



# Ramping Up Low-Cost Monkeypox Vaccine Production

BY LIZA BARRIE

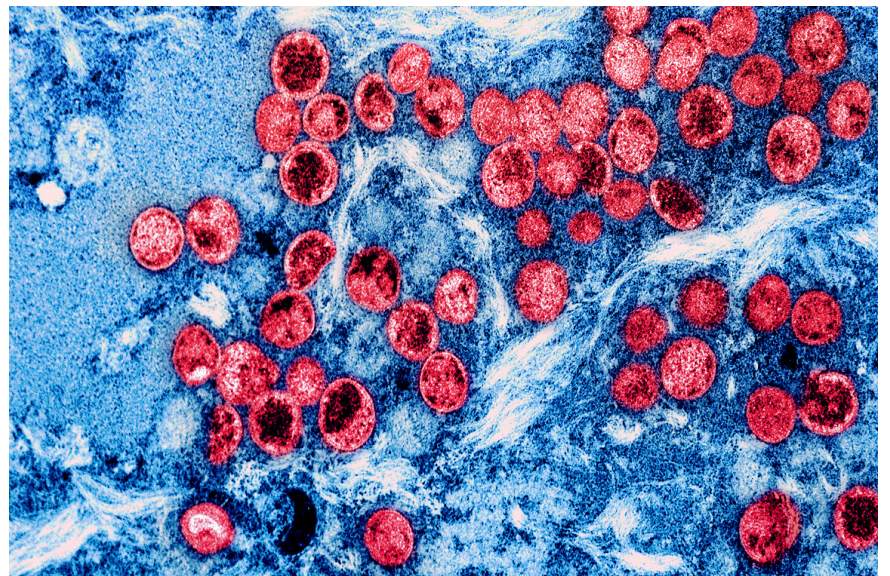
The monkeypox outbreak in the U.S. is slowing, with more than a million vaccine doses administered since May, but efforts to contain the virus worldwide have been uneven. More than 77,000 cases have been reported around the world, with patchy testing likely concealing the true scale of the outbreak.

The World Health Organization (WHO) has extended the emergency designation for the ongoing global outbreak, first declared in July, as it struggles to generate a coordinated global response. WHO says a lack of fair access to

monkeypox vaccines, tests and treatments are all hampering efforts to control the dangerous disease.

Now, new Public Citizen research reveals that Bavarian Nordic, the company producing the most widely used monkeypox vaccine — called Jynneos — is charging \$110 per dose, while similar vaccines can be made for \$4 or less per dose. This exorbitant price may be discouraging countries from placing vaccine orders they need to contain monkeypox, which is now circulating in 109 countries, up from seven coun-

see **Monkeypox**, page 8 ►



Colorized transmission electron micrograph of monkeypox virus particles (red) found within an infected cell (blue), cultured in the laboratory. Image courtesy of NIAID.

## Public Citizen Weighs in On Medication for Prevention of Preterm Birth

BY RHODA FENG

A U.S. Food and Drug Administration (FDA) advisory committee voted overwhelmingly in October to withdraw approval of an ineffective drug for the prevention of preterm birth.

Public Citizen had petitioned the FDA in 2019 to withdraw approval of the drug, Makena

(hydroxyprogesterone caproate), arguing that the drug never should have been approved by the FDA in the first place.

“Public Citizen applauds the near-unanimous recommendation of the FDA to remove Makena from the market,” said Dr. Michael Carome, director of Public Citizen’s Health Research Group. “This science-based recommendation was the only logical outcome.”

Hydroxyprogesterone is a synthetic hormone that is administered once a week beginning at 16 weeks of gestation and continuing until 37 weeks of gestation. It can be self-administered with an autoinjector.

Preterm birth, which is defined as birth prior to 37 weeks of gestation, is a significant public health problem that affects one out of every ten infants in the U.S. It is a complex disorder that most often occurs spontaneously. Black race, low or high maternal age, infections, carrying more than one fetus (twins, triplets or more),

see **Makena**, page 4 ►

## Three Cities Pass Medicare for All Resolutions

BY RHODA FENG

In a show of growing momentum for Medicare for All, Denver, Colo., Gainesville, Fla., and Kent, Ohio all passed city council resolutions in October backing a nationwide universal healthcare program, sending a strong signal to Congress that their constituents care about ending for-profit

see **Medicare For All**, page 11 ►

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# GET TO KNOW PUBLIC CITIZEN CHEYENNE HUNT-MAJER

An ongoing series profiling Public Citizen leaders and staffers



If you're active on the social media platform TikTok, you may have come across content from Cheyenne Hunt-Majer. One of Public Citizen's newest members, the highly charismatic Hunt-Majer quickly proved herself to be a virtuoso at using the platform, creating pithy explainer videos that distill essential news stories into easily digestible clips.

As Public Citizen's Big Tech Accountability Advocate, Hunt-Majer brings her expertise in legislative advocacy and democracy-focused tech policy to bear on many of her videos. Many have gone viral, putting her in true "Tok of the Town" territory. She has amassed several thousand followers and her videos have been "liked" more than 2 million times. Her output (she creates several videos a week) is only matched by the range of topics she has covered. She has explored how social media platforms are profiting from ads designed to suppress voting in key midterm election states; laid out the connection between video games and violent extremism; and exposed censorship on the social media platform Truth Social. In the below interview, Hunt-Majer, who has a law degree from the University of California, Irvine School of Law, discusses her work at Public Citizen and being very online.

### Can you describe your path to working at Public Citizen?

**Hunt-Majer:** I've always wanted to work in politics, so I went to law school with that goal in mind. I found a lot of purpose working with the Office of the United Nations Special Rapporteur on Freedom of Expression. There, I realized that some of the most pressing issues of the coming decade would be at the intersection of technology and democracy. Over the last few years, this has proven to be the case. Between Facebook

leaking user data that was used to influence a presidential election and an insurrection that was substantially incited online, it's become increasingly clear that the fate of democracy may be determined by tech policy.

### What has been your favorite part about working at Public Citizen?

**Hunt-Majer:** Public Citizen gives us the freedom to pursue projects that interest us so long as they fit within our portfolio. I've pitched some really out-of-the-box ideas, like my research on Trump's social media app Truth Social. While a lot of other people may have thought the platform was a joke, my team backed me up and we ended up being the first to uncover some serious issues with content moderation on the platform.

### What does your average day look like?

**Hunt-Majer:** A big part of my job is being chronically online. I generally start by looking at breaking tech news and try to think about things from a different angle. For example, when the Facebook whistleblower Frances Haugen came forward and revealed that the company had knowingly promoted hate speech, fake news, anorexia, election manipulation, violence, and white supremacy, among other things, everyone was pushing the Federal Trade Commission to act. Instead, I worked on a bill that would empower Facebook's own shareholders to fire Mark Zuckerberg and elect responsive leadership (as the majority of them had been trying to do for years). I try to find creative approaches like this to rein in Big Tech.

### What is one thing you're hoping to achieve in the coming year?

**Hunt-Majer:** I'd like to get my bill passed to bring true shareholder democracy to companies like Meta (the new name for Facebook). If Big Tech executives knew that they could be held accountable for their misconduct, I suspect they'll be a lot more responsive to criticism. ■

— Compiled by Rhoda Feng

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Rhoda Feng



# Assessing November's Election

As I write, the results of November's Election — one of the most consequential in our nation's history — are not yet final.

But it's clear that we avoided a worst-case scenario. Aside from small issues, the election and the count went smoothly. Election deniers did relatively poorly and most of the newcomer election deniers running for key state positions lost.

Progressives won some crucial victories.



