PUBLIC CITIZEN NEWS
VOL. 43, NO. 4
JULY/AUG. 2023

American Workers Deserve Protection from Heat Stress

BY PATRICK DAVIS

In the midst of a record-setting heat wave that engulfed the southwest, a U.S. Postal Service letter carrier collapsed and died of heat-related causes in Dallas. One week earlier, at the exact moment when it was imperative to ensure protections against excessive heat for workers, Texas Governor Greg Abbott signed a law upending state protections for workers most directly impacted by the hot summer temperatures, stripping away from construction workers in Austin and Dallas the right to take a 10-minute water break every four hours.

"The toll of unaddressed workplace heat stress on workers' lives and well-being is immeasurable and unacceptable," said Juley Fulcher, worker health and safety advocate with Public Citizen. "Protections from excessive heat for workers in Texas was already haphazard and minimal, and removing those protections will be deadly."

Across the United States, heat stress can kill up to 2,000 workers and cause an additional 170,000 injuries on job sites across the

see **Heat**, page 15 ▶

Graphic courtesy of Shutterstock.

Bank Collapses Show Need for Reforming Executive Pay

BY DAVID ROSEN

The banking industry has been roiled by a string of bank collapses in recent months caused by deregulation, executive compensation packages that encouraged excessive risk, and poor planning. Public Citizen has been leading the calls to re-regulate these medium-sized banks and reform how bank execs are paid in ways that get them to police each other.

Silicon Valley Bank (SVB) didn't plan for how rising interest rates by the Federal Reserve could ultimately leave it short of funds for its customers – primarily venture capitalists and startups who were feeling pinched by the tech downturn. Before its collapse, SVB had $16 billion in capital.

When it precipitously sold $20 billion worth of long-term Treasuries, it suffered a $2 billion loss. The Fed is supposed to make sure the banks it supervises are "safe and sound." Clearly SVB wasn't.

First Republic focused on high net-worth individuals and their businesses, including offering mortgages at low interest rates to those customers. These mortgages and other long-term assets fell in market value since the Federal Reserve began hiking interest rates in 2022, leading investors to worry that First Republic might book catastrophic losses if forced to sell those assets to raise cash.

see **Bank**, page 4 ▶

Texas' Legislative Session

BY JOSÉ MEDINA

One of the busiest and most important periods of the work of the Texas office of Public Citizen is when the Texas Legislature is in session. As a part-time legislature, Texas lawmakers gather in regular session once every two years, and only for 140 days, from January through May. A lot happens at the Capitol in a short amount of time. The Texas legislative session is like running a marathon as if it were the 100-meter dash.

The legislative session, which

see **Texas**, page 11 ▶

Nonprofit Org.
US POSTAGE
PAID
Williamsport, PA
Permit No. 4

PUBLIC CITIZEN 50 YEARS
People • Power • Progress
1600 20th St. NW, Washington, DC 20009

ADDRESS SERVICE REQUESTED

INSIDE

IN THIS ISSUE

VOL. 43, NO. 4 • JULY/AUGUST 2023

ABOUT THE CONTRIBUTORS

Patrick Davis, *communications officer on climate and energy*

Rhoda Feng, *editor*

José Medina, *Texas press officer*

Candace Milner, *racial equity policy associate*

Cassidy Parshall, *Access to Medicines intern*

Erika Thi Patterson, *auto supply chain campaign director*

David Rosen, *communications officer on regulatory affairs*

Nicolas Sansone, *attorney*

Sarah Stevens, *Global Trade Watch program associate*

Kara Thompson, *communications intern*

Robert Weissman, *president*

PUBLIC CITIZEN 50 YEARS
People • Power • Progress

CONNECT ONLINE WITH PUBLIC CITIZEN

GET TO KNOW PUBLIC CITIZEN
NINA ZELDES

An ongoing series profiling Public Citizen leaders and staffers

Before moving to Washington, D.C., Nina Zeldes, a researcher in Public Citizen's Health Research Group, lived in many places across the globe. Born and raised in Germany, Zeldes is fluent in both English and German. She earned her bachelor's degree in Ireland and her master's degree in Scotland before traveling to Israel on a postgraduate scholarship and earning her doctorate from Freie Universität in Berlin. She also lived for a time in Japan and has elementary proficiency in Japanese and Hebrew. She moved to Washington, D.C., to conduct field research for her dissertation as a visiting researcher at Georgetown University's Pellegrino Center for Clinical Bioethics and recently published a book, "Navigating the Cultures of Health Care and Health Insurance," based on her field research. Zeldes started working at Public Citizen in September 2022, where she focuses her research on health policy, health advocacy and analysis of U.S. Food and Drug Administration (FDA) drug information. During her workdays, she divides her time between working on Health Research Group's *Worst Pills, Best Pills News* and the online Health Letter, as well as on longer-term projects. She also testifies about drugs and medical devices at FDA Advisory Committees and similar meetings. When she is not investigating health policy, she enjoys reading, gardening, and continuing her quest to recreate bread that tastes like the bread from her childhood neighborhood bakery.

What first drew you to public health and policy analysis?

Zeldes: I have always been fascinated by how something that seems so universal as health can mean different things or be treated so differently for different people. Because I wanted to understand the cultural and societal factors influencing health and health care, I studied medical anthropology. I think to some extent this interest developed further when I was living in various places with different health care and health insurance systems, and very different levels of access to doctors or treatments. I have become increasingly curious about various aspects of health policy and the regulatory processes around it.

What is something you're hoping to achieve in the next year?

Zeldes: One of the most important aspects in my role is advocating for safe drugs and devices for patients, especially by making complicated health information accessible and understandable. I am also looking forward to working on some more long-term projects, such as tackling issues revolving around resident physician work hours. I also hope to get to know more and more colleagues throughout Public Citizen and build connections.

Do you have advice for anyone looking to get into the field of health research?

Zeldes: There are so many areas in health research and public health that I would encourage anyone interested in working in this field to explore more than one area, for example by trying different internships or volunteer roles, and to see what kind of work interests them the most or works best for their skillset. I know for example that sometimes people who have focused more on the policy side are afraid to switch to more of a patient advocacy side or vice versa because they feel that it's outside their area of expertise. But I am a big believer in interdisciplinary work and think that the different perspectives that you can bring to health research can really benefit each other. Sometimes you can't see a way forward because you're caught up in your own way of thinking, and an outside view can really help. ■

– Compiled by Kara Thompson

1600 20TH ST. NW, WASHINGTON, D.C. 20009 • (202) 588-1000 • MEMBER@CITIZEN.ORG • WWW.CITIZEN.ORG

Public Citizen is a national nonprofit membership organization based in Washington, D.C. Since its founding by Ralph Nader in 1971, Public Citizen has fought for corporate and government accountability to guarantee the individual's right to safe products, a healthy environment and workplace, fair trade, and clean and safe energy sources. Public Citizen is active in Congress, the courts and government agencies.

Public Citizen does not accept government or corporate grants. Our funding comes from our supporters throughout the country, who believe there should be full-time advocates of democratic principles working on their behalf; from foundations; and from the sale of our publications. Public Citizen is an equal opportunity employer. To become a member of Public Citizen and receive the award-winning *Public Citizen News,* please call (202) 588-1000 or send a check payable to Public Citizen for $20 to Public Citizen Membership Services at the address above.

Public Citizen News (ISSN 0738-5927), entire contents copyrighted 2023. *Public Citizen News* is printed on 10% recycled paper. Postmaster: Send address changes to Public Citizen News at the address above.

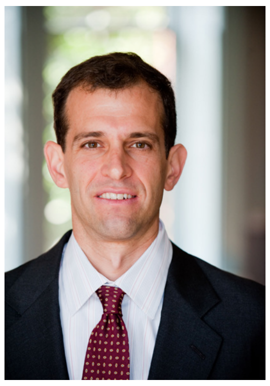
EDITORIAL

Public Citizen's 50th Anniversary

Public Citizen is celebrating our 50th anniversary!

