

Statement of Resource Person

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National inquiry on the impact of climate change
on the human rights of the Filipino People
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My name is Kert Davies and I am the Director of the Climate Investigations Center. I have been working on climate change policy since 1998 and for much of that time, monitoring corporate opposition to climate progress. I worked at Greenpeace as the Research Director for thirteen years. I founded the Climate Investigations Center in 2013 to monitor and document the ongoing backlash to climate science and progressive climate policy from corporate and political entities. A full CV was submitted with my materials.

This presentation was prepared for a hearing in front of the Commission on Human Rights of the Philippines proceedings on: CHR-NI-2016-0001 *National inquiry on the impact of climate change on the human rights of the Filipino People*

I was requested to provide research covering three areas of inquiry:

- 1. WHAT FOSSIL FUEL COMPANIES KNEW ABOUT CLIMATE CHANGE**
- 2. CORPORATE EFFORTS TO STALL THE CLIMATE POLICY PROCESS**
- 3. SPECIFIC EVIDENCE OF CORPORATE FUNDING OF CLIMATE DENIAL CAMPAIGNS AND ORGANIZATIONS**

Outline of material in Powerpoint Presentation:

1. WHAT FOSSIL FUEL COMPANIES KNEW

Here we present a short review of the facts revealed in industry documents recently discovered by journalists, academics, and other researchers. The Commission has heard about this history from other presenters including Center for International Environmental Law and the Union of Concerned Scientists. There are three main points that are relevant and worth re-emphasizing:

- We now know that oil companies studied climate science internally for many decades and also funded academic scientists, especially those doing climate modeling.

- We knew that companies deployed their scientists into the UN IPCC process. We now know some of how those scientists reported back to the companies about this process and more about how the industry was processing the science and designing strategies to maintain ‘uncertainty’.
- Industry representatives were briefed in detail on the increasing consensus, which was largely consistent with what their own scientists had observed, modeled and predicted in the 1970s and 1980s.

Case studies in our presentation:

a. 1980 Exxon’s Natuna gas project¹

In 1980, Exxon struggled to find a way to exploit a huge gas find north of Borneo in Indonesian territory. The gas deposit contained over 70% carbon dioxide. Exxon scientists designed a number of ways to ‘dispose’ of the CO₂, but abandoned the project upon realizing that they would be the largest point source of carbon on Earth. This realization was at least a decade ahead of any plausible international greenhouse gas regulatory regime.

b. 1982 Exxon memos to management²

Two separate memos written internally at Exxon Research and Engineering Company in April 1982 “CO₂ Greenhouse Effect A Technical Review” and November 12, 1982 memo titled “CO₂ Greenhouse Effect”. The memos lay out the results of their own comparative climate modeling runs, named for example “Exxon 21st Century Study High Growth scenario” graphing the “Most Probable Temperature Increase” through 2080. The November memo states “this material has been given wide circulation to Exxon management...” and that while fine to use as a basis for discussion, the material “should be restricted to Exxon personnel and not distributed externally.”

c. 1988 Exxon “The Greenhouse Effect”³

This document summarizes the internal knowledge of the emerging issue and lays out what appears to have been the default “Exxon position” at the time, to “emphasize the uncertainty in scientific conclusions regarding the potential enhanced greenhouse effect.” and to “Resist the overstatement and sensationalization of potential greenhouse effect which could lead to the non economic development of non fossil fuel resources.

¹ G.R. Gervasi, *Esso Eastern Inc.*, “CO₂ Emissions: Natuna Gas Project,” Feb. 3, 1981 (available at <http://www.climatefiles.com/exxonmobil/1981-letter-from-esso-to-exxon-natuna-gas-project-co2-emissions/>).

² M.B. Glaser, Exxon Research and Engineering Company, “CO₂ ‘Greenhouse’ Effect,” Nov. 12, 1982 (available at <http://www.climatefiles.com/exxonmobil/1982-memo-to-exxon-management-about-co2-greenhouse-effect/>); Coordination and Planning Division, Exxon Research and Engineering Company, “CO₂ Greenhouse Effect: A Technical Overview,” Apr. 1, 1982 (available at <http://www.climatefiles.com/exxonmobil/1982-memo-to-exxon-management-about-co2-greenhouse-effect/>).

