

<sup>30</sup> Letter from Frank Lucas, Chairman, House Comm. on Science, Space, and Technology to Shalanda Young, Director, Office of Management and Budget (Aug. 16, 2023), [https://republicans-science.house.gov/\\_cache/files/4/4/440f8e6f-8c2d-43f0-b7ed-a96fefe090b5/E12D86E5C9AD74154BA04D4132CB1151.sst-to-omb-sbti-fd-.pdf](https://republicans-science.house.gov/_cache/files/4/4/440f8e6f-8c2d-43f0-b7ed-a96fefe090b5/E12D86E5C9AD74154BA04D4132CB1151.sst-to-omb-sbti-fd-.pdf).

<sup>31</sup> Jenny Ahlen, *The Latest Insights from the We Mean Business Coalition*, We Mean Business Coalition.org, (March 1, 2023) <https://www.wemeanbusinesscoalition.org/blog/reflections-from-greenbiz-23-what-works-to-decarbonize-suppliers/> (stating that “Session moderator Betty Cremmins, Director for Sustainable Supply Chains at the White House Council on Environmental Quality, led on a proposed US government rule requiring all major federal contractors set science-based targets through the Science-Based Targets Initiative and disclose emissions reductions via CDP.”) [emphasis added] (last visited Jan. 8, 2023).

<sup>31</sup> Climate One, Betty Cremmins Biography, Climate One.org, (last visited Jan. 8, 2023) <https://www.climateone.org/people/betty-cremmins>.

<sup>32</sup> Aerospace Indus. Ass’n, *supra* note 2; Chamber of Com. of the U.S., Comment Letter on the Proposed Rule Disclosure of Greenhouse Gas Emissions and Climate Related Financial Risks (Feb. 13, 2023) <https://www.regulations.gov/comment/FAR-2021-0015-0254>; See attached exhibits..

<sup>33</sup> Letter from Frank Lucas, Chairman, House Comm. on Sci., Space, and Tech. to Brenda Mallory, Chair, Council on Env’t Quality (March 10, 2023), [https://republicans-science.house.gov/\\_cache/files/2/b/2b20da8d-c61b-434b-8940-a75e2f3ff72f/6320CE269D227135EB2B0DBEFB53E7C9.2023-03-10-letter-to-ceq-on-far-council-proposed-emissions-rule.pdf](https://republicans-science.house.gov/_cache/files/2/b/2b20da8d-c61b-434b-8940-a75e2f3ff72f/6320CE269D227135EB2B0DBEFB53E7C9.2023-03-10-letter-to-ceq-on-far-council-proposed-emissions-rule.pdf); Letter from Brenda Mallory, Chair, Council on Env’t Quality to Frank Lucas, Chairman, House Comm. on Sci., Space, and Tech. (Dec. 5, 2023) (on file with Comm.).

providing corporate information and regulatory authority to specific special interest environmental groups.

A. CEQ worked closely with CDP to inappropriately influence the FAR Council to write federal acquisition regulations to unfairly benefit favored environmental activist groups.<sup>34</sup>

Andrew Mayock, Chief Sustainability Officer at CEQ, attempted to mislead the Committee at the November 30, 2023, hearing into believing that CEQ’s role in the proposed rule was limited to the issuance of the December 2021 memo.<sup>35</sup> Documents obtained by the Committee contradict this narrative by showing that CEQ worked closely with CDP to tailor its message to the FAR Council in order to guarantee its inclusion in the proposed rule.<sup>36</sup> Emails obtained by the Committee show that a senior CEQ staffer had previously held a senior role at CDP and may have gone to work at CEQ with the **intent of funneling money, influence, and regulatory authority to CDP/SBTi**.<sup>37</sup> The close relationship between CEQ and CDP/SBTi and the Biden Administration was evident from the beginning.

CDP’s connections to the Administration are noteworthy. Paula DiPerna, Special Advisor to CDP, appears to have been the organization’s primary point of contact during the early days of the Biden Administration.<sup>38</sup> She lobbied CEQ and Gina McCarthy, President Biden’s Climate Advisor, on behalf of CDP to utilize CDP in future actions on climate change. She also appears to know President Biden personally and referenced their close relationship in at least one email – even including a photo of the two of them.<sup>39</sup> Gina McCarthy is well connected to environmentalist groups like CDP. She sat on the board of directors of CERES, a partner organization of CDP.<sup>40</sup> Ms. McCarthy also served as President of the Natural Resources Defense Council, one of the nation’s largest environmental activist groups.<sup>41</sup>

The lobbying appears to have worked. On May 20, 2021, President Biden issued EO 14030, which called for the disclosure of greenhouse gases.<sup>42</sup> By December 2021, Gina McCarthy, Brenda Mallory, and Shalanda Young had issued the December 2021 policy memo, which called for the usage of, “existing third-party standards and systems including TCFD Recommendations, CDP reporting system, and SBTi criteria, or equivalents... .”<sup>43</sup>

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<sup>34</sup> Letter from Frank Lucas, Chairman, House Comm. on Science, Space, and Technology to Shalanda Young, Director, Office of Management and Budget (Aug. 16, 2023), [https://republicans-science.house.gov/\\_cache/files/4/4/440f8e6f-8c2d-43f0-b7ed-a96fefe090b5/E12D86E5C9AD74154BA04D4132CB1151.sst-to-omb-sbti-fd-.pdf](https://republicans-science.house.gov/_cache/files/4/4/440f8e6f-8c2d-43f0-b7ed-a96fefe090b5/E12D86E5C9AD74154BA04D4132CB1151.sst-to-omb-sbti-fd-.pdf).

<sup>35</sup> See Missing the Target: CEQ’s Meritless Selection of SBTi Before the Subcomm. on Investigations & Oversight and Subcomm. on Environment, 118th Cong. (2023), <https://science.house.gov/2023/11/investigations-oversight-subcommittee-hearing-missing-the-target-ceq-s-meritless-selection-of-sbti> (statements by Andrew Mayock).

<sup>36</sup> Exhibits F & H.

<sup>37</sup> *Id.*

<sup>38</sup> Exhibit A.

<sup>39</sup> *Id.*

<sup>40</sup> Ceres, Statement on Ceres’ board member Gina McCarthy’s expected nomination as climate czar, press release, Ceres.org, (Dec. 14, 2020) <https://www.ceres.org/news-center/press-releases/statement-ceres-board-member-gina-mccarthys-expected-nomination-climate>; see also A Bar Too High, (showing that a CERES representative was a minority witness at the Committee’s September hearing on SBTi in defense of the proposed rule).

<sup>41</sup> The Natural Resource Defense Council, Gina McCarthy Biography, Natural Resource Defense Council.org, (last visited on Jan 11, 2023) <https://www.nrdc.org/bio/gina-mccarthy>.

<sup>42</sup> Exec. Order No. 14030, 86 FR 27967.

<sup>43</sup> Memorandum from Shalanda Young, Brenda Mallory, and Gina McCarthy, Executive Office of the President to Heads of Executive Departments and Agencies, United States government (Dec. 8, 2021), <https://www.whitehouse.gov/wp-content/uploads/2021/12/M-22-06.pdf>.

After the memo was issued, Betty Cremmins, Director for Sustainable Supply Chains at CEQ, led efforts for the proposed rule to require the disclosure of emissions with CDP and target setting with SBTi.<sup>44</sup> Ms. Cremmins previously worked at CDP from 2010 through 2020 as the director of its West Coast office (as previously mentioned, CDP is a shareholder of SBTi).<sup>45</sup>

Due to her prior employment at CDP as the Director of CDP's West Coast office, Ms. Cremmins should not have been involved in this process at all. The appearance of a conflict of interest alone should have been enough to cause Ms. Cremmins to recuse herself from working on issues related to CDP. The emails obtained by the Committee show that Ms. Cremmins' maintained a very close relationship with many of her former colleagues.<sup>46</sup> Although CEQ told the Committee that their efforts on this regulation were limited to the December 2021 memo, these emails dispel that notion (CEQ's attempts to mislead the Committee are discussed in further detail later in the memo).<sup>47</sup> CEQ was actively gathering information on CDP and relaying it to the FAR Council, and vice versa, for months after the memo was issued.<sup>48</sup> Ms. Cremmins was in almost constant communication with CDP and SBTi for many months after the December 2021 memo, while simultaneously advising the FAR Council on the proposed rule.<sup>49</sup> In some cases, Ms. Cremmins went as far as coordinating with CDP to ensure their messages to the FAR Council aligned.<sup>50</sup>

The evidence makes a compelling case that Ms. Cremmins was acting on behalf of CDP and SBTi's best interests and not those of the U.S. government. In one particularly concerning example, CDP's General Counsel writes to Ms. Cremmins, "[w]hen I first met you, you said your goal was to make CDP the law – and you did!"<sup>51</sup> In her reply to CDP, Ms. Cremmins does not refute this claim.<sup>52</sup> The evidence further shows, Ms. Cremmins' role was so integral that CDP thought a quote from her should be included in the eventual press release.<sup>53</sup> CEQ requested that Mr. Maycock submit a quote instead.<sup>54</sup>

## B. The FAR Council did not adequately vet CDP or SBTi.

The FAR Council, through its individual members, had very little communication with CDP or SBTi and, therefore, could not have substantively vet these organizations. CEQ, on the other hand, had extensive communications with both organizations over many months.<sup>55</sup> During its

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<sup>44</sup> Jenny Ahlen, *The Latest Insights from the We Mean Business Coalition*, We Mean Business Coalition.org, (March 1, 2023) <https://www.wemeanbusinesscoalition.org/blog/reflections-from-greenbiz-23-what-works-to-decarbonize-suppliers/> (stating "Session moderator Betty Cremmins, Director for Sustainable Supply Chains at the White House Council on Environmental Quality, **led on** a proposed US government rule requiring all major federal contractors set science-based targets through the Science-Based Targets Initiative and disclose emissions reductions via CDP." [emphasis added]).