It's a year-long celebration with a highlight in June, when 800 Public Citizen friends and family packed the beautiful atrium space at the National Portrait Gallery in Washington, D.C., for an inspiring gala.

Joining us were progressive champions and allies, including U.S. Sens. Elizabeth Warren, Raphael Warnock, Sheldon Whitehouse and Ed Markey, former Speaker of the House Nancy Pelosi and Rep. Jamie Raskin. They toasted our achievements and reminded us again and again that it is our ideas, energy, public education, and mobilization that makes progress happen.



PRESIDENT'S VIEW
ROBERT WEISSMAN

The 50th anniversary is an opportunity for us to reflect on the remarkable project called Public Citizen. Founded by Ralph Nader, this one-of-a-kind organization was founded on the beliefs that:

- The government can and should work for people;
- Concentrated corporate power threatens the values we hold most dear and that the exercise of hidden-in-plain-sight corporate power many of society's biggest problems;
- We have a duty not just to speak truth to power, but to use truth to influence, defeat and exercise power;
- We can achieve transformative change through our passion, creativity, innovativeness, and smart strategy — a belief that led to new models of research-based advocacy; public interest litigation; public communication, education, and mobilization; and effective citizen lobbying; and
- Real change doesn't come easy and fast, but requires persistence;
- We demonstrate our love of country and humanity by working for justice.

This audacious project worked. It has worked and continues to work:

- We have helped save, literally, millions of lives — by winning auto safety rules and keeping dangerous drugs off the market, by advancing worker health and safety and securing cleaner air and safer products.
- We have helped save, literally, hundreds of billions of dollars — by preventing wasteful spending on nuclear power and stopping tax giveaways, by lowering drug prices and averting corporate welfare, by empowering consumers to recover ripped off money via lawsuits and much more.
- As consequentially, we have won non-quantifiable victories: a more open and accountable government, a more just society, structures to hold corporations accountable, a more democratic society.

But of course, we haven't won the battle. We face enormous ongoing challenges of protecting health and safety from the ravages of corporate greed, promoting justice and people's rights, taking on Big Money dominance of our elections and the outrage of voter suppression, confronting undue corporate influence and so much more.

We also face new or intensified challenges: new threats to democracy, from a neo-fascist movement; global pandemics; generative artificial intelligence; and catastrophic climate change.

With these challenges in mind, we insist that our 50th anniversary can't be just about celebrating what we've done — it must also be about inspiring us to do even more.

Which raises the question: Why should we be hopeful?

That's a tough question, but there's a good answer: Because we are taking on these great challenges and bringing to bear that same creativity, passion, commitment, and fierce sense of justice that helped us achieve so much in our first 50 years.

We are doing that — and we are making a difference. In just the last few years:

- We sued to stop a U.S. Postal Service scheme to sabotage the 2020 election — and we won.
- Our campaign for lower drug prices will save consumers on the order of $100 billion, on top of which we helped break the insulin cartel.
- We mobilized and fell just short, due to the filibuster, of winning transformative democracy legislation — but we'll be back.
- We blocked dangerous trade agreements and changed the paradigm for economic globalization.
- We are pursuing innovative strategies to address the climate crisis that are already making a difference, including pressuring banks insurance companies and financial regulators to take climate into account in their decision making; if there's no funding, there won't be new fossil fuel projects.
- We have won innovative climate actions plans across the state of Texas!
- We helped stopped Medicare from paying for a useless Alzheimer's drug that would have cost taxpayers billions annually and regularly.
- We have helped keep at least a dozen dangerous drugs off the market.
- We have helped families of people who lost loved ones in nursing homes due to reckless misconduct hold nursing home chains accountable.
- In Michigan, we supported a ballot measure that led to landmark voting rights protections.
- We have spearheaded hundreds and hundreds of actions nationwide to hold Trump accountable and stemmed his worst abuses while president.
- We proposed a plan to vaccinate the world against Covid, which while tragically not taken up, but did push more vaccine equity and spurred technology sharing of vital new vaccine technologies.
- We defeated a Facebook plan to create a new, global currency and a scheme from WhatsApp to create a new, enclosed marketplace.

The lesson from our first 50 years and inspiration for our next 50 is that when we fight, we make a difference; and the power of all of us together is enough to defeat any adversary.

Happy anniversary to all of us! ■

Robert Weissman

Photo courtesy of Jay Mallin.

▶ **Bank**, from page 1

Immediately prior to its closure, First Republic told investors that it had seen an outflow of deposits since mid-March worth more than $100 billion. The bank's share price fell more than 95% over that period, erasing roughly $22 billion from its market valuation.

What the two bank failures have in common is excessive risk-taking by executives, which left both vulnerable to collapse when interest rates went up. There's already a law on the books which would allow financial regulators to rein in risky banking through executive pay reforms, but it has never been implemented.

In the wake of the 2008 financial crisis, lawmakers passed the Dodd-Frank Wall Street Reform and Consumer Protection Act to reregulate the banks. Among its many provisions, the law created a vehicle to rein in the types of bonuses that incentivized bankers to commit the kinds of frauds that led to the 2008 crash.

Specifically, Section 956 of Dodd-Frank prohibits any compensation structure that could lead to "inappropriate" risk-taking. But this provision of the law was never implemented, despite a statutory deadline of May 2011.

The financial agencies in charge of writing the regulation in the Obama era floated two proposals, the last one in 2016, but never finalized either. President Donald Trump's team didn't even propose a rule — hardly a surprise. Now there's a new financial policy team. Biden administration regulators that would handle banker pay reform include several former aides to U.S. Sen. Elizabeth Warren (D-Mass.).

"Real reform requires that a sizeable chunk of the banker's bonuses be deferred into a collective fund that is withheld for years. If their bank fails or is found guilty of misconduct, then this collective fund is used to pay penalties and uninsured depositors," explained Bart Naylor, financial policy advocate for Public Citizen, who has been leading the fight to implement Section 956 since it first became law.

"This approach makes every banker a bonus-incentivized inside police officer," Naylor added. "It's better oversight than bank regulators, shareholders, bondholders, board directors, bond rating agencies, or any other mechanism can provide. It's how many private firms work and how investment banks used to work. If the firm screws up, the money to recoup comes out of the bonus pool for everyone."

The collapse of SVB and First Republican has, once again, illustrated the consequences of misplaced bonus pay and the urgent need for such a rule. Personnel is policy, and we have the right people to get a rule in place right now.

Federal Deposit Insurance Corporation (FDIC) board member Rohit Chopra, who currently directs the U.S. Consumer Financial Protection Bureau, highlighted this specific reform in a March 10 interview with *The Washington Post*.

Treasury Secretary Janet Yellen did not spin through the revolving door from Wall Street, as did her predecessors.

Martin Gruenberg chairs the FDIC, where he's worked for decades following service to financial reform and good government advocate U.S. Sen. Paul Sarbanes (D-Md.).

Michael Barr is vice chair for supervision of the Federal Reserve, coming to this position not from a bank, but from the University of Michigan law school.

Gary Gensler, who chairs the U.S. Securities and Exchange Commission, did work for Goldman Sachs but proved his Main Street bona fides as a vigorous enforcer when he chaired the U.S. Commodity Futures Trading Commission.

But even if they don't act, Congress can enact the specific pay reform proposal Public Citizen is calling for without waiting for regulators. U.S. Sens. Robert Menendez (D-N.J.) and Chris Van Hollen (D-Md.) are pursuing this option.

Main Street is cheering for all of them to get it done. ■

Photo courtesy of Shutterstock.

Standing Up For Reproductive Rights and Health Care

BY NICK SANSONE

In recent years, conservative groups have grown more emboldened in their attacks on public health, especially on reproductive rights and healthcare for the LGBTQ+ community. This spring, Public Citizen filed briefs arguing for preservation of vital public-health protections in two cases that conservative activists brought in an effort to undermine, or eliminate, those protections.

In the first case, *Alliance for Hippocratic Medicine v. FDA*, a group of anti-abortion medical organizations hope to cut off Americans' access to mifepristone, a well-studied drug that can be used to terminate pregnancy without the need for invasive surgical intervention. In 2000, after an extensive, years-long examination of the drug's safety and effectiveness, the U.S. Food and Drug Administration (FDA) approved mifepristone for use, subject to certain restrictions. In 2016, following further study, the FDA lifted some of the special restrictions.