**PRESIDENT'S VIEW**  
**ROBERT WEISSMAN**

A host of new, exciting progressive voices will join the next Congress. Pro-democracy ballot measures passed in Arizona, California, Connecticut, Maine, and Michigan. Measures to secure abortion access won in California, Michigan, and Vermont. Voters in Nebraska passed a

\$15 minimum wage, and a number of other important ballot measures prevailed.

But for all that, it's equally clear that our democracy remains in grave danger. And the risks will be even more severe in 2024 with the White House up for grabs.

The fact that things worked relatively well yesterday shows that our democracy *can* survive.

But with a fascistic movement continuing to gain steam across the country — a movement that will make it harder for people of color to vote, will sabotage our elections, and has already demonstrated its willingness to use violence — there is no guarantee that our democracy *will* survive.

That's frightening, but true.

How things play out depends entirely on us.

Obviously, things are still shaking out from the election. Control of the House and Senate will make an enormous difference.

As we look forward, we see two overarching themes and areas of work: advancing a progressive populist agenda and mobilizing to protect democracy.

## Advancing a Progressive Populist Agenda

Far too many people in our country feel left out and left behind. They think the system — politics and the economy, both — is rigged. And they are not wrong.

Some of them have been lured by fake populists. Some have given up on politics. A great many of them are frustrated and despairing.

To speak to this despair, we need to present an aggressive, progressive populist appeal.

We are going to use all of our advocacy tools to advance — and to encourage the Biden administration to embrace — an agenda that

speaks directly to the problem of corporate power.

Here's what that means:

- Facing down Big Pharma and its inhumane profiteering. Yes, we need far-reaching legislative action. But the administration also has tools it should use now to tackle medicine monopolies.
- Confronting Big Money dominance of our election, starting by ending secret spending. The DISCLOSE Act would outlaw Dark Money. On its own, the administration could force large corporations that contract with the government to disclose their political spending.
- Ending Big Oil's rip-offs by imposing a windfall profits tax on the industry.
- Taxing corporations and the rich. The Inflation Reduction Act was a positive step, but we are far from a fair tax system. Everyone knows it, and it breeds disgust.
- Defending and expanding Social Security and Medicare. Republicans have announced they want to cut these vital programs. We must not just defend but fight to strengthen and expand them.

As important as these issues are individually, their combined message is even more critical: We have to shift power from corporations to people.

We have to do these things because they will improve people's living conditions and make the country more fair and just.

And we have to do these things to preserve our democracy, to pull people away from the fake populist authoritarian movement that threatens democracy itself.

## Mobilizing to Protect Democracy

We also, of course, must mobilize directly to protect, preserve, and advance our democracy.

We're going to do everything in our power to do exactly that.

Four years ago, we pulled together what has now become the largest major, nationwide pro-democracy coalition.

I don't have space to list all the town halls, rallies, creative actions, petitions, emails, letters and telephone calls to members of Congress and government officials, letters to the editor, lobby meetings, and much, much more that we have facilitated over the past few years.

Now, after all that, we have to ratchet things up even more.

Here's an overview of what we're planning:

- Demand January 6 accountability and the prosecution of former President Donald Trump.

We'll be holding nationwide rallies on the anniversary of the insurrection to push for accountability.

- Win resolutions and ordinances in cities, towns, and counties across the nation, calling for January 6 accountability, protecting the right to vote, and implementing strong legal protections for election workers against threats and intimidation.
- In the lame duck session of Congress, win passage of the Electoral Count Reform Act, which will close a loophole that Trumpists have cited in their attempts to justify election sabotage.
- Working with in-state allies, continue our intensive organizing in key states — including Arizona, Michigan, Wisconsin, and others — to block legislation and other maneuvers that undermine election integrity.
- Lobby and organize for the transformative Freedom to Vote Act, putting every member of Congress on the record as for or against democracy.
- Advocate with the Biden administration for an executive order forcing large corporations that receive government contracts to disclose their political spending.
- Build out our student engagement program

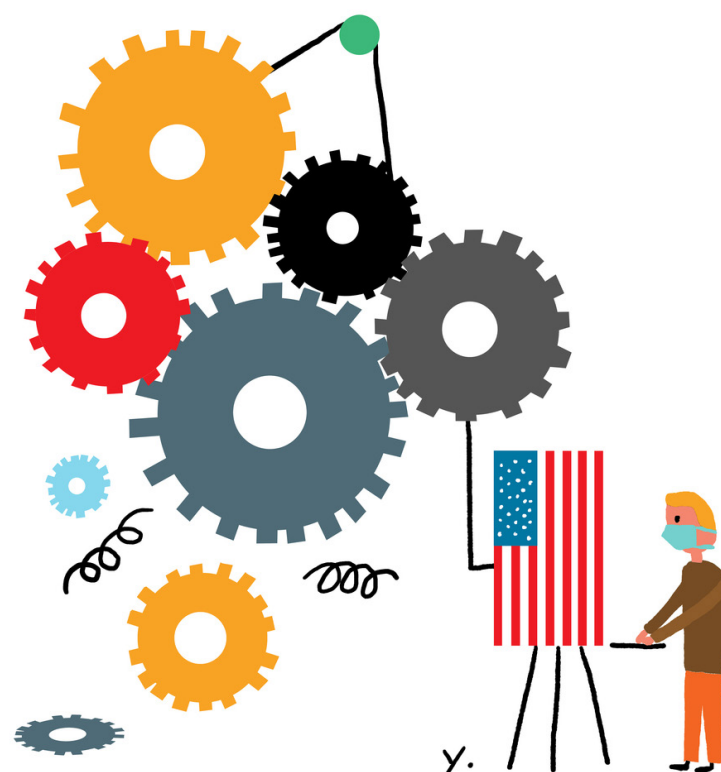
*Robert Weissman*

to engage thousands of students all across the country in pre-democracy work.

- Mobilize. Mobilize. Mobilize.

Fascists depend on fear, intimidation, isolation, and people hiding.

We will respond with love, togetherness, public visibility, and a relentless public defense of our democracy. ■



Graphic courtesy of James Yang.

smoking and late prenatal care are just some of the many risk factors associated with preterm birth. Babies born too prematurely may experience lifelong disability, developmental delays, and even death.

The FDA approved Makena in 2011 through an accelerated approval process. Using the process, the FDA can approve a drug intended to treat serious conditions based on its effect on a surrogate endpoint, which is thought to correlate with health benefits, rather than proof that it actually improves health. The FDA can also require that the manufacturer conduct another trial after approval (known as a postmarket trial) to verify that the drug does have meaningful clinical benefit. If the required postmarket trial fails to show such benefit, the FDA can withdraw approval of the drug.

**“We urge Commissioner Califf and Chief Scientist Bumpus to expeditiously act on this recommendation and finalize the agency’s proposal to withdraw the approval of Makena. Such action is long-overdue.”**

—Michael Carome, director of Public Citizen’s Health Research Group

Makena’s approval was based largely on evidence from a single, flawed trial that did not provide any evidence that the medication reduced the rate of fetal and neonatal health problems and death. A large majority of an FDA advisory committee that was convened in 2006 to consider whether the agency should approve Makena concluded that a reduction in preterm birth before 37 weeks of pregnancy was not an adequate surrogate endpoint for predicting a reduction in fetal and neonatal (newborn) health problems.

Nevertheless, the FDA eventually approved Makena but mandated that Makena’s manufacturer conduct a larger randomized post-

market clinical trial to confirm that the drug provides clinically meaningful benefit. That trial, which was completed seven years later, found that the drug is not effective for preventing preterm birth or major complications related to preterm birth. Public Citizen then petitioned the FDA to withdraw approval of the drug.

