Memo to: Metro Ethics Committee: Board Chair Paul Smedberg, First Vice Chair Lucinda Babers, Second Vice Chair Jim Ports, and federal representative Sarah Kline
cc: Metro Office of Inspector General, Metro Chief Counsel Phillip Staub
From: Earthjustice, Northern Bus Barn Neighbors, Sierra Club, Union of Concerned Scientists
Re: Virginia Metro board member Matt Letourneau's conflict of interest
Date: June 15, 2022

Does Matt Letourneau's Conflict of Interest Constitute an Ethics Violation?

Members of the Metro Electric Bus Coalition—Earthjustice, Northern Bus Barn Neighbors, Sierra Club chapters in Maryland, Virginia and Washington, D.C., and the Union of Concerned Scientists—are petitioning you, the Washington Metropolitan Area Transit Authority (Metro) Ethics Committee, to investigate Virginia Metro board member Matthew Letourneau's conflict of interest regarding Metro's plans to continue to buy fossil fuel buses throughout this decade and install new compressed natural gas (CNG) fueling infrastructure.

We believe that Mr. Letourneau is violating Article II, Sections A and D; Article V, Section A; and Article IX, Section A; of Metro's Code of Ethics and therefore should recuse himself from all discussions, deliberations and voting regarding the board's sustainability plans and Metrobus fleet planning.

According to Article II, Section A, board members have a fiduciary duty of loyalty that requires them to "act in the best interests of WMATA and their respective Jurisdiction in carrying out their duties as Board Members, rather than in the Member's interest or in the interest of another person or organization with which the Board Members are personally associated." Article III, Section M, Subsection 8 of the code describes fiduciary duties outside of those owed to Metro as those "owed to a Business by a director, office or general partner of the Business, even without financial remuneration from the Business."

According to Article II, Section D, board members have a fiduciary duty to avoid conflicts of interest in order to "earn and retain public trust through loyal, diligent, honest, faithful, and disinterested service." Pursuant to this duty, board members "shall endeavor to avoid conflicts of interest, refrain from using their positions for personal profit or gain, or for any personal advantage; refrain from the appearance of favored treatment to any person or entity; avoid compromising independence or impartiality; and avoid any other action that is likely to adversely affect the confidence of the public in the integrity of the Board or of WMATA." It is important to note that this duty, and the actions required to fulfill this duty, are incumbent on board members' conduct "regardless of whether specifically prohibited by [the] Code."

According to Article IX, Section A, board members shall not "[u]se their position with WMATA for their own personal financial gain, for the endorsement of any product, service or enterprise in which they have a Substantial Interest or Duty, or for the private financial gain of friends, relatives, individuals, or entities with which they are affiliated, including nonprofit organizations of which they are officers or members, or with which they have or are seeking employment or business relations…."

When a conflict of interest arises, Article V, Section A of the code states that "Board Members with a conflict of interest shall recuse themselves from Participating in any matter in which they have a Conflict of Interest," and "shall not at any time Participate in, attempt to Participate in, or discuss with other Board Members or WMATA personnel, any matter from which the Board Member is recused." As defined by the code, "Participate" means "to vote, address, discuss, or otherwise attempt to influence a decision of the Board of Directors or any action undertaken by WMATA staff."

Mr. Letourneau, who has served on the Metro board since 2019, is managing director of communications and media for the U.S. Chamber of Commerce's Global Energy Institute, a position he has held for more than 13 years. Because the Chamber represents the interests of the oil and gas industry, Mr. Letourneau may have a conflict of interest that would disqualify him from any involvement in issues related to Metro's sustainability and bus fleet planning. As a managing director at the Chamber, Mr. Letourneau also may have a conflict between his duty of loyalty to Metro and his respective jurisdiction (Virginia) as a board member and his duties to the U.S. Chamber of Commerce and its members regarding positions on Metro's sustainability and bus fleet planning.

Mr. Letourneau also has received nearly $20,000 in contributions from oil and gas interests for his political campaigns for the Loudoun County government's Dulles District supervisor, a position he has held for more than 10 years. His top individual contributor is William B. Holtzman, owner of Holtzman Oil, the largest oil company in Virginia. His other contributors include the CEO of the American Gas Association and top officials from the American Petroleum Institute, the largest oil and gas trade association in the country. (See Appendix 1 on page 9 of this memo for a list of his fossil fuel industry campaign contributors.)

If the Metro Ethics Committee finds Mr. Letourneau to be in violation of the spirit—if not the letter—of Metro ethics rules, it should require him to recuse himself from any future deliberations and votes regarding Metro's sustainability planning and participating in deliberations and votes regarding the future of the Metrobus fleet.