In 2019, notwithstanding mifepristone's demonstrated track record of safe and effective use, conservative medical organizations filed a brief citizen petition asking the FDA to reinstate the restrictions that it had lifted in 2016. The FDA responded with a 40-page letter denying the petition and explaining in detail why lifting the restrictions did not compromise patient safety. The organizations then filed suit in federal court in Texas, challenging the 2016 changes that the FDA made to mifepristone's restrictions, the FDA's denial of the 2019 citizen petition, and the FDA's approval of mifepristone in 2000.

Granting the plaintiffs' motion for preliminary relief, the district court held that the plaintiffs were likely to prevail in the case, and it issued an order blocking continued sale of the drug in the United States. The Supreme Court later put that ruling on hold while the government appeals, and the case is now before the U.S. Court of Appeals for the Fifth Circuit.

Recognizing the threat that the case poses to reproductive rights and women's autonomy, Public Citizen filed a brief urging the Fifth Circuit to reverse the district court's ruling. The brief emphasizes the scientific rigor of the FDA's process for approving drugs and modifying restrictions on their marketing and use. We explain that a lawsuit challenging the results of the agency's scientific review process should rarely succeed absent a showing of a procedural breakdown at the FDA or new clinical evidence that was previously unavailable to the FDA. Because the plaintiffs in this case make neither showing, a ruling in their favor will create a dangerous precedent that could disrupt access to safe and effective — but politically contentious — medications by empowering judges to second-guess FDA scientists' expert evaluation of highly technical medical, pharmacological, chemical, and statistical evidence.

The second case, *Braidwood Management Inc. v. Becerra*, is driven by conservative opposition to preexposure prophylactic (PrEP) medication that is clinically recommended for certain members of the LGBTQ+ community (among others) to reduce the risk of sexually transmitting HIV. Indeed, PrEP reduces the risk of transmission by 99%.

An Affordable Care Act provision requires most insurance plans to cover certain preventive-care services at no cost to the patient. Among the covered services are those that have been recommended by the U.S. Preventive Services Task Force, a volunteer body of primary-care specialists who make evidence-based assessments of preventive-care measures capable of preventing or mitigating serious medical conditions. The Task Force's recommendations cover dozens of services, including, among other things, PrEP, cancer screenings, medications that reduce the risk of heart attack and stroke, smoking-cessation programs, neonatal care, and certain forms of physical therapy.

A group of individuals and businesses filed a lawsuit in federal court in Texas, seeking to bar enforcement of the cost-free coverage requirement for all clinical services that the Task Force has recommended since the Act's enactment in 2010. According to the plaintiffs, the Task Force's members qualify as federal "officers" because of the legal consequences of their recommendations. And because the Task Force's members have not been appointed in the manner the Constitution requires for federal officers, the plaintiffs claim, their recommendations cannot be enforced. The district court agreed with the plaintiffs, and it entered an order barring the government from enforcing the law's cost-free coverage requirement for all services that received Task Force recommendations following the enactment of the Affordable Care Act. The government has appealed to the Fifth Circuit, and it asked that court to stay most of the relevant portion of the district court's order while the appeal proceeds.

Public Citizen filed an amicus brief on behalf of itself and seven other nonprofit public-health organizations, including the American Lung Association and the American Heart Association, in support of a stay. The brief emphasized the harmful consequences that would flow from allowing the ruling to remain in effect during the appeal: Millions of Americans have enjoyed cost-free access for over a decade to the services covered by the district court's order, and those services have been demonstrably effective in preventing or reducing the severity of serious medical conditions.

At the same time, a robust body of research has shown that even modest cost barriers can dramatically reduce patients' uptake of preventive care, especially within socioeconomically vulnerable communities. If insurers were allowed to impose cost-sharing requirements for recommended services, or even drop coverage entirely, the harm to public health could be grave.

A stay is now in effect to prevent most aspects of the order from going into effect while the appeal is pending. Meanwhile, briefing on the substance of the appeal is underway. Public Citizen recently filed another amicus brief, on behalf of nearly a dozen public-health groups, explaining why the constitutional flaw the district court erroneously perceived in the ACA did not justify the sweeping remedy that the court ordered. ■

Biden Administration Can Use Trade to Save LGBTQI+ Lives, But Will They?

BY SARAH STEVENS AND ARIANA ZWERN

In early June, the Biden Administration hosted the largest White House pride event in history. Yet, while over 1,000 people celebrated on the White House lawn, queer Kenyans live in fear of criminalization.

Regressive anti-LGBTQI+ policies have recently gained traction around the world. Just last month, Ugandan President Yoweri Museveni signed the Anti-Homosexuality Act of 2023, which imposes severe penalties for identifying as LGBTQI+. This includes the death penalty in some cases. Under the bill, Ugandans who fail to report their queer friends, colleagues, or family members to authorities are also sentenced to jail time.

The Biden administration condemned the Ugandan bill as an abuse of human rights. At the White House pride event earlier this month, U.S. President Joe Biden committed to "making human rights for LGBTQ people around the world — not just here, around the world — a top priority for my foreign policy." As other countries in East Africa are now proposing similar laws, Public Citizen partnered with Health GAP, Human Rights Campaign, Pride at Work, Oxfam, Center for Popular Democracy and more in a letter calling for the Biden administration to follow through on its commitments.

What's Happening in Kenya?

The extremist bill that passed in Uganda — fueled by the same far-right groups that lobby for invasive "bathroom bills" in the U.S. — is being touted as a model for similar legislation in other East African countries. A copycat bill in Kenya threatens to expel queer refugees and includes harsh penalties for Kenyans identifying as LGBTQI+. This includes lengthy prison sentences and the death penalty for certain homosexual activities, according to draft text provided to the public.

The bill has not yet been signed into law, and it has received considerable backlash. Kenya is currently a primary destination for queer Ugandans fleeing persecution, and clinics are being shut down across the region for serving LGBTQI+ communities. This Spring, the Kenya National Commission on Human Rights also registered over 400 violations against people perceived as queer as they face rising violence from an increasingly hostile environment. All of these factors raise serious concerns about the humanitarian implications of the proposed bill, which could advance through parliament quickly.

Implications for US-Kenya Trade Negotiations

It is against this background that the United States is negotiating a trade agreement with Kenya called the Strategic Trade and Investment Partnership (STIP). In February, Public Citizen submitted comments to the Biden administration urging a more participatory, transparent negotiation process and voicing concerns about the lack of input from regular people. Now, Kenyan civil society groups and queer activists are calling on the Biden administration to pause negotiations until the Kenyan president commits to vetoing any legislation that threatens the lives and human rights of LGBTQI+ people. While Biden still has a lot of work to do to combat hate within U.S. borders, this is the perfect opportunity for the administration to follow through on its commitments to both a people-first trade agenda and the advancement of human rights for queer people. Because Kenya's anti-LGBTQI+ bill hasn't been signed yet, the Biden administration has the leverage to use the STIP negotiations as a bargaining chip to ensure this law never sees the light of day. Yet trade negotiations are currently ongoing.

Because Kenya is the only country in the region currently negotiating a trade deal with the U.S., civil society and elected officials are using this opportunity to broadly mobilize in support of the LGBTQI+ community in East Africa. The pressure will continue to escalate until the Biden administration commits to taking action.

Where Do We Go From Here?

There is precedent to use trade agreements as leverage to address human rights concerns. Regionally, LGBTQI+ rights violations resulted in the Gambia's removal from the African Growth and Opportunity Act (AGOA). U.S. Sen. Ron Wyden, among other U.S. legislators, has called Uganda's AGOA benefits into question over its harmful new law, and civil society organizations — including Public Citizen — called on the World Bank to pause funding to Uganda.