In his October testimony to the FDA advisory committee, Dr. Carome highlighted the significant flaws and limitations of the clinical trial supporting approval of Makena and explained why it failed to provide substantial evidence of effectiveness. He emphasized that it is inconceivable that the FDA would have approved Makena if

the data from the postmarket trial showing no benefit had been available prior to approval.

A final decision on whether to remove Makena from the market will be made by FDA Commissioner Robert Califf and Chief Scientist Namandjé Bumpus.

“We urge Commissioner Califf and Chief Scientist Bumpus to expeditiously act on this recommendation and finalize the agency’s proposal to withdraw the approval of Makena,” said Carome. “Such action is long-overdue. It is unacceptable to continue to expose women and their fetuses to the known and potential risks of the drug.” ■



Graphic courtesy of Shutterstock.



# Rampant Banker Misconduct in the Absence of Dodd-Frank's Executive Pay Rule

BY DAVID ROSEN

Financial regulators still need to curb inappropriate banker risk-taking by creating and implementing an executive pay rule, according to a report Public Citizen released in September. An executive pay rule was required by the 2010 Dodd-Frank Wall Street Reform and Consumer Protection Act, and the law even included a deadline for implementing it set in 2011. Yet despite repeated instances of fraud, bribery, abuse, and misconduct in the banking industry in the decade since then, the rule has yet to materialize.

"When bankers seek to maximize their compensation by any means, the devastation can be enormous, as we saw in the Great Depression and Great Recession," said Bartlett Naylor, financial policy advocate for Public Citizen

and author of the report. "Money-laundering that fuels drug lords and tyrants, bribery that undermines government development programs and public trust, and consumers paying fees on accounts they didn't open were all the result of inappropriate behavior by bankers. The time is now for financial regulators must propose a strong rule implementing Section 956."

The report documents numerous infamous instances over the past decade of inappropriate risk-taking that a strong executive pay rule under Section 956 of Dodd-Frank might have constrained or prevented entirely:

- JP Morgan lost \$6 billion in flawed derivatives bets known as the "London Whale," which was connected to plan to boost senior executive pay;

- Goldman Sachs bribed Malaysian government officials to win lucrative bond underwriting deals, which also involved the embezzlement of more than \$1 billion;
- Wells Fargo's untenable quotas pressured customer service agents and tellers to create fake accounts to boost senior executive pay linked to account growth metrics; and
- Supporters of a OneWest merger flooded regulators with suspect endorsement letters in a deal that promised a \$24 million payout for the CEO.

In 2022 alone, there were numerous cases linking executive compensation to fraud and investor abuse by banks, including:

- A fake account scam at U.S. Bank;

- Abuse in student loans by Navient;
- Investor abuses by Allianz, Schwab, First Republic Bank, and Credit Suisse; and
- Violations of rules for monitoring potential money laundering at USAA Federal Savings Bank and Wells Fargo.

Public Citizen believes that an effective executive pay rule must do the following:

- Ban stock options at Wall Street banks;
- Ban executive hedging on bonus pay; and
- Require that a significant portion of banker pay be deferred for 10 years as insurance against potential misconduct that is uncovered later.

Public Citizen will continue to lead the fight for a strong executive pay rule. ■

## Wells Fargo's Fake Accounts

Account growth was one of the long-standing metrics for Wells Fargo's senior employee pay bonuses. The bank wanted its customers to have not one or two, but as many as eight ("go for gr-eight") connections to the bank, such as a checking account, a credit card, a mortgage, and more.

Wells Fargo reported these account connections, known as "cross-selling," as a key indicator of how it could manage growth. When it acquired other banks, such as Wachovia, employees faced pressure to show how those cross-selling numbers would continue to rise steadily.

That satisfied shareholders who might otherwise have been concerned that growth would lead to management complications. Satisfied shareholders meant a rising stock price, and as a result, greater senior management pay.

Public Citizen documented this decades-long dynamic in a 2016 report, "The King of the Cross-Sell."

Whistleblowers alerted their superiors and eventually the media that many of these cross-selling figures were fabricated. Bank employees created fake accounts to meet quotas. Wells Fargo fired many of these line employees, but senior managers nevertheless retained their bonuses.

Eventually, the U.S. Consumer Financial Protection Bureau (CFPB) and the City Attorney of Los Angeles brought charges for these fabrications and leveled a record fine against Wells Fargo.

When greater scrutiny of the bank followed, even more abuses were revealed, and eventually the CEO resigned. The fruits from this fraud amounted to \$130 million in compensation for the CEO and millions more for other senior managers.

## Navient's Student Loan Deceptions

In January 2022, 39 state attorneys general won a \$1.85 billion settlement from student loan servicing giant Navient to resolve allegations of widespread unfair and deceptive practices and abuses in originating predatory student loans.

Since 2009, Navient had steered struggling student loan borrowers into costly long-term forbearances instead of counseling them about the benefits of more affordable income-driven repayment plans.

Navient compensates its executives based on several factors, including "fee income." The firm explains that "fee income emphasizes the continuing importance of our fee-based businesses, which generate income through loan servicing [and] asset recovery." In addition, the CFPB alleged that Navient's compensation policies for its customer service representatives "incentivized them to push numerous borrowers" into these forbearance plans that were inferior for the student but more profitable for Navient.



# Nopetro's Proposed Liquefied Natural Gas Export Facility in Florida

BY PATRICK DAVIS

At a small church in the town of Port St. Joe, Fla., Tyson Slocum, director of Public Citizen's Energy Program, gathered with community leaders in October for the city's first briefing on a proposed facility at the local port. If built, it would destroy longstanding plans to sustainably redevelop the local shoreline. For many of the attendees, it was the first time they had heard of plans to build a new fossil fuel export terminal in their historically Black community, just blocks away from their homes and schools.

Prior to the hearing in Port St. Joe, Public Citizen filed a lawsuit against the Federal Energy Regulatory Commission (FERC), alleging that the commission had fallen short of its duty to regulate fossil fuel export facilities by failing to require Nopetro, the company seeking to build the terminal, to undergo an environmental impact assessment ahead of construction.

As part of the hearing held by Public Citizen, Slocum told residents he was looking for help fighting the project. The lawsuit named several locals who feel they are directly impacted by the liquefied natural gas (LNG) export project.

The meetings in Port St. Joe and the lawsuit are the latest chapters in Public Citizen's objection to the project. The proposed site of the LNG export facility was once home to a papermill, which closed down in 1999, and was also once the economic engine of the city. The mill, which was adjacent to a historically African American community, has been subject to several community-driven redevelopment plans, the most recent of which looked toward tourism to bring in profits.

As members of the community planned for the future, Nopetro eyed the site for a LNG export facility, and in March 2022, petitioned FERC to exempt it from the commission's oversight.

At issue in Public Citizen's lawsuit against FERC is a decision by the commission to allow a new type of export facility for LNG to be built without the customary environmental impact assessment.

In the first six months of 2022, the U.S. exported 29% of the natural gas extracted across the country, according to a report by Public Citizen released in October (see story on page 7).

While portions of the gas exported leaves the country in

pipelines, most of the gas that moves overseas is liquified at a temperature of -260 degrees Fahrenheit. The LNG is then piped onto large tanker ships to be exported around the world. However, the proposed facility at Port St. Joe would fill specially designed shipping containers equipped with high-pressure LNG tanks, allowing them to be stacked on container ships alongside other cargo.

Nopetro's April petition to FERC asserted that their new natural gas liquification terminal should be exempt because the site of the liquification is 1,329 feet away from the place where the gas would be loaded onto the ships. The idea is that, because trucks would drive the containers the short distance to container ships, that Nopetro's facility does not meet the definition of an LNG terminal and is therefore exempt from the requirement for an environmental review.

