



To End Pandemic, U.S. Should Lead Global COVID Vaccine Effort

BY MIKE KEELEY

The delta variant-fueled COVID-19 wave that is slamming communities nationwide and flooding ICUs is a glimpse of the endless pandemic to come unless the Biden administration secures a waiver to significantly boost production of vaccines, tests, and treatments; requires firms to share vaccine recipes; and helps to fund a major increase in COVID-19 medicine production worldwide.

A recent report by Public Citizen's Global Trade Watch (GTW) debunked Big Pharma claims that drug corporations'

current vaccine production plan would quickly satisfy global demand. Nine months into 2021, current vaccine producers have delivered only five billion doses of the 12 billion they promised to make this year, while 14-15 billion doses were needed before rich countries started booster shots.

Less than 3% of people in low-income countries have had at least one dose, according to the World Health Organization (WHO), and those countries may wait until 2024 for mass immunization, if it happens at all, according to the Economist Intelligence Unit.

see **Vaccine**, page 8 ▶



Protesters arranged body bags outside the White House during a protest on July 15 calling on German Chancellor Angela Merkel to stop blocking an emergency waiver of intellectual property rules needed to increase global production of COVID-19 vaccines. Photo courtesy of AP Images for Citizen Trade Campaign.

Public Citizen Defends Asylum Seekers in Mexico

BY DAVID VILLANI

In January 2019, the U.S. Department of Homeland Security (DHS) began turning around certain non Mexican migrants who arrived at the United States southern border seeking asylum. DHS sent them back to Mexico to await their U.S. immigration proceedings. Among the places they were sent was the notoriously dangerous border state of Tamaulipas. Over the next two years, DHS sent to Mexico more than 70,000 non-Mexican migrants – asylum seekers from Honduras, El Salvador, and

Guatemala, as well as Cuba and Venezuela, among others. More than 25,000 of them were sent to Tamaulipas.

The U.S. State Department has long assigned Tamaulipas a “Level 4: Do Not Travel” advisory – the highest level of warning, assigned to active-combat zones such as Afghanistan, Iraq, and Syria. The State Department advises U.S. visitors to high-risk areas like Tamaulipas to make a will, designate a family member to negotiate with kidnapers, and establish secret questions and answers to verify that the traveler is still

alive when kidnapers reach out to family members. Nonetheless, DHS dropped asylum-seekers off at locations in Tamaulipas where they were easy prey for kidnapers, and it scheduled them for immigration hearings just across the U.S. border in Texas, so that they had to live or travel through Tamaulipas in order to pursue their asylum claims.

In April 2020, in a case called *Nora v. Wolf*, Public Citizen, along with the ACLU Immigrants’ Rights Project, the ACLU of the District of Columbia, the ACLU of Texas, and

see **Asylum**, page 4 ▶

Oil & Gas Company Executives Pocketed Millions in Payouts

BY ALAN ZIBEL

Top executives of troubled U.S. fracking companies have received massive payouts in recent years, even as their companies filed for bankruptcy, thousands of workers lost their jobs, investors were wiped out, and taxpayers may face a huge bill for cleanup costs, according to a Public Citizen report.

The report, “Fueling Failure,” analyzed the U.S. oil and gas corporations that filed the 25 largest bankruptcy cases between 2018

see **Gas**, page 11 ▶

INSIDE

NURSING HOMES EXPERIENCE SCOURGE OF COVID, page 5

FERC SHOULD ESTABLISH TRANSPARENCY IN NATURAL GAS PRICING SYSTEM, page 10

IN THIS ISSUE

VOL. 41, NO. 5 • SEPT./OCT. 2021

ENERGY & ENVIRONMENT

- 1 Oil & Gas Company Executives Pocketed Millions in Payouts
- 10 FERC Should Establish Transparency in Natural Gas Pricing System
- 12 Public Citizen and Allies Fight Attack on Solar at Nation's Largest Electric Co-op
- 16 Fulfillment AIG Must Stop Fueling the Climate Crisis