<sup>45</sup> Climate One, Betty Cremmins Biography, Climate One.org, (last visited Jan. 8, 2023) <https://www.climateone.org/people/betty-cremmins>.

<sup>46</sup> Exhibit B&D

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

<sup>49</sup> *See generally* Exhibits (noting specifically the timeline of communication. This portrays a consistency in correspondence that corresponds with the timeline that Ms. Cremmins worked advising the FAR Council.)

<sup>50</sup> Exhibits F & H.

<sup>51</sup> Exhibit G.

<sup>52</sup> *Id.*

<sup>53</sup> *Id.*

<sup>54</sup> *Id.*

<sup>55</sup> *See* attached exhibits.

investigation, the Committee asked OMB, NASA, and CEQ to each produce any communications they had with SBTi or agents thereof (including communications with CDP).<sup>56</sup>

NASA informed the Committee they did not have any responsive documents to the Committee's request, meaning that NASA officials had no communications with SBTi or CDP.<sup>57</sup> OMB produced thirteen pages of documents in total, which consisted of two calendar invitations for virtual meetings where SBTi and CDP participated.<sup>58</sup> GSA told Committee investigators in a briefing that they had no communications with CDP and SBTi. Meanwhile, **CEQ produced 584 pages of responsive documents.** To recap, NASA, which is a member of the FAR Council, had no communications with CDP and SBTi; OMB, which chairs the FAR Council, had two virtual meetings with CDP/SBTi and no other email traffic; CEQ, which is not a member of the FAR Council, produced 584 pages worth of emails with CDP and SBTi pertaining to this proposed rule.<sup>59</sup>

The vast majority of these documents were email communications along with a few calendar invitations to virtual meetings. Even these 584 pages do not capture the entire universe of communications between CEQ and CDP/SBTi since several emails discuss taking the conversation to "WhatsApp" and meeting in-person for "coffee."<sup>60</sup> As such, the Committee will likely never know the quantity or substance of these other off the record communications. Lastly, at least 494 out of the 584 pages were **sent after** the December 2021 memo was issued, showing that CEQ was meeting with and discussing this rule long after the policy memo was issued.

The complete lack of communications between members of the FAR Council and CDP/SBTi make it impossible for them to have vetted or adequately selected CDP and SBTi. It is obvious this function was usurped by CEQ, which had hundreds of email communications and an untold number of text chains, phone calls, and other meetings with CDP/SBTi.

The FAR Council had minimal involvement in this proposed rule – despite maintaining statutory authority. During a briefing provided on December 18, 2023, the FAR Council either failed or refused to answer simple questions about the selection of CDP and SBTi.<sup>61</sup>

When asked if the FAR Council had scientific experts in the field of climate change who provided input on this proposed rule, the FAR Council admitted that all technical expertise was provided by CEQ.

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<sup>56</sup> Letter from Frank Lucas, *supra* note 33; Letter from Frank Lucas, Chairman, House Comm. on Science, Space, and Technology to Bill Nelson, Administrator, NASA (May 5, 2023) (on file with Comm.); Letter from Frank Lucas, Chairman, House Comm. on Science, Space, and Technology to Shalanda Young, Director, Office of Management and Budget (Aug. 16, 2023), <https://republicans-science.house.gov/cache/files/4/4/440f8e6f-8c2d-43f0-b7ed-a96fefe090b5/E12D86E5C9AD74154BA04D4132CB1151.sst-to-omb-sbti-fd-.pdf>; Letter from Frank Lucas, Chairman, House Comm. on Science, Space, and Technology to Luiz Amaral (July 12, 2023) (on file with Comm.).

<sup>57</sup> Email from Carolyn Cray, Director, NASA Office of Legislative and Intergovernmental Affairs, to Comm. on Science, Space, and Technology (on file with Committee).

<sup>58</sup> Exhibit I.

<sup>59</sup> See attached exhibits.

<sup>60</sup> Exhibits C & J.

<sup>61</sup> Briefing provided by FAR Counsel to House Comm. on Sci., Space, and Tech, Subcomm. On Oversight and Investigations regarding FAR Counsel participation in NPRM Promulgation (Dec. 18, 2023 at 1PM).

When asked if the FAR Council wrote CDP and SBTi into the proposed rule at the recommendation of CEQ, the FAR Council admitted that they followed CEQ's instructions and recommendations.

When asked if national security concerns were raised regarding government contractors disclosing potentially sensitive information to private third parties, including SBTi, which is a foreign based company, the FAR Council suggested that those issues had not been discussed. OMB went a step further and suggested that the **purpose of the comment period** was to highlight if such concerns existed.<sup>62</sup> In other words, OMB is crowd sourcing national security.

DOD did not explicitly say if national security issues were raised or not, but they did respond by suggesting that waivers would be used **any time** a national security concern arises.<sup>63</sup> If true, then it is fair to assume every single defense contractor could potentially receive a waiver from DOD, calling into question the purpose of the rule.

The FAR Council also struggled to answer simple and fundamental questions about the proposed rule. After several attempts to define the proposed rule's purpose, scope, and goals, OMB ended up referring investigators to the preamble of the proposed rule, which reads:

The foundation to properly analyze and mitigate climate risks is public and standardized disclosure, which will enable the Federal Government to conduct prudent fiscal management of all major Federal suppliers. To that end, section 5(b)(i) of the E.O. directs the Federal Acquisition Regulatory Council (FAR Council), in coordination with the Council on Environmental Quality (CEQ) and the heads of relevant agencies, to consider an amendment to the FAR to ensure that major Federal suppliers disclose their GHG emissions and climate-related financial risk and set science-based targets to reduce their GHG emissions. The purpose of this proposed rule is to amend the FAR to establish a policy to ensure major Federal suppliers make the required disclosures and set targets to reduce their GHG emissions.<sup>64</sup>

According to the preamble of the proposed rule, the purpose is for the government **to be aware of** and understand the greenhouse gas emissions of their contractors so that **they can make informed decisions**.<sup>65</sup> However, to do so the government must be able to analyze the data collected. According to the proposed rule, the government will allocate \$200,000 for GSA to collect and analyze the data.<sup>66</sup> That amount will not even cover the salary of two qualified federal employees. When asked how the FAR Council intends to collect and analyze this data at such a low cost – presumably the salary of only one federal employee – the FAR Council refused to answer the question.

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<sup>62</sup> *Id.*

<sup>63</sup> *Id.*

<sup>64</sup> Federal Acquisition Regulation: Disclosure of Greenhouse Gas Emissions and Climate-Related Financial Risk, 87 Red. Reg. 218 (proposed on Nov. 14, 2022) (to be codified 48 C.F.R pt. 1,4,9,23,52).

<sup>65</sup> *Id.*

<sup>66</sup> *Id.*

## 1. National Security

The hearings the Committee held in September and November of 2023, highlighted national security concerns surrounding the use of an internationally based company, SBTi, in this proposed rule.<sup>67</sup> Specifically, it shed light on the concerns raised by the selection of this foreign company to operate as standards setter and validator of emissions for government contractors. The witnesses at the September hearing explained how this selection would allow foreign adversaries the ability to both influence the selection of contractors and collect potentially sensitive data on both actual and potential contractors via SBTi and its staff.<sup>68</sup>

While the emission information alone from these projects may not be classified, when added with other sensitive information, adversaries could discern classified information at a macro level. A foreign adversary could review a contractor's emission changes from year to year leading to otherwise classified conclusions such as increased efforts in one sector of defense or another.<sup>69</sup> When looking at this information in conjunction with other open-source information, foreign adversaries could also potentially determine if a new project had begun or been completed and its location. Further, given the Scope 3 requirements, this rule would presumably include locations of contractor facilities, what is done at those facilities, materials purchased, energy consumed, and subcontractors and their locations, as well as complete supply chain lists.<sup>70</sup> Finding these vulnerabilities in the supply chain could substantially help adversaries form strategies against American interests. It is clear such sensitive information should not be trusted to a foreign company with no accountability, oversight mechanisms, or clearance to access classified information.<sup>71</sup> Eric Fanning, former Secretary of the Army and current President of the Aerospace Industries Association (AIA), highlighted this concern in his answer to a question for the record:

From the national security perspective, the proposed rule leaves many unanswered questions about how industry is supposed to work with its end user — specifically, the Pentagon. Delegating oversight functions to an entity supported by foreign governments, including China, raises serious concerns about the impact the rule would have on research, development, and procurement for national security. AIA is very concerned that disclosing emissions information that would be published on public databases, as called for in the proposed rule, could very well telegraph sensitive information to foreign surveillance agencies.<sup>72</sup>

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<sup>67</sup> A Bar Too High.

<sup>68</sup> *Id.*

<sup>69</sup> Aerospace Indus. Ass'n, *supra* note 2.

<sup>70</sup> *Id.*; EPA: Scope 3 Inventory Guidance, EPA.gov, <https://www.epa.gov/climateleadership/scope-3-inventory-guidance> (stating, "Scope 3 emissions are the result of activities from assets not owned or controlled by the reporting organization, but that the organization indirectly affects in its value chain. **Scope 3 emissions include all sources not within an organization's scope 1 and 2 boundary.** The scope 3 emissions for one organization are the scope 1 and 2 emissions of another organization. Scope 3 emissions, also referred to as value chain emissions, often represent the majority of an organization's total greenhouse gas (GHG) emissions." [emphasis added]).

<sup>71</sup> *Id.*

<sup>72</sup> A Bar Too High.