"If FERC's exemption granted to Nopetro is allowed to move forward, it will blow a huge loophole through federal oversight of such LNG export facilities, subjecting other coastal communities to the risks that Port St. Joe faces, and accelerate

the climate crisis," said Slocum. "The commission's unwillingness to properly regulate these export terminals exposes communities of color to risks of pollution and safety risks."

Public Citizen has argued that if Nopetro's facility is allowed to move forward, FERC would be shirking its responsibilities under the Natural Gas Act, which states that "The Commission shall have the exclusive authority to approve or deny an application for the siting, construction, expansion, or operation of an LNG terminal."

"The company wants to cut corners," Slocum told News 13, a local TV station. "They don't want to deal with that comprehensive environmental review because it costs money and I would say to a community that if a company isn't willing to commit the financial resources to conduct a comprehensive assessment to show that its facility is safe, then you don't want that company operating in your community."

In the coming months, both sides will submit their briefs to the U.S. Circuit Court in Washington, D.C., where the case will be heard. Oral arguments will likely take place in the summer or fall of 2023. ■



In October, Tyson Slocum, director of Public Citizen's Energy Program, met with community leaders in Port St. Joe, Fla. Photo courtesy of Dayna Reggero.



# Fossil Fuel Industry Seizes on War to Push Fuel Exports, High Prices

BY ALAN ZIBEL

The fossil fuel industry has exploited the war in Ukraine to promote continued increases in oil and gas drilling, plus construction of pipelines and export terminals, while Americans pay higher prices to heat our homes and fuel our cars.

Exports of oil and natural gas extracted in the U.S. have ramped up dramatically in recent years, allowing the fossil fuel industry to increase profits and raise prices for domestic consumers. Public Citizen's analysis of U.S. Energy Information Administration data found that:

- Nearly 30% of U.S.-produced crude oil was exported in the first half of 2022 – more than double the amount sent abroad five years ago in the first half of 2022. In that six-month period, 3.4 million barrels per day of crude oil were exported from the U.S., nearly three times as much as in 2017, when about 1.2 million barrels per day of crude were exported.
- More than 20% of U.S. natural gas production was exported in the first six months of the year. That was up from 11.5% in 2017 and 6.6% in 2015. About 591 billion cubic feet of natural gas per month, including 336 billion cubic feet of liquefied natural gas (LNG), was exported. Natural gas exports are more than double 2017 levels.

The surge in exports stems from two seismic developments in the U.S. energy market: The decision by Congress in 2015 to repeal a 40-year ban on most crude oil exports and the construction of natural gas export terminals on the Gulf Coast.

"In a matter of years, America has become the largest fossil fuel exporter in the world, upending domestic energy markets and exposing U.S. households to punishing energy burdens," said Tyson Slocum, director of Public Citizen's energy program. "It is simply not in the public interest to justify overseas exports that result in increased

energy poverty and energy insecurity for tens of millions of Americans."

As the price of gasoline and natural gas has soared over the past year, it has become increasingly clear that unregulated exports have left U.S. consumers even more exposed to volatile global energy markets. Soaring exports of liquefied natural gas are resulting in much higher natural gas prices, and this trend is likely to worsen.

A survey of oil and gas firms by the Federal Reserve Bank of Dallas found that nearly 70% believe that this year's expansion in LNG exports to Europe will end the age of inexpensive U.S. natural gas within three years.

Public Citizen, along with many climate advocacy, conservation, and environmental groups argue that U.S. policymakers must ensure the fossil fuel industry does not exploit the current crisis in Europe to lock in climate-destroying carbon emissions for years to come and further incentivize destructive drilling on public lands and offshore waters.

Over the past year, the Biden administration has pivoted from emphasizing the need to scale back domestic drilling to promoting fossil fuel exports and increased production to ensure adequate energy supplies for Europeans over the coming winter. While the need for short-term help in Europe is plain, several studies show that existing fossil fuel infrastructure in the U.S. will be able to handle the increased demand.

The oil and gas industry is taking advantage of the current crisis to propose export projects that won't be built for many years, far too late to help Europe with the present crisis. Instead, they will lock in massive amounts of carbon and methane pollution, delaying urgently needed global action to ensure humanity can mitigate the climate crisis and damage frontline communities on the Gulf Coast. More oil and gas exploration is incompatible with the urgent international goal of limiting the most catastrophic climate harm.

To stem climate damage and cushion consumers from volatile energy prices, Public Citizen recommends the following steps:

- Congress should place

a windfall profits tax on oil and gas producers and exporters, taxing excess profits and sending the proceeds back to Americans. Doing so would ensure that giant oil companies don't pocket all the profit from skyrocketing prices unrelated to their cost of production and would offset the pain to consumers from price spikes.

- The Biden administration should subject crude oil exports to regulatory oversight to ensure that they do not result in higher prices for vulnerable Americans and are not contributing to domestic supply shortages. Though Congress lifted the ban on crude oil exports in 2015, the president still has emergency authority to limit exports with the goal of protecting consumers.
- The Biden administration should assess the impact that refined petroleum product exports have

on domestic markets to ensure the protection of American families.

- No new liquefied natural gas export terminals should be approved by the U.S. government, and the Department of Energy must update its public interest assessment of LNG exports. That assessment must include a detailed study of impacts on vulnerable communities.

"Over the past decade, the fossil fuel industry has reoriented itself to prioritize profits from consumers overseas, jacking up prices for American consumers, accelerating the climate crisis, exploiting public lands, and leaving marginalized Gulf Coast communities in the lurch," said Robert Weissman, president of Public Citizen. "The Biden administration must start thinking seriously about ways to gauge whether this gusher of fuel exports is in the public interest, and start making the interests of frontline communities, public lands, and the climate a much higher priority." ■



Graphic courtesy of James Yang.

► **Monkeypox**, from page 1

tries in Central and West Africa where the virus has long been endemic in remote areas.

“A private company has complete control over how much of the vaccine is produced, where it is produced, for whom it is produced and at what price,” said Peter Maybarduk, director of Public Citizen’s Access to Medicines Program. “Bavarian Nordic’s monopoly on Jynneos puts the company, not governments, in charge of how the global monkeypox emergency continues to unfold. The Biden administration must urgently reallocate doses to countries struggling to protect their people.”

According to Public Citizen’s research, the core technology behind Jynneos is more than 50 years old, so the vaccine’s inflated price can’t be justified by claims

that the vaccine uses advanced technology. Bavarian Nordic also can’t justify its price as necessary to recoup costly research investments since the U.S. government spent nearly \$2 billion since 2003 to fund development of the vaccine and to qualify a new production facility.

Public Citizen identified at least nine global vaccine manufacturers, including six based in low- and middle-income countries, with experience making vaccines similar to Jynneos. Public Citizen reviewed all WHO prequalified and FDA approved vaccines to identify which use the “chick embryo fibroblast” (CEF) cells central to the production of Jynneos and found nine manufacturers that make vaccines for diseases such as measles, mumps, and rabies using the CEF technology. Six of these manufacturers are based in developing countries, including in hard-hit

countries like Brazil.

In August, Public Citizen released research showing that the U.S. holds nearly 80% of the global supply of Jynneos, while the entire African continent has zero doses available and has not secured any vaccine orders.