³ Joseph M. Carlson, Exxon, “The Greenhouse Effect,” Aug. 3, 1988 (available at <http://www.climatefiles.com/exxonmobil/566/>).

d. 1988 Shell “Confidential” report “The Greenhouse Effect”⁴

A recently revealed document from 1988, summarizing the findings of an internal study at Shell that commenced in 1981 and was finished in 1986. The document states call for action even in the face of uncertainty. “With very long time scales involved, it would be tempting for society to wait until then to begin doing anything. The potential implications for the world are, however, so large, that policy options need to be considered much earlier. And the energy industry needs to consider how it should play its part.” And then states that while modeling could not exactly predict the impacts, “by the time the global warming becomes detectable *it could be too late to take effective countermeasures* to reduce the effects or even to stabilize the situation.” (*emphasis added*)

e. 1994 Mobil Foundation Lamont-Doherty grant⁵

This newly discovered document shows a keen interest across the oil industry in climate modeling program at Columbia University’s Lamont-Doherty laboratory. This document is a rare find and indicates very deliberate grant making process at Mobil Foundation, who had written grants of \$25,000 for three years running from 1991-1993 and was recommending 1994 funding at the same level. The document also shows that Exxon, Shell, Texaco and “Others” were also giving grants of at least \$25,000.

In the text of the document it states that petroleum companies are funding work to improve the modeling of “energy transfer between the atmosphere and oceans. This is critical to improving global climate models and to improving the prediction of global warming.”

The document states that American Petroleum Institute and IPIECA are “acting as focal points of petroleum industry effort.” Under the header “Benefits to Mobil Foundation”, it is stated that “Global warming is likely to be the key international environmental issue of the 1990s.” And that “while there are no regulations limiting emissions of greenhouse gases, such regulations are a real possibility within the next five years. Technical information and understanding will be key to Mobil’s ability to participate in the debate on these regulations.”

The “Benefits” section concludes that Lamont-Doherty holds private seminars on its research for sponsors where “Mobil scientists involved” could “gain first hand understanding” and “develop personal relationships” with key experts and that this program was important “particularly in light of recent findings” and “far more valuable to Mobil than merely reading papers which will eventually be published.”

2. CORPORATE EFFORTS TO STALL THE CLIMATE POLICY PROCESS

⁴R.P.W.M. Jacobs, M.H. Griffith, P.E. Bright, J.B. Homer, J.A.C.M. van Oudenhoven, and J. Waller, Shell International Petroleum Maatschappij, “*The Greenhouse Effect*,” May 1988 (available at <http://www.climatefiles.com/shell/1988-shell-report-greenhouse/>).

⁵Research, Engineering and Environmental Affairs, Mobil Foundation, “*1994 Mobil Foundation Grant Recommendations*,” Jul. 1993 (available at <https://www.documentcloud.org/documents/4438454-Mobil-1994-Grant-Review.html>).

This part of the presentation focuses on the time period since the late 1980s. Efforts to stall the climate policy process include:

Climate science denial campaigns aimed at discrediting climate science impacts assessments, individual scientists, specific studies, reports and institutions.

Campaigns aimed at destabilizing the UNFCCC process starting with Rio Earth Summit and undermining the Kyoto or Paris agreements for example

Campaigns against national greenhouse gas reduction measures such as the Obama Clean Power Plan or McCain-Lieberman Climate Stewardship Act.

Case studies in our presentation:

a. 1996 IPIECA report after UNFCCC COP-2⁶

This document is a report back from COP-2 from oil industry attendees. A list reveals that representatives from multiple companies went to COP2 and attended as members of International Petroleum Industry Environmental Conservation Association (IPIECA) and Global Climate Coalition (GCC) delegations. Companies represented included Exxon, Mobil, Chevron, Texaco (now merged with Chevron), BP and Total.

It shows, among other things, shows that multiple corporations were deploying their scientists who actively contributed to the completion of IPCC 2nd Assessment Report (SAR). On the issue of an IPCC Informal Workshop on Technology Assessment that the “IPIECA input to IPCC on this issue was evident in the draft” and quoted IPCC Chair Bob Watson citing the “IPIECA contribution as a major source.” IPIECA also held a side event with UNEP that was “a good opportunity to demonstrate the positive role that the oil and gas industry can play”

b. GCC draft Primer⁷

This document, a “Primer on Climate Change Science- Final Draft” is dated December 1995 is dated December, 1995 after the release of the IPCC 2nd Assessment. It acknowledges the growing scientific consensus up front stating “The scientific basis for the Greenhouse Effect and its potential impact of human emissions of greenhouse gases such as CO₂ on climate is well established and cannot be denied.”