The Biden administration released a memorandum in 2021 directing U.S. diplomats, foreign assistance programs, and agencies to advance the rights of LGBTQI+ people everywhere — a sign of hope for civil society and legislators who are calling for actionable steps from the White House. The U.S.-Kenya STIP is the perfect opportunity for the U.S. to follow through on this commitment by prioritizing LGBTQI+ rights in trade negotiations with Kenya. ■

Photo of Ugandan President Yoweri Museveni courtesy of Wikimedia.

▶ **Texas**, from page 1

concluded May 29, offered a mixed bag that included some modest gains in the areas of the environment and energy policy amidst a long list of destructive measures. Rounding things out were years of scandals and alleged misconduct culminating in accountability finally being imposed on the state's top law enforcement officer.

The Ken Paxton Impeachment

Ken Paxton has been the attorney general of Texas since 2015. He has been under a state securities fraud indictment for all except a few months of his term in office. The pending state charges against Paxton are just the tip of the iceberg. A quick Google search returns a list of controversies so long that you wouldn't be faulted for forgetting some.

It all came to a head in a stunning public hearing by the state House's Committee on General Investigating in late May. The Republic-led committee revealed shocking allegations that Paxton had misused his office for personal and political gain. Investigators accused Paxton of constitutional bribery and misconduct to benefit a wealthy Austin real estate investor.

Before the hearing was over, it was clear that Paxton had to go.

"Ken Paxton must resign immediately. But if he refuses to go willingly, the Texas Legislature must act to remove him," Adrian Shelley, the Texas director of Public Citizen, said.

True to form, Paxton denied everything. But lawmakers had had enough. Within a few days, the Texas House impeached Paxton in an overwhelming vote. As of this writing, he was scheduled for a trial in the state Senate that will begin on Sept. 5. Per state law, he remains suspended until senators render judgment.

Public Citizen has been outspoken as one of the early and, at times, only voices calling for Paxton to be held accountable. The Texas office will monitor the trial closely as its process unfolds.

Reluctance Met with Reluctance

The Texas Commission on Environmental Quality (TCEQ) is the largest state-level environmental agency in the country. It only sometimes lives up to its name.

Going into the session, the TCEQ had been slapped with the "reluctant regulator" label for its light touch with corporate polluters. Lawmakers, unfortunately, largely responded with more reluctance.

The Legislature made modest improvements to the TCEQ as part of legislation determining how the agency would operate for the next 12 years. The legislation increases the maximum daily fine for polluters and improves public participation, communication, and the compliance history system.

Significant people-focused proposals that protect public health – consideration of environmental justice and community impacts of issuing multiple permits in one neighborhood, for example - failed to gain traction. A commonsense bill allowing lawmakers to be notified of fines for polluters issued in their legislative districts fell victim to a veto by Texas Gov. Greg Abbott.

Given an opportunity to make significant changes to environmental law and protect public health, the Legislature met the TCEQ's reluctance with its own reluctance.

"Ken Paxton must resign immediately. But if he refuses to go willingly, the Texas Legislature must act to remove him."

— Adrian Shelley, Texas director of Public Citizen

Protecting Corporations, Especially the Fossil Fuel Industry

Texas lawmakers are much more willing to act when it means coddling corporations. Despite opposition across the political spectrum, the Legislature revived a controversial program that allows polluting corporations to get a break on school property taxes. A previous version of the program left taxpayers on the hook for $31 billion.

Tellingly, lawmakers voted to exclude the renewable energy industry from the program. Public Citizen would have opposed this giveaway - all corporations should pay their fair share in taxes - even if it included renewables. But the industry's exclusion says a lot about the Legislature's preference to protect profits rather than people.

The session started with state leaders championing a plan to stabilize the Texas electricity grid by using an estimated $18 billion in taxpayer funds to pay for new power plants running on fracked gas. The plan, which ignored sensible energy efficiency initiatives that are cheaper than building new generation, ultimately failed. A smaller plan, however, was approved.

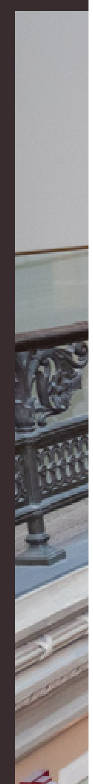
Some Positives

To end on a positive note, here are some individual proposals that the Legislature approved or failed to pass, to the benefit of Texans. The Texas office of Public Citizen advocated for the following:

- Additional air monitoring for dust or "particulate matter"
- Protectiveness review of concrete batch plants every six years
- The rejection of a bill that would weaponize environmental regulations to harm the renewables industry
- Sensible guardrails on carbon capture, sequestration, and storage. This unproven technology is sometimes used as a license for the continued dependence on burning fossil fuels.
- The passage of two positive energy efficiency bills (Abbott vetoed one)
- Improvements to the structures of the Public Utility Commission of Texas and the Electric Reliability Council of Texas, which together oversee the Texas grid.

While the governor has signaled an intention to call multiple special sessions next year, the next likely opportunity to address energy, environment, and ethics issues in Texas will be at the next regular session, which starts in January 2025. ■

Photo of Ken Paxton courtesy of Wikimedia.



On
Smit
cont
pan
for
who
War
rece
U.S.
Con

War
was
lead
worl
Citiz
cons
pres
mor
http

PUBLIC CITIZEN AT 50

n June 13, Public Citizen celebrated its 50th anniversary at the National Portrait Gallery and mithsonian American Art Museum in Washington, D.C. Hundreds of Public Citizen supporters ontributed to a buoyant mood at the event, which was postponed from 2021 due to the COVID andemic. U.S. Sen. Raphael Warnock (D-Ga.) was presented with Public Citizen's Golden Boot Award or his advocacy of voting rights, health care access, and racial justice. The Award celebrates those ho stand in defiance of corporate greed, government corruption, and threats to our democracy. Varnock joins other celebrated citizen advocates, democracy heroes and corporate butt-kickers in eceiving the award; past recipients have included former Supreme Court Justice John Paul Stevens, .S. Sens. Elizabeth Warren (D-Mass.) and Bernie Sanders (I-Vt.), and U.S. Reps. Rosa DeLauro (D-onn.) and the late John Lewis.

Varren, a fearless consumer advocate who has made her life's work the fight for middle class families, as an unmissable speaker at this year's gala. In her keynote address, she praised Public Citizen for eading "the fight to root out the excesses in corporate greed to protect consumers and to empower orking families." In a first for this year's gala, Joseph W. Cotchett received the inaugural Public itizen Lifetime Achievement Award for his dedication to fighting corporate malfeasance, protecting onsumers, and the environment. Other notable speakers at the event included former Public Citizen resident Joan Claybrook, the Honorable Nancy Pelosi, and U.S. Rep. Jamie Raskin (D-Md.). To see nore tributes from supporters, please visit Public Citizen's memory bank: ttps://anniversary.citizen.org/#MemoryBank

"[Public Citizen is] fighting for a more perfect
break. They are fighting to establish justi
domestic tranquility, not protect violent in
Keepers; to promote the general welfare, not
for the common defense, not to enrich the m
ourselves and our posterity, the bles
authoritarianism, insurrection, corru
- U.S. Rep. Jamie

Photos courtesy of Jay M

ect union, not a more perfect corporation tax
stice and not protect injustice; to ensure
t insurrectionists and Proud Boys and Oath
not to pass out corporate welfare; to provide
e military-industrial complex; and to preserve
lessings of freedom, not the curses of
ruption, and deadly climate change."
ie Raskin (D-Md.)

Mallin and Keith Mellnick.

Assessing Project NextGen

BY CASSIDY PARSHALL

In May, the Biden administration unveiled a $5 billion successor to Operation Warp Speed. Dubbed Project NextGen, the initiative aims to speed the development of the next generation of COVID-19 vaccines and therapeutics to improve U.S. preparedness and response capabilities against future pandemic threats.

Public Citizen's Access to Medicines Program is closely following the announcement with a view to helping ensure the administration heeds the costly lessons of the COVID-19 response. Despite Operation Warp Speed's significant achievement in delivering a COVID-19 vaccine in record time, the global vaccine rollout was marred by massive supply inequities and staggering drug company profiteering. In the Global South, millions died needlessly as they waited at the back of the line for vaccines to arrive. Public Citizen believes Project NextGen can and must improve on these significant failings.