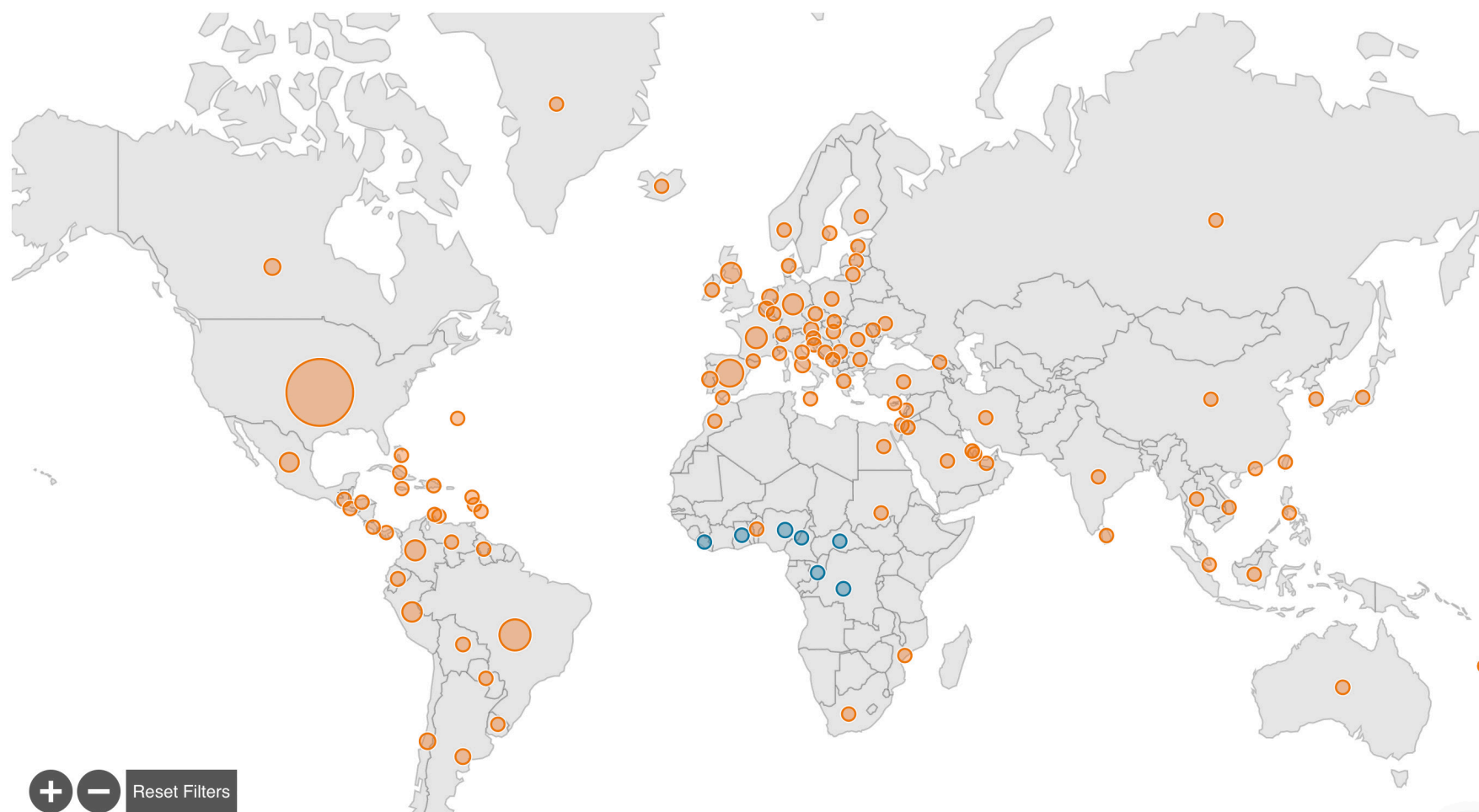
“Monkeypox will likely continue to pose a threat to developing countries for years to come,” said Zain Rizvi, research director in Public Citizen’s Access to Medicines program, author of the research report. The report shows how shoring up local manufacturing capacity can help fuel an equitable and sustainable response.”

The report concludes that the U.S. government and other large funders should push Bavarian Nordic to share technology and work with manufacturers in developing countries to scale up production.

The World Health Organization

recently issued a similar call in the renewal of its emergency declaration. “State Parties in a position to support scaling up access to vaccines, diagnostics and therapeutics, including through technology transfer, should make every effort to do so,” recommended the WHO.

Public Citizen and other advocacy groups have been calling on the Biden administration to develop a global plan to fight the monkeypox virus that includes supporting more research and helping ramp up production of monkeypox medical countermeasures by requiring corporations that benefit from public funding to share technology with manufacturers around the world. Tests, treatments and vaccines should be global public goods. Their use should be dictated by science, not scarcity. ■



Monkeypox Outbreak Global Map courtesy of the CDC.

***Congratulations to Public Citizen Attorney Adina Rosenbaum for receiving the 2022 Clarence M. Ditlow III Safety Champion Award!***





# U.S. May Face \$15 Billion Penalty for Rejection of Keystone XL Pipeline

BY ALEX DURHAM AND SALLY KING

The Keystone XL pipeline sparked a movement of activism to put people and the climate over Big Oil. After more than a decade of relentless protests and legal battles, President Joe Biden halted the dangerous pipeline on his first day in office.

That was a huge victory. But the fight isn't over.

The company behind the pipeline, TC Energy (formerly TransCanada), is now suing the U.S. government in a shady tribunal that could leave U.S. taxpayers on the hook to pay \$15 billion – the equivalent of installing solar panels for 400,000 individual American homes.

## How did we get here?

The Keystone XL pipeline, proposed by TC Energy in 2008, would have pumped 830,000 barrels of tar sands oil per day across 1,200 miles of U.S. land and native territories, putting people and the environment at risk. The pipeline also would have undermined important climate goals.

In November 2015, after tens of thousands of activists nationwide demonstrated it would pose serious health and environmental risks, the Obama administration rejected the proposed pipeline. This historic rejection marked the first time a major fossil fuel project was denied over climate concerns. It also sparked a grassroots movement to keep fossil fuels in the ground in a global effort to address climate change.

The Keystone fight hit a major road bump when Donald Trump signed an executive order within his first week in office to allow the pipeline to move forward. Protests and demonstrations continued to stall the project, led by native tribes, farmers, ranchers, and environmental activists.

Biden pulled the plug on the Keystone XL pipeline on his first day in office given longstanding climate, environmental, and health concerns of the crude oil project.

TC Energy is now using a little-known provision in the North American Free Trade Agreement (NAFTA) to sue the U.S. government for \$15 billion from U.S. taxpayers for

“lost profits.” The Canadian company claims that blocking the construction of the pipeline violates its rights under NAFTA’s Investor-State Dispute Settlement (ISDS) provisions, even though the estimated cost of the project was to be \$8 billion, and only \$1.1 billion had been invested in the project.

The ISDS case has recently progressed to a key step, in which the three arbitrators have been selected.

## ISDS cases pose serious threat to improving environmental standards

ISDS cases like Keystone allows foreign investors to bypass U.S. courts and challenge American laws in a corporate-rigged arbitration system.

ISDS has been abused by corporations like the U.S.’s ExxonMobil subsidiary Mobil Investments Canada, which sued and won \$26 million from the Canadian government in 2014. It refused to follow a Canadian law that required the company to invest a small amount of its earnings in R&D for environmental safeguards for offshore extraction and alternative energy, and ISDS

provisions in NAFTA allowed it to be rewarded for doing so.

Many of these cases similarly target government efforts to address climate change and protect the environment. In fact, of the 35 pending ISDS cases filed under U.S. free trade agreements, nearly all relate to environmental, energy, public health, financial, land use, and transportation policies.