However, the IPCC report is criticized for going too far by suggesting that “the balance of evidence suggests that there is a discernable human influence on global climate.” The GCC Science and Technical Advisory Committee “believes that the statement goes beyond what can be justified by current scientific knowledge.” It goes on to say that “Claims that human

⁶ Robin Aram, Shell International Limited, “*IPIECA Report: Framework Convention on Climate Change (FCCC) COP2*,” Jul. 29, 1996 (available at <http://www.climatefiles.com/ipcc-unfccc/1996-shell-ipieca-report-cop2/>).

⁷L.S. Bernstein, Mobil Oil Corporation, “*Predicting Future Climate Change: A Primer (Draft)*,” Dec. 21, 1995 (available at <http://www.climatefiles.com/denial-groups/global-climate-coalition-collection/global-climate-coalition-draft-primer/>).

activities have already impacted climate are currently unjustified.” But that improved models could make an assessment of human impacts on the climate possible. The memo states repeatedly that the computational speed and power of supercomputers is one of the key barriers to better modeling.

The unreleased ‘draft’ shows key content that was not included in the final draft, including rebuttals of key “contrarian” arguments one by one, declaring that while they raise interesting questions, they “do not offer convincing arguments against the conventional model of greenhouse gas emission induced climate change.”

Simultaneously, and subsequently the oil industry funded the same discredited “contrarian” now known as “denier” scientists to apply counter-pressure on the policy dialogue.

*c. Bush State Department briefings on meetings with Global Climate Coalition, ExxonMobil*⁸

A series of internal State Department briefings revealed a through Freedom of Information Act request by Greenpeace. The briefing memorandum before the June 21, 2001 meeting with the GCC states that President Bush, the “POTUS rejected Kyoto, in part, based on input from you.” And also that “GCC members are completely supportive of the Administration’s position on climate change and the rejection of the Kyoto Protocol.”

*d. Exxon documents doubting science*⁹

Shown are a few of many documents publicly distributed by Exxon in the mid 1990s that cast doubt on climate science, and claim economic harm will be caused by policy solutions

*e. 1996 Exxon presentation on health effects of climate change*¹⁰

This September 1996 presentation titled “Purported Impact of Climate Change on Human Health” was presented or distributed to the Global Climate Coalition by D.J. Devlin, a scientist from Exxon Biomedical Services, Inc.

One slide says that “International attention focused on relationships among greenhouse gases, climate change, ecological stress and human health” have been raised by reports by the National Academy of Sciences, the IPCC, in medical journals and among “popular press”.

Devlin lays out the emerging consensus around the health impacts from climate change as “The Hypothesis” and lists three slides of impacts driven by increasing climate change due to fossil fuel use. These include direct and indirect impacts including “death due to weather related disasters”.

⁸Ken Brill, United States Department of State, “Your Meeting with members of the Global Climate Coalition,” Jun. 20, 2001 (available at <http://www.climatefiles.com/denial-groups/global-climate-coalition-collection/2001-state-department-meeting-global-climate-coalition/>).

⁹Lee Raymond and Jonathan Adler, Exxon Corporation, “Global Warming: who’s right? Facts about a debate that’s turned up more questions than answers,” Fall 1996 (available at <http://www.climatefiles.com/exxonmobil/global-warming-who-is-right-1996/>).

¹⁰D.J. Devlin, Exxon Biomedical Sciences, Inc., “Purported Impact of Climate Change on Human Health,” Sep. 19, 1996 (available at <https://www.documentcloud.org/documents/4476751-Purported-Impact-of-Climate-Change-on-Human-Health.html>).

In the conclusions, Devlin lays out the “minority view” that “Climate change is likely a marginal factor...more critical issues exist: malnutrition, personal hygiene, drug use” etc.

Finally he identifies “potential next steps” including:

- “Identify scientific leaders with diverse views...encourage active participation in debate” and
- “Promote the concept of relative risk...Significance of climate impacts vs. other disease factors”

*f. 1998 API Global Climate Science Communications Plan*¹¹

This is among the most important leaked documents in our collection. It was leaked in 1998 to an environmental group, given to the New York Times, who broke the story with the sub-headline: “Draft Proposal Seeks to Depict Global Warming Theory as a Case of Bad Science”.

American Petroleum Institute convened the Global Climate Science Communications Team. The plan was created the year after the Kyoto Protocol was signed and developed by representatives from Exxon, Chevron and the Southern Company, an electric utility. The plan includes a multi-million dollar, multi-year budget to install “uncertainty” in the public policy arena. Target audiences are detailed including media, policy makers and science teachers. “Victory will be achieved when average citizens understand uncertainties in climate science...”