One week prior to the Project NextGen announcement, Public Citizen President Robert Weissman testified before the Senate Health, Education, Labor and Pensions Committee (HELP), chaired by U.S. Sen. Bernie Sanders (I-Vt.), on preparing for the next public health emergency. He recounted the story of the power the U.S. government gave away to Moderna and other vaccine manufacturers, and our responsibility to take that power back this year. The Covid emergency is over, yet the disease remains a persistent threat and continues to be a leading cause of death in the U.S., particularly among older adults.

"While Moderna's executives became billionaires, taxpayers were gouged," said Weissman. "Unless Congress takes action to require companies to share publicly funded, lifesaving technology, patients around the world are poised to be ripped off and denied access to important vaccines in the future."

Weissman's testimony detailed specific recommendations for future R&D grant and acquisition contracts to ensure transparency, affordability, and global access. He called for building robust alternative funding models for future biomedical innovation, such as prize funds.

> **"Unless Congress takes action to require companies to share publicly funded, lifesaving technology, patients around the world are poised to be ripped off and denied access to important vaccines in the future."**
>
> **— Public Citizen President Robert Weissman**

"The Covid pandemic should teach us the crucial importance of a real public health infrastructure to prepare for pandemics and emergencies and to make significant investments in biomedical innovation," he said. "But the pandemic also illustrates the very real costs – in dollars and lives – of failing to act proactively to ensure an adequate supply and affordability of key biomedical products."

Project NextGen is being led by the Administration for Strategic Preparedness and Response (ASPR) and National Institutes of Health (NIH) in the U.S. Department of Health and Human Services (HHS). NextGen Director Dr. Robert Johnson said that HHS is "rapidly implementing this program to strengthen, treat and enable."

HHS is working with vaccine developers to develop mucosal vaccines, which offer better protection against variants and protect against different types of coronaviruses. Vaccine clinical trials will determine how well they stimulate the body's immune system and how safe and effective they are compared to currently available vaccines. For therapeutics, the initial focus is on advanced development of monoclonal antibodies to treat and protect vulnerable populations with an emphasis on pre-exposure prophylaxis.

According to Johnson, there are now many next-generation vaccines and therapeutics in early development – far more than in February 2020 when U.S. scientists were racing to respond to the COVID-19 pandemic. However, in the absence of major federal subsidies for R&D, corporate investment into late-stage development of next-generation vaccines and therapeutics, particularly efficacy trials, has been limited. The U.S. government fully funded the efficacy trials for the Moderna vaccine, for which the company has just quadruped the price to $110-$130 per dose.

Administration officials are downplaying expectations that Project NextGen will yield the rapid success of Operation Warp Speed. While OWS awarded more than $12 billion in vaccine-related contracts and had an overall budget of $18 billion, HHS Secretary Xavier Becerra said Project NextGen's $5 billion price tag necessarily makes it a more modest effort – unless it gets a lot more money from Congress. It's unclear whether Congress will provide additional funding. For now, government scientists are working on the assumption that there won't be any.

In the coming months, Public Citizen's Access to Medicines Program will continue to closely monitor Project NextGen's rollout. The team is organizing coalitions and examining contracts that will help ensure public accountability. In meetings with ASPR, it has emphasized the opportunity that NextGen provides to address OWS failures and adopt alternative approaches.

These include government-owned, contractor-operated (GoCo) production of medical tools, the incorporation of reasonable pricing and technology transfer requirements in federal contracts, and support for the WHO-backed mRNA Technology Transfer Program to share mRNA know-how with manufacturers across Asia, Africa and the Americas. ■

Photo courtesy of Shutterstock.

Public Citizen salutes…

Thank you to these individual supporters who help make our work possible.

GUARDIANS ($100,000+)

Mark Chavez
Joseph Cotchett
Sheila, Dave and Sherry Gold Foundation
Nancy Nordhoff
Hart Robinovitch
Stephen Silberstein

AMBASSADORS ($50,000+)

Sarah Anderson and Kenneth Farnsworth
James Bennett
Robert Bramson
Neil Holtzman, M.D.
Maria Sarath Ragucci
Michael Rooney
Gerson Smoger

TRUSTEES ($25,000+)

Abe and Ida Cooper Foundation
Adelaide Gomer
Morton and Merle Kane
Victoria Nugent
Deborah Schumann, M.D.
Daniel Seltz
Stephen Skrovan and Shelley Powsner
Marsha Soffer
H. Scott Wallace

JUSTICE CHAMPIONS ($10,000+)

Elizabeth Abbe and Lewis Schneider
Bob and Jacquelin Apsler
Medea Benjamin
Elizabeth Boardman
Jeffrey and Deanna Burns
Bonnie Castillo
Jay Causey
Cloud Mountain Foundation
Ann and John Collier
Steven Cohen
Cow Hollow Foundation/ SLC Giving Fund
Michael Cowen
Defense Against Thought Control Foundation
Minna Doskow
Pamela Gilbert
Margie Haley
Kriss Hart
Edward Hopkins
Pamela Hosler
Janelia Foundation
Robert Jennings Jr. and Barbara Bott
Ursula Korneitchouk
Hans Lange
Rena and Michael Leizerman
Robert Magee
Michael and Louise Malakoff
Patrick and Vicki Malone
Richard and Susan Master
Mary Maxwell
James McClelland
Alan and Anne Morrison
Constance O'Hearn
Susan Ritchie
Allen and Linda Saeks
John Santmann
Tim Toomay
Deniz Tuncer and Derek Cressman
Barbara Virzi
Elsa Wood

DEMOCRACY DEFENDERS ($5,000+)

Renee Agnew
Albert and Jacqueline Alling
Hope Asrelsky
Kenneth Baker Jr.
Richard and Joanne Barsanti
Marcus Bass
Dr. James S. Bowman
Mark Bronson
Dan Castellaneta and Deb Lacusta
Charles Charrow
Mary Cooper
Consumer Reports
Robert Cordova
Wesley Davis Jr.
Gilbert Dembo
Jeffrey Dennis
Robin Diener
Ellen Dohmen
Ann Dusenberry and Brad Fiedel
Michael Eidsness
Nancy Elghanayan
Sheldon Evans
Elaine Felde
Jean Fisher
Mary Ford
Arthur Fox II
Ivor and Barbara Freeman
Linda Gochfeld
Zach Greenberger
Xan and Bonnie Gregg
J. Gary Gwilliam
Jon Hagler
Corky Hale Stoller
Keith Hebeisen
Joan Intrator
Elizabeth Kantor
Ellen and Christopher Kauffman
Bob Killian
Adam Koranyi
Blythe Kropf
Gayle Langford
Roberta Leonard
Harold Levene
Linda Logan
Christopher and Catherine Matthews
Tom and Darlene McCalmont
Paula Merritt
Paulette Meyer and David Friedman
Steve Mikhov
Stephen Moe
Karen Moffat
Mary Morse and Jim McBride
David Myers
Bette Myerson
Andrea Nace
Barry Nace, in memoriam
Christopher Nace
Matthew Nace
John Nagle
Peter Neumann
Peter Nicholl
North Pond Foundation
Cynthia Padera
Denise Peine
Gary and Colleen Pomerantz
Suzanne Potente and John Huddleston
Kathleen Rohrer
George Seger
Victor Sher
Michael Shoop and Joyce Prudden
Steven Skalet
Ronn Smith
Meredith and Thomas Sobol
Mary Ann Stein
David Stern
Stephen Tillery
Lana Touchstone
Rick True
United Steelworkers
Linda Valdes
Theo and Pia van de Venne
Bernard Weichsel
Welman Family Fund
James Worth

SUPER CITIZENS ($2,500+)