The huge price tag of ISDS cases is especially daunting for developing countries that want to act on climate but cannot afford the legal fees of fighting a case, let alone vast amounts of taxpayer money if they lose.

## Future of ISDS

Once the world’s leading proponent of ISDS, the U.S. has begun eliminating it from its trade agreements after decades of civil society groups like Public Citizen raising the alarm on the threat of ISDS to global democracy.

NAFTA was the first U.S. trade deal to include ISDS, granting an unprecedented amount of power to corporations that enabled TC Energy to bring its case against the U.S. The revised NAFTA is set to phase out ISDS between the U.S. and Canada by July 2023,

giving TC Energy and others a last window to launch cases. But a lingering U.S.-Mexico annex allows U.S. firms to retain access to the original NAFTA ISDS.

As the Keystone case demonstrates, citizen health and the environment will remain under threat from corporate polluters unless ISDS powers are completely revoked.

President Biden has promised that ISDS will not be included in future trade agreements and the Americas Partnership for Economic Prosperity (APEP), an economic initiative with Latin America and the Caribbean announced in June, would be a great venue to put this promise into practice.

At the same time, more needs to be done to weed ISDS out of existing pacts. There are dozens of U.S. treaties with countries across the globe that contain ISDS provisions, which leaves U.S. environmental policy vulnerable to lawsuits. Corporations like TC Energy have shown the lengths they will go to defend their actions, no matter how environmentally damaging, and the U.S. should not continue to give them the tools to do so. ■



Photo courtesy of Sally King.



# New Campaign Calls on Toyota to Build for Our Future

BY PATRICK DAVIS

In September, Public Citizen called on Toyota Motor Corp. to phase out its complete line-up of internal combustion engines and hybrid consumer vehicles by 2030 as part of a new campaign against the Japanese-based automaker.

“A safe future depends on urgent action from companies like Toyota,” said East Peterson-Trujillo, clean vehicles campaigner with Public Citizen. “As the world’s largest auto manufacturer, Toyota must play a leadership role in putting electric cars on the road. If Toyota is going to begin building for our future, it will need to fully electrify its line-up.”

Public Citizen is calling on Toyota to:

- Phase out internal combustion engine vehicles in the U.S. and Europe by 2030; globally by 2035;

**“It is imperative that car makers transition to fully electric cars. The world’s largest manufacturer should be a leader, not a laggard – and our campaign will ensure Toyota at least catches up to the pack.”**

—Robert Weissman, president of Public Citizen

- Align the company’s global advocacy and lobbying with the goal of phasing out internal combustion engines, and supporting policies that promote a 100% renewable energy economy-wide; and
- Ensure 100% renewable energy use throughout its supply chains globally by 2035.

During President Trump’s administration, Toyota backed efforts to stop California from setting higher emissions standards than the U.S. Environmental

Protection Agency. While the company recently acknowledged the state’s authority to set higher standards, Toyota continues to oppose policies that would accelerate the transition to fully electric cars.

In August, The California Air Resources Board voted to phase out all sales of new passenger cars, trucks, and SUVs that emit greenhouse gasses by 2035.

California’s Advanced Clean Car Standards will be a vital step to zero out carbon emissions from passenger vehicles, and will

likely push auto manufacturers to increase their EV options for consumers.

“For five decades, Public Citizen has demanded auto makers increase fuel efficiency to save consumers money and reduce pollution,” said Robert Weissman, president of Public Citizen. “Now it is imperative that car makers transition to fully electric cars. The world’s largest manufacturer should be a leader, not a laggard – and our campaign will ensure Toyota at least catches up to the pack.” ■



Photo of the Phoenix Raceway in Avondale, Ariz., courtesy of David Wallace.



healthcare.

The three cities join more than 100 localities that have already endorsed Medicare for All. Public Citizen is leading the charge to encourage cities and towns to pass Medicare-for-All resolutions.

During the pandemic, more than one million Coloradans – including 34% of those in Denver – saw their incomes reduced; many lost their job-based insurance, and people of color were hit hardest, according to the Colorado Health Institute’s 2021 Health Access Survey. In Denver County, the U.S. Census Bureau estimates that 12% of residents under 65 are uninsured.

Denver City Councilman Chris Hinds, who suffered a paralyzing car accident in 2008, introduced the motion in the Mile High City.

**“As people face higher prices at the grocery store, the gas tank, and the pharmacy, the movement for universal healthcare is growing louder.”**

—Brittany Shannahan, Medicare For All organizer at Public Citizen

He noted that private insurance does not protect Denver families from high costs of care. “I went from being a runner and someone who played on three soccer teams to racking up \$1 million in health care bills in three months,” said Hinds. “The majority of people who declare bankruptcy do so because of medical bills and of those, the majority have insurance.”

In Ohio’s 13th district, where Kent is located, more than 43,000 people are uninsured, and over 117,000 people live below the poverty threshold. Kent Councilwoman Heidi Schaffer-Bish works with Coleman Health

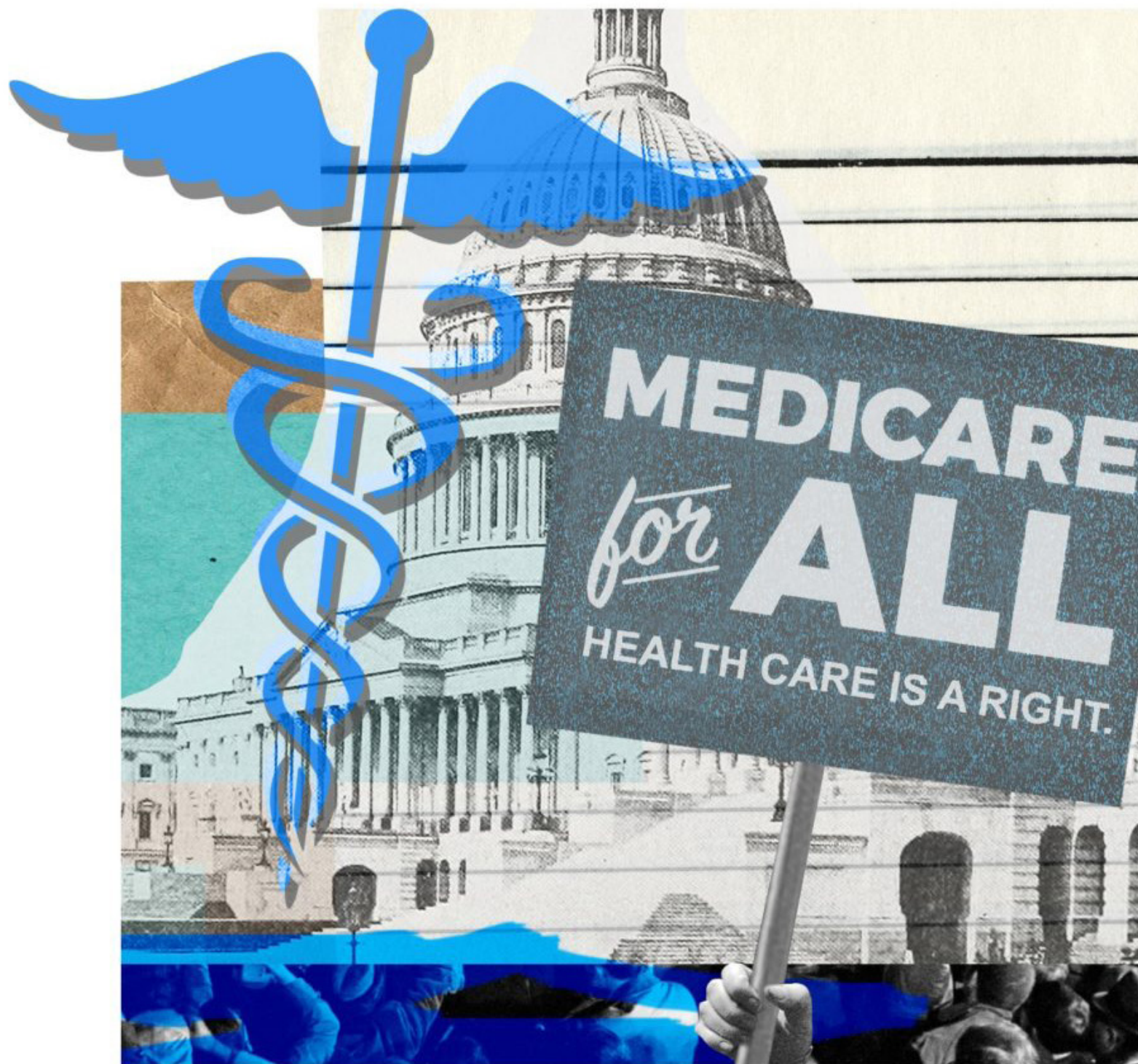
Services and encounters many people struggling to make ends meet when it comes to healthcare. “We’ve seen that government-based healthcare works, and private insurance through your employer does not,” said Shaffer-Bish.