C. Andrew Mayock provided misleading testimony to the Committee.

During the hearing on November 30, 2023, Mr. Mayock often repeated two verifiably false claims. First, he claimed that “[t]he only requirement in the proposed rule is that U.S. companies provide information to SBTi.”<sup>73</sup> Second, he conflated adopting a standard with adopting a standard setter, as shown in the below interaction:<sup>74</sup>

**Chairman Obernolte.** --about the entity that was selected to enforce those standards, to set the standards and enforce them.

**Mr. Mayock.** Yes, and I'm talking about the same thing, and that SBTi is the third-party standard bearer. And when looking at what are the leading third-party standard organizations when it comes to science-based targets, SBTi far and away is the most widely used and the most--and the leading standard...<sup>75</sup>

Additionally, as highlighted by Democrat members, Mr. Mayock through his words and actions attempted to mislead the Committee into believing that CEQ's involvement in the selection of CDP and SBTi was limited to the issuance of the December 2021 memo.

*1. Characterization of rule requirements.*

Mr. Mayock made several claims during the hearing that the proposed rule was simply about providing information, that contractors would only be providing information to these third parties.

It is a proposed rule, and the only thing that goes to the third-party standards is information. It's about information disclosure and sharing with the third-party standards governance organizations.<sup>76</sup>

The plain language of the proposed rule shows this to be false:

The major contractor (itself or through its immediate owner or highest-level owner) is also required to **develop** science-based targets and **have the targets validated by SBTi** (see section II.D.4. of this preamble). A science-based target is a target for reducing GHG emissions that is in line with reductions that the latest climate science deems necessary to meet the goals of the Paris Agreement to limit global warming to well below 2 °C above pre-industrial levels and pursue efforts to limit warming to 1.5 °C. [emphasis added]<sup>77</sup>

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<sup>73</sup> See Missing the Target, *supra* note 35; see also Missing the Target, *supra* note 35 (statements by Andrew Mayock stating, “It is a proposed rule, and the only thing that goes to the third-party standards is information. It's about information disclosure and sharing with the third-party standards governance organizations.”).

<sup>74</sup> See Missing the Target, *supra* note 35.

<sup>75</sup> See Missing the Target, *supra* note 35 (statements by Andrew Mayock); see also Missing the Target, *supra* note 35 (statements by Andrew Mayock stating, “I know in that the EPA--again, the 545 primary question was, who is the leading standard? What is 546 the most widely used standard? And the EPA, not to my 547 knowledge, does science-based targets.”).

<sup>76</sup> *Id.*

<sup>77</sup> Federal Acquisition Regulation: Disclosure of Greenhouse Gas Emissions and Climate-Related Financial Risk, 87 Red. Reg. 218 (proposed on Nov. 14, 2022) (to be codified 48 C.F.R pt. 1,4,9,23,52).

Developing science-based targets to reduce greenhouse gas emissions is a complex action that could require drastic changes to the way contractors operate. To meet those targets, companies may have to make substantial changes to their supply chain, alter production methods, or even abandon certain sectors, which make it difficult to meet those targets. This could ultimately lead to the offshoring of American companies. Offshoring due to overregulation is an all too real possibility and has recently proven to have catastrophic consequences. For example, we have recently lost semiconductor manufacturing due to labor costs, and critical mineral mining because of overburdensome environmental regulations pushed by the EPA. These issues are heightened by the supply chain weaknesses made more apparent by COVID.

The rule would require companies to submit their science-based target proposals to SBTi for validation.<sup>78</sup> If SBTi denies validation, then the contractor is deemed non-compliant with this section of the proposed regulation, jeopardizing their ability to contract with the government. SBTi is also not flexible, nor does it provide an appeals process for companies that believe they have been treated unfairly. This has led companies that have voluntarily chosen to use SBTi in the past to end their partnerships with SBTi – some of which are existing government contractors. For example, Amazon, Inc. failed to receive validation from SBTi for science-based reduction targets they voluntarily submitted.<sup>79</sup> In another example, four major banks recently withdrew from SBTi’s validation process after SBTi declared it would no longer validate financial institutions who provide financing for new oil and gas projects.<sup>80</sup>

Clearly, this rule requires more than simply sharing information. It forces major contractors to set science-based greenhouse gas reduction targets and then grants SBTi quasi-regulatory authority to determine compliance with those targets. Further, if the purpose of the rule was only about information sharing, there would not be a need to outsource the collection of that information when the EPA could just as easily collect and report it through their Greenhouse Gas Reporting Program.

## 2. *Conflation between standards and standard setters.*

During his testimony, Mr. Mayock conflated adopting a standard with adopting a standard setter. By including a mandate to work with CDP and SBTi, the proposed rule will grant all future standard setting ability to CDP and SBTi.<sup>81</sup> In other words, the government is not merely adopting CDP and SBTi’s standards, **they are selecting the organizations** and granting all future standard setting authorities and compliance enforcement to that organization. This problem becomes even more glaring when one realizes that CDP’s reporting frameworks are based on the Task force on Climate related Financial Disclosure (TCFD) recommendations.<sup>82</sup> In reality, TCFD is the standard

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<sup>78</sup> Federal Acquisition Regulation: Disclosure of Greenhouse Gas Emissions and Climate-Related Financial Risk, 87 Red. Reg. 218 (proposed on Nov. 14, 2022) (to be codified 48 C.F.R pt. 1,4,9,23,52).

<sup>79</sup> Press Release, Amazon, Inc. Amazon’s approach to setting Science-Based Targets, <https://www.aboutamazon.com/news/sustainability/amazons-approach-to-setting-science-based-targets>.

<sup>80</sup> Tommy Wilkes, *Exclusive: Four banks quit initiative assessing climate targets*, Reuters (Nov. 29, 2023) <https://www.reuters.com/sustainability/four-banks-quit-initiative-assessing-climate-targets-sources-2023-11-29/>.

<sup>81</sup> Federal Acquisition Regulation: Disclosure of Greenhouse Gas Emissions and Climate-Related Financial Risk, 87 Red. Reg. 218 (proposed on Nov. 14, 2022) (to be codified 48 C.F.R pt. 1,4,9,23,52).

<sup>82</sup> Carbon Disclosure Project, *How CDP is Aligned with TCFD*, CDP.net, (last visited Jan. 8, 2023) <https://www.cdp.net/en/guidance/how-cdp-is-aligned-to-the-tcfd>; see also Federal Acquisition Regulation: Disclosure of Greenhouse Gas Emissions and Climate-Related Financial Risk, 87 Red. Reg. 218 (proposed on Nov. 14, 2022) (to be codified 48 C.F.R pt. 1,4,9,23,52) at 23.XX03(b)(1) and in 52.223–22 and 52.212–3(t) that the offeror (itself or through its immediate

and CDP is simply a non-profit organization that adopted those standards and provides a public reporting framework so that companies can more easily make their public disclosures.<sup>83</sup> CDP charges a fee to use their services which reflects CDP's business model as a service provider rather than a standard setter.<sup>84</sup> Many organizations offer the same services as CDP, and yet this Administration, appears to have proposed the selection of a company that has a multitude of questionable connections with CEQ staff and White House Advisors.

The December 2021 memo written by CEQ acknowledges the difference between a standard setter and a disclosure system. The CEQ memo states that the FAR Council "should leverage existing third-party standards and systems including the Task Force on Climate-Related Financial Disclosures (TCFD) Recommendations, **CDP reporting system...**" [emphasis added]. The Securities and Exchange Commission (SEC) also recognized this during the drafting of their proposed rule to require publicly traded companies to disclose greenhouse gas emissions.<sup>85</sup> The SEC's proposed rule allows companies to use any third-party vendor to make disclosures as they please as long as it is aligned with the TCFD. The SEC's proposed rule further stated:

Further, 1,069 financial institutions, managing assets of \$194 trillion, also support the TCFD. In recognition of the widespread adoption by companies of TCFD reporting, a number of countries, including the United Kingdom, New Zealand, and Switzerland, and the European Union that have proposed mandatory climate-risk disclosure requirements have indicated an intention to base disclosure requirements on the TCFD framework. Further, the **TCFD's recommendations have been adopted by, and incorporated into, other voluntary climate disclosure frameworks such as the CDP, GRI, CDSB, and SASB frameworks.**<sup>86</sup> [emphasis added]

Regarding SBTi, Mr. Mayock was correct that SBTi is in fact a standard setter when it comes to setting science-based emission reduction targets. However, the proposed rule would make SBTi both the standard setter and **exclusive validator** of those targets.<sup>87</sup> SBTi would have the ability to set the standards, and then validate compliance with the same standards they set. This creates an enormous conflict of interest and has been a source of criticism and concern about SBTi's business model.<sup>88</sup>

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owner or highest-level owner) is only required to complete those portions of the CDP Climate Change Questionnaire that align with the TCFD recommendations as identified by CDP (<https://www.cdp.net/en/guidance/how-cdp-is-aligned-to-the-tcfd>). This allows companies to determine what responses in the CDP questionnaire are appropriate or necessary to complete in order to provide a TCFD-aligned annual climate disclosure.)

<sup>83</sup> See *Id.* ("CDP's disclosure platform provides the mechanism for reporting in line with the TCFD recommendations").

<sup>84</sup> Carbon Disclosure Project, *supra* note 23.

<sup>85</sup> Securities and Exchange Commission: The Enhancement and Standardization of Climate-Related Disclosures for Investors, 87 FR 21334 (purposed on Apr. 11, 2022) (to be codified 17 C.F.R. 210, 229, 232, 249).

<sup>86</sup> *Id.*

<sup>87</sup> Federal Acquisition Regulation: Disclosure of Greenhouse Gas Emissions and Climate-Related Financial Risk, 87 Red. Reg. 218 (proposed on Nov. 14, 2022) (to be codified 48 C.F.R pt. 1.4,9,23,52).