American Postal Workers Union
David and Margaret Balamuth
Jere Beasley
David Bendich
Alan Berlow and Susan Blaustein
Arthur Berndt
Lewis Black
Charles Brainard
Harold and Stephanie Bronson
Frank and Laurie Bruns
Jim Burton
Peter Calingaert
Edward Carrier
James Cason
Michael Charney
Marg Chauvin
Christine and David Cullenberg
Phyllis and Elizabeth Currans
Russell De Burlo
Samuel De Merit
Laraine Del Belso
Mrs. Donald Dickerson M.D.
David Dressler
David DuPont
Karen Durlach
Robert Edelman
Anne Ehrlich
Charles Eldridge
Susan Farrell
Rosemary Faulkner
Barbara Featherstone
Theo Ferguson
Susan Fernald
Judith Ferster
Sharon Fingold
Evelyn Fizell
Lynda and Stephen Fox
Rick Frankfort
Brian Freeman
Orman Gaspar
James Goldstein
Thomas Goldstein
Susan Griffing
Bernard and Harriet Gross
Robert Habush
Robert Hagge Jr.
David Halperin
Toby Hankin
Robert and Stephanie Harris
Virginia Harris
William Hendricks Jr. and Mary Lee Hendricks
Hilary Heyl
Cleveland Hickman
John Hirschi
Michael and Kathleen Hoar
Cynthia Hobart
Eugene Howley
John Hueston
Helen Joerger
Marjory Johnson
Michael and Patricia Johnson
Nobuko Kuhn
Eileen and Paul LeFort
Joan Levin
Barry Levitt
John Manning
James Marshall
Eliza Migdal
Madeline Miles
Eileen Murphy

Erik Nash and Allison Spielmann
Marilyn Nathan
Edward and Audrey Naumes
Martinus and Sheila Nickerson
Michele Ochsner
Victoria Olson
Isabel Pahoyo
Elizabeth and Carl Pieper
Rita Rausch
James and Janet Rettig
David Roberts
Judy and Don Rogers
David Rosenstein
Paula & Steven Schimmel
Katie and Jim Sebastian
Charles and Rosemary Sexton
Dianne Shumaker and Bob Southard
Gottlieb Simon
Skyemar Foundation
Alicia Smith
Justin Smith
Chris Stack
Saul Sternberg
Jewell Stindt
Lucille Straub
David Switzer
Martha Taylor
Joyce Thibodeaux
Amy Thor
John Vail
Elizabeth Verbeck
Mary Werner
Jody Zaitlin and Mark Nienberg

Public Citizen salutes our Citizens for the Future, individuals who have included us in their estate plans:

Maya Abels and Stewart Holmes
Glen Anderson
Jesse Arnold
Drs. Keith and Muoi Arnold
Adrienne Barker
Monica Bender
Gary Bennett
Leslie Berkes
Judy and Dennis Berman
Mary Blom
C.M. Boyer
Peggy Brayfield
Frank and Christine Brice
Robert Brown
Carol Bullard
Michael Caffrey
Elizabeth Cassidy
John Chevedden
Louise T. Chow and Thomas R. Broker
David and Libby Cockerline
Mark Cohen
Anne Cooke
Wendell and Ginger Covalt
Sarah Dana
Elizabeth Deane
Roy Dempsey and Angelina Cantonjos
Minna Doskow
Warren Edgar
Ola Edwards
Douglas Estes
Anne Farr
Gary Galsworth
Mary Geissman
Don Gentry
Anne Hammond
Peter and Kathryn Hansen
Wendy Harris
Margaret Hazlett
Carol Heubeck
Linda Jo C. Hoholik
Alexander Hoppe
Mary Ann and Donald Horenstein
Paul and Suzanne Howes
Dr. Edward J. Jay
Barry Johnson
Ruth Kalin
Harold Kalishman Charitable Gift Fund
Steven G. Kellman
Douangmala Khounnavongsa
Eleanor Kidd
Howard and Mary Kirschenbaum
Erwin and Grace Koch
Linda Kollman
Alex Kouvel
Teresa Gervato Kravitz
Chela Kunasz
Norman Lathrop
Kenneth Levin
Barry Levitt
Philip Lewin and Sherrie Barr Trust
Bob Mannaberg
Maria Maytorena
Claire Mcmanus
Kenneth Meersand
Bernice Mennis
Kent Mitchell
Robert Munson
Diane Nero
Phyllis Ohlemacher and Bob Wages
Thomas O'Keefe
Patricia Oliansky
David Parees
William Pate
Susan Petra
Bhagwati Poddar
Paul Prenovitz
Gertrude Myrrh Reagan
Maurice Rehm
Sondra Resnikoff
William and Linda Richter
Allen and Linda Saeks
Michael Shoop and Joyce Prudden
Diana and Philip Sickles
Beatrice Sims
B. A. Stribling
M. Taylor
Glen D. Taysom
Ralph Tuscher
Bill Van Den Berg
Irene Van Natter
Janis Watkins
Alan Weinberg
Richard Weingarten
Paul Werner
Cheryl Wilfong
Raine Wiseman
Kurt and Torj Wray
Preston J. Wright, PhD and Frieda Wright

Thank you to the following individuals who make monthly donations of $100 or more through our sustainer program:

George Alvarez-Correa
Teresa Audesirk
Arthur Berndt
Ellen Blanchard
Anne Bloom
Scott & Janet Borison
Ann Bornstein
Betty Butterbaugh
Gregory Cermak
Allen Chazin
George Cohen
Kerstin Doell
Michele Dotson
Marshall Dubaldo
Robert E. Joerger
Diana and Fred Elghanayan
Susan Farrell
Milton Finegold
Jill Fisher
Frank Fox
Lynda Fox
Claude Goldenberg
Lynne Goldsmith
Zach Greenberger
Colin Hacking
Christian Haller
Tom Hamer
Margaret Herzen
Neil Holtzman, M.D.
Jane Illades
Margit Johansson
Oscar Jones
Shirley Karas
Cynthia Kayser
Pamela Kennel
Susan Knape
Susan Kolodny
Nathan Laffin
Philip Livingston
Christopher Manz
James Margolis
Marston Meador
Donalyn Mikles
Margie Milroy
Andrea Nace
Barry Nace, in memoriam
Christopher Nace
Matthew Nace
Erik Nash
Peter Neumann
Constance M. O'Hearn
Kelli Pearson
Israel Perla
Lena Plamondon
Douglas Plante
Robert Poignant
Gary Pomerantz
Russell Posch
Nancy Rader
Rita Rausch
Martha Reddout
Martha Rowlett
John Santmann
Lawrence Shainberg
Judith Shapiro
Hezekiah Sistrunk
Alicia Smith
Gary Stewart
Muriel Taylor
Tad Thomas
James Thompson
Joan Tomeo
Jennifer Tomkins
Steven Vanbever
Willem Vandenbroek
Thomas Vernon
Tara Wakefield
Barbara Wayne
Barbara Whitney
Glenn Wohl
Ann Worthington

Our work would not be possible without the generous support from these Foundations:

Bernard and Anne Spitzer Charitable Trust
C.S. Fund
Carbon Advocacy Project
Catena Foundation
Center for Effective Government
Climate Imperative
ClimateWorks Foundation
Colombe Peace Foundation
The Cynthia and George Mitchell Foundation
Deer Creek Foundation
Democracy Fund Voice
Digital Freedom Fund
Down Ballot Climate Fund
Economic Security Project
Edna Wardlaw Charitable Trust
Educational Foundation of America
Energy Foundation
Environmental Defense Fund
Fine and Greenwald Foundation
Ford Foundation
Houston Endowment
JPB Foundation
Jacob and Terese Hershey Foundation
Janelia Foundation
Johnson Family Foundation
Kohlberg Foundation
Lisa and Douglas Goldman Fund
Luminate Foundation
Mertz Gilmore Foundation
Moriah Fund
New Venture Fund
Omidyar Network
Open Society Foundations
The Partnership Project
Park Foundation
PB and K Family Foundation
Perls Foundation
Pisces Foundation
Piper Fund
Public Welfare Foundation
Rockefeller Brothers Fund
Rockefeller Family Fund
Schmidt Family Foundation
Sequoia Climate Foundation
Stewart Mott Foundation
The Sunrise Project
Ted and Rita Williams Foundation
Tides Foundation
Trusted Elections Fund
Wallace Global Fund
William B. Wiener Jr. Foundation
William H. Donner Foundation
Western Conservation Foundation
WhyNot Initiative

To become a leadership supporter, please contact Amanda Fleming at (202) 588-7734 or afleming@citizen.org.