In Alachua County, where Gainesville is located, the U.S. Census Bureau notes that 11.5% of people under the age of 65 are uninsured.

“Healthcare is a basic human right. There is a minimal standard of care that all humans are entitled to and should receive,” said Commissioner Reina Saco, sponsor of the resolution in Gainesville.

“No one should suffer, physically or financially, because they can’t pay the cost of a doctor’s visit to get simple antibiotics or to set a broken bone.”

“As people face higher prices at the grocery store, the gas tank, and the pharmacy, the movement for universal healthcare is growing louder,” says Brittany Shannahan, Medicare For All organizer at Public Citizen. “These resolutions, city-by-city, are helping to pressure our representatives to act to make guaranteed healthcare for all a reality. The chorus of voices is growing.” ■



Graphic courtesy of Isabelle Cardinal.



# Protecting the Profiteer

BY RHODA FENG

Consumers everywhere have been feeling the squeeze on their pocketbooks due to inflation. Overall inflation has sent prices for essential household items like food and gas soaring. Yet even as households across the country struggled to make ends meet, big business and its aligned trade groups have used their lobbying power to thwart virtually every attempt by Congress to curb price gouging and profiteering. This is the conclusion of a new report from Public Citizen and Groundwork Collaborative.

“Corporate America deployed its overwhelming lobbying power to stop anti-price gouging and profiteering legislation to protect their record profits. It’s all about money for them,” said Mike Tanglis, a research director for Public Citizen and co-author of the report. “But for millions of Americans, it’s about a lot more than just money. For those struggling to pay for prescription drugs, Big Pharma’s price gouging

can be a matter of life and death.”

Below are the report’s key findings:

- Corporations opposed to anti-price gouging and profiteering bills were responsible for more than 2,600 lobbyist engagements on Capitol Hill, while supporters of such legislation had fewer than 300: a 9-to-1 advantage for big business.
- Two of the largest corporate trade associations opposed to anti-price gouging bills - PhRMA and the U.S. Chamber of Commerce - blanketed Capitol Hill with as many lobbyist engagements as the supporters of all of the bills combined.
- House Democrats’ signature drug pricing reform package, the Elijah E. Cummings’ Lower Drug Costs Now Act (H.R. 3), received 1,157 lobbyist engagements, making it the most targeted bill in the analysis. A stunning 96% of those lobbying engagements

came from corporations, trade groups, and nonprofits opposing it.

The report analyzed lobbying around 27 anti-price gouging and anti-profiteering bills introduced since early 2021. The bills vary in subject matter from cracking down on price gouging on drug prices and items crucial during a pandemic to taxing windfall oil and gas profits and curbing predatory overdraft fees. All the bills are focused on holding corporations accountable and providing relief to struggling Americans amid the pandemic and record inflation.

The researchers found that 16 entities lobbying against the anti-price gouging and profiteering bills donated more than \$12 million combined to the Chamber of Commerce, the dark money group responsible for the second most lobbyist engagements in the analysis. The Chamber and its 16 donors were responsible for more than 1,300 lobbyist engagements, or 49% of all lobbyist engagements

in opposition to the bills analyzed in the report.

During the 2022 election cycle, those opposed to anti-price gouging and anti-profiteering legislation have spent more than six times – \$820 million vs. \$129 million – as much as the bill supporters on disclosed political activity, which consists of lobbying expenditures and money spent to influence elections. The Chamber has spent almost \$130 million, while PhRMA has spent \$53 million.

The authors concluded that “Tackling pandemic profiteering and building a healthy, resilient economy requires checking the outsized power that mega-corporations hold over our economy. Congress must do its part to address corporate concentration and rein in the unchecked power that these mega-corporations exert on prices and our democracy.” ■



Graphic courtesy of Nick Totin.



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The following are highlights from our recent media coverage.

**Robert Weissman, Public Citizen president**

**On how more investment in oil drilling will deepen our dependence on fossil fuels:** *The New York Times*, *Democracy Now!*, *San Diego Union-Tribune*. **On the U.S. Capitol riot:** *SFGate*. **On ByteDance's plans to use TikTok to surveil U.S. citizens:** *Forbes*. **On a federal appeals court finding the U.S. Consumer Protection Bureau's funding structure to be unconstitutional:** *Government Executive*. **On Big Oil raking in record profits:** *Common Dreams*.

**Lisa Gilbert, vice president of legislative affairs**

**On banning congressmen from trading stocks:** *In These Times*, *Common Dreams*. **On removing legacy riders from spending bills:** *The Hill*. **On student loan bankruptcy relief:** *Common Dreams*. **On the Jan. 6 panel's unanimous votes to subpoena ex-president Donald Trump:** *Common Dreams*.

**Dr. Michael Carome, director of Public Citizen's Health Research Group**

**On a preterm birth drug:** *BioPharma Dive*. **On generic drug prescriptions:** *Augusta Free Press*.

**Peter Maybarduk, director of Public Citizen's Access to Medicines Program**

**On the Inflation Reduction Act:** *Axios*. **On Pfizer cashing in on the pandemic:** *Daily Mail*.

**Melinda St. Louis, Director of Public Citizen's Global Trade Watch**

**On the U.S. pressuring the new left-wing Honduras government:** *The American Prospect*, *Real News Network*.

**Adrian Shelley, Director of Public Citizen's Texas office**

**On the Port of Houston as a safer harbor in the climate fight:** *Houston Chronicle*. **On households that gave \$1 million to Texas Gov. Greg Abbott:** *Dallas Morning News*, *Eastern New Mexico News*, *MSN*.

**Craig Holman, government affairs lobbyist with Public Citizen's Congress Watch division**

**On the lobbying activity of foreign interests:** *Bloomberg Government*. **On how half of Republican nominees in competitive House races have dipped into personal fortunes to fund their campaigns:** *The American Prospect*. **On the STOCK Act:** *In These Times*, *Common*

*Dreams*, *Grid*. **On the Centers for Disease Control and Prevention issuing a PR contract to Weber Shandwick:** *Florida Post*, *Express Informer*. **On the broken ethics enforcement process in the executive branch:** *Counter Punch*, *Eurasia Review*, *KNBC-TV*, *KXAS-TV*, *CNBC*, *EIN News*, *American News Group*. **On New Jersey's bribery law:** *New Jersey Monitor*, *News Break*.

