

In 2023, Public Citizen continued its work to build the inclusive and equitable American democracy we all deserve. Even as extremists attempted to weaken critical American institutions and erode our freedoms – including our freedom to choose who represents us – we engaged activists, lawmakers, and media across the country to demand accountability for election subversion and intimidation; protect voting rights; and sound the alarm for emerging threats to our elections ahead of 2024.

Jan. 6, 2021 was a watershed moment for democracy. For years, Public Citizen has led the Not Above the Law coalition in marking the attack on our nation’s Capital. This January, a press conference featuring members of Congress, a former Capitol police sergeant, and an election official discussed the need for accountability and broad democracy reforms that was widely covered by national media. In 2023, we led the coalition organizing nearly 100 events nationwide demanding accountability.

Public Citizen also supported the ongoing investigations into former President Trump and his allies and condemned the politically motivated counter investigations launched by the new House of Representatives leadership. On Aug. 3, 2023, the day of Trump’s arraignment by the U.S. Department of Justice for interference in the 2020 election, we spearheaded more than 70 rallies and press events around the country, continuing to echo the call that “no one is above the law.”

Later, when Fulton County District Attorney Fani Willis indicted Trump and his associates for attempting to subvert the election in Georgia, Public Citizen organized a virtual press event with Representative Nikema Williams, Public Citizen President Robert Weissman, and leaders of the National Organization of Women, Black Voters Matter and People For the American Way that was attended and reported on by dozens of national and Georgia-based media outlets.

## The Threat of Artificial Intelligence (A.I.) in Election Communications

A.I.-generated deepfake technology has developed rapidly over the past year. It can be used to impersonate politicians running for office and depict them doing or saying something they would otherwise never do. In response, Public Citizen has worked – and will continue to work – with legislators in states across the country to pass bills to regulate the use of deepfakes in election communications. Legislation to curb the harmful effects of A.I. on our elections enjoys significant bipartisan support and dozens of bills are moving forward in blue, red, and purple states. So far, bills have passed in Minnesota, Texas, California, Washington, and Michigan, and federal legislation has been introduced by a bipartisan group of senators. Check out Public Citizen’s A.I. bill tracker for the latest.

## Internet Voting

From concerns about the security of voter data to the potential for cyber-

attacks that could stop people from voting, call election results into question, or even demand an election redo, the dangers of internet voting cannot be overstated. Public Citizen, in partnership with members of the Secure Our Vote Coalition, is working to sound the alarm about the dangers of internet voting nationwide. We’ve had much success in holding back potential legislation to expand internet voting.

## Election Protection

Public Citizen is leading the fight to make sure election workers and offices are better protected ahead of the 2024 election. Ongoing attacks against local election officials have hindered already underfunded election offices and jeopardized their ability to administer future elections. One in three election officials surveyed in 2022 knew someone who left their job running elections because they didn’t feel safe, and one in five election officials plan to leave their jobs before 2024.

Fifteen states have passed laws to protect election officials since January 2022 and 15 states have introduced similar legislation, but only a couple have passed laws that protect against insider threats as MAGA extremists are elected or appointed to run elections themselves. Public Citizen is aggressively advocating for passage of bills that protect against all forms of election sabotage, building customized campaigns based on the needs in each state.

## Battling Money in Politics

Public Citizen’s Democracy Campaign continues to address the deep problem of money from billionaires and Big Business that is flooding our elections. In New York, Public Citizen worked with the Fair Elections Coalition to ensure funding for the newly implemented small donor matching public financing program, helped to recruit candidates to utilize the program, train New Yorkers on how to participate, and successfully convinced Governor Hochul to veto a bill that would have undermined the program’s objectives to empower small donors and new candidates.

Public Citizen is supporting efforts to pass public financing in Hawaii, Minnesota, Chicago, and has teamed up with the Declaration for American Democracy coalition to organize a national forum on public financing to build momentum and educate key constituencies.

The broader work to overturn *Citizens United* continues, and has included supporting efforts in the House to gain sponsors on H.J. Res. 13 – the Democracy for All Amendment – and the newly introduced companion resolution in the U.S. Senate. We are also working to support efforts to make Minnesota and Michigan the 23rd and 24th states to call for an amendment by working to pass resolutions in their state legislatures. Whether it was protecting election officials as the upcoming election approaches, working to regulate A.I., or calling for accountability for attempts to subvert elections, Public Citizen has helped lead the critical fights to safeguard democracy in 2023. ■



The Not Above the Law Coalition rallies for equal justice under the law before the arraignment for former President Donald Trump in Washington, D.C. in 2023. Photo by Leigh Vogel/Getty Images for Public Citizen.



# JUSTICE

Public Citizen Litigation Group had a busy – and productive – year. Here are a few highlights:

In March, the Litigation Group filed a lawsuit on behalf of a farmworker alleging that Monsanto and its parent company Bayer discriminated against her because she is not a U.S. citizen. We alleged that the companies refused to allow her to participate in a mass tort settlement program that compensated individuals who developed non-Hodgkin-lymphoma after exposure to the herbicide Roundup. As part of a settlement of our case reached in October, Monsanto agreed that it would not allow immigration status or citizenship to be a factor in assessing any claimant's eligibility to participate in any Roundup settlement. The settlement ends a discriminatory policy that was preventing the people most at risk of injury from exposure to Roundup from participating in mass-tort settlements or even finding trial lawyers willing to represent them.

In July, we succeeded in a long-running case against the Occupational Safety and Health Administration (OSHA). In 2016, OSHA had issued a rule to improve tracking of workplace injuries and illnesses, which required certain types of companies to submit electronically to OSHA three forms detailing their workplace injury and illness data. In 2019, the Trump administration replaced the rule with one that did not require submission of the reports – thus blocking access to them through the Freedom of Information Act. Public Citizen, along with the American Public Health Association and the Council of State and Territorial Epidemiologists, filed suit against OSHA. In July 2023, while the case remained pending, the agency issued a new rule, restoring the reporting requirement—and, thus, restoring public access.

In September, Litigation Group lawyer Adina Rosenbaum argued in the Missouri Supreme Court, in a case challenging a punitive law concerning homelessness. The state law, enacted in June 2022, imposes restrictions on use of state funds for the homeless and criminalizes sleeping on public land. Co-counseling with Legal Service of Eastern Missouri, we challenged the law on behalf of three housing justice advocates, arguing that it violates three provisions of the Missouri Constitution.

In December, the Missouri Supreme Court agreed with us and struck down the law.