Chamber Global Energy Institute Represents the Oil and Gas Industry

Mr. Letourneau's employer, the U.S. Chamber of Commerce's Global Energy Institute, openly promotes coal, oil and gas development. The institute calls for the government to lift barriers to U.S. coal exports and for increased oil and gas production on public land. It also launched what it calls the "Natural Gas, Natural Advantage" (NGNA) initiative "to showcase the benefits that natural gas provides to the economy, environment and national security."

The NGNA section on the institute's website falsely claims that natural gas—which is comprised of 70 to 90 percent methane—is a "solution" for global warming. "Natural gas," it states, "provides a solution to growing concerns about climate change and the future of our planet." In fact, methane is more than 80 times more potent a global warming gas than carbon dioxide during the first 20 years after it is emitted into the atmosphere and more than 25 times as potent over an entire century. Methane is not a solution for climate change. It is a *major cause*.

The institute's pro-fossil fuel position directly serves the interests of the Chamber's coal, oil and gas company members. The association does not disclose its members, but it does post the names of its board of directors on its website, and six of them are high-ranking officials from the following fossil fuel companies: Chevron, ConocoPhillips, Entergy Louisiana, Georgia Power, Sempra Energy and Shell USA.

ExxonMobil, the largest U.S. oil and gas company, does not have a representative on the Chamber board, but the company pledged $5 million in annual installments to help pay for the Chamber's $250-million renovation of its Washington, D.C., headquarters. In 2020, the company donated $250,000 the Chamber's capital campaign, bringing its total confirmed contributions since 2014 to more than $5 million on top of its annual dues, which range from $2.5 million to $4.9 million, according to the company's 2020 lobbying report.

The Global Energy Institute's web pages also mention wind and solar power, stating that they are *becoming* cost-competitive with fossil fuels when in fact they are the cheapest source of new electricity in most of the world today. The institute also falsely claims that wind and solar are only cost-competitive because of state renewable electricity standards and federal tax subsidies, ignoring the fact that fossil fuels have been receiving tens of billions of dollars in federal tax subsidies annually (in today's dollars) for more than a century that dwarf government support for renewables. In 2017, the institute called for phasing out wind and solar tax incentives, but it has not questioned the need for fossil fuel subsidies. In fact, the Chamber successfully lobbied Congress last fall to retain the subsidies, rejecting President Biden's call to eliminate them.

Public Citizen, an organization founded by Ralph Nader, follows the Chamber closely on its Chamber Watch website. This is what it says about the Global Energy Institute:

> The U.S. Chamber of Commerce is one of the leading opponents of laws and regulations protecting the environment. It has consistently fought efforts to combat climate change and is a fierce advocate for increased fossil fuel production, including on federal lands and in offshore waters. It has also worked to block or undermine rules protecting the air we breathe and the water we drink.
>
> The Chamber's Global Energy Institute (formerly known as the Institute for 21st Century Energy) is the public face of the Chamber's energy advocacy. It promotes an agenda that almost exclusively benefits the fossil fuel industry. ... [T]he Global Energy Institute claims to promote an "all of the above" approach to energy policy. In reality, this "all of the above" language is little more than a talking point designed to shield the Chamber from criticism that it is anti-climate and anti-renewable energy. Having once called for putting "the science of climate change on trial," the Chamber realized that it needed to develop a savvier communications strategy.
>
> This rhetorical shift represents little more than an attempt to divert public attention from a concerted effort by the Chamber to strengthen the fossil fuel industry at the expense of renewables and the environment at large. The Chamber's so-called "Energy Revolution" agenda proposes propping up the oil, gas and coal industries by gutting pollution restrictions and expanding drilling access on public lands. At the same time, the Chamber

seeks to inhibit the growth of renewables by eliminating crucial subsidies. Moreover, an analysis of the Global Energy Institute's lobbying and tweeting reveals that the organization almost exclusively promotes fossil fuels, with zero support for alternative energy sources.

The Chamber's Long Track Record of Climate Science Denial

The Global Energy Institute's unabashed support for coal, oil and gas is not a surprise. The Chamber has been a major player in blocking action on climate change going back to the 1990s when it was a member of the Global Climate Coalition, a consortium of corporations and trade associations opposed to government policies that would cut carbon emissions.

In 2009—coincidentally the same year Mr. Letourneau started working at the Chamber—the association's united front on climate change denial began to crack. A handful of Fortune 500 companies—including Apple, Exelon Corporation and Pacific Gas & Electric—quit the Chamber over its opposition to a cap-and-trade bill Congress was considering, and two other high-profile companies—Nike and Johnson & Johnson—retained their membership but rebuked the business lobby for the same reason. Since then, at least a dozen Chamber members, including Hewlett-Packard, General Mills, Mars, Nestlé and Unilever, have headed for the exits.