<sup>88</sup> Letter from Bill Baeu, Senior Director, r3.30, to Frank Lucas, and Zoe Lofgren, Representatives, U.S. House of Representative (Sep. 14, 2023), <https://republicans-science.house.gov/cache/files/8/1/818efb60-5f29-4b8a-aea4-4cedfe21a053/70FCB2CB3F9E34CA8B60978154F6DA29.baue-letter-to-us-house-science-committee-on-sbti-9-14-2023.pdf>; Letter from Bill Baeu, Senior Director, r3.30, to Frank Lucas, and Zoe Lofgren, Representatives, U.S. House of Representative (Dec. 5, 2023), <https://republicans-science.house.gov/cache/files/d/1/d168bef4-9f95-4197-b775-54933d47bc48/DB5B1F679D52744126A2D08AB3BE03B3.baue-letter-to-us-house-science-committee-investigations-oversight-subcommittee-on-sbti-12-5-2023-.pdf>.

When it comes to SBTi, Mr. Maycock failed to differentiate between adopting a standard and adopting a standard setter. If CEQ was going to adopt a standard, and they believed SBTi to be the best standard, then they could have adopted SBTi's standard but allowed companies to use any third-party validator that they desired. Instead, under the proposed rule, SBTi will be both standard setter and validator of those standards they create. They will also be able to change those standards at any time and without process, transparency, or limitations. We have already seen examples of this with the recent news that SBTi stated it would no longer validate targets for financial institutions that finance new oil and gas projects.<sup>89</sup> This demonstrates that SBTi as a standard setter and validator has made the arbitrary and unilateral decision that all new fossil fuel and gas projects must be cancelled if a company wants to utilize their services.<sup>90</sup>

Separately, the notion that SBTi was the leading "standard" is also questionable. According to SBTi's own website, they are currently working on creating standards for oil and gas companies to become validated.<sup>91</sup> Emails between CEQ and SBTi show that CEQ was aware that standards did not exist for this enormous sector of the global economy.<sup>92</sup> It is impossible that SBTi could be the leading standard setter when they have yet to produce a standard for such a significant sector of the global economy – one that is also a major component of contracts with DOD, NASA, and other federal agencies.

This clearly demonstrates that the government is not adopting standards as Mr. Mayock implied, it is in fact, delegating standard setting and regulatory authority to favored special interest groups and environmental activist organizations through executive orders and the administrative process – a glaring example of executive overreach.

### 3. CEQ continues to mislead the Committee.

According to a letter from Ranking Member Lofgren and Representative Foushee, "CEQ staff communicated unambiguously that CEQ's involvement in the drafting process ended with the December 8, 2021, publication of a policy guidance memo."<sup>93</sup> Believing CEQ to be an honest actor, several Democrat members of the Committee repeated CEQ's talking points during the Committee's hearing on November 30, 2023, and argued that CEQ was not responsible for selecting CDP and SBTi and implied that its involvement was limited to the December 2021 policy memorandum issued to the FAR Council.<sup>94</sup> During his testimony, Mr. Mayock made no attempt to correct the record when Democrat members were making this claim and chose his answers

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<sup>89</sup> Tommy Wilkes, *supra* note 82.

<sup>90</sup> *Id.*

<sup>91</sup> <https://sciencebasedtargets.org/sectors/oil-and-gas#what-is-the-sb-tis-policy-on-fossil-fuel-companies>

<sup>92</sup> The Investopedia Team, Investopedia, What Percentage of the Global Economy is the Oil and Gas Drilling Sector? (Aug, 29, 2023), <https://www.investopedia.com/ask/answers/030915/what-percentage-global-economy-comprised-oil-gas-drilling-sector.asp> (stating, The Investopedia Team, Investopedia, What Percentage of the Global Economy is the Oil and Gas Drilling Sector? (Aug, 29, 2023), <https://www.investopedia.com/ask/answers/030915/what-percentage-global-economy-comprised-oil-gas-drilling-sector.asp> (stating, "According to the American Petroleum Institute, the sector employs 10.3 million people across the country. The organization also states that the industry makes up roughly 8% of U.S. GDP.").

<sup>93</sup> Letter from Zoe Lofgren, Valerie Foushee, Ranking Members, House Committee on Science, Space, and Technology to Brenda Mallory, Director, Council on Environmental Quality (Dec. 14, 2023), <https://democrats-science.house.gov/ranking-members-lofgren-and-foushee-letter-to-ceq-chair-mallory>.

<sup>94</sup> *Id.*

carefully to give the impression that CEQ was minimally involved. In doing so, Mr. Mayock misled the entire Committee - both Democrats and Republicans.

On December 14, 2023, Ranking Member Lofgren and Representative Foushee sent CEQ Chair Mallory a letter, which asked CEQ to correct the record and address allegations that they misled the Committee.<sup>95</sup> They stated in their letter:

Committee staff engaged CEQ staff on four separate occasions to determine the extent of CEQ's involvement in the drafting of the FAR Council's proposed rule. CEQ staff communicated unambiguously that CEQ's involvement in the drafting process ended with the December 8, 2021, publication of a policy guidance memo. Upon review of the document production, these statements appear to be incorrect.<sup>96</sup>

The Democrat members are correct: the documentary evidence shows that CEQ was heavily involved in the rulemaking process for several months after the December 2021 memo was issued and had routine communications with both CDP and the FAR Council as the rule was being drafted.<sup>97</sup>

On December 15, 2023, Chair Mallory sent a letter to Ranking Member Lofgren and Representative Foushee which attempts to mislead the Committee once again.<sup>98</sup> Chair Mallory alleges that they were unaware of potential conflicts of interest prior to producing documents requested by the Committee, and that they retroactively did a conflict of interest evaluation and found there to be none.<sup>99</sup> Chair Mallory also failed to address accusations that CEQ misled the Committee by claiming their involvement in the proposed rule was limited to the December 2021 memo.

Chair Mallory on behalf of CEQ alleges that "in the course of gathering information in response to the Committee's document request, CEQ's senior leadership directed CEQ's Ethics team...to evaluate whether this matter presented a conflict of interest under applicable law."<sup>100</sup> This statement raises critical concerns because it implies that Chair Mallory was unaware of Ms. Cremmins' prior employment. Ms. Cremmins spent over a decade at CDP, and at one point was the Director of CDP West. It was this experience that likely led to her being hired for the senior role she would occupy at CEQ as Director of Sustainable Supply Chains. Therefore, it is highly unlikely that her superiors (Mr. Mayock and Chair Mallory) were unaware that she would be conflicted by working on issues relating to CDP.<sup>101</sup> It is therefore much more probable that her

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<sup>95</sup> *Id.*

<sup>96</sup> *Id.*

<sup>97</sup> See attached exhibits.

<sup>98</sup> Brenda Mallory, Director, Council on Environmental Quality to Zoe Lofgren, and Valerie Foushee, Ranking Members, House Committee on Science, Space and Technology (Dec. 15, 2023), <https://republicans-science.house.gov/cache/files/6/9/69e538ce-0343-40bb-b4fc-6f312441bfc9/25C534438034A978A1B0649C293EDD4F.sst-response-12.15.2023.pdf>.

<sup>99</sup> 5 CFR § 2635.502

<sup>100</sup> Brenda Mallory, Director, Council on Environmental Quality to Zoe Lofgren, and Valerie Foushee, Ranking Members, House Committee on Science, Space and Technology (Dec. 15, 2023), <https://republicans-science.house.gov/cache/files/6/9/69e538ce-0343-40bb-b4fc-6f312441bfc9/25C534438034A978A1B0649C293EDD4F.sst-response-12.15.2023.pdf>.

<sup>101</sup> Luke Barr, *Potential 'conflicts of interest' at play over new FBI HQ site: FBI director*, ABC NEWS (Nov. 9, 2023), <https://abcnews.go.com/Politics/potential-conflicts-interest-play-new-fbi-hq-site/story?id=104760551> (stating, "The email says the FBI "raised a serious concern about the appearance of a lack of impartiality by the GSA senior executive given the executive's

actions were fully sanctioned by CEQ. If Chair Mallory and Mr. Mayock were unaware of Ms. Cremmins' prior employment at CDP, then this raises serious concerns about the sufficiency of CEQ's vetting processes for senior level officials and the quality of the conflict-of-interest evaluation process.

Chair Mallory attempts to deflect blame by arguing that "the individual in question joined CEQ after CEQ made its policy recommendations regarding the role of third-party reporting and verification organizations to the FAR Council in December 2021."<sup>102</sup> As the voluminous records have demonstrated, CEQ's involvement in this proposed regulation went far past the December 2021 memorandum. They were actively coordinating with CDP before engaging with federal contractors and the FAR Council. They were also very clearly advocating on behalf of CDP and SBTi. We also know from the documents obtained that CDP lobbied CEQ and Gina McCarthy before the memorandum was written and it is possible that Ms. Cremmins was brought onboard specifically to shepherd CDP and SBTi's inclusion into the final proposed regulation.

Lastly, Chair Mallory told the Committee that "CEQ's Ethics team did not identify a legal conflict of interest because, to our knowledge, the individual has no financial interest in the matter, had not worked at the former employer for over eighteen months prior to joining CEQ, and is not a political appointee."<sup>103</sup> While Committee staff has not yet had a chance to verify that no financial conflicts of interest existed, it is clear that Ms. Cremmins lacked the impartiality to work on issues related to CDP. This creates a strong appearance of a conflict of interest even if no financial conflicts of interest existed.<sup>104</sup>

#### **IV. CONCLUSION**

The Committee's primary concern is maintaining the integrity of the scientific and rulemaking process. The decision to select CDP and SBTi appears to not have been based on either a meritorious process or generally accepted science, but on arbitrary rulemaking. After a nine-month investigation, the evidence presented shows that the decision to include CDP and SBTi in the proposed rule was based on a desire to steer power, influence, and regulatory authority to favored special interest environmental activist groups.