In November, Public Citizen lawyer Nandan Joshi had his first Supreme Court argument – the 66th for the Litigation Group. In a case called *U.S. Dept of Agriculture Rural Development Housing Service v. Kirtz*, Joshi argued on behalf of a consumer seeking to pursue a claim against a government agency for violating the Fair Credit Reporting Act (FCRA) by failing to investigate and correct erroneous information that it submitted to TransUnion, a credit reporting agency. Generally, federal agencies are immune from suit under a principle called sovereign immunity. The question in this case is whether FCRA waives the government's sovereign immunity from suit. The court of appeals agreed with us that FCRA does waive the government's immunity. Now we are waiting for the Supreme Court's decision.

Throughout the year, we continued our efforts to assist in cases on behalf of family members whose loved ones died as a result of negligent COVID-19 infection control at nursing homes around the country. In numerous cases, nursing homes have sought to avoid accountability by arguing that the Public Readiness and Emergency Preparedness Act, a statute enacted in 2005 to encourage the production and distribution of vaccines, provided a basis to move cases from state court to federal court, as well as to dismiss the cases entirely.

In 2023, we represented families in three courts of appeals – in Missouri, New York, and Ohio. In all three cases, the courts agreed with us and rejected the nursing homes' arguments, thus allowing the families their day in court.

Now in its 33rd year, our Supreme Court Assistance Project assists attorneys with public-interest cases in the Supreme Court, primarily by helping them to keep their cases out of the court. In 2023, we helped lawyers arguing that the Supreme Court should not take a case in more than 25 instances, serving as the primary drafter of their legal submissions in 10 cases. The cases concern class-action standards, fair wages, and forced arbitration, among other topics. So far this year, our advice and assistance has been successful in each case. ■



Photo courtesy of Mike Mozart / Flickr.



# GOVERNMENT & FINANCIAL REFORM



This year, Public Citizen continued leading the fight to protect our democracy, strengthen our regulatory system, hold Big Banks and Big Tech companies accountable, and more. Here are the highlights from 2023:

## Democracy, Elections, and Ethics

Public Citizen led efforts to prohibit members of Congress and their spouses from trading stocks. We lobbied for Congress to pass the Judiciary Act to expand the number of seats on the U.S. Supreme Court, put in place term limits for justices, and advocated the court adopt an enforceable code of ethics. Thanks to our advocacy, the Office of Government Ethics (OGE) issued guidelines for legal defense funds established by executive branch employees. Unlike the congressional branch, there are no guidelines for legal defense funds in the executive branch. We also successfully opposed a proposed rule before the Commodity Futures Trading Commission that would have legalized gambling on election results.

## Financial Reform

Public Citizen fought back against a month-long House of Representatives effort to block corporations from taking into account or even reporting on social responsibility and environmental goals. We tracked and responded to six Congressional hearings, participated in a sustainable investment caucus press conference, and opposed a slate of anti-corporate responsibility bills. We led a national coalition fighting these and other anti-corporate responsibility attacks.

Public Citizen contributed to a petition for rulemaking at the U.S. Consumer Financial Protection Bureau (CFPB) calling for a rule banning forced arbitration clauses in banking and other financial contracts. In furtherance of this goal, we also helped organize for bi-cameral letter from allies in Congress and co-led a meeting with more than 50 non-profit organizations in support of a petition for rulemaking.

We submitted comments on proposed rules by the U.S. Securities and Exchange Commission (SEC) to require more comprehensive disclosures by private equity firms, disclosures regarding buybacks, and restrictions on insider trading, – along with a comment to the Financial Stability Oversight Council supporting greater oversight of systemically important financial institutions.

Public Citizen helped draft and promote the RECOUP Act, which strengthens the ability of regulators to claw back incentive compensation at failed banks. The bill cleared the Senate Banking Committee with broad bipartisan support. We also promoted legislation to require senior bankers defer a portion of bonus pay and put it into a collective fund that may be forfeited if a bank fails or is found guilty of misconduct.

We also promoted completion of banker pay reform under Section

956 of the Dodd-Frank Wall Street Reform and Consumer Protection Act with continued outreach to financial regulations, including the U.S. Office of the Comptroller of the Currency and the director of the CFPB (in his capacity as a member of the Federal Deposit Insurance Corporation). Public Citizen played a leadership role as core member of the Coalition for Free and Fair Filing, which briefed partners and the Hill on the IRS's proposed free e-filing tool, garnered organizational support for a pilot program, got Hill signatures on a bicameral support letter to the IRS, and coordinated a multi-organization petition to the U.S. Treasury Department, among other tactics.

## Regulatory Reform

Public Citizen and its allies in the Coalition for Sensible Safeguards (CSS) continued to drive support for the Biden administration's Modernizing Regulatory Review reforms, including submitting technical comments on cost-benefit analysis and executive branch meetings about regulations being drafted. We invited coalition allies to join a supportive sign-on comment and, for those preferring to submit their own, shared a model comment draft. The reforms ultimately received more than 4,000 supportive grassroots comments.

We also successfully opposed numerous harmful House anti-regulatory bills like the REINS Act and the Separation of Powers Restoration Act (SOPRA), and the GOOD Act, and increased co-sponsorship of the Stop Corporate Capture Act, a sweeping set of progressive regulatory reforms. With Republicans once again controlling the House, Public Citizen provided ongoing leadership of the Clean Budget Coalition, opposing harmful "riders" (extraneous provisions) attached to annual spending bills. So far, Public Citizen has identified more than 300 poison pills - many of which attack vital regulatory safeguards - that must be removed from any final package.

Public Citizen worked with our champions in Congress to introduce the Asunción Valdivia Heat Illness and Fatality Prevention Act and coordinated a supportive sign-on letter from 120 organizations. We also developed a database of heat alerts issued during the summer of 2023 and helped organize a national week of action. In addition, we increased our involvement with Senate leadership in their efforts to draft legislation addressing the challenges posed by A.I. We developed a series of policy recommendations on generative A.I. and securities and A.I. that were shared with U.S. Senate Majority Leader Chuck Schumer (D-N.Y.), relevant staff at Treasury and the SEC, and nearly two dozen key congressional offices.

Public Citizen also joined a Federal Trade Commission complaint calling for an investigation into YouTube's use of ads targeted to adults on videos meant for children. And we assembled an informal coalition with nearly 550 members to share intel and collaborate on tech policy. ■



# CONSUMER HEALTH & SAFETY

Public Citizen's achievements this year will make medicine more affordable for millions of people. Notable successes range from the start of crucial Medicare drug price negotiations to Colombia's groundbreaking decision to issue a compulsory license to expand HIV treatment. This transformative period measurably advanced the cause of health justice, underscoring the program's vital role in addressing structural barriers that limit access for all people to safe, effective, and affordable drugs and medical devices.

## Medicare Price Negotiation

In October, when the White House announced the first ten drugs selected for Medicare price negotiation under the Inflation Reduction Act (IRA), Public Citizen's Access to Medicines Director Peter Maybarduk called the negotiated drugs list "a watershed moment for medicine affordability." "Drug corporations pretend this is a catastrophe, but I would rather see that money in seniors' pockets than Big Pharma's," he added. The price negotiation is expected to save Medicare \$100 billion over ten years and ease burdens for seniors and people with disabilities. It provides the most significant check on pharma's U.S. pricing power to date.