What do ExxonMobil and the other fossil fuel industry Chamber members get for sticking with the association? Among other things, the business lobby goes to bat for them in court by filing lawsuits against the Environmental Protection Agency (EPA) and in the court of public opinion by funding misleading climate-related reports. A prime example is the Chamber's widely debunked 2017 report that grossly exaggerated the cost to the U.S. economy of complying with the Paris climate agreement. President Donald Trump cited that report as his primary rationale for ignoring the U.S. commitment to the accord, and he officially pulled the United States out in November 2020.

In 2019, the Chamber seemed to take a 180-degree turn, declaring on its website: "Our climate is changing and humans are contributing to these changes. Inaction is simply not an option." Although one could quibble with the assertion that human activity is merely *contributing* to climate change when in fact burning fossil fuels is the main cause, it was a far cry from when the trade association maintained in comments submitted to the EPA in 2009 that "a warming of even 3 [degrees Celsius] in the next 100 years would, on balance, be beneficial to humans."

The Chamber's turnabout, however, was not complete. Although it now concedes the reality of human-caused climate change, it is still pushing private-sector innovation as the solution to the climate crisis rather than much-needed government regulation, which historically has driven technological advances.

So, while the Chamber supports government funding for research and development of advanced nuclear reactors, utility-scale batteries, and carbon capture and storage technology, it backed the Trump administration's rollbacks of the Obama administration's 2015 Clean Power Plan, which would have reduced power plant carbon emissions, and its 2015 "Waters of the United States" rule, which would have protected small streams, wetlands and groundwater from toxic

chemicals. The Chamber also supported the Trump administration's weakening of the 50-year-old National Environmental Policy Act by limiting public input in the infrastructure project approval process and rescinding a requirement that federal agencies consider a proposed project's impact on the climate.

The Chamber did support the United States remaining in the Paris climate accord, but that support included a major caveat. Dan Byers, vice president for policy at the Global Energy Institute, told *Politico* in August 2019 that it is "absolutely important for the U.S. to remain in the Paris climate agreement" but added that the "Obama administration's pledge was unrealistic, [and] was going to have a negative impact on our economy. And so we'd like to see that revisited." In other words, the Chamber wanted the United States to remain a party to the agreement so that it could lobby to weaken the U.S. commitment to it.

In January 2021, after the Biden administration rejoined the Paris agreement, the Chamber issued a press release quoting Global Energy Institute President Marty Durbin welcoming the decision. "The Chamber and the business community," said Durbin, "look forward to engaging with the administration as it considers a revised nationally determined contribution (NDC) for the United States." No doubt, "revised" for the Chamber means rolling back the NDC, but the Biden administration plans to nearly double the original U.S. target, which was cutting carbon emissions by 26 to 28 percent compared with 2005 levels, more than 50 percent.

Letourneau Promotes Continued Metro Bus Fleet Reliance on Fossil Fuels

Mr. Letourneau is the Metro board's most vocal proponent of the ill-advised plan to increase the percentage of compressed natural gas (CNG) buses in the fleet, build a new CNG fueling facility at the Shepherd Parkway garage, and expand CNG fueling capacity at the Bladensburg garage. Below are some primary examples of his misleading statements.

Letourneau's comments at the April 28 Metro Executive Committee meeting

Mr. Letourneau's most recent relevant comments came during a Metro Executive Committee meeting on April 28, during which Metro staff members presented their Sustainability and Zero-Emission Bus Update. He claimed that CNG buses offer "a very significant improvement over diesel," but the facts say otherwise. (For a transcript of Mr. Letourneau's comments during the April 28 Executive Committee meeting, see Appendix 2 on page 10.)

CNG buses are no better than diesel buses: According to a peer-reviewed 2016 study, compared to conventional diesel buses, CNG buses emit fewer nitrogen oxides but 71 percent more carbon monoxide, which aggravates asthma and increases cardiovascular disease, and 2,320 percent more hydrocarbons (including methane, the main component of natural gas), which have been linked to lung disease and neurological problems. The fact is, both diesel and CNG buses emit toxic pollution. Electric buses, by contrast, emit no tailpipe emissions.

Likewise, CNG buses are no better for the climate than conventional diesel buses. According to calculations by the Department of Energy's Argonne National Laboratory, a CNG bus emits only 6.4 percent less lifecycle carbon emissions than a diesel bus and, as the Washington Post

reported last August (which we verified with an Argonne lab spokesperson), CNG buses are responsible for nearly the *same level* of lifecycle carbon emissions as conventional diesel buses in many circumstances because of methane leakage and differing fuel economy.