GLOBALIZATION & TRADE

- 1 To End Pandemic, U.S. Should Lead Global COVID Vaccine Effort

HEALTH & SAFETY

- 4 Sharing the NIH-Moderna Vaccine Recipe to Increase Vaccine Production
- 6 A Long Overdue Probe of an Unproven Alzheimer's Treatment
- 7 The Olympics and Public Citizen's #StopPlayingGames Campaign

LITIGATION

- 1 Public Citizen Defends Asylum Seekers in Mexico
- 5 Nursing Homes Experience Scourge of COVID
- 12 Public Citizen Weighs in on Florida Medicaid Lawsuit

PUBLIC CITIZEN RECOMMENDS

- 15 "Fulfillment"

OTHER

- 2 Get to Know Public Citizen
- 3 President's View
- 14 In the Spotlight

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GET TO KNOW PUBLIC CITIZEN JULEY FULCHER

An ongoing series profiling Public Citizen leaders and staffers



If you've been on a video call with Juley Fulcher at some point during her 14 months at Public Citizen, you may have noticed the underwater photo of a sea turtle that she uses as her digital background. What people might not know, however, is that Fulcher took this photo herself on one of her many scuba diving adventures.

When asked to describe herself in a word, Fulcher pauses contemplatively before settling on two: "political egghead" and "water person." She's been scuba diving around the world for over 15 years which has led to many adventures, perhaps most notably an underwater pumpkin carving contest.

For Fulcher, scuba diving is a form of rejuvenation and intentional rest from the intensity of her advocacy work. "That's the beauty of diving," she says. "You get to sink down into that silent world, and everything is somewhere else."

After earning her master's degree and doctorate from Johns Hopkins and her law degree from Georgetown, Fulcher entered the field of social justice policy, where she has now worked for over 25 years. In May 2020, Fulcher joined Public Citizen's Congress Watch team as worker health and safety advocate and coordinator of the National Heat Stress Campaign.

How did you find your way to Public Citizen?

Fulcher: I spent 25 years working on violence against women, which was my expertise, but I ended up taking a couple of years off to care for my elderly mother. When I reentered the workforce, I decided to go in a different direction. Working at Public Citizen seemed an interesting way to keep doing what I love in terms of policy that's helping people.

While navigating that transition, what drew you to workers' safety advocacy?

Fulcher: It's similar in that people's lives and safety are on the line and there are strong power dynamics at play. Many workers lack power in the situations they're in. They also don't have much recourse – the ability to get the justice and safety that they need – so I was happy to jump in and do that.

Are there any ways COVID has created unexpected windows of opportunity for your work?

Fulcher: Sometimes there are situations where you can point to something and say, 'you see, this is why you need to care' and COVID did that for us. All these essential workers that often go unnoticed are also the crucial people keeping the country running. And suddenly everybody paid attention to them and thought about what their work was like. They saw them as the heroes and the critical part of our infrastructure that they are and paid attention to their working conditions.

How has your advocacy work shaped you as a person?

Fulcher: I never grew up interested in politics at all. I never took a political science course nor intended to end up doing this work. I started working in a system trying to help victims of domestic violence and you immediately figure out the system is broken so you start trying to fix it. But the more you get into it, you realize all the systems are broken.

It's not easy, but throughout my career, I've had many victories and feel that I've made changes that have affected people's lives dramatically. So my whole way of thinking has shifted; I feel much more powerful doing this work, and I feel like I can make a change. ■

—Compiled by Sara Kate Baudhuin

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Public Citizen is a national non-profit 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.

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Building a Robust Reconciliation Package

As we enter the fall, the U.S. Congress will be considering the most transformative legislation in a generation. The “reconciliation” package, which embodies President Biden’s Build Back Better agenda – yes, there are a lot of names and no one moniker has yet become the winner! – offers the possibility of making the United States a far more decent society, while also doing far more to address the climate crisis than any previous federal initiative.