As the leading organization both defending the IRA and fighting for its expansion, Public Citizen contributed a generation of advocacy to this victory. We filed amicus briefs supporting the Department of Health and Human Services (HHS) against lawsuits by Merck and the U.S. Chamber of Commerce. We pushed HHS to apply the law more aggressively while supporting efforts in Congress to pass broader negotiation powers, and we called for executive action.

## Fair Pricing for Drugs Developed with Taxpayer Funds

Most U.S. government research and development funding agreements ask little in return for substantial public subsidies provided to drug cor-

porations. Public Citizen has long argued that the public deserves fair pricing and other conditions in exchange for its support. In September, the Biden administration took a significant step, announcing the inclusion of a price-control clause in a \$336 million funding agreement with Regeneron for developing a new monoclonal antibody against Covid-19. This marked the first time the administration directly used its leverage to challenge drugmakers' list prices, ensuring that Americans won't pay more than people in other countries for a drug their tax dollars made possible.

Building on this initial step, the administration reinforced the commitment to fair pricing in December with an announcement that the Administration for Strategic Preparedness and Response (ASPR), the federal agency responsible for responding to health emergencies, will now incorporate fair pricing as a standard element in its contracts with drugmakers. This strategic move guarantees that Americans will no longer bear the burden of paying more than people in other countries for health security-related drugs developed with their tax dollars. This progress on fair pricing for taxpayer-funded drugs is a direct result of Public Citizen advocacy and U.S. Sen. Bernie Sanders' (I-Vt.) unwavering stance, providing a potential model for the reasonable pricing of all publicly funded drugs.

## "March-In Rights"

The federal government has the authority under existing law to reduce the price of patented publicly funded medicines at any time by authorizing generic competition, but this authority – known as "march-in rights" – has never been used. In response to Public Citizen's advocacy, the White House announced in December a plan to use march-in authority to reduce the prices of patented publicly funded drugs that are too expensive. "The Biden-Harris Administration believes taxpayer-funded drugs ... should be available and affordable to the public," said the state-



Public Citizen's Peter Maybarduk joins WHO Director-General Tedros Adhanom Ghebreyesus and 200 international participants in Cape Town to formally launch the mRNA Technology Transfer Program. Photo courtesy of MPP Photo Hub.



ment. The arc of the announcement, according to Public Citizen's access to medicines advocate Steve Knievel, was "extraordinary."

Public Citizen has co-signed many petitions to the federal government calling for use of march-in rights to promote access to medicine when patented drugs are priced unreasonably. The White House announcement clarifies for the first time that the high price of taxpayer-funded drugs will be a factor in determining when to invoke march-in rights. "We put a lot of effort into bringing the administration to this position working with other progressive groups and champions on Capitol Hill. It's remarkable that we have a U.S. president saying these things," Knievel added.

### Colombia Issues Compulsory License

Perhaps our most satisfying achievement in 2023 is Colombia's decision to overcome patent barriers to HIV treatment, saving countless lives. The expected "compulsory license" will allow Colombia to cut costs up to 80% by purchasing generic dolutegravir through the Pan American Health Organization. Venezuelan migrants fleeing hardship will receive treatment. With this measure, Colombia is asserting its legal power to prioritize public health over corporate interests and challenging the prevailing power dynamics of pharmaceutical corporations and governments. The move sends a powerful message across Latin America that helps open pathways to neighboring countries like Brazil following suit to access more affordable generics.

Public Citizen has worked with close allies in Colombia toward this power shift for fifteen years, with incremental victories that have helped pave the way. Our role has included technical assistance, advocacy, and dialogue with key stakeholders within health ministries and patent offices. Through sustained cross-border solidarity and collaboration with experts, activists and academics, Public Citizen has helped Colombia confront and resist the patent dominance that has long dictated pricing

terms.

Looking ahead, this action serves as a catalyst for reshaping the narrative around healthcare accessibility. As Colombia stands firm in its commitment to reshape the healthcare landscape, the impact of this decision signals a triumph for health and justice worldwide.

### Covid-19 Emergency Ends

The end of the Covid-19 emergency in March completed one of the access to medicines program's most challenging and meaningful periods of work. Our research, advocacy and campaigning resulted in a much stronger global pandemic response than would otherwise have occurred and helped save many lives. We take consolation from, and some credit for, the new consensus supporting regional vaccine manufacturing and empowerment, as Public Citizen was one of the first groups to call for vaccine self-sufficiency in the Global South.

In December, Gavi, the Vaccine Alliance, approved the establishment of the African Vaccine Manufacturing Accelerator, a financing instrument that will make up to US\$ 1 billion available to support sustainable vaccine manufacturing on the African continent. The facility aims to help manufacturers offset high initial costs of production. Support will predominantly be directed towards vaccines whose drug substance is manufactured in Africa, with initial consideration also given for "fill & finish only" projects using imported drug substances.

Now, pandemic equity initiatives are in design at WHO and leading governments. Public Citizen helped shape them, guiding our global community's evolving public values. We stand up for negotiators against anti-vaxxer attacks. We are not naïve about prospects for a pandemic treaty. But we know the value of example, and we see in measures such as the mRNA Technology Transfer Program, which aims to share technology with developing countries and build vaccine manufacturing capacity in poorer nations, a future that is a little more just. ■

## HEALTH RESEARCH GROUP

2023 was a year of transitions at Public Citizen's Health Research Group (HRG). Our focus on the U.S. Food and Drug Administration (FDA), and the safety and effectiveness of drugs, devices, and medical products, however, remained unchanged. We called out the FDA when it got too cozy with the industries that it regulates, exposed problematic clinical trials and lax medical board oversight of dangerous doctors, and worked to improve patient safety. With our colleagues across Public Citizen, we advocated for stronger health safeguards for workers and a national single-payer health care system. In May 2023, Dr. Michael A. Carome, the Health Research Group director since 2013, retired, and Dr. Robert Steinbrook became HRG's third director. In January 2024, Dr. Sidney M. Wolfe, who co-founded HRG in 1971 and continued to work as the senior advisor, died. There is more about Dr. Wolfe and his extraordinary career elsewhere in this issue (see page 1). Here are some of the highlights of the year.