Are your medicines SAFE?

Many drugs that come to market have risks that outweigh their benefits. Others, found to have risks only after they are approved, are left on the market for dangerously long periods of time. Find out which drugs are safe—and which you should avoid—with Public Citizen's WorstPills.org and *Worst Pills, Best Pills News*.

To subscribe to WorstPills.org, our website, for only $10 a year, visit www.WorstPills.org, and type in promotional code 2P4G5PC when prompted.

To subscribe to the monthly print edition of *Worst Pills, Best Pills News* for a discount—$10 a year—mail in the form below. *(Phone orders without this coupon are $20.)*

◯ **Yes! I will subscribe to the print edition of *Worst Pills, Best Pills News* for only $10 for 12 monthly issues.**

All orders must be prepaid
◯ Check *(payable to Public Citizen)*

Credit card: ◯ Visa ◯ Mastercard
◯ Amex ◯ Discover

CREDIT CARD NUMBER

EXP. DATE

SIGNATURE *(AS IT APPEARS ON CARD)*

NAME

8-DIGIT ID NUMBER *(FROM MAILING LABEL)*

STREET ADDRESS

CITY

STATE/ZIP

EMAIL ADDRESS

PHONE NUMBER

Send order to:
Public Citizen
P.O. Box 96978
Washington, DC 20090-6978

2P4G5PC

www.WorstPills.org

IN THE SPOTLIGHT

The following are highlights from our recent media coverage.

Robert Weissman, Public Citizen president

On the Pentagon budget: *The Nation.* **On runaway corporate artificial intelligence:** *Wall Street Journal, Voice of America News, Common Dreams, San Diego Sun, Memphis Sun, San Jose News, Tampa News, Smithsonian, Fresh Society, The Defender.* **On Supplemental Nutrition Assistance Program benefits:** *Salon, Common Dreams.* **On social media data collection:** *Salon, MSN.* **On Internal Revenue Service cuts:** *Common Dreams, Alaska Native News.*

Lisa Gilbert, vice president of legislative affairs

On the House appropriations bills: *The Hill.* **On ensuring privacy for kids on social media sites:** *Common Dreams.* **On Donald Trump's potential run for president:** *Politico, MSN.*

Adrian Shelley, Director of Public Citizen's Texas office

On clean energy in Texas: *The Washington Post, Laredo Morning Times, SFGate, Chron.com.* **On stripping authority from Texas cities:** *Yahoo News.* **On Texas House of Representatives crackdown on polluters:** *Texas Tribune.* **On Texas Attorney General Ken Paxton's impeachment:** *The Texas Tribune, San Antonio Express-News, News Break, Salon, Austin American-Statesman, Laredo Morning Times, San Antonio Report, El Paso Times, Business News, San-Angelo Standard-Times, Texas Standard.* **On rock and concrete crushing in Texas:** *The Austin Chronicle.* **On Texas State Senator Angela Paxton recusing herself from husband's impeachment trial:** *Texas Tribune, New York Post, MSN, The Dallas Morning News, San Antonio Express-News, Laredo Morning Times, News Break, Raw Story.* **On Big Pharma's price gouging:** *Common Dreams.*

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

On virtual prescriptions for controlled substances: *The Washington Post.* **On the U.S. government funding research for Moderna's COVID vaccine:** *The Boston Globe.*

Tyson Slocum, Director of Public Citizen's Energy Program

On a proposed liquified natural gas plant in Florida: *Inside Climate News, WUSF-TV, El Nuevo Herald.* **On the review of BlackRock utility holdings:** *Reuters.* **On drug price reform:** *The American Prospect.* **On carbon capture:** *Politico.* **On Big Oil in Utah:** *Jacobin.*

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

On Detroit trade deals protecting corporate interests: *Politico, News Break, Good Word News.* **On the Investor-State Dispute Settlement system:** *Common Dreams.*

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

On Super PACs: *Star Tribune.* **On former members of Congress becoming lobbyists:** *Bloomberg Government.* **On the Drug Enforcement Agency's failure to punish a dealer involved in the opioid crisis:** *Associated Press, The Boston Globe, ABC News, Newsday, The Los Angeles Times, Laredo Morning Times, Star Tribune, CBS News, PBS News Hour, The San Diego Union-Tribune, Arizona Daily Sun, News Break, The Denver Gazette, NBC Washington, Las Vegas Sun.* **On taxpayer money going to federal airplane trips:** *MSN Travel.*

Public Citizen Litigation Group

On the U.S. government seizing homes to satisfy a tax debt: *Bloomberg Law, Bloomberg Tax.* **On preserving the Consumer Financial Protection Bureau's mortgage and real-estate regulations:** *Consumer Finance Monitor, LexBlog, JDSupra.*

▶ **Heat**, from page 1

United States annually, according to a recently released report by Public Citizen.

Heat-related deaths and injuries like the postal worker in Dallas are shockingly common — and unfortunately poised to become still more frequent as the climate crisis intensifies.

The devastating impacts of heat-related injuries comes as the Occupational Health and Safety Administration (OSHA) and Congress continue to consider actions intended to prevent heat-related illnesses, injuries, and fatalities in both indoor and outdoor workplaces across the country.

"Meaningful action by Congress or OSHA could prevent tens of thousands of heat-related injuries and illnesses each year," said Fulcher. "An effective heat standard would save lives and protect workers."

The dangers of heat stress are overwhelmingly borne by low-income workers and disproportionately borne by Black or Brown workers. The lowest-paid 20% of workers face the most danger, suffering five times as many heat-related injuries as the highest-paid 20%.

The report, which builds on Public Citizen's long-standing campaign to protect workers from excessive heat, found that the failure of employers to implement simple heat safety measures costs the U.S. economy nearly $100 billion every year. At least 50,000 injuries and illnesses could be avoided in the U.S. each year with an effective OSHA heat standard, according to the report.

"For businesses, the logic is 'If they aren't working, I'm losing money,'" said Fulcher. "But the dangers of over exerting workers in the heat are high, and the costs for an on-the-job injury stack up incredibly quickly. Employers pay a substantial price for failing to mitigate workplace heat stress including the costs of absenteeism, turnover, and overtime due to worker illness or injury."

Early this summer, the World Meteorological Organization released a report detailing how forecasts of a strong El Niño pattern combined with the impacts of the climate crisis will likely push temperatures soaring over the next five years.

"For every 1º Celsius increase in temperature, workplace injuries rise by 1%, making heat stress prevention crucial," said Fulcher. "Employers can take simple actions to protect their employees, but unfortunately many see it as a burden. By implementing a binding and comprehensive heat stress standard from OSHA, we can prevent countless illnesses, injuries and fatalities and create safer, more productive workplaces."

Workplaces can adopt simple and affordable measures to mitigate heat stress for employees, including access to cool drinking water and adequate "cool down" breaks in shaded or air-conditioned spaces. Further, new employees can be gradually acclimatized to working in the heat, and all managers and employees can receive training on how to avoid heat-related illnesses and injuries.

Public Citizen began advocating for OSHA to implement safeguards to protect workers from extreme heat in 2011. After years of advocacy, OSHA began the rulemaking process for a heat standard in October 2021.

"Unfortunately, OSHA rulemakings take years, sometimes over a decade, to implement," said Fulcher.

While OSHA can issue emergency standards, they are limited by statute to six months — hardly enough to span the years needed for issuance of the final standard. Also, past emergency standards issued by OSHA have been immediately challenged in court, putting a hold on their implementation and delaying work on the final standard. However, Congress can enable OSHA to create an interim heat standard longer than six months, one that will result in faster implementation.

"Congress must step up to push worker protections forward and pass legislation that would empower OSHA to compel employers to put safety measures in place now," said Fulcher.