PRESIDENT’S VIEW
ROBERT WEISSMAN

The components of the legislation are enormously popular, but they are under attack. Corporations and the super-rich are balking at paying their fair share of taxes. Big Pharma is trying to tank provisions that empower Medicare to negotiate lower drug prices. And misnamed “moderate” Democrats are raising

groundless concerns about debts and deficits – even as they simultaneously complain about raising money by taxing corporations and the super-rich.

At time of writing, the politics of the reconciliation bill are enormously complicated and the time frame for congressional action a bit uncertain. But here’s something that crystal clear: Public Citizen is going to do everything we possibly can to defend a full and robust bill. The nation has waited too long for this moment to come, and we can’t afford to waste it.

The reconciliation package will move the country to a place where we recognize our commitments to take care of each other, starting from birth and extending all the way to death. Included in the package are an expanded child tax credit, child care subsidies, universal pre-K schooling, paid family and medical leave, tuition-free community college and improving Medicare to cover dental, vision and hearing care. The child tax credit alone would reduce the child poverty rate by 40%.

Many of the provisions in the package reflect Public Citizen priorities. These include:

- Empowering Medicare to negotiate drug prices. Such a move would save Medicare hundreds of billions of dollars, cap drug costs for seniors and extend price restraints to people outside the Medicare system.
- Improving Medicare. Our call for Medicare for All has always imagined that we would progressively improve and expand Medicare. While we continue to advocate for lowering the Medicare eligibility age, adding coverage of dental, vision and hearing would make a gigantic different in millions of people’s lives. Currently, 3 in 4 seniors who need hearing aids are able to afford them.
- Investing \$1 trillion to address the climate

crisis, including to rapidly scale up use of electric cars and to massively increase reliance on solar and wind energy.

- Expanding global Covid vaccine manufacturing – an item included in the package directly because of Public Citizen’s advocacy.
- Making the tax system more fair. The exact components of the tax plan to pay for the reconciliation package remain in flux at time of writing. But we know they will be very progressive, with no impact on people making less than \$400,000 a year. Key provisions that we have supported include raising the corporate tax rate and funding the Internal Revenue Service (IRS) so that it has resources to go after corporate and super-rich tax cheats (hundreds of billions are at stake).

This last element – making corporations and the super-rich pay their fair share – is the biggest challenge for winning passage of the strongest possible bill.

In August, *The Intercept* reported on funding provided by the super-rich-backed No Labels group to “moderate” Democrats in the

House of Representatives who had worked to limit the scale of the reconciliation bill. The No Labels backers include executives at hedge funds, private equity corporations and real estate firms that benefit from special tax treatment.

Meanwhile, the Chamber of Commerce and other major trade associations are ramping up their opposition to the reconciliation package, as are various corporate-funded right wing advocacy groups that aim to oppose the tax and pharmaceutical measures.

From our side, the answer is to hit back hard. We’re talking about whether billionaires can keep the next million dollars, or whether we remove millions of children from living in poverty. We can make desperately needed investments to prevent climate chaos - or we can preserve corporations’ use of tax havens. Those are the very real choices the nation faces. We aim to make them very visible to the American public.

And we aim to see passage of a robust reconciliation package for a truly better America. ■

Robert Weissman



Graphic courtesy of John Tomac.

► **Asylum**, from page 1

the Center for Gender and Refugee Studies, sued DHS in U.S. District Court for the District of Columbia to challenge this program.

We represented 26 asylum seekers – 12 adults and their 14 minor children – who were trapped in life-threatening conditions in Mexico while they waited for their asylum proceedings in the United States to conclude.

The 26 plaintiffs all fled violence and persecution in their home countries to seek refuge in the United States and were kidnapped or assaulted and threatened with death in Tamaulipas. They lived in daily fear for their lives, after DHS stranded them in Tamaulipas. For instance, one plaintiff was kidnapped and repeatedly gang raped in front of her son, after DHS returned them to Tamaulipas. Another plaintiff was kidnapped by cartel members who forced him into labor and threatened to traffic his three-year-old son.

“The violence and suffering that the plaintiffs experienced after being sent back to Tamaulipas was an entirely foreseeable consequence of the DHS policy,” said Allison Zieve, director of Public Citizen Litigation Group.