- In April, the FDA announced its final decision to withdraw approval of the synthetic hormone hydroxyprogesterone caproate (Makena) for the prevention of preterm birth--a decision that we had advocated for since 2019.
- In May 2023, the FDA approved the antipsychotic brexpiprazole for treatment of agitation associated with Alzheimer's dementia, a decision we strongly opposed. In testimony before an FDA advisory committee and in a subsequent letter to the agency, we argued against approval of the drug for this use because it does not provide clinically meaningful benefit and, like all antipsychotics, carries a risk of increased mortality when used in elderly patients with dementia.
- In July, the FDA granted full approval to lecanemab for treatment of Alzheimer's disease, another decision we strongly opposed. We issued a statement denouncing the agency's decision as "misguided and very disappointing." Importantly, a boxed warning about brain swelling and bleeding risks for lecanemab was added to the prescribing information, underscoring the substantial safety concerns.
- In August, we issued a report on state medical boards' disciplinary actions towards physicians. The report showed a decline in serious disciplinary actions in 2019-2021 as compared to 2017-2019. The report found that Michigan had the strongest record of disciplining doctor misconduct; Ohio ranked second, North Dakota third, and Colorado fourth. The District of Columbia, Nevada, New Hampshire, and Georgia ranked lowest. The report called for federal legislation to require state medical boards to use the data in the National Practitioner Data Bank (NPDB) when licensing all physicians and renewing their licenses - so that they can hold wrongdoing doctors accountable, and for opening the NPDB to the public.
- In September, we testified before an FDA advisory committee about the effectiveness of oral phenylephrine as an active ingredient in over-the-counter cough and cold products for the temporary relief of congestion. We argued that oral phenylephrine is not effective and should be removed from the market. After the advisory committee voted unanimously that oral phenylephrine is no better than placebo in treating congestion, we issued a statement urging the FDA to prioritize removal of the drug from the market.
- In December, we petitioned the FDA to highlight the risk of botulism in the labeling of Botox and related drugs and to remove misleading promotional claims from the prescribing information for Botox and Botox cosmetic. The petition was based on evidence in the medical literature published after the drugs were first marketed and a primary analysis we conducted of data from the FDA Adverse Events Reporting System (FAERS), a database that contains voluntary reports of drug-related adverse events. Botox and related drugs are injectable drugs purified from botulinum toxin. The toxin causes botulism, a disease which paralyzes the muscles and can be fatal.

# TAKING ON THE FOSSIL FUEL INDUSTRY

With oil and gas giants rolling in record profits and temperatures soaring to record highs around the globe, Public Citizen worked tirelessly to expose and fight the fossil fuel industry and its allies on Capitol Hill.

From highlighting fossil fuel contributions to lawmakers to uncovering Wall Street giants funding fossil fuel drilling to calling out unfair giveaways to dirty energy companies, we've been relentless in exposing the industry's harmful practices that undermine the interests of the American people.

Public Citizen started 2023 working with allies to expose the fossil fuel industry's cynical exploitation of the war in Ukraine to secure a slew of new contracts to export methane gas (also known as natural gas) overseas, locking in decades of planet-destroying emissions in the process.

Our report "Liquefied Natural Cash," written with partners at Friends of the Earth and BailoutWatch, revealed that much of the gas export boom will be sent to Asia rather than Europe. Fossil fuel industry lobbyists had claimed increased exports were needed to assist European consumers who lost access to Russian gas. These gas export contracts will do massive climate damage, representing 351 million metric tons of CO2 emissions per year – equivalent to the yearly emissions of 94 coal plants.

We also delved into the fossil fuel industry's long standing support of lawmakers in Congress. Our study "Fossil Favors" found that the 50 most oil-friendly U.S. House of Representatives members received a combined total of \$27.9 million over their careers from fossil fuel interests, with more than \$24 million going to Republicans and \$3.6 million to Democrats. These lawmakers have consistently done the oil industry's bidding, seeking a return to the drill-everywhere, climate-denying policies of the Trump administration.

Another Public Citizen analysis dug deep into a growing – and

disturbing – trend of investments by private equity firms in oil and gas drilling. Working with our allies at the Private Equity Stakeholder Project, we identified private equity investments in nearly 2,700 oil and gas wells on federal and tribal lands, across the western United States, raising the risk that taxpayers could be left with a cleanup bill of up to \$380 million.

These buyout firms have a history of buying up businesses in declining industries, extracting profits and then filing for bankruptcy once the assets the company owns become worthless. That means federal and state officials must be on high alert as they enforce environmental regulations and requirements that ensure that oil and gas drillers do not saddle the public with the cost of cleanup by filing for bankruptcy.

The report identified 19 private equity firms, including Blackstone, Carlyle Group, Apollo Global Management, KKR, and Warburg Pincus, that have invested billions of dollars into fossil fuel companies in recent years, investing in 35 different oil and gas companies that received permits to drill on federal lands since 2017.

Public Citizen also pushed back on an effort by oil and gas lobbyists and their allies on Capitol Hill to halt a sensible and long overdue Biden administration rule to charge fossil fuel companies more to ensure that taxpayers do not cover oil and gas cleanup costs, which range between \$35,000 and \$200,000 per well on federal lands. Public Citizen's analysis found that U.S. taxpayers could be expected to pay up to \$18 billion to clean up oil and gas wells on federal lands unless federal requirements require fossil fuel companies to fully cover cleanup costs.

Industry lobbyists are downplaying the risks of another oil and gas bust as the industry rakes in record profits. But the current boom won't last forever, and the U.S. government needs to be prepared for the next bust. Despite oil industry and Republican pushback, strong regulations for the fossil fuel industry are sorely needed. ■

# DOCUMENTING AI HARMS

In 2023, generative artificial intelligence systems like OpenAI's ChatGPT burst onto the scene. Big Tech corporations started making big promises, hyping the potential for the technology to make life easier and deliver unprecedented wealth. At the same time, technologists started raising concerns about A.I.-driven risks, from misinformation to job losses to world destruction.

Public Citizen reports cut through the hype and focused on the facts in order to raise awareness of concrete risks and help lead the charge toward policymaking that puts the public interest ahead of Big Tech's recklessly profit-focused vision for A.I. progress. In April, Public Citizen's "Sorry in Advance!" report documented clear and present harms caused by this emerging technology in five broad categories:

**Damaging Democracy:** How generative A.I. tools can allow bad actors to mass produce deceptive political content while increasingly powerful A.I. tools make it harder to distinguish authentic audio and video recordings from fakes.

**Consumer Concerns:** How businesses using generative A.I. to maximize profits are poised to use these tools to gobble up data, manipulate consumers, and concentrate advantages among the biggest corporations while scammers use them to engage in increasingly sophisticated rip-off schemes.

**Worsening Inequality:** How generative A.I. tools risk perpetuating and exacerbating systemic biases such as racism and sexism while giving bullies and abusers new ways to harm victims.

**Undermining Worker Rights:** How companies developing A.I. tools build their models using exploited human labor while automating media creation, risking deskilling and replacing human media-production.

**Environmental Concerns:** How training and maintaining generative A.I. tools require massive amounts of computing power, demanding huge amounts of electricity and contributing to the climate crisis.