The evidence shows that the FAR Council was minimally involved in the vetting of CDP and SBTi. The FAR Council lacked the scientific or technical expertise to make any informed decision on CDP and SBTi so they relied exclusively on CEQ to advise them. DOD likely intends to use waivers for some, if not all, of their federal contractors, and OMB lacks a plan or the funds to collect, analyze, and study the data collected from federal contractors under this proposed rule. The proposed regulation lacks a coherent goal, or a method of achieving it. The evidence suggests that it was never about greenhouse gas disclosures, **it was always about making "CDP the law."**<sup>105</sup>

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previous professional affiliation with the owner of the selected site." The site was owned by the administration official's previous employer, the Washington Metropolitan Transit Authority, according to the FBI.").

<sup>102</sup> Brenda Mallory, Director, Council on Environmental Quality to Zoe Lofgren, and Valerie Foushee, Ranking Members, House Committee on Science, Space and Technology (Dec. 15, 2023), <https://republicans-science.house.gov/cache/files/6/9/69e538ce-0343-40bb-b4fc-6f312441bfc9/25C534438034A978A1B0649C293EDD4F.sst-response-12.15.2023.pdf>.

<sup>103</sup> *Id.*

<sup>104</sup> 18 U.S.C. § 208; 5 C.F.R. § 2635.502.

<sup>105</sup> Exhibit G.



- Exhibit A -

**[EXTERNAL] from PDiPerna-so glad to speak, some relevant follow-up**

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**From:** Paula DiPerna [REDACTED]@cdp.net>  
**To:** "Kieve, David K. EOP/CEQ" [REDACTED]@ceq.eop.gov>  
**Date:** Fri, 19 Mar 2021 11:06:12 -0400  
**Attachments** CDPIImplementationTool--PresBidenExecOrdersonClimate20-27Jan2021.pdf (388.55 kB); CDP-25Feb21-GrowthinSBTTARGETSetting.pdf (127.08 kB); CDP 0225-2021 US companies-targetyears-market cap.pdf (112.47 kB); CDP-WHEOP-finaldraft-2020Data-useofinternalcarbonpricebyUScompanies.pdf (300.72 kB); CDP-WHEOP-finaldraft-2020Data-useofinternalcarbonpricebyUScompanies.pdf (300.72 kB)

David, Great call this morning and I look forward to hearing from you next week about next steps, etc. My personal mobile btw is 1-(b) (6)

Meanwhile, attached to give you a sense of what I was describing:

1/Outline of how CDP programs help implement the Exec Orders of 20/27 January, 2021, item by item. Our function in bold. (Have sent this already to Gina McC's office—she knows us well. She spoke at our annual launch event in 2017.)

2/Graph of increase in SBT target setting by companies—would make a strong visual graph line only going up; a true leadership step (sent this on request to Phil Giudice, WHO.eop, per his request.)

3/Breakout of corporate targets and ambition, by market cap—  
(PGiudice also has this.)

4/Raw data-use of internal carbon price by companies—we are  
due to publish our current report shortly. Attached here the raw  
numbers, fyi. (PG also has this.)

5/Photo—can't resist sending of me with then VP Biden. I used  
to speak to him regularly on Amtrak when I was in DC a lot  
pushing Waxman-Markey. I was President of CCX-  
International, the former Chicago Climate Exchange (CCX),  
which the Obama Administration strongly supported and  
President Biden was fully on board then—both the CCX  
approach and the train headed home. He was so open and we  
talked at length as the landscape from DC to Wilmington rolled  
by.

All best and thanks for all your hard work and we look forward  
to being of whatever help.

Best, Paula

**Paula DiPerna**

Special Advisor

Direct: (b) (6)

/Mobile: -1 (b) (6)



[@cdp.net](#)  
>[www.cdp.net](#)< | [@CDP](#) | [CDP LinkedIn](#)



- Exhibit B -

## RE: GHG Accounting Tools

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**From:** "Cremmins, Betty S. EOP/CEQ" <[REDACTED]@ceq.eop.gov>  
:  
**To:** Paula DiPerna [REDACTED]@cdp.net>  
**Cc:** "[REDACTED]" (b) (6), "Sierawski, Clare EOP/WHO" (b) (6)  
**Date:** Thu, 05 May 2022 17:25:38 -0400

Hi Paula! Wonderful to be reconnected in my role at CEQ and thrilled to be collaborating again with my favorite CDPeople.

Looking forward to hearing more about updated resources that CDP is building and how we can support the 1000s of companies we'll be pushing your way soon.

With thanks,

**Betty Cremmins**

Director for Sustainable Supply Chains  
Council on Environmental Quality  
Executive Office of the President

[REDACTED]@ceq.eop.gov

[www.sustainability.gov](http://www.sustainability.gov) | [@WhiteHouseCSO](https://twitter.com/WhiteHouseCSO)

Sign up for [Federal Sustainability Updates](#)

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**From:** Sierawski, Clare EOP/WHO (b) (6)  
**Sent:** Thursday, May 5, 2022 5:20 PM  
**To:** 'Paula DiPerna' [REDACTED]@cdp.net>  
**Cc:** Cremmins, Betty S. EOP/CEQ <[REDACTED]@ceq.eop.gov>; [REDACTED] (b) (6)  
**Subject:** GHG Accounting Tools

Hello Paula,

It's been a long time – I hope you are doing well! We are working on some USG procurement related disclosure goals, and we are doing an inventory of existing GHG accounting tools. I think that CDP was developing a toolkit for small businesses. Is that correct? If so, I would love to connect with you or someone on your team about it. If not, we would still love to meet and share information about our plans and hear the latest re. your efforts.

Could you please let us know your availability for next Monday-Wednesday?

Really looking forward to talking again!  
Clare

Clare Sierawski  
Special Assistant to the President for Climate Change Finance  
National Economic Council  
Cell: +1-(b) (6)  
Email: (b) (6)

- Exhibit C -

## [EXTERNAL] RE: Betty/Sonya

---

**From:** Sonya Bhonsle <[REDACTED]@cdp.net>  
**To:** "Cremmins, Betty S. EOP/CEQ" <[REDACTED]@ceq.eop.gov>  
**Date:** Thu, 10 Mar 2022 12:30:09 -0500

Lets whats app and cmg your job title is COOL

### Sonya Bhonsle

Global Head of Value Chains & Regional Director Corporations

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**From:** Cremmins, Betty S. EOP/CEQ <[REDACTED]@ceq.eop.gov>  
**Sent:** 10 March 2022 17:12  
**To:** Sonya Bhonsle <[REDACTED]@cdp.net>  
**Subject:** RE: Betty/Sonya

All good! Fine to just do a call instead of zoom too? Or we can bump to tomorrow?

### Betty Cremmins

Director for Sustainable Supply Chains

Council on Environmental Quality

Executive Office of the President

[REDACTED]@ceq.eop.gov

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-----Original Appointment-----

**From:** Sonya Bhonsle <[REDACTED]@cdp.net>

**Sent:** Thursday, March 10, 2022 12:08 PM

**To:** Cremmins, Betty S. EOP/CEQ

**Subject:** [EXTERNAL] New Time Proposed: Betty/Sonya

**When:** Thursday, March 10, 2022 12:30 PM-1:30 PM (UTC-05:00) Eastern Time (US & Canada)

**Where:**

>(b) (6) [REDACTED]

Would it be ok to do this [REDACTED]

- Exhibit D -

## Reconnecting on SBTs

---

**From:** "Cremmins, Betty S. EOP/CEQ" <[REDACTED]@ceq.eop.gov>  
**To:** [REDACTED]@cdp.net  
**Cc:** "Sierawski, Clare EOP/WHO" (b) (6) [REDACTED]  
**Date:** Tue, 07 Jun 2022 19:11:48 -0400

Hola Alberto,

It's been ages since we were in touch – hope all is well with you, your family, CDPeople, etc. I recently attended the CDP US Workshop and it was a wonderful homecoming of sorts, especially after the long haul of covid.

As you can see from my email, I have joined the Biden Administration a few months ago, working for the Federal Chief Sustainability Officer and leading Sustainable Supply Chains ambitions for the Federal government's \$650B in spend... we're definitely the largest CDP Supply Chain member in the world by spend and working to become one of the most forceful members too!

With that in mind, I've been speaking with Miranda a bit (and now Cynthia at DOE!) but also wanted to check in directly with you on some technical questions as we engage major Federal suppliers on SBTs. Cynthia suggested that Fernando might be helpful to invite as well?

Throwing out some availability in overlapping time zones next week:

Monday June 13<sup>th</sup> 1500-1530 Berlin time

Wednesday June 15<sup>th</sup> 1500-1530 or 1600-1730

Thursday June 16<sup>th</sup> 1530-1630

We can only use Zoom, so let me know which slot is best and I'll send over an invite.

Until soon,

### Betty Cremmins

Director for Sustainable Supply Chains  
Council on Environmental Quality  
Executive Office of the President

[REDACTED]@ceq.eop.gov

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- Exhibit E -

## RE: US Govt - SBT discussion follow up

---

**From:** "Cremmins, Betty S. EOP/CEQ" <[REDACTED]@ceq.eop.gov>  
:  
**To:** Olwen Smith <[REDACTED]@cdp.net>, Diana Farmer <[REDACTED]@cdp.net>  
**Cc:** "Sierawski, Clare EOP/WHO" (b) (6) [REDACTED] Sarah Bloch  
<[REDACTED]@cdp.net>  
**Date:** Thu, 28 Jul 2022 13:31:13 -0400

Hello Olwen and Diana,

Many thanks for these helpful resources and for your continued support.