Hydrogen is not a viable option: Mr. Letourneau also noted that the Metrobus Fleet Plan is "technologically neutral" and wanted to know if Metro is looking into evaluating and testing hydrogen fuel cell buses. Why would he suggest that when, unlike electric buses, hydrogen buses are not ready for prime time and the hydrogen production process produces carbon pollution? Perhaps because most hydrogen today is produced from natural gas, which Chevron, ConocoPhillips, ExxonMobil and other oil and gas industry members of the U.S. Chamber of Commerce would presumably prefer to battery electric technology.

"For now, the hydrogen that is produced globally each year, mainly for refineries and fertilizer manufacturing, is made using natural gas or coal," the Associated Press reported last August. "That process pollutes the air, warming the planet rather than saving it. Indeed, a new study by researchers at Cornell and Stanford found that most hydrogen production emits carbon dioxide, which means that hydrogen-fueled transportation cannot yet be considered clean energy."

"And for now, hydrogen production is adding to rather than reducing pollution," the article continued. "The world produces about 75 million tons a year, most of it in a carbon emission-creating processes involving steam reformation of natural gas."

The bottom line, the AP story concluded, is "[n]o one knows when, or even whether, hydrogen will be adopted for widespread use."

A 2021 Earthjustice report concluded that hydrogen is not a silver bullet to address the climate crisis and is particularly problematic as a fuel solution for buses, cars and short-haul trucks. The report cited a study that found that even when hydrogen is produced from renewable sources, it still requires two to three times more energy than battery electric vehicles because of the amount of energy that is lost in the process of compressing and transporting hydrogen and converting it into electricity in fuel cells.

In any case, transit agencies are beginning to doubt the promise of hydrogen. A transit agency in France, for example, recently abandoned its plans to buy hydrogen buses because of the cost. Montpelier's transit agency announced in January that "it canceled an order for 50 hydrogen fuel cell buses after realizing that it would be cheaper and more efficient to order battery electric buses instead," Electrek reported. The agency calculated that "hydrogen buses [would] be six times more expensive than electric buses because of the cost of operation."

Alexandria DASH system has found electric buses to be more reliable: At the same time Mr. Letourneau touted the unsubstantiated benefits of CNG, he cherry-picked one aspect of the Alexandria Transit Company's DASH bus system experience with electric buses to make it appear as if the agency is having problems with them. In fact, the opposite is true.

Referencing a presentation DASH General Manager and CEO Josh Baker gave on its electric bus program at a Northern Virginia Transportation Commission (NVTC) meeting in November

2021, Mr. Letourneau, who is an NVTC member, said DASH's electric buses "were having trouble with hills. The terrain made a big difference in terms of how you could deploy them."

Putting aside that San Francisco—which is hillier than Alexandria—plans to have an all-electric bus fleet by 2040, five years ahead of Metro, Mr. Letourneau left out some key facts. A video recording of the NVTC meeting shows that Mr. Baker is quite happy with DASH's electric buses, which have been in service since October 2020. The agency currently has 14 electric buses in its fleet, will have 26 by 2025, and plans for all of its buses to be electric by 2035.

Prior to Mr. Baker's comment on the challenge posed by hills, he said that DASH has "seen great success in using [electric buses] and we've recognized already that they are well-received by the community, well-received by the riders, and [by] the bus operators themselves. They also have shown particularly strong performance in regards to range, particularly in stop-and-go urban environments like we have in Alexandria."

During the Executive Committee meeting Mr. Letourneau also questioned electric bus reliability. "And the other thing is just the issues with reliability [of] electric [buses]," he said, "which other systems are seeing…."

A June 2021 study by the Department of Energy's National Renewable Energy Laboratory (NREL) reviewed the performance of 2014 and 2016 model year electric buses and found that their per-bus availability ranged from 67 percent to 88 percent, the high end putting them on par with what the Metro staff found for the conventional diesel bus average. A new electric bus is better than one from six or eight years ago and, in any case, it turned out that general maintenance problems, not bus electrical systems, were the main culprit undermining the electric buses' reliability. "Most of the issues causing downtime," NREL found, "were general bus issues not related to the propulsion system."

The DASH system owns newer electric buses, and—according to Mr. Baker's presentation during the November 2021 NVTC meeting—they not only cost half of what it costs to maintain and operate fossil fuel buses, they also are *more* reliable.

"One of the things to think about is not only the cost per mile, but the cost to the system in regards to the operational reliability," Baker said. "We suffer a lot keeping internal combustion engines on the road. They just frankly stop a lot and they are very heavily regulated, very heavily controlled on emissions and that, frankly, has led to severe reliability issues…. In the long term, as it relates to [electric buses], you have less parts to break, less moving components, [and] less things to maintain, so we're really excited about that…. As long as they're charged, they're out there running."