In September, Public Citizen followed up with a report on the deployment of deceptively human-like A.I. systems. The report, "Chatbots Are

Not People: Designed-In Dangers of Human-Like A.I. Systems," shows that technology businesses are poised to use deceptive design techniques to make chatbots seem as human-like as possible. These counterfeit people – chat tools that seem like humans or, soon, human-appearing avatars that sound like real people – are already being developed and deceptively deployed. The report noted significant risks emerging from the development of these systems, including:

**Counterfeit people that can deceive users into believing they are real.** A.I.-driven chats, audio systems that imitate human voices for phone conversations, and realistic animated digital avatars for face-to-face online interactions are rapidly developing in ways that allow counterfeit people to plausibly pose as real people.

**Conversational A.I. systems that attract, deceive, and manipulate users through design features that make them seem human.** Even conversational systems that are clearly labeled and understood as synthetic can trick users into believing there is a sentient mind behind the machine. Such systems can manipulate users in commercial transactions and isolate users by taking on social roles ordinarily filled by real people. They can manipulate users and validate harmful thoughts, encouraging self-harm and harming others.

**Human-like A.I. systems that are fine-tuned for persuasion and manipulation.** Corporations and others seeking to persuade or influence members of the public are in the earliest stages of exploring how they can use A.I. tools to make customized and personalized appeals that prey on individuals' weaknesses.

While the reports raise alarming concerns, there is good news. Despite the industry push to continue developing and releasing recklessly risky A.I. products at an increasingly rapid pace, there is still time to establish norms, laws, and regulations to protect the public from the abuse and misuse of generative A.I. Regulators and lawmakers do not need to wait – they need to act to protect the public. And Public Citizen will continue producing cutting edge research in order to ensure that government action is as effective at protecting the public as possible. ■



During 2023, the climate crisis worsened, visiting severe weather, hurricanes, fires, and floods on every corner of the United States. As the impacts of climate change touched off a crisis for insurance companies, individuals have found themselves wondering if their homeowners or auto coverage could be scrapped as these companies look for ways to mitigate their financial risk.

The year was also marked by significant steps toward building a regulatory system that considers the impacts the climate crisis will have on banks and on the financial system as a whole. In addition, Public Citizen's Climate Team has ratcheted up our work to push automakers and the Biden administration to embrace Electric Vehicles (EVs). Our team also launched efforts to build out greener supply chains – a vital effort at ensuring every part of future transportation is as climate friendly as possible.

## Climate-related Financial Regulation

Public Citizen's Climate Team has continued to advocate for the Federal Reserve, Treasury, and other bank regulators to implement robust climate-based standards for banks and to encourage large financial institutions to act on net-zero transition plans. Financial regulators in the U.S. are responsible for preventing climate-related harms to banks, especially those that could cause problems that ripple through financial markets in the future.

In January, Jerome Powell, chairman of the U.S. Federal Reserve, minimized his regulators' role in addressing the impacts the climate crisis could have on the global financial system. Yet, as the year inched forward, climate-based threats to the financial system only grew, and Powell's remarks seemingly gave little thought to the physical impacts of climate change.

In March, the collapse of Silicon Valley Bank underscored these risks. Throughout the crisis, Public Citizen's Climate Team drew parallels between what happened in California to what is on the horizon for fossil fuels. The boom-bust cycles of oil and gas companies have threatened bank solvency in the past and the Federal Reserve must be made aware of a potential reprise of this reality, driven by climate risk.

As a result of years of advocacy by Public Citizen's Climate team and our allies, in October, the Federal Reserve Board, Office of the Comptroller of the Currency, and the Federal Deposit Insurance Corporation issued interagency "Principles for Climate-Related Financial Risk Management for Large Financial Institutions." This marked the first major step by U.S. banking regulators toward protecting the banking system and economy from climate-related financial risk.

"These principles have taken far too long to produce, but they are a solid start," said David Arkush, director of Public Citizen's Climate Program. "Financial regulators must move swiftly to provide more detailed guidance on several issues, including scenario analysis, how to design credible strategies to meet public net zero commitments, the need for a margin of conservatism when assessing multiple types of risk, and how to meet fair lending obligations while mitigating climate-related financial risks that disproportionately affect low- and moderate-income communities."

## Climate Crisis' Impacts on Insurance

In the early months of summer, State Farm General Insurance Company, Allstate Insurance Company, and American International Group Inc. (AIG) announced major cutbacks on accepting new homeowners insurance applications – all of California in the case of State Farm and Allstate, and in 200 zip codes nationwide, in the case of AIG. All three cited rising exposure to the catastrophic impacts of climate change.

Addressing the impact of climate on insurance availability, Public Citizen's Climate Team has fiercely advocated for the U.S. Treasury Department's Federal Insurance Office (FIO) to obtain transparent data