The companies and front groups involved with the plan included:

- Exxon
- Southern Company
- Chevron
- John Adams Associates
- Science and Environmental Policy Project
- Committee for a Constructive Tomorrow
- The George C. Marshall Institute
- Environmental Issues Council
- Frontiers of Freedom
- Americans for Tax Reform
- The Advancement of Sound Science Coalition

“Potential Funding sources” were identified as American Petroleum Institute (API) and its members; Business Round Table (BRT) and its members; Edison Electric Institute (EEI) and its members; Independent Petroleum Association of America (IPAA) and its members; and the National Mining Association (NMA) and its members.

After each trade association name the document states “and its members” meaning all the companies that pay dues to the trade association. The Edison Electric Institute is the trade association of electric utilities. Business Roundtable includes a wide range of business interests, well beyond fossil fuels.

“Potential fund allocators” were identified as the American Legislative Exchange Council (ALEC), Committee for a Constructive

¹¹Joe Walker, American Petroleum Institute, “Global Climate Science Communications Action Plan,” Apr. 3, 1998 (available at <http://www.climatefiles.com/trade-group/american-petroleum-institute/1998-global-climate-science-communications-team-action-plan/>).

Tomorrow (CFACT), Competitive Enterprise Institute, Frontiers of Freedom and The George C. Marshall Institute.

3. SPECIFIC EVIDENCE OF CORPORATE FUNDING OF CLIMATE DENIAL CAMPAIGNS AND ORGANIZATIONS

Campaigns were designed and executed by oil trade associations like American Petroleum Institute, and NGOs like Competitive Enterprise Institute being funded by ExxonMobil and other corporations. A full spreadsheet of every grant we have documented from ExxonMobil to organizations involved in climate denial was submitted with my materials. This is also available in electronic form as are all of the supporting documents.

Case Studies in our presentation:

a. 1998 API Memo (see above)

b. Cooler Heads Coalition

The Cooler Heads Coalition (CHC), the longest running climate denial coalition, describes itself as an “informal and ad-hoc group focused on dispelling the myths of global warming...” Translation: a coalition of climate denying organizations, funded through the years by ExxonMobil, the Koch Brothers, the Mercers and other ‘dark money’, who have worked to stall the implementation of effective climate policy since 1997.

A \$95,000 grant from Exxon to Competitive Enterprise Institute likely kickstarted the Cooler Heads Coalition. In subsequent years, Exxon gave over \$11 million to organizations that joined the coalition. This included almost \$3 million in grants that were earmarked for climate change.

*c. Revealing discrepancies and omissions in ExxonMobil financial reports*¹²

In 2004 and 2005, we discovered multiple differences between the way ExxonMobil Foundation grants were described in the Exxon tax forms (IRS 990) and their annual WorldWide Giving Report, usually published around the annual general meeting. Some examples of these omissions and discrepancies:

1. Frontiers of Freedom– the 2005 IRS Form lists \$90,000 for “Climate Change Efforts” while the Worldwide Giving Report lists \$90,000 as “General Operating Support”
2. American Legislative Exchange Council, the 2005 Exxon IRS Form lists three grants; \$80,000 for “Energy Sustainability Project (Climate Change)”, \$20,000 for “Project Support” and \$21,500 for “Climate Change Environmental Outreach”. The Worldwide Giving report for the same year does not list “Climate Change” in parentheses after “Energy Sustainability

¹² ExxonMobil Foundation, “2005 WorldWide Giving Report,” 2005 (available at <https://www.documentcloud.org/documents/1019881-2005-exxon-giving-report.html>); ExxonMobil Foundation, “Form 990,” 2005 (available at <https://www.documentcloud.org/documents/1019882-2005-exxonmobil-foundation-form-990.html>).

Project” and does not list “Climate Change Environmental Outreach” at all but seems to lump that grant under “General Operating Support”.

3. CFACT, the Committee for a Constructive Tomorrow– the IRS 990 lists \$70,000 for “Climate Change & Energy” and \$20,000 for “General Operating Support” while the Worldwide Giving Report lists \$90,000 without any description.

*d. CEI TV Ads*¹³

In 2005, CEI produced two TV ads proclaiming of carbon dioxide, “They call it Pollution. We call it Life.” ExxonMobil Foundation dropped CEI funding the following year.

*e. 1991 ICE Campaign*¹⁴

This was the very first U.S. corporate climate denial campaign, started in 1991 by electric utilities and the Western Fuels Association, a coal lobby group. A key document in the library because it explicitly states the goal to “Reposition global warming as theory (not fact)”.

The campaign had polling showing that vast majority of Americans believed climate change was a threat. They designed an ad campaign targeting “less educated males from large households” and “lower income women” as being pliable.

Patrick Michaels and another scientist were part of this plan as spokespeople.