An October 2020 Sierra Club report estimated that if Metro electrified half of its fleet by 2030, the agency would save $350 million in lifetime bus operation and maintenance costs, cut annual bus carbon pollution by more than 58,000 tons, and dramatically reduce toxic air pollution.

Finally, Mr. Letourneau cited what he considered to be the "logistical difficulties of going to electric in a short time frame" during the April 28 meeting, echoing what he told the Washington Post in June 2021.

Letourneau's quote in a June 24, 2021, Washington Post article

In response to calls for Metro to move more quickly to replace its fossil fuel fleet with electric buses, Mr. Letourneau told the Washington Post in June 2021 that a transit agency the size of Metro "can't turn on a dime."

That statement ignores the fact that transit agencies with comparable-size and larger fleets, including ones in Chicago, King County (Seattle), Los Angeles and New York City, are outpacing Metro. Los Angeles Metro plans to electrify its 2,320 buses by 2030, when *less than 20 percent* of Metro's fleet is scheduled to be electric. The other transit agencies' fleets are scheduled to be all-electric by 2040. Metro's target is 2045.

Letourneau cited in June 10, 2021, DCist article

Last June, after the Metro staff presented the Metro Board Executive Committee its Metrobus Fleet Plan, which—according to our coalition's analysis—was riddled with misleading and outdated information, DCist posted an article about the plan and the board's reaction to it. "The board was generally supportive of the plan, with some even saying Metro should move the program faster," DCist reported. "Others were more cautious. Matt Letourneau of Virginia says bus technology is still evolving and if the new buses don't meet Metro's needs, he said the board should reexamine the issue."

Not only are transit agencies with comparable-size and larger bus fleets moving much faster than Metro to electrify their fleets, smaller bus fleets in the Washington, D.C., metropolitan region also are forging ahead. The D.C. Circulator bus fleet, for example, will be all-electric by 2029, while Montgomery County's Ride On buses, Alexandria's DASH buses and Fairfax County's buses will all be fully electric by 2035. Battery electric bus technology is mature enough for them, and electric buses are apparently meeting their needs.

Letourneau's comments during the November 18, 2020, Metro board meeting

Electric buses are better no matter where they get their electricity: During a November 2020 Metro Board meeting—seven months before the Metro staff presented the Metrobus Fleet Plan to the board—Mr. Letourneau questioned the need to transition to electric buses at all and made it clear he wanted Metro to significantly increase its reliance on natural gas, again what the Chamber's oil and gas members would prefer to a quicker transition to an electric fleet. (For a transcript of Mr. Letourneau's comments during the November 18, 2020, Metro Board meeting, see Appendix 3 on page 11.)

Mr. Letourneau's specific comment—that "it doesn't make a lot of sense to convert to electric buses that will be running on electricity coming from natural gas and then not necessarily invest in CNG buses and then act like we've really done something, because we haven't"—is

demonstrably false. It ignores the fact that electric buses are better for the climate than diesel, diesel-electric hybrid and CNG buses across the country, regardless of their electricity source.

Mr. Letourneau went on to say the benefits of electric buses "depends on where our utilities are. Obviously, many of the utilities themselves have set goals, 2030, 2040, 2050, in terms of where they want their electricity source to come from. But that matters a great deal when we look at the total lifecycle emissions of our fleet."

He is correct. It is critical to consider lifecycle emissions. According to the Department of Energy Argonne National Laboratory's calculations, on average a battery electric bus is responsible for 64.6 tons of lifecycle greenhouse gas (GHG) emissions annually, a CNG bus is responsible for 131.41 tons, and a conventional diesel bus is responsible for 140.3 tons. In other words, CNG and conventional diesel buses are responsible for *more than twice* the amount of carbon emissions as an electric bus and a CNG bus emits only 6.4 percent less lifecycle GHG emissions than a diesel bus. According to an Argonne spokesperson, in many circumstances, CNG buses are *no better* than conventional diesel buses due to "methane leakage and relative fuel economy."

As for the difference between lifecycle GHG emissions from an electric bus versus fossil fuel buses in the Washington, D.C., metropolitan area, a 2018 analysis by the Union of Concerned Scientists (UCS) based on 2016 Environmental Protection Agency power plant emissions data found that electric buses would be responsible for 70 percent lower lifecycle GHG emissions than diesel buses, 65 percent lower than CNG buses, and 60 percent lower than diesel-electric hybrids. Electric grids are now cleaner than they were in 2016, however, so lifecycle electric bus GHG emissions in the D.C. area today would likely be about 5 percent lower.

Conclusion

In sum, Mr. Letourneau represents the narrow interests of his employer, the U.S. Chamber of Commerce, and its oil and gas industry members—and he has received substantial campaign contributions from individuals and companies associated with the fossil fuel industry. The Metro Ethics Committee should determine whether Metro's Code of Ethics requires Mr. Letourneau to recuse himself from any and all Metro board meetings, private discussions, correspondence and votes regarding the status and future of Metro's sustainability efforts and its bus fleet.