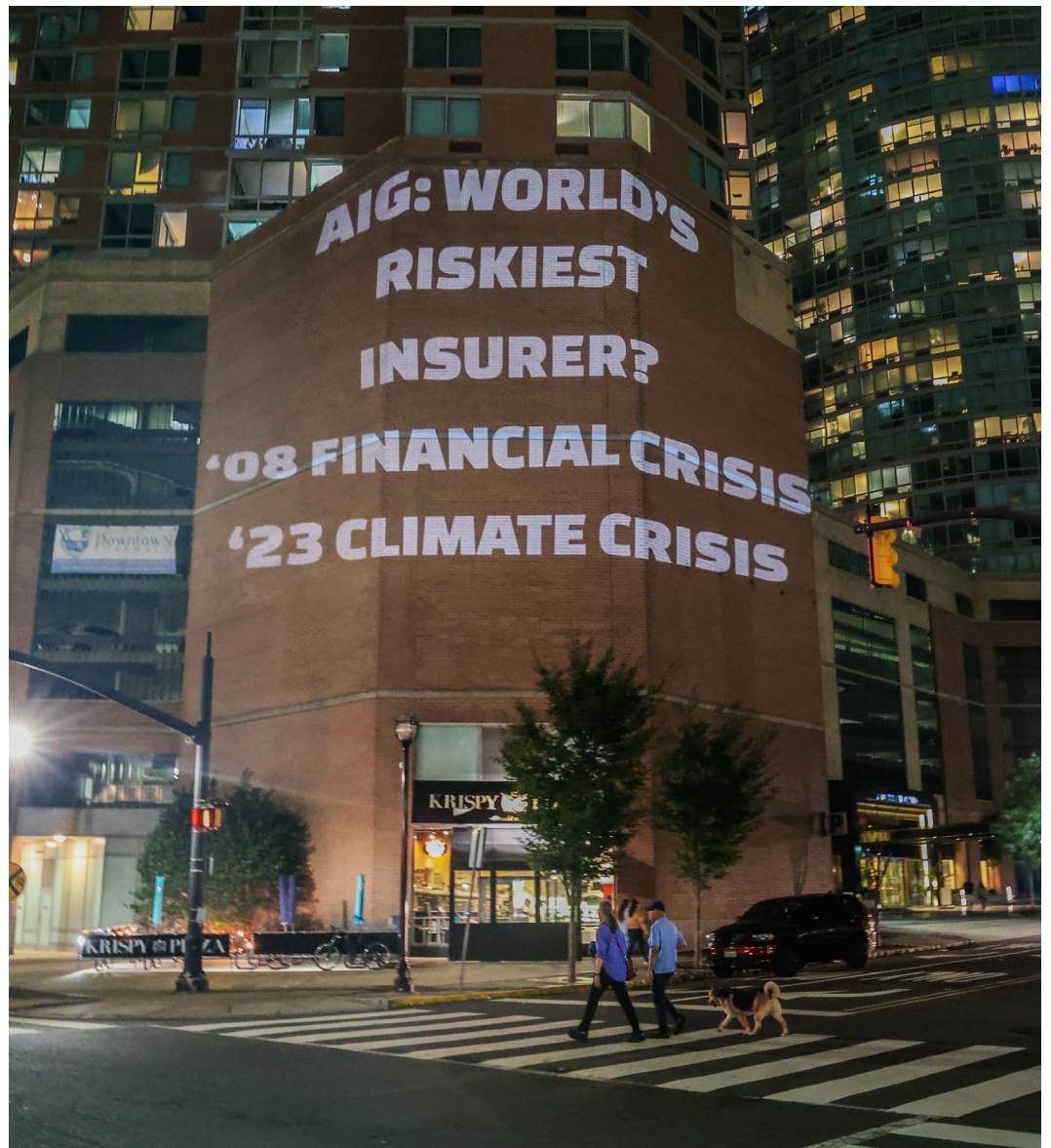


Photo courtesy of Kerrina Williams.

from insurance providers to assess climate impacts on insurance affordability nationwide.

Climate-driven severe weather – including fires, floods, hurricanes, and drought – has wreaked havoc in insurance markets across the country. The rising frequency and severity of disasters are driving up the cost of insurance and destroying some insurance markets entirely by rendering areas "uninsurable." In November, the FIO agreed to our request and finalized the office's proposed Climate-Related Financial Risk Data Collection.

## Pushing Toyota to Build More EVs

Throughout 2023, the Climate Team's campaign against Toyota accelerated, pressuring the company to put more EVs on the road and to build out a supply chain that has as small an impact on the climate and environment as possible.

In December, Public Citizen filed a complaint with the Federal Trade Commission (FTC) alleging Toyota misled consumers by marketing the company's gasoline-powered hybrid cars as electric vehicles. As the maker of the Prius, Toyota was long considered a leader in the field of clean cars. But now the market is shifting rapidly toward electric vehicles, a technology Toyota spent years ignoring, which puts the company at risk of losing millions of environmentally conscious customers.

The campaign has taken on the automaker across the country. From disruptive actions at NASCAR events and a TV and digital ad campaign, to direct actions at some of the nation's largest car shows, we have relentlessly pressed for a commitment to zero-emission vehicles.

## Fighting Fossil Gas

With a focus on fossil gas, our petitions to the U.S. Department of Energy, warnings to FERC, and challenges to natural gas trading markets underscore our commitment to challenging the status quo. By engaging in hearings, submitting comments, and initiating campaigns against LNG export terminals, we've stood firm in our resolve to mitigate the impact of fossil gas on energy markets. ■



# GLOBALIZATION & TRADE

The past year has seen a dramatic shift in the domestic debate around what rules should govern the global economy. Public Citizen's Global Trade Watch spent 2023 fighting the corporate-rigged trade models of the past and advancing a people-focused trade model prioritizing transparency, inclusivity, sovereignty, and strong labor and environmental standards.

Together, Public Citizen and our supporters made important advances on trade policy, but our hard-fought wins are constantly being challenged by corporate lobbyists. Biden administration officials now routinely speak about the damage done by the corporate-dominated trade policies pursued by both parties since the 1990s. Spurred by decades of political pressure, there is a new mainstream understanding that past trade agreements have robbed unions of bargaining power, depressed wages across industries, worsened inequality, and gifted new powers to behemoth corporations. As a result, the administration has announced its goal to design a new model of trade policy by foregoing problematic investment, intellectual property, market access, and procurement provisions in order to design trade policies that put people and the planet first.

Similarly, the administration's decision not to pursue investor-state dispute settlement (ISDS) in future trade deals has created a profound momentum among civil society. ISDS allows foreign corporations to sue taxpayers over any policy that allegedly "threatens" their profits. While Biden has committed to leaving this system out of future trade deals, congressional pressure is mounting to additionally remove this system from existing trade deals.

We also made some important progress in helping convince the United States Trade Representative decided to withdraw support for problematic "digital trade" provisions that would have restricted the United States' ability to regulate Big Tech companies in the public interest. This decision marks an important movement away from the deregulatory agenda Big Tech companies have been aggressively pushing in recent trade deals.

We still have a long way to go, but the Biden administration's ongoing transition away from the corporate trade model is no doubt a result of civil society's relentless organizing. Some additional successes from this year:

## Aligning Trade Policy With Climate Goals for a Just Transition

- We helped organize a letter with over 190 state legislators from all 50 states calling for the World Trade Organization to agree that its rules cannot be used to attack any country's climate policies.
- We joined several labor unions and environmental organizations in urging the Biden administration not to concede to other nations' objections to U.S. climate legislation.
- We submitted comments to the IRS insisting that the United States adhere to enforceable labor and environmental standards in all upcoming trade deals related to the procurement of critical minerals.
- Our concerns about various critical minerals trade negotiations have echoed through Congress, with U.S. Representative Alexandria Ocasio-Cortez (D-N.Y.) even raising the issue in a House Natural Resources subcommittee hearing.

## Advocating for the Removal of the Shady ISDS System

- We delivered a letter with over 200 labor, environment, faith, and human rights organizations calling for the removal of ISDS from existing trade

agreements.

- In response to a staggering ISDS lawsuit filed by a U.S. investor against Honduran taxpayers, we worked with House and Senate offices to deliver a letter with 33 congressional signers calling for the elimination of the ISDS system in trade and investment agreements in Latin America.
- After the Canadian company behind the Keystone XL Pipeline filed a lawsuit against U.S. taxpayers for halting the disastrous oil project, we worked with House and Senate offices on a letter with over 40 congressional signers explaining the devastating risks to the environment if the ISDS system remains intact.
- We compiled a database of 30+ egregious ISDS cases to serve as a resource for communities and individuals interested in investigating the impact of this dangerous tribunal system.