"In the next few weeks, we expect Congress to reintroduce legislation that would do just that. The Asuncíon Valdivia Heat Illness, Injury and Fatality Prevention Act, directing OSHA to issue an interim heat standard until a final standard can be completed, will save lives." ■

Public Citizen Recommends ...

'Carmageddon: How Cars Make Life Worse and What to Do About It'

By Daniel Knowles; $28; Harry N. Abrams

Each year, 1.35 million people worldwide are killed on roadways. The automobile pollutes the air we breathe and puts our climate at risk. Yet, despite widespread awareness of the enormous threats that cars inflict on our society and planet, for many people around the world — especially in the U.S. — the car represents freedom and convenience while remaining a potent symbol of who we are and how we want to be seen.

In "Carmageddon: How Cars Make Life Worse and What to Do About It," Daniel Knowles, Midwest correspondent for The Economist, explores such deeply-ingrained beliefs about cars and the proliferation of automobiles. The connection between us and our cars is the product of urban planners, politicians, wealthy white elites, and automakers who conspired to remake American cities for cars decades ago. Knowles combines history, economics, and original reporting to make a persuasive case for how this transformation has made cities across the globe uglier, less safe, less equitable, and less happy places to live.

Some of Knowles' arguments against car ownership may sound familiar but he contextualizes them with an intersectional and international perspective, while also advancing fresh concepts. For instance, you might have heard before that car commutes are linked to stress, fatigue, anxiety, and social isolation, but did you know that getting rid of an hour-long car commute raises peoples' happiness by the equivalent of a $40,000 raise? Or that people with long commutes are 40% more likely to get divorced? Weaving together issues of how cars affect our safety, public health, happiness, and climate, he paints a full picture of the numerous consequences of designing cities for cars.

Take Houston, the city notorious for having one of the largest motorways in the world: the Katy Freeway. While Houston was built to maximize auto-mobility, urban planners inadvertently made mobility more difficult for everyone, including drivers. Public transit is virtually nonexistent, nine in 10 people commute to work alone, and Houstonites regularly sit in traffic for hours to get to their destinations. According to Knowles, there is a correlation between the amount of time we spend in our cars and our overall quality of life and happiness. In contrast to Houston, Tokyo, a city that touts the lowest car usage in the world, is recognized for having one of the highest qualities of life globally.

In one of his most poignant chapters, Knowles contrasts contemporary urban examples with critical stories from history showing how the rise of the automobile served as an engine of social and racial inequality in the U.S., enabling white flight from cities like Detroit, Baltimore, and Chicago in the 1950s and 1960s.

Citing Richard Rothstein's research on federal exclusionary housing programs like redlining that denied Black families and other people of color mortgages in the suburbs, Knowles points out that as those mortgages were made available to white families, the federal government subsidized roads and highways, allowing white families to abandon downtowns, gutting these cities of tax revenue.

White suburbanite commuters took to their cars. The resulting years amounted to little interaction with the neighborhoods they worked in, while carving racially segregated lines with highways, breaking up long-standing communities of color, increasing pollution, and creating more treacherous streets for residents to navigate.

"Carmageddon" underscores why a vision for the future of mobility singularly focused on climate change and accelerating the transition from fossil-fuel-powered cars to zero-emission electric vehicles (ZEV) falls short. In designing cities around cars, pedestrians, people in wheelchairs, bikers, and anyone who shares the road with a car faces injury or death at the hands of a driver. Moreover, ZEV supply chains are rife with human rights abuses, exploitation, and environmental destruction, according to Knowles.

"Carmageddon" closes on a hopeful note. It is possible to "unwind the investments of a century into a world dominated by the private automobile." That means expanding and improving public transit, protected bike lanes, and dedicated bus lanes, as well as charging the full cost of car ownership. When space is made for bicycles, trains, and buses, we move closer toward the freedom that the myth of cars promises, but fails to deliver. ■

— Erika Thi Patterson

To order books, contact the publisher or visit your local bookstore or library.

CFPB's Commitment to Racial Equity Focuses on Action

BY CANDACE MILNER

Since the beginning of his 2020 presidential campaign, Joe Biden promised that racial equity would be a key part of his administration. On the first day of his administration, President Biden solidified that commitment by signing an executive order directing federal agencies to create racial equity action plans to address the ways federal agencies can tackle systemic racism. In a recent report, Public Citizen analyzes the racial equity plan of the Consumer Financial Protection Bureau (CFPB or Bureau) and found the agency has made impressive headway in several key areas.

The first action in the CFPB Equity Plan is to incorporate Racial and Economic Equity principles into the Bureau's strategic planning and divisional review process. Many of the goals in this action were internal, as the CFPB continues to focus on shifting its culture to create a more equitable workplace. Externally, the CFPB successfully published a Best Practices Report. This report reviewed the diversity, equity and inclusion (DEI) programming of financial organizations and made recommendations based on organizational size and goals.

The combination of its internal appraisals and the Best Practices Report positions the CFPB as an example for financial institutions to look to when working to create and implement DEI programming. In addition to the best practices report, the CFPB launched a self-assessment for financial companies to report their DEI initiatives and demographic data. This data will be helpful in monitoring the progress of racial equity in the sector and providing future recommendations to firms committed to DEI. While the assessment has been underutilized to date, we are hopeful that the agency will continue to do outreach to increase engagement.

The next action outlined by the CFPB is ensuring that financial actors do not harm consumers and small businesses by denying fair, accessible and equitable banking options in their communities. The CFPB's focus in this area has been ensuring redlining is not occurring and strengthening data collection. Redlining occurs when people are systemically denied access to mortgages and housing financing options based on their race and geographic location.

Redlining is discriminatory and illegal, but still practiced by some lenders. The CFPB has taken action against Trustmark National Bank and Trident mortgage for infractions and redlining discrimination. Trustmark had to pay $8 million in penalties and compensation for its infraction while Trident paid more than $22 million in penalties and compensation. The Trident mortgage settlement is especially important since it is one of the first settlements geared towards a non-bank mortgage company, which now make up most of the market.

Across federal agencies, there is a gap in targeted and specialized data. The CFPB has finalized the data collection rule required by Section 1071 of the Dodd-Frank Wall Street Reform and Consumer Protection Act. This data collection rule covers almost all lenders to small businesses and will give the agency data needed to understand which banks are lending to Black and Brown-owned small businesses and identify gaps in access to loans and instances of discrimination.

The third action the CFPB is taking is ensuring that Big Tech's involvement in consumer financial markets does not impede fair competition. One concern is digital redlining, which occurs when technology is used to discriminate against historically marginalized communities. The CFPB is monitoring the way that data on consumer behavior, price and services is processed by algorithms and algorithm-determined product offerings and prices hurt communities of color. The CFPB is also working to identify racial bias in automated valuations, algorithms, and cloud services. Monitoring technology for racial bias ensures that discrimination does not go unchecked because of the false assumption that technology is objective.

The last action in the CFPB Equity Action plan is collaborating with other organizations, regulators, and stakeholders to ensure there's fairness and equity in property valuations. Appraisals are a large part of determining the correct price for a property before it is sold. Recently, numerous reports have shown that Black and Brown families are facing discrimination in the appraisal process — getting quoted lower appraisal values than similar homes in their communities, and even in the same neighborhood. These unfair appraisals contribute to the racial wealth gap.

The CFPB has partnered with an interagency task force called PAVE which committed to over 20 action items to identify and stop discrimination and bias in the appraisal process. These actions include having hearings on appraisal bias, working with the appraisal foundation to create better ethics rules, and educating the public about the reconsideration of value process when discrimination does occur.

The CFPB has done important work in outlining and reaching goals that interrupt discrimination and create equitable processes so communities of color can thrive in the financial and consumer markets.

"While the work to advance racial equity at the CFPB is in no way complete, the steps we are seeing go beyond plans and focus on actions," said Lisa Gilbert, executive vice president of Public Citizen. "Black, Indigenous, and other people of color face systemic barriers in every sector and at every stage of consumer interactions. The CFPB's work acknowledges the pervasiveness of racial inequity and is taking steps to address it from multiple lenses." ■