Appendix 1: Letourneau's Campaigns Backed by Fossil Fuel Interests

According to the Virginia Public Access Project, Mr. Letourneau— Loudoun County's Dulles District supervisor—has received $19,755 in contributions over the last decade from individuals who work for the fossil fuel industry and related business associations.

$15,000: William B. Holtzman, owner, Holtzman Oil

$1,455: Karen A. Harbert, president and CEO, American Gas Association (former Global Energy Institute president)

$1,250: Christopher Guith, senior VP, U.S. Chamber of Commerce Global Energy Initiative

$600: Samiah Bahhur, pricing specialist, Washington Gas Resources

$400: Stephen Eule, VP for climate and technology, U.S. Chamber Global Energy Initiative

$300: Macchiarola, Frank J., senior VP of policy, economics and regulatory affairs, American Petroleum Institute

$250: Megan Barnett Bloomgren, VP of communications, American Petroleum Institute

$250: Rob Engstrom, senior VP and national political director, U.S. Chamber of Commerce (2011-2018); senior advisor, U.S. Chamber of Commerce (2019-2020)

$250: Washington Gas

Appendix 2: Letourneau's Comments at the April 28, 2022, Meeting

Below is a transcript of Mr. Letourneau's comments during the Metro Executive Committee meeting on April 28, 2022 (emphasis added).

Matt Letourneau: I recall seeing this in the past and I don't think it was in this particular packet, but do you recall what the difference in emissions profile is between the diesel and the CNG buses and what we've seen in terms of emissions reductions as a result of our existing CNG fleet? Can you just remind us of how big that is currently?

Metro Executive Vice President for Capital Planning Tom Webster: You're correct. We did present that as a part of fleet planning effort last year and we would be happy to provide it again to the board for information.

Letourneau: *I recall it being really striking. The fact that the existing fleet alone was driving down emissions very significantly and that really did play a role I think in the board's kind of transition plan understanding the logistical difficulties of going to electric in a short time frame and feeling that CNG buses were providing a very significant improvement over diesel*. And we had already made the infrastructure investments for the most part—at least in two out of three [CNG fueling facilities]. So, that cost was already sunk in terms of adding more to that fleet. *And the other thing is just the issues with reliability [of] electric [buses] which other systems are seeing and we've heard about and kind of the difficulty of procuring buses of any kind, but even especially down the road electric buses and all the issues that are going to come with critical mineral shortages and such.* I think it's wise for us to have a sort of a backup plan because even those systems that want to pursue this as aggressively as possible I think are going to have supply chain issues in being able to do that.

The other question I wanted to ask, which also was part of the discussion, was most of us are talking in the vernacular of talking about electric buses, but *you've always made a point of calling this a zero-emission transition plan which would be more technologically neutral in*

terms or our evaluation and could include things like hydrogen being in the mix as those technologies develop. Could you speak to that a little bit in terms of as we are doing testing and evaluation, are we going to be able to do that with any other source besides electric? If not initially, is that something we would do down the road?

Zero-Emission Bus Program Director Amy Mesrobian: Our goals are technology neutral. They just focus on getting to a zero-emission bus fleet. We are pursuing electric buses in the near term like many of our peer transit agencies because they are the more mature technology and they've been more widely tested and deployed. But in the zero-emission bus transition plan that we are undertaking now, one of the things that the transition plan will do is look at the ability of electric buses and their current operating characteristics and the ability of those buses to meet our bus service needs. And where they fall short we'll look at contingency measures, one of which could be hydrogen fuel cell buses. As we are going through this transition plan exercise, we want to be on the lookout for what future conditions might lead us to change our strategy. So maybe it's an improvement in hydrogen fuel cell technology or a reduction in the cost of the buses or more availability of hydrogen fuel in our region. So we are going to be on the lookout for when these technology and market conditions change in the future and then we will do a deeper assessment if we reach those points of how we would integrate hydrogen fuel cell buses into our mix.

Letourneau: The Northern Virginia Transportation Commission has put together a zero-emission bus working group and I know there has been dialog with WMATA. But that includes all of the Northern Virginia jurisdictions. *I think I mentioned it a few months ago that there was a study Alexandria did using its electric fleet that they provided for us that had some interesting data. You know, operating characteristics. One of them was that those electric buses were having trouble with hills. The terrain made a big difference in terms of how you could deploy them.* I'm sure the technology will continue to improve because it always does. But I think you guys have seen that presentation, right, from DASH. OK, great, I just wanted to make sure that it was part of our dialog and discussion.