**Public Citizen Litigation Group**

**On the U.S. Supreme Court declining to hear a case on Turkey's appeal on foreign sovereign immunity:** *Illinois Intelligencer*, *The Tampa News*, *Oklahoma City News*, *Raleigh Times*, *Indianapolis News*, *San Francisco Star*, *EIN News*, *Austin News*, *Boston Star Daily*, *Minneapolis News*. **On Public Citizen's lawsuit against a Missouri law restricting homeless camping:** *Above The Law*, *Springfield News-Leader*.



# Spruce Modeling in San Antonio

BY JOSÉ MEDINA

San Antonians hope that their city will one day be powered without coal. But two big and important questions remain: When will San Antonio be coal-free? How is CPS Energy going to make it happen?

The first question is easy to answer: It should be done as quickly as possible. The harms of burning coal are many, including pollution that contributes to premature deaths and carbon emissions that contribute to the climate crisis.

The “how” is not as simple.

Nevertheless, Public Citizen has provided some answers to CPS Energy, which generates electricity for San Antonio and is the largest municipally owned gas and electric utility in the country. Those more complicated answers are about how to deal with the biggest coal offender in the CPS Energy portfolio: the J. K. Spruce coal-burning power plant.

Earlier this year, CPS Energy’s

board of directors passed a resolution calling on the utility to find a pathway to shut down Spruce and replace it with “environmentally cleaner” alternatives. The utility must also replace several aging plants that run on natural gas.

The Texas office of Public Citizen stepped in to push the utility to ensure a responsible way forward in taking Spruce offline as quickly as possible. Public Citizen made several recommendations for how CPS Energy can rid itself of Spruce. The utility accepted our recommendations and agreed to test their viability in the coming months.

“It would be great if CPS Energy could throw the off switch on Spruce right now and close the plant,” said DeeDee Belmares, climate justice organizer for Public Citizen in San Antonio. “The plant is harmful on many levels, but it also generates electricity for a large and fast-growing city that

needs it. Yes, Spruce needs to be shut down as soon as possible, but you must also replace that generating capacity. This needs to be done with careful planning.”

Belmares drafted Public Citizen’s six recommendations, focusing on sustainability and affordability. They include replacing Spruce with cleaner and renewable alternatives. While Public Citizen’s replacement scenarios differ from one another, they emphasize replacing Spruce with a mix of coastal and West Texas wind, solar power, and battery storage. Public Citizen’s recommendations would see CPS Energy transition away from coal and retire Spruce by the end of the decade, or 2035 at the latest.

“We know plenty about burning coal at this point, and none of it is good,” Belmares added. “Burning coal is a dirty, harmful process that leads to all sorts of health problems and even deaths.

“It takes 16,000 tons of coal a day to feed Spruce and 150 railcars coming all the way from Wyoming to get the fossil fuel to the plant,” Belmares added. “Spruce is easily the single largest carbon pollution emitter in San Antonio, accounting for nearly 7 million metric tons of carbon pollution annually.”

To its credit, CPS Energy has made it more plausible to close Spruce by adding renewable generating capacity. This past summer, the utility added 300 megawatts of utility-scale solar and another 180 megawatts in recent weeks. More is on the way in the coming years.

CPS Energy’s consultant, Charles Rivers Associates, is testing Public Citizen’s scenarios as of this writing. The results should be available in the fall. CPS Energy is scheduled to make decisions about the future of Spruce and its energy-generating portfolio mix at the end of the year. ■





# PC in Your State: Dallas City Budget

BY JOSÉ MEDINA

Writing a city’s annual budget can be a long process. In large cities, it can mean months of planning and hours upon hours of city council debate on paying for everything from patching potholes to office supplies for city departments.

To the average resident, the budgeting process might appear tedious. But the decisions that go into a local budget, no matter the size of the city, can profoundly impact the quality of life and the health and safety of local communities.

When it passed its latest annual budget for the 2022-23 fiscal year in late September, Dallas outpaced other large cities in the state in advancing local climate goals. The new budget was passed at the end of a summer of scorching temperatures across the Lone Star State, with Dallas more than doubling the number of 100-degree days in its previous record.

The budget passed is a step forward in meeting the city’s climate targets.

“Two years ago, the Dallas City Council voted unanimously for the Comprehensive Environmental and Climate Action Plan (CECAP),” said Rita Beving, who coordinates North Texas issues for Public Citizen. “The council’s unanimous budget vote in September renewed that commitment with substantial financial support.”

As Public Citizen’s Texas Office Director Adrian Shelley explained, Dallas has made progress in implementing a climate action

plan that other large cities in Texas have not. While other cities have adopted local climate plans similar to Dallas’ CECAP, those other cities have generally been unable to follow through with sufficient funding to implement those plans.

The Dallas CECAP aims for a 43% reduction in greenhouse gas emissions by 2030 and a goal for net zero carbon by 2050.

“Dallas means business on climate action,” Shelley said. “All Texas’ major cities have climate plans, but few are funding as many quantifiable actions as Dallas. It’s time for our big city mayors and councils to back their climate promises with real financial commitments.”

Public Citizen was involved in the budget process throughout, with Beving and other concerned citizens attending 30 of 35 budget town halls and advocating for climate action funding before council members. In the final budget, Dallas pledged to spend millions of dollars in the coming year to tackle climate change. This includes \$500,000 in general funding for CECAP implementation.

The City Council allocated the same amount for home weatherization and solar panel installation on city buildings, with an additional \$500,000 in American Rescue Protection Act funds carried over from the previous year. Dallas will spend another \$500,000 to install battery storage at city buildings and to create more bike lanes.

The budget also includes carryover funds totaling \$150,000

for weatherization and \$250,000 for solar installation for low-income neighborhoods.

An environmental justice coordinator is among six staff members that the city will hire as part of a \$2.5 million increase for the Office of Environmental Quality and Sustainability. Additionally, a \$500,000 budget allocation for environmental outreach with a multimedia approach, including other languages such as Spanish, will help educate residents and businesses on reducing their carbon footprint.

“The hiring of critically-needed staff and the money for new initiatives and outreach will help educate the public and accelerate the measures needed to attain the goals of the CECAP,” added Beving, who also serves as a technical advisor to the Dallas Environmental Commission. “Still, the city can do more. Though Dallas received a grant of more than \$580,000 for charging stations for city-owned vehicles, residents are also in need of public-facing EV charging stations, and this new budget does not contain specific funding to make it happen.”

Dallas also is making strides in electrifying its vehicles. The city’s fleet department plans to purchase up to 167 electric vehicles as part of its 2022-23 budget and another 67 yet to be purchased under the current budget. ■

## IN THE NEXT ISSUE...

Public Citizen releases a report on private equity investments in onshore oil and gas drilling.

# Charitable Gift Annuity

## A gift that gives back to you!

A charitable gift annuity is a simple contract between you and Public Citizen Foundation that supports us while providing you (and another individual) with a charitable deduction and payments on a quarterly basis for the rest of your life. The minimum gift to establish this annuity is \$10,000 using cash or securities, and the minimum age is 65. The following are some of the payments we offer for one individual. Payments for two people are available upon request.

AGE WHEN ESTABLISHED	SINGLE LIFE ANNUITY RATE	SINGLE LIFE ANNUAL PAYMENT	TWO LIVES ANNUITY RATE	TWO LIVES ANNUAL PAYMENT
65 years	4.2%	\$420	3.8%	\$380
70	4.7%	\$470	4.2%	\$420
75	5.4%	\$540	4.6%	\$460
80	6.5%	\$650	5.4%	\$540
85	7.6%	\$760	6.5%	\$650
90 and over	8.6%	\$860	8.2%	\$820

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