## Shaping the Indo-Pacific Economic Framework (IPEF), a Trade Deal Covering 40% of the Global Economy

- We joined 400 national and state civil society groups in a letter to President Biden listing our demands regarding digital trade, labor standards, and transparency in IPEF.
- Thanks in part to our outreach, all 33 members of the House Democratic freshman class signed onto a letter that mirrored civil society demands for IPEF.
- We organized a congressional town hall, a teach-in, and a boisterous rally outside IPEF negotiations in Detroit, a city all too familiar with the costs of pro-corporate trade pacts.
- In November, despite extreme pressure to announce the conclusion of IPEF by the time President Biden hosted Asia-Pacific leaders in San Francisco, our organizing alongside allies inside and outside of Congress led the Biden administration to announce that they would not be rushing the trade pillar to ensure that "worker-centered trade" commitments are fully met.

In addition to all of the above accomplishments, we have continued to facilitate the Digital Trade Alliance's global research and advocacy presence, serving an important role globally to counter the influence of Big Tech.

The Biden administration's recognition of the need for a new trade model is encouraging, but the monumental task of actually creating that "worker-centered" policy has only just begun. While we conclude this year celebrating our accomplishments, we look forward to taking on the challenges and opportunities ahead. ■



Outside a meeting of the Asia-Pacific Economic Cooperation in May 2023 in Detroit, local labor leaders, environmental advocates and economic justice activists call for the Indo-Pacific Economic Framework (IPEF) to include strong, enforceable labor and environmental terms and no special privileges for Big Tech. Photo courtesy of Rick Osentoski/AP Images for Public Citizen.



Multiple legislative sessions. An impeachment trial. Local victories for the climate and public health. 2023 was as busy as ever for Public Citizen's Texas office. Below are some milestones.

### The Texas Legislature

The Texas Legislature meets for 150 days in odd-numbered years — but this year went a little differently. Gov. Greg Abbott, pursuing a far-right agenda that appears more focused on corporations than people, kept lawmakers in Austin for almost all of 2023 during multiple special sessions. Public Citizen focused on the Texas Commission on Environmental Quality (TCEQ). The TCEQ, criticized for failing to take action against corporate polluters, was under Sunset review. This independent audit is an opportunity for reform. State lawmakers had no interest in real reform, but they did approve some fixes that Public Citizen supported:

- Increasing the maximum daily fine for the worst pollution incidents from \$25,000 to \$40,000.
- Expanded opportunities for public participation in TCEQ decisions.
- Permit applications and draft permits are now online.

### Impeachment of Ken Paxton

Texas Attorney General Ken Paxton has been plagued by scandal since his election. In 2023, he was finally impeached by the House, though he avoided any real accountability with an acquittal in the Senate. Public Citizen called for Paxton's resignation following the damning House report that resulted in his impeachment. While Public Citizen believes overwhelming evidence against Paxton existed, only two Senate Republicans agreed.

Paxton still faces multiple legal problems, including a securities fraud trial and a reported federal grand jury investigation for alleged corruption. Public Citizen is calling for action to fix problems identified during impeachment. Lt. Gov. Dan Patrick, for example, accepted \$3 million from a PAC allied with Paxton. As president of the Senate, Patrick was the presiding impeachment judge, and his post-trial comments caused many to question his impartiality.

### Austin

In 2023, Public Citizen pushed the Austin City Council to act on the climate crisis. In November, Public Citizen marked two years since Austin Energy dropped its promise to shut down its portion of the Fayette coal-burning plant by the end of 2022. Public Citizen was back at City Council to remind members of their original promise and demand they deliver on it.

Public Citizen secured other victories in Austin. We supported expanding the composting ordinance to include multi-family homes like apartments. Organic waste in landfills creates methane, the most potent greenhouse gas. Compost collection keeps these wastes out of landfills. The expansion closed a gap that prevented many residents from using this city service.

A new program Public Citizen has advocated is under development at Austin Energy. The Standard Offer for Distributed Solar allows property owners to lease their roofs or other space for solar arrays. Solar energy reduces environmental impacts and strengthens the local grid. Austinites can earn money by investing in solar, and these distributed installations add capacity to Austin Energy's Community Solar program.



### San Antonio

Public Citizen's campaign to kill coal paid off in 2023. DeeDee Belmares, our clean energy advocate in San Antonio, spent months as a member of the CPS Energy Rate Advisory Committee (CPS is San Antonio's municipal energy utility), campaigning for a new electricity resource plan. In January, the utility pledged to ditch coal at the J.K. Spruce Station, the last of its plants to use it. In a major victory, CPS announced that it will close one Spruce coal unit. San Antonio has proposed converting the second unit to burn fracked gas, but Public Citizen is asking the city to reconsider.

Public Citizen organizer Debra Ponce supported weatherization efforts to help residents access federal money to reduce their electricity bills. In 2024, the Public Citizen team will work to ensure that San Antonio's residents have access to the cleanest, cheapest electricity available.

As 2023 ended, San Antonio's mayor and city council voted to increase energy prices for residents. Public Citizen asked for an expert to represent consumers in the process. Although we weren't successful this time, council members agreed with us that future rate increases should be informed by an expert consumer advocate.

### Houston

Public Citizen's Houston team grew in 2023. In late 2022, Erandi Treviño joined as an organizer and to work with the Healthy Port Communities Coalition (HPCC). Later, Allure Anoma joined as a transportation policy associate to advocate for the Port Houston Authority to transition to cleaner equipment.

The Houston team worked to minimize the impacts of Project 11, a billion-dollar expansion of the Houston Ship Channel that will see more ships — and pollution — in Houston. The project will generate tons of dredged material that will be dumped in port communities without adequate safeguards to keep harmful chemicals from polluting neighborhoods. Public Citizen and HPCC have established a line of communication with Port Houston, the U.S. Army Corps of Engineers, and the U.S. Environmental Protection Agency to limit the project's impact.

### Dallas

Gasoline-powered lawn equipment is terrible for the environment. By one estimate, a two-stroke gasoline-powered leaf blower spews as much pollution in a half hour as a large pick-up truck going from Texas to Alaska.

Public Citizen supported a line item in the Dallas city budget to allocate \$750,000 in grants to help residents switch to electric lawn equipment. It is the largest appropriation by any city to reduce pollution from lawn equipment. ■



people of access to care, Sid was outraged. The anonymous people injured or killed by those actions or inactions were just as precious as anyone he knew.

Sid's sense of injustice about drugs, devices and a health system that imposed avoidable and needless suffering reflected the underlying science. Sid carried out cutting-edge research of the highest caliber. Under his leadership and the standards he established, the positions Health Research Group stakes out and advocates are rooted in science and evidence.