Appendix 3: Letourneau's Comments at the November 18, 2020, Meeting

Below is a transcript of Mr. Letourneau's remarks during a November 18, 2020, Metro board meeting (emphasis added):

Letourneau: What is the status of the efforts to add CNG buses to the fleet which we have seen significant emissions reductions from?

Metro Executive Vice President for Capital Planning Tom Webster: The existing fleet plan calls for roughly a balance of CNG and diesel going forward. That plan, as part of our zero-emission bus update, is being evaluated and will be updated. There are now CNG buses operating out of two of our facilities today with a third expected to come online within the next couple of years.

Letourneau: Do we have plans to add more?

Webster: Our existing plan is to balance the fleet to be about 50 percent CNG.

Letourneau: Are we at that 50 percent yet?

Webster: I will have to get back to you on the exact number, but we've been operating towards that number.

Letourneau: I think it's important we don't want to just set goals and then move on to the next goal. I think we want to achieve what we've already set forward in this area and one of the reasons I bring it up is because this is really a discussion a lot larger than us.

Electricity is fine but the question is what's the source of that electricity. Ultimately, the source of lot of electricity in this region, and particularly if we're going to see significant expansion, is going to be natural gas. *So, to me, it doesn't make a lot of sense to convert to electric buses that will be running on electricity coming from natural gas and then not necessarily invest in CNG buses and then act like we've really done something, because we haven't. We've just changed who the users are of the same fuel source. So there's a lot to this*.

Obviously, it depends on where our utilities are. Obviously, many of the utilities themselves have set goals, 2030, 2040, 2050, in terms of where they want their electricity source to come from. But that matters a great deal when we look at the total lifecycle emissions of our fleet. And the reality is, even when they do go to hopefully more solar and wind, they're still going to need backup generation and we have to have backup generation for our buses. One of the concerns here is our needs are going to be very specific at specific times. ...

So, it's fine to set goals and targets but we have to really understand the whole picture of what we're doing. I would like more information about the current fleet and exactly whether we're going to meet what we've already set forth as some of our goals. The bus transformation study, I was actually looking at the language, it didn't commit to anything specifically. It said that we should test and evaluate zero emission including electric buses to add to the bus fleet. That's all it said and I agree with that, we should. So I'm supportive of this but I'm supportive of this effort and it's obviously where all the jurisdictions are going. It's where the utilities are going.

Appendix 4: Letourneau's Anti-Environment, Pro-Fossil Fuel Statements

In his capacity as managing director of communications and media of the U.S. Chamber of Commerce's Global Energy Institute, Mr. Letourneau functions as a Chamber spokesman, representing the interests of the business lobby's fossil fuel industry members. Below is a sample of the anti-environmental and pro-fossil fuel statements he has made in recent years.

Letourneau speaks to reporters in advance of House hearing on oil and gas industry climate disinformation campaign

Last October, the U.S. House Oversight and Reform Committee held a hearing featuring top executives from BP, Chevron, ExxonMobil and Shell, the American Petroleum Institute, and the Chamber testifying under oath about the oil industry's climate change disinformation campaign.

In the run-up to the hearing, a number of reporters quoted Letourneau, who tried to put a positive spin on the Chamber's activities on Capitol Hill.

On the day of the hearing, Letourneau was quoted in a CNN story, "Major fossil fuel executives set to face Congress about climate disinformation for the first time," saying that his boss, Chamber President and CEO Suzanne Clark, "is looking forward to sharing with the committee the work the Chamber has done to forge climate solutions, including many important provisions that will drive the innovation needed to meet ambitious climate goals." He added that climate solutions need to be "durable and bipartisan."

A few weeks earlier, on September 16, 2021, Letourneau was quoted in a New York Times article, "House Panel Expands Inquiry Into Climate Disinformation by Oil Giants," saying that the House committee's leadership had "a fundamental misunderstanding" of the Chamber's positions on climate change. "We've been working hard with members of Congress from both sides of the aisle to enact climate solutions," he said.

In fact, the Chamber has been a major impediment to climate-related legislation and works primarily on one side of the aisle to stymie government action. From 2013 through 2020, 83 percent of the $1.65 million the Chamber spent on federal elections went to Republican candidates, and in the combined 2018 and 2020 election cycles, the Chamber donated $138,500 to 54 climate science deniers—all Republicans.

A September 16, 2021, CNBC story, "Democrats call on oil companies to testify on climate disinformation," also quoted Letourneau, who again said the House committee misunderstands the Chamber's position on climate change. "The Chamber believes that the climate is changing, that humans are contributing to those changes, and that inaction on climate is not an option," he told CNBC. "We know that durable policy is made through bipartisan action, so we've been working hard with members of Congress from both sides of the aisle to enact climate solutions."