*f. 2015 Expose of Dr. Willie Soon*¹⁵

Dr. Soon received over \$1.2 million dollars from fossil fuel interests between 2001 and 2015. This includes \$273,611 from American Petroleum Institute, \$230,000 from Charles Koch Foundation, \$335,106 from ExxonMobil, \$409,754 from Southern Company. The key to this five year investigation was revealing the reporting that Soon was giving back to the corporations, where he was showing them peer reviewed articles he had authored as “deliverables” on their grants, while neglecting to report this financial support to the scientific journals.

*g. 2013 CFACT targeting Philippines, denying typhoon risk*¹⁶

¹³ Competitive Enterprise Institute, “*They call it pollution. We call it life.*” 2005.

¹⁴ Bill Brier, Edison Electric Institute, “*Information Council for the Environment Test Market Ad Materials.*” May 2, 1991 (available at <http://www.climatefiles.com/denial-groups/ice-ad-campaign/>).

¹⁵ Justin Gillis and John Schwartz, The New York Times, “*Deeper Ties to Corporate Cash for Doubtful Climate Researcher.*” Feb. 21, 2015 (available at <https://www.nytimes.com/2015/02/22/us/ties-to-corporate-cash-for-climate-change-researcher-Wei-Hock-Soon.html>); M.G. Dyck, W. Soon, R.K. Baydock, D.R. Legates, S. Baliunas, T.F. Ball, and L.O. Hancock, Ecological Complexity, “*Polar bears of western Hudson Bay and climate change: Are warming spring air temperatures the ‘ultimate’ survival control factor?*,” Sep. 2007 (available at <https://www.sciencedirect.com/science/article/pii/S1476945X07000219>).

¹⁶ CFACT Ed, CFACT, “*COP19: Filipino negotiator goes on hunger strike over typhoon.*” Nov. 16, 2013 (available at <http://www.cfact.org/2013/11/16/cop-19-filipino-negotiator-goes-on-hunger-strike-over-typhoon/>).

In 2013, Naderev “Yeb” Sano went on a hunger strike at the UN COP, announcing that the Philippines was being destroyed by climate change-amplified super typhoons. CFACT wrote a blog in response declaring:

“Typhoon activity in the Philippines is normal. despite over-the-top reporting before the typhoon struck (timed perfectly for COP 19) Typhoon Haiyan/Yolanda was not the strongest typhoon recorded in the Philippines. It was the seventh. The Philippines enjoys warm tropical weather. However, with tropical splendor comes tropical storms. This duality is a fact of life in the tropics.

There are no worthwhile science or historical records which support the notion that extreme storms have worsened in the Philippines or elsewhere as a result of a warming planet. We must soberly remind ourselves that global temperatures have not risen since the nineties and that warming to date peaked at less than a degree Centigrade, with only a few years coming anywhere near that.”

h. 1998 Shell predicts lawsuits based on what their scientists knew¹⁷

In 1995 Royal Dutch/Shell Group (“Shell”) initiated a scenario planning process to examine how the company should respond to the forces of globalization, liberalization, and technology. The resulting internal reports, first published in 1998, have now been unearthed by Jelmer Mommers of De Correspondent. Named “TINA” for “There is no alternative” the scenarios anticipate changes in energy consumption, technology, social cohesion, and markets. This is a follow up from a similar exercise from a few years prior and a precursor to Shell’s recent “Sky,” “Mountain,” and “Oceans,” energy outlooks.

The 1998 documents focus on two primary scenarios: The New Game and People Power. Under The New Game, institutions remain strong and adapt to the changing world. While growth continues, environmental management results in a more rapid decline of coal and a stagnant future for oil. “We can scarcely believe we once thought Kyoto wouldn’t succeed.”

Seemingly clairvoyant, Shell predicts a “series of violent storms” hitting the eastern coast of the United States. “Following the storms,” the authors continue, “a coalition of environmental NGOs brings a class-action suit against the US government and fossil-fuel companies on the grounds of neglecting what scientists (including their own) have been saying for years: that something must be done. A social reaction to the use of fossil fuels grows, and individuals become ‘vigilante environmentalists’ in the same way, a generation earlier, they had become fiercely anti-tobacco. Direct-action campaigns against companies escalate. Young consumers, especially, demand action ...”



KERT DAVIES 18 September 2018

Signature and date of signing

¹⁷ Shell Group, “Group Scenarios 1998-2020: TINA Above and Below,” 1998 (available at <http://www.climatefiles.com/shell/1998-shell-internal-tina-group-scenarios-1998-2020-report/>).