When we recommend against approval of a drug, for example, it's because the available data shows that its risks are too great. Sure, sometimes there are judgment calls. But Sid saw that in the overwhelming number of cases when the FDA sided with a drug company against our recommendation, it was ignoring the best science, responding instead to improper influence and refusing to uphold its core public health and consumer protection mission. With lives and people's well-being at stake, outrage was exactly the right response.

Sid first partnered with Ralph Nader to call attention to a deadly problem with intravenous fluids. In early 1971, a doctor phoned Sid to complain about the government's failure to ban contaminated intravenous fluids. Hundreds of patients who had received fluids from Abbott Laboratories had developed severe bacterial infections, and dozens had died.

Instead of ordering a product recall, the government merely warned doctors to watch for infections and stop using the fluids if they spotted any. Sid called his then-acquaintance Ralph, who suggested they write to the U.S. Food and Drug Administration (FDA) demanding a ban and release the letter to the press.

Within a few days of the letter hitting the news, Abbott recalled the contaminated fluids. "I was very surprised that we'd won," Sid said. "It was very satisfying to see that if you did your homework and had the facts on your side, you could succeed."

During those early days at Public Citizen, Sid told Ralph that the Health Research Group job would be the last one he ever had. He was true to his word.

Sid said that he learned from that initial experience with Abbott fluids that 1) government agencies are often in possession of clear, unequivocal evidence and not

using their powers to get documented serious hazards off the market; 2) "government agencies must have outside pressure to use their authority to save lives and injuries." Generating that outside pressure became his mission.

Sid headed the Health Research Group from 1971 until 2013, when at the age of 76 he handed the reins over to Dr. Michael Carome. Sid didn't retire. Instead, he remained at Public Citizen and continued his work, although, as he proudly said, he downgraded his hours to 45 or so a week. Mike Carome was an extraordinary director of Health Research Group until retiring earlier this year. Sid kept working. In July, Dr. Robert Steinbrook became the third director of the Health Research Group. Full of vigor until diagnosed with a brain tumor, Sid had planned on working for many years more with Robert and the team at Health Research Group.

Sid innovated a whole new way to advocate for drug and medical device safety and public health through his approach of research-based advocacy. This involved doing academic-level, independent, rigorous analysis of safety and efficacy information. But the goal wasn't to publish in academic journals (although Sid often did); it was to deploy that analysis for advocacy campaigns to get dangerous products off the market or advance health and safety policies. That meant bringing the evidence to policy makers and pressuring them to respond to the evidence and public health, rather than corporate entreaties. It meant translating the information to easy-to-understand language for the public, so they could demand appropriate change.

Research-based advocacy meant getting information to consumers, and in this, too, Sid was endlessly creative. With his colleagues at Health Research Group, he published multiple editions of *Worst Pills, Best Pills*, a monumental book that provided people with information about the side effects of medications and warned of drug interactions. With the first edition in 1988, the book sold 2.5 million copies — the proceeds from those sales helped pay for Public Citizen's headquarters building. *Worst Pills, Best Pills* has been supplemented by a website, [WorstPills.org](http://WorstPills.org), which is updated regularly, and *Worst Pills, Best Pills News*, a monthly newsletter. Sid appeared regularly on the Donahue Show — Phil Donahue became a close friend of Sid's and of Public Citizen — explaining in authoritative and easy-to-understand terms the risks of various

medicines and the best available alternatives.

Sid's body of work and his achievements — accomplished in partnership with amazing colleagues in Health Research Group, other Public Citizen staff and allies outside the organization — are jaw-dropping. Under Sid's guidance, Public Citizen:

- Helped to force 28 dangerous medications off the market, limiting the use of 10 more and adding strong warnings to dozens of others.
- Pushed the Occupational Safety and Health Administration to set more than a dozen worker-protective health standards.
- Testified before hundreds of FDA advisory committees urging against approval of dangerous drugs and devices, and for limited use or strong warning labels of others, with substantial influence over countless decisions and helping prevent many dangerous products from ever making it to market.
- Won a ban of Red Dye No. 2, obtained warning labels about Reye's syndrome on the side of aspirin bottle, and helped impose restrictions on silicone breast implants.
- Sold 2.5 million copies of *Worst Pills, Best Pills*.
- Documented weakening standards at the FDA following passage of the first Prescription Drug User Fee Act, which made drug companies a major revenue source for FDA.
- Won earlier public access to safety and efficacy information for products being considered for approval by the FDA, enabling more effective advocacy by consumer advocates.
- Advocated for decades against drug company marketing of dangerous opioids and demanded accountability for the drug companies and the corporate CEOs who fueled the deadly opioid addiction epidemic.

That mind-blowing list is very abbreviated. Sid and colleagues also did vital and path-breaking research and advocacy on doctor discipline, mental health, tobacco, pharmaceutical marketing, drug company payments to doctors, medical devices, health insurance and the imperative of Medicare for All, unnecessary Cesarean sections, unregulated supplements, medical resident work hours, and more.

Sid helped build Public Citizen into the vital and durable institution it is today. He made a name for the organization by making a

difference. He inspired legions of medical students and made Public Citizen a name admired in the public health community — and feared by Big Pharma. He reached millions of consumers with his health information and literally helped enable us to buy the building where I sit writing this remembrance.

For half a century, Sid taught so much to all of us at Public Citizen, myself very much included: How to be strategically creative and innovative. How to translate expertise into policy talk and, even more importantly, public messaging. How to use the media to disseminate information and demand change. How to do research and maintain standards of excellence. The need to insist on accountability. How to operate with integrity and fearlessness. The power of persistence and never giving up. How to stay motivated for the long haul. Why passion makes a difference. Never to accept injustice. How to make a difference.

Sid and I grew very close in our more than a decade working together, rooted in our collaborations and also our bond as native Clevelanders. When I came to Public Citizen, Sid helped me immensely, in ways large and small, get settled in. Over the years, I came to admire him and his work all the more, to enjoy his sly and sometimes silly sense of humor, and appreciate his humanity, decency and friendship.

As we remember him, we know this: Sid saved the lives of tens and tens of thousands of people, almost none of whom will know the debt they owe to Sid. There's just no way to know about the drug that might have killed you but didn't because it was pulled from the market or never approved — due to Sid's work.

Very few of the millions of people who benefited from safety warnings that Sid and his colleagues forced onto drugs will know why they were able to avoid serious health problems. The millions and millions of workers who avoided exposure to workplace toxins and hazards because of rules that Sid and colleagues forced into place will never know how Sid protected them from dangers and disease.

None of that was of any concern to Sid. He knew that Health Research Group's work had made (and continues to make) a difference, he knew the impact on real people, and he was proud of the work. At age 86, he had intended to continue that work. We will honor the awesome achievements of the great Dr. Sidney Wolfe by doing exactly that. ■



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the extraordinary generosity and commitment of our donors, who make our mission and goals their own. This list includes 2023 leadership donations.

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