Merely stating that "humans are contributing" to a changing climate (virtually the same statement that can be found on the Chamber's website) downplays the central role human activity—mainly burning fossil fuels—has played in triggering climate change, and implies there are other, more significant causes. Last August, the UN Intergovernmental Panel on Climate Change's (IPCC) Sixth Assessment Report concluded that human activities are *unequivocally* responsible for the climate crisis. Of those activities, burning fossil fuels is the primary culprit, not some sort of minor contributor.

Letourneau lobbies to maintain deadly federal air quality standard

In December 2020, the Trump administration rejected setting more stringent standards on soot, the nation's most widespread deadly air pollutant, maintaining that the existing regulations were sufficient even though some public health experts and environmental organizations had argued for more protective limits.

According to an April 7, 2020, Greenwire story, the Chamber lobbied the administration to keep the inadequate PM 2.5 particulate matter (soot) standard, even though a then-new Harvard study

found that COVID-19 "causes a sharply higher death toll among patients in areas with even slightly increased levels of PM 2.5."

"PM 2.5 is already associated with an array of heart and lung problems, including a higher risk of premature death in some circumstances," Greenwire reported. "The connection with the coronavirus's impact appears to be especially lethal, with a small increase in long-term exposure tied to a jump in the COVID-19 death rate that is 20 times that of 'all-cause mortality,' the [Harvard] study says."

"Advocates on both sides are continuing to press their respective positions with the White House," the article continued. "Yesterday, for example, representatives of the U.S. Chamber of Commerce, the American Petroleum Institute and several other industry trade groups met by teleconference with [Office of Management and Budget] and [Environmental Protection Agency (EPA)] officials to echo the [industry-dominated] advisory committee's recommendation in favor of the status quo, Matt Letourneau, a Chamber spokesman, said in an email this morning. Based on EPA's latest air trends report, Letourneau said, yearly annual 'PM 2.5 concentrations have declined by 39 percent since 2000 and 16 percent since 2010 with additional reductions expected in the years ahead.'"

The Union of Concerned Scientists, Environmental Protection Network (an organization of more than 500 former EPA scientists and analysts) and other science-based groups advocated for stricter limits. They were joined by Harold Wimmer, president and CEO of the American Lung Association, who said the Harvard study "provides additional evidence to support a significant strengthening of both the annual and daily [PM 2.5] standards."

Letourneau touts natural gas as a way to address climate change

In a July 12, 2019, column on the Chamber website, "U.S. LNG is Essential to Global Marketplace," Letourneau wrote that the Chamber's "American Energy: Cleaner, Stronger" agenda, "driven in part by natural gas and LNG, continues to help America address climate change through realistic solutions while improving our national economy and our position as a global energy leader."

In fact, methane—the primary component of natural gas—is more than 80 times more potent a global warming gas than carbon dioxide during the first 20 years after it is emitted into the atmosphere and more than 25 times as potent over an entire century. Natural gas does not help America address climate change. It is a *major cause* of climate change. The IPCC's Sixth Assessment Report, issued last August, concluded that slashing methane emissions would be one of the fastest ways to mitigate global warming.

Letourneau endorses Trump administration environmental protection rollbacks

An October 6, 2017, New York Times story, "Courts Thwart Administration's Effort to Rescind Obama-Era Environmental Regulations," quoted Letourneau, who was not particularly concerned about what he considered to be "minor blips" in a "longer-term effort" to eliminate public health and environmental safeguards.

"The rapid-fire push by the Trump administration to wipe out significant chunks of the Obama environmental legacy is running into a not-so-minor complication," the Times reported. "Judges keep ruling that the Trump team is violating federal law."

Letourneau was cited later in the story. "Not everyone is concerned by the court setbacks. Matt Letourneau, a spokesman for the U.S. Chamber of Commerce, called them 'relatively minor blips in a much larger, longer-term effort,' and he noted that the Department of Energy has won recent cases against environmental groups related to the transport of liquefied natural gas."

During the Trump administration's four years in office, it rolled back at least 260 regulations, including more than 100 environmental rules.

###

The Metro Electric Bus Coalition includes: ANS (formerly Audubon Naturalist Society), Chesapeake Climate Action Network, D.C. Environmental Network, Earthjustice, Electric Vehicle Association of Metropolitan Washington, Faith Alliance for Climate Solutions, Green Latinos, Greenpeace USA, Loudoun Climate Project, Maryland Legislative Coalition, Moms Clean Air Force, Northern Bus Barn Neighbors, Northern Bus Garage Community Environment Committee, Sierra Club D.C. Chapter, Sierra Club Maryland Chapter, Sierra Club Virginia Chapter, and Union of Concerned Scientists.