A quick follow-up question – have you had any engagement with the [AIA, Aerospace Industries Association](#)? Their member companies have demonstrated interest in a collaborative discussion about SBTs so I wanted to check with you first on any relevant background and context before engaging.

Thanks again,

### Betty Cremmins

Director for Sustainable Supply Chains  
Council on Environmental Quality  
Executive Office of the President

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---

**From:** Olwen Smith <[REDACTED]@cdp.net>  
**Sent:** Friday, June 17, 2022 11:49 AM  
**To:** Cremmins, Betty S. EOP/CEQ <[REDACTED]@ceq.eop.gov>; Sierawski, Clare EOP/WHO (b) (6) [REDACTED]  
**Cc:** Diana Farmer <[REDACTED]@cdp.net>; Sarah Bloch <[REDACTED]@cdp.net>  
**Subject:** [EXTERNAL] US Govt - SBT discussion follow up

Hi Betty and Clare,

It was a pleasure speaking with you both last week. I was delighted to hear about the proposed rule you described - if implemented, no doubt it will be incredibly effective in driving impactful companies to disclose and take action to decarbonise.

Following the discussion, please find information on three key areas we discussed below:

- **SBT resources:** I have collated a list of key resources which can support companies along the target-setting journey (see attached), grouped by topic area. All but two of these resources are already available – the two yet to be released have been marked, along with their expected launch timeline. I understand Sarah is sending you other GHG accounting and disclosure related resources in parallel.
- **Intel on GSA suppliers' SBT engagement status:** We would be happy to carry out an analysis on GSA's suppliers to identify those which are likely to join the SBTi in the near future. As mentioned, I'm glad to introduce you to Diana Farmer (cc'd), who leads SBT engagement for North America. In the coming weeks Diana will follow up with this intel and can organise another call with you to discuss.
- **Connecting with SBTi CEO, Luiz Fernando do Amaral:** Luiz has confirmed that he would be glad to have a conversation with you. Diana will also join that call. I'll connect you with Luiz's PA, Jessica, shortly to organise a suitable time.

Please don't hesitate to get in touch if you have any questions on the above. Wishing you a great weekend ahead.

Best wishes,  
Olwen

**Olwen Smith**

Global Lead, Transition Accelerator

+44 (b) (6)

Pronouns: *She / Her*



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- Exhibit F -

## RE: DOD/Canada

---

**From:** "Cremmins, Betty S. EOP/CEQ" <[REDACTED]@ceq.eop.gov>  
**To:** Sarah Bloch <[REDACTED]@cdp.net>  
**Cc:** Laura Hohmann <[REDACTED]@cdp.net>  
**Date:** Wed, 15 Jun 2022 19:58:36 -0400

Circling back...

Jane Keenan definitely mentioned CDP so worth circling up with her and Mattieu (who leads the procurement workstream) on their interest? (after confirming CDP is remembering to translate the questionnaire into French!)

DOD is boiling the ocean with their strategy, but I'll keep engaging them on our broader work which includes engaging their suppliers through CDP.

### Betty Cremmins

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Executive Office of the President

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---

**From:** Cremmins, Betty S. EOP/CEQ  
**Sent:** Tuesday, June 14, 2022 10:12 AM  
**To:** 'Sarah Bloch' <Sarah.Bloch@cdp.net>  
**Cc:** Laura Hohmann [REDACTED]@cdp.net>  
**Subject:** RE: DOD/Canada

Hi Sarah,

Wonderfully helpful insights. So appreciate you taking the time to write this up amidst the busy disclosure cycle.

These are the same folks I'm speaking with, so glad to hear it will be an aligned message. Shared expectations to our common suppliers will benefit everyone!

Looking forward to chatting on Wednesday about USG-specific opportunities,

**Betty Cremmins**

Director for Sustainable Supply Chains  
Council on Environmental Quality  
Executive Office of the President  
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---

**From:** Sarah Bloch <[REDACTED]@cdp.net>  
**Sent:** Monday, June 13, 2022 7:10 PM  
**To:** Cremmins, Betty S. EOP/CEQ [REDACTED]@ceq.eop.gov>  
**Cc:** Laura Hohmann [REDACTED]@cdp.net>  
**Subject:** [EXTERNAL] RE: DOD/Canada

Hi Betty,

Thanks for following up! I am happy to provide you with an update on both the DoD and the Govt of Canada As you know, we are primarily focused on the disclosure cycle right now, but I really appreciate you reaching out and helping to facilitate these conversations. I am also looping in Laura for visibility.

We followed up with the DoD a few times November – January after our meetings (and never heard back). I have not followed up since Andy's departure as we are still conducting work internally to determine how we could best support through the SC program. Feel free to bring up CDP on Wednesday. For your context, our primary point of contact is David Asiello from the Office of the Deputy Assistant Secretary of Defense (E&ER).

David helped set up a meeting with the following individuals in November (Andy and Sonya were on the call):

- Deputy Assistant Secretary of Defense, Environment & Energy Resilience, Richard Kidd
- Michael McGhee, Executive Director, Climate Resilience
- [REDACTED] (E&ER) *(would appreciate if you could confirm current position)*
- [REDACTED]

Additionally, at the end of January, we submitted a package in response to a sources sought request from the DoD on Supply Chain GHG Emissions Accounting and Analysis, and informed David. However, as we only found out about it very close to the deadline, we were not able to provide the full extent of information which we could have with more time.

Regarding the Government of Canada, our call ended with the plan to scheduling a call with their colleagues from PSPC and Shared Services who would manage this. I never heard back, but saw that Mathieu joined our Canada workshop virtually on Thursday so plan to follow up again this week.

Thanks again for advocating for us! I look forward to hearing about your call with the DoD on Wednesday.

Best,  
Sarah

**Sarah Bloch**

Pronouns: *she/her/hers*

Account Manager | CDP Supply Chain

1. (b) (6)



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**From:** Cremmins, Betty S. EOP/CEQ <[REDACTED]@ceq.eop.gov>

**Sent:** Monday, June 13, 2022 2:46 PM

**To:** Sarah Bloch <[REDACTED]@cdp.net>

**Subject:** DOD/Canada

Hi Sarah,

Any follow-ups with the DOD since we chatted at the CDP Workshop? I'm chatting with them about their supplier engagement and Scope 3 work on Wednesday morning so just wanted to check.

Same question about Canada – still stalled on lack of French questionnaire?

Rock on,

**Betty Cremmins**

Director for Sustainable Supply Chains

Council on Environmental Quality

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- Exhibit G -

## RE: You did it! Thank you!

---

**From:** "Cremmins, Betty S. EOP/CEQ" <[REDACTED]@ceq.eop.gov>  
**To:** Elizabeth Small [REDACTED]@cdp.net>  
**Date:** Wed, 28 Sep 2022 14:22:55 -0400

Hi lady,

Super appreciate this note and all of your overflowing praise... and I too am proud and excited... but it's a bit preemptive! This Buy Clean announcement is one of my key workstreams – focused on decarbonizing construction materials like concrete and steel – but there's a whole lot more ahead to bring our massive \$650B in spend to net zero emissions by 2050. It's almost like we need some GHG disclosure and target-setting or something...

Fear not, you'll get a heads up when the more relevant stuff is coming.

Would love to connect for a chat soon? This week is nutty but could speak anytime after 11am next Thursday October 6<sup>th</sup> or after 12:00 next Friday October 7<sup>th</sup>? Could find a 30 minute slot before then, but I trust we'll need more time 😊

### Betty Cremmins

Director for Sustainable Supply Chains  
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---

**From:** Elizabeth Small [REDACTED]@cdp.net>  
**Sent:** Tuesday, September 27, 2022 4:53 PM  
**To:** Cremmins, Betty S. EOP/CEQ <[REDACTED]@ceq.eop.gov>  
**Subject:** [EXTERNAL] You did it! Thank you!

Betty:

I was more excited than I ever was for: Saturday morning cartoons, my trapper keeper, and a mixtape *-from a crush* PUT TOGETHER when I saw your announcement launching the Federal Buy Clean Initiative! WOW! You did it! You really did it!

When I first met you, you said your goal was to make CDP the law-- and you did!

On behalf of humanity (of which my authority as a spokesperson for the whole is questionable) – Thank You! Thank You! Thank You! I hope you caught a moment to celebrate a well-deserved win.

Though I am serious about the celebration, I am also told from Sarah Boch and Simon that you and I are to discuss GSA. And finalizing something. *When might be a good time for that. I am happy to prioritize it.*

Sometime in the future when you come up for air (is that possible?) I wonder if you may be interested in speaking informally to CDP (think 30 min lunch and learn- on Teams/zoom) about how you managed to make CDP the law. Imagine if you could have had you spoken to you when you were a newly minted professional you? No pressure of course, but I could see our staff being very excited and it would give me a chance to sing your praises.

The thing / *will* pressure you about is getting an IRL beverage when I am back in DC. (Disclaimer-not actual pressure, just excited to see you).

Sincere gratitude for your incredible work. Thank you!

Elizabeth

**Elizabeth Small**

General Counsel and Head of Policy, North America

+1 (b) (6) (Direct) | + (Main)

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- Exhibit H -

## RE: Federal Buy Clean Initiative announcements - CDP blog

---

**From:** "Dennis, Allison E. EOP/CEQ" <[REDACTED]@ceq.eop.gov>  
:  
**To:** Liz Posner <[REDACTED]@cdp.net>, "Cremmins, Betty S. EOP/CEQ" <[REDACTED]@ceq.eop.gov>  
**Cc:** Simon Fischweicher <[REDACTED]@cdp.net>, Elizabeth Small <[REDACTED]@cdp.net>, Conrad Jarzebowski <[REDACTED]@cdp.net>, Giselle Brown <[REDACTED]@cdp.net>  
**Date:** Tue, 25 Oct 2022 12:09:07 -0400

This all sounds great. If possible, can we include just one quote from the White House Federal Chief Sustainability Officer Andrew Maycock in lieu of the Betty and Brenda combo?

Allison Dennis  
Public Affairs Director  
Office of the Federal Chief Sustainability Officer | Council on Environmental Quality  
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---

**From:** Liz Posner <[REDACTED]@cdp.net>  
**Sent:** Tuesday, October 25, 2022 11:52 AM  
**To:** Cremmins, Betty S. EOP/CEQ <[REDACTED]@ceq.eop.gov>; Dennis, Allison E. EOP/CEQ <[REDACTED]@ceq.eop.gov>  
**Cc:** Simon Fischweicher <[REDACTED]@cdp.net>; Elizabeth Small <[REDACTED]@cdp.net>; Conrad Jarzebowski <[REDACTED]@cdp.net>; Giselle Brown <[REDACTED]@cdp.net>  
**Subject:** [EXTERNAL] RE: Federal Buy Clean Initiative announcements - CDP blog

Hi Betty and Allison,

So great to hear about all these incredibly exciting updates! Thank you for all your hard work in driving these initiatives forward.

Simon, Elizabeth and I touched base last week and rethought our communications plan a bit for the "Part 2" Simon proposed earlier, since we feel these exciting announcements could be interesting to media. We've pivoted away from the idea of a blog or other content creation at the moment (though we're certainly open to collaborating on this later in the year) and instead will be running a media campaign. See below for a quick outline, including some areas where we would appreciate your input.

**Media announcement and campaign around new U.S. federal government sustainable procurement actions (w/c Nov. 7)**

- After the CEQ officially announces the rule requiring federal contractors to disclose and set SBTs, we'd love to put out a press release celebrating the new rule, touching on the Administration's whole-of-government approach to addressing the climate crisis, and emphasizing the power of procurement and disclosure to drive emissions reductions and environmental action given CDP's proven track record of success in these areas
- Within that press release, we'd love to include a quote by you, Betty, as well as Brenda Mallory, focused on the above messages. We will draft both quotes for your approval. Is your team able to get those quotes approved in the next week if we share them by tomorrow?
- We'll reach out to U.S. media with the press release and publish the release on CDP.net
- Social media, email & newsletter amplification to share this announcement directly with CDP's ~40K corporate, financial and municipal gov't audience

It would be helpful to know any updates on when CEQ might announce the new rule for federal contractors (I understand it will be post-election) and whether your office will be in touch with journalists around this. I'm happy to share those draft quotes in the next day or two.

Thanks,  
Liz

**Liz Posner**

Associate Director, Communications, North America  
Pronouns: *She / Her*



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My working hours are Monday–Thursday, 9–7 ET.



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**From:** Cremmins, Betty S. EOP/CEQ <[REDACTED]@ceq.eop.gov>

**Sent:** Wednesday, October 12, 2022 2:11 PM

**To:** Elizabeth Small <[REDACTED]@cdp.net>; Simon Fischweicher <[REDACTED]@cdp.net>;  
Liz Posner <[REDACTED]@cdp.net>

**Cc:** Dennis, Allison E. EOP/CEQ <[REDACTED]@ceq.eop.gov>

**Subject:** RE: Federal Buy Clean Initiative announcements - CDP blog

I connected with Allison and we're happy to support – can you send us a draft of Part 1 when ready so we can insert our proposed quote? Feel free to suggest a topic/theme based on the flow.

**Betty Cremmins**

Director for Sustainable Supply Chains  
Office of the Federal Chief Sustainability Officer  
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**From:** Cremmins, Betty S. EOP/CEQ

**Sent:** Friday, October 7, 2022 6:30 PM

**To:** 'Elizabeth Small' <[REDACTED]l@cdp.net>; Simon Fischweicher

[REDACTED]@cdp.net>; Liz Posner <[REDACTED]@cdp.net>

**Cc:** Dennis, Allison E. EOP/CEQ <[REDACTED]@ceq.eop.gov>

**Subject:** RE: Federal Buy Clean Initiative announcements - CDP blog

Hi CDP team,

Many thanks for proposing these ideas to help amplify these critical Federal Net Zero Procurement initiatives to your contacts in the private sector... here's hoping these will just be the first 3 blogs/briefings in a very long, impactful series!

Adding Allison Dennis, our comms lead extraordinaire, who can help determine who from our side could provide a quote to supplement your blogs.

Just to note for Part 1, we're calling it the "Federal Buy Clean Initiative" for now (><https://www.sustainability.gov/buyclean/><).

For parts 2 and 3 we'll keep in touch as I have more clarity on timing of launch, and we'll also want to keep an eye on the SEC progress to inform our messaging.

Thanks again,

**Betty Cremmins**

Director for Sustainable Supply Chains  
Office of the Federal Chief Sustainability Officer

**Cc:** Dennis, Allison E. EOP/CEQ <[REDACTED]@ceq.eop.gov>

**Subject:** RE: Federal Buy Clean Initiative announcements - CDP blog

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**Betty Cremmins**

Director for Sustainable Supply Chains  
Office of the Federal Chief Sustainability Officer  
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---

**From:** Cremmins, Betty S. EOP/CEQ

**Sent:** Friday, October 7, 2022 6:30 PM

**To:** 'Elizabeth Small' <[REDACTED]@cdp.net>; Simon Fischweicher

<[REDACTED]@cdp.net>; Liz Posner <[REDACTED]@cdp.net>

**Cc:** Dennis, Allison E. EOP/CEQ <[REDACTED]@ceq.eop.gov>

**Subject:** RE: Federal Buy Clean Initiative announcements - CDP blog

Hi CDP team,

Many thanks for proposing these ideas to help amplify these critical Federal Net Zero Procurement initiatives to your contacts in the private sector... here's hoping these will just be the first 3 blogs/briefings in a very long, impactful series!

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Thanks again,

**Betty Cremmins**

Director for Sustainable Supply Chains  
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**From:** Elizabeth Small <[\[REDACTED\]@cdp.net](mailto:[REDACTED]@cdp.net)>

**Sent:** Friday, October 7, 2022 4:48 PM

**To:** Simon Fischweicher <[\[REDACTED\]@cdp.net](mailto:[REDACTED]@cdp.net)>; Cremmins, Betty S. EOP/CEQ  
<[\[REDACTED\]@ceq.eop.gov](mailto:[REDACTED]@ceq.eop.gov)>; Liz Posner <[\[REDACTED\]@cdp.net](mailto:[REDACTED]@cdp.net)>

**Subject:** [EXTERNAL] RE: Federal Buy Clean Initiative announcements - CDP blog

So great to chat! This sums it up. Liz is OOO,

This all looks great from my end, just adding we will also discuss the U.S. joining the Industrial Deep Decarbonization Initiative (IDDI).

[@Liz Posner](#) I will share content again on that and perhaps you can connect with Betty on the quote.

Thank you Betty! Look forward to seeing you soon!

---

**From:** Simon Fischweicher <[\[REDACTED\]@cdp.net](mailto:[REDACTED]@cdp.net)>

**Sent:** Friday, October 7, 2022 4:38 PM

**To:** 'Cremmins, Betty S. EOP/CEQ' <[\[REDACTED\]@ceq.eop.gov](mailto:[REDACTED]@ceq.eop.gov)>; Elizabeth Small  
<[\[REDACTED\]@cdp.net](mailto:[REDACTED]@cdp.net)>; Liz Posner <[\[REDACTED\]@cdp.net](mailto:[REDACTED]@cdp.net)>

**Subject:** RE: Federal Buy Clean Initiative announcements - CDP blog

Hi Betty,

It was so great connecting with you earlier. All you are accomplishing at CEQ is amazing. You have been a leader and inspiration to me since I first joined CDP in 2015 and continue to be so! I wanted to confirm a few points on the communication plan.

Communications plan

1. **Part 1 America Buy Clean:** Policy brief/blog from Elizabeth on America Buy Clean on what this means, industrial emissions from the cement and steel sector and some data analysis that we will work on for those sectors. We would love to get a quote from your end for this. Anything you can provide maybe next week or early the following for our use?

2. **Part 2 Climate risk and resiliency rule/disclosure announcement:** You mentioned a mid-November timeframe. We would love to have content ready on our end to coincide with the announcement. This could be penned by myself and Elizabeth (again ideally a quote from you, GSA and/or others in WH) and focus on supply chain, state of US disclosures and, because so much of fed procurement is aerospace and defense some data analysis of these sectors.
3. **Part 3 United States GSA and CDP Supply Chain:** ideally by December we will have finalized and signed the renewal agreement for the US GSA which will be a new premium level agreement representing a number of federal agencies, a large increase in the number of requested suppliers and some TCFD alignment analysis. For the final part we could really hone in on how CDP is going to help the achieve the outcomes highlighted in parts 1 and 2. Again, ideally including quote from someone on your side.

How does this sound? Do you think you would be able to help us get quotes for these? Any other involvement you would need to have for us to move these forward. Anything I am missing @Liz Posner and @Elizabeth Small

Thanks,  
Simon

**Simon Fischweicher**

Head of Corporations and Supply Chains, North America

Pronouns: *He / His*



(b) (6)  
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**From:** Cremmins, Betty S. EOP/CEQ <[REDACTED]@ceq.eop.gov>  
**Sent:** Wednesday, October 5, 2022 7:17 PM  
**To:** Simon Fischweicher <[REDACTED]@cdp.net>  
**Cc:** Laura Hohmann <[REDACTED]@cdp.net>; Sarah Bloch <[REDACTED]@cdp.net>; Elizabeth Small <[REDACTED]@cdp.net>; Liz Posner <[REDACTED]@cdp.net>; Giselle Brown <[REDACTED]@cdp.net>  
**Subject:** RE: Federal Buy Clean Initiative announcements - CDP blog

Hi Simon,

Thanks for reaching out! Looking forward to connecting on Friday. Just to clarify, I have 2 concurrent meetings from CDP on my calendar – 1:00-2:00 and 1:15-1:45. Assuming we'll want the full hour?

Happy to share more about the recent Buy Clean announcement as well as our ongoing work to implement the tasking in EO 14030 to “require major Federal suppliers to publicly disclose greenhouse gas emissions and climate-related financial risk and to set science-based reduction targets.”

I'm also happy to help further clarify the role that GSA plays as a member of CDP's Supply Chain program with regards to the workstream I co-lead at CEQ to achieve net zero emissions from Federal procurement by 2050: [Net-Zero Emissions Procurement by 2050 | Federal Sustainability Plan | Office of the Federal Chief Sustainability Officer](#)

The blog is a great idea and would love to strategize how we can even be bolder?

Finally, has Diana Farmer shared more about the AIA (Aerospace Industries Association) sustainability meeting in DC on October 17<sup>th</sup>? I'm still awaiting information on the planned agenda but it might make sense to ensure CDP is represented as we engage this critical sector?

Looking forward to it,

**Betty Cremmins**

Director for Sustainable Supply Chains  
Office of the Federal Chief Sustainability Officer  
Council on Environmental Quality  
Executive Office of the President  
[REDACTED]@ceq.eop.gov

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---

**From:** Simon Fischweicher <[REDACTED]@cdp.net>  
**Sent:** Monday, October 3, 2022 5:04 PM  
**To:** Cremmins, Betty S. EOP/CEQ <[REDACTED]@ceq.eop.gov>  
**Cc:** Laura Hohmann <[REDACTED]@cdp.net>; Sarah Bloch <[REDACTED]@cdp.net>; Elizabeth Small <[REDACTED]@cdp.net>; Liz Posner <[REDACTED]@cdp.net>; Giselle Brown <[REDACTED]@cdp.net>  
**Subject:** [EXTERNAL] Federal Buy Clean Initiative announcements - CDP blog

Hi Betty,

Hope all is well since we last connected. Congratulations on the recent buy clean actions announced under the Federal Buy Clean Initiative. Elizabeth invited me to your call Friday. I am looking forward to catching up then.

One item I was hoping to discuss with you was the possibility collaborating on a blog post or Q&A with you and/or Andrew Mayock on the announcement and the U.S. GSA's participation in the CDP Supply Chain membership. We could highlight the scorecard and other achievements to-date as well as some of the resources available to support federal contractors in their climate reporting.

Is this something you'd be interested and able to collaborate with CDP on, even just to provide a quote? Glad to discuss further Friday.

Best,  
Simon

**Simon Fischweicher**

Head of Corporations and Supply Chains, North America  
Pronouns: *He / His*

(b) (6)  
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- Exhibit I -

**From:** [REDACTED] EOP/CEQ on behalf of Mayock, Andrew EOP/CEQ  
**Sent:** Wed, 10 Mar 2021 15:59:42 -0500  
**To:** Mayock, Andrew EOP/CEQ; [REDACTED] EOP/CEQ; [REDACTED]  
[REDACTED]@gsa.gov'; [REDACTED]@cdp.net'; [REDACTED].civ@mail.mil'; [REDACTED]  
[REDACTED] EOP/OMB  
**Subject:** Science Based Targets



Hi there,

[REDACTED] is inviting you to a scheduled ZoomGov meeting.

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H.323: [REDACTED] (US West)

[REDACTED] (US East)  
Meeting ID: [REDACTED]  
Passcode: [REDACTED]  
SIP: [REDACTED]  
Passcode: [REDACTED]

---

## RE: Science Based Targets

---

**From:** "[REDACTED] CIV OSD OUSD A-S (USA)" <[REDACTED]@mail.mil>  
**To:** "Mayock, Andrew EOP/CEQ" <[REDACTED]@ceq.eop.gov>, [REDACTED]  
EOP/CEQ" <[REDACTED]@ceq.eop.gov>, [REDACTED] <[REDACTED]@gsa.gov>,  
[REDACTED]@gsa.gov, [REDACTED]@cdp.net, [REDACTED]  
[REDACTED]@ee.doe.gov>, [REDACTED] [REDACTED]@gsa.gov>, [REDACTED]  
[REDACTED] <[REDACTED]@epa.gov>, "[REDACTED] EOP/OMB"  
<[REDACTED]@omb.eop.gov>  
**Date:** Mon, 15 Mar 2021 10:04:36 -0400  
**Attachments** smime.p7s (6.7 kB)

:

All – In the waiting room for this meeting.

Thanks

Dave

David Asiello

During TW please call [REDACTED]

-----Original Appointment-----

**From:** [REDACTED]@ceq.eop.gov <[REDACTED]@ceq.eop.gov> **On Behalf Of** Mayock, Andrew EOP/CEQ  
**Sent:** Wednesday, March 10, 2021 4:00 PM  
**To:** Mayock, Andrew EOP/CEQ; [REDACTED] EOP/CEQ; [REDACTED]; [REDACTED]@gsa.gov';  
[REDACTED]@cdp.net'; [REDACTED] J CIV OSD OUSD A-S (USA); [REDACTED]  
[REDACTED]; [REDACTED] EOP/OMB  
**Subject:** Science Based Targets  
**When:** Monday, March 15, 2021 10:00 AM-11:00 AM (UTC-05:00) Eastern Time (US & Canada).  
**Where:** [REDACTED]

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 is inviting you to a scheduled ZoomGov meeting.

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Meeting ID:

[REDACTED]

Passcode:

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[REDACTED] (US West)

[REDACTED] (US East)

Meeting ID:

[REDACTED]

Passcode:

[REDACTED]

SIP:

[REDACTED]

Passcode:

[REDACTED]



**From:** Sierawski, Clare EOP/WHO  
**Sent:** Mon, 8 Nov 2021 09:14:36 -0500  
**To:** Sierawski, Clare EOP/WHO; [REDACTED] EOP/CEQ; [REDACTED]  
EOP/WHO [REDACTED] EOP/OMB; [REDACTED] EOP/CEQ (Intern) [REDACTED]  
EOP/OMB [REDACTED] EOP/WHO; Mayock, Andrew EOP/CEQ; 'Paula DiPerna'  
**Subject:** CDP Briefing on SME Disclosure/SBIs



Hi there,

Clare Sierawski is inviting you to a scheduled ZoomGov meeting.

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Meeting ID: [REDACTED]

Passcode: [REDACTED]

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SIP: [REDACTED]  
Passcode: [REDACTED]

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Hi there,

Betty Cremmins is inviting you to a scheduled ZoomGov meeting.

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Dial:

US: [REDACTED]

Meeting ID: [REDACTED]

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### Join from an H.323/SIP room system

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[REDACTED] (US East)

Meeting ID: [REDACTED]

Passcode: [REDACTED]

SIP: [REDACTED]

Passcode: [REDACTED]



Hi there,

Betty Cremmins is inviting you to a scheduled ZoomGov meeting.

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Meeting ID: [REDACTED]

Passcode: [REDACTED]

### Join by Telephone

For higher quality, dial a number based on your current location.

Dial:

US: [REDACTED] or [REDACTED]

Meeting ID: [REDACTED]

Passcode: [REDACTED]

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### Join from an H.323/SIP room system

H.323: [REDACTED] (US West)

[REDACTED] (US East)

Meeting ID: [REDACTED]

Passcode: [REDACTED]

SIP: [REDACTED]

Passcode: [REDACTED]

- Exhibit J -

## [EXTERNAL] Re: Cremmins paging Cummis

---

**From:** Cynthia Cummis <[REDACTED]@wri.org>  
**To:** "Cremmins, Betty S. EOP/CEQ" <[REDACTED]@ceq.eop.gov>  
**Date:** Mon, 07 Mar 2022 17:25:04 -0500

Hi Betty,

I was wondering if you were moving to DC. Curious to hear how that is going after being in California for a number of years.

I'd love to meet in person but this week might not be feasible. Let's plan a zoom call instead.

Next week is actually my last week at WRI. I'm joining DOE in April so may we'll have a chance to collaborate in our new roles.

How about speaking at 9am on Friday morning?

Cynthia

Get [Outlook for iOS](#)

**From:** Cremmins, Betty S. EOP/CEQ <[REDACTED]@ceq.eop.gov>  
**Sent:** Monday, March 7, 2022 4:59:55 PM  
**To:** Cynthia Cummis <[REDACTED]@wri.org>  
**Subject:** Cremmins paging Cummis

Hello Cynthia,

Hello hello! I saw your kind note on my linkedin and had been meaning to reach out anyway... would love to connect to see how you are doing these days, and also to chat SBTis, Federal suppliers, and the [net zero emissions procurement by 2050](#) that I'm honored to be tasked with leading...

I'm in DC now so can do coffee in person if you're back in the office? Otherwise Zoom is of course a viable option: tomorrow (Tuesday) 11:30-1:00, this Wednesday before 1:00 ET, this Friday before 10:30 or 2:00-4:00?

Until soon,

### Betty Cremmins

Director for Sustainable Supply Chains  
Council on Environmental Quality  
Executive Office of the President

[\[REDACTED\]@ceq.eop.gov](#)

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