DHS sent migrants seeking to enter the U.S. to Tamaulipas as part of a policy that it dubbed

“Migrant Protection Protocols” (MPP). Public Citizen’s clients challenged, among other things, DHS’s July 2019 expansion of MPP to Tamaulipas. Although DHS claimed that MPP would provide a safer and more orderly process, DHS expanded MPP into Tamaulipas without considering the dangers migrants would face there.

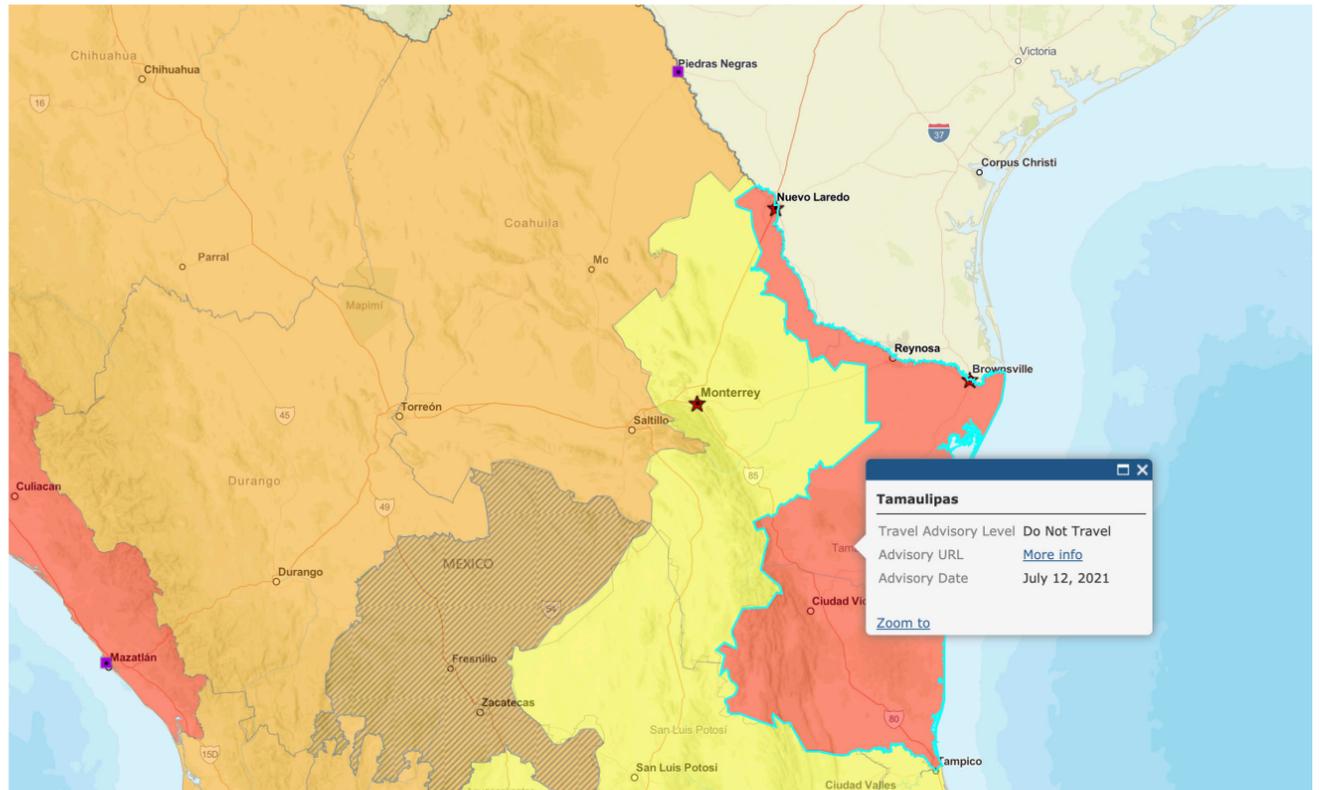
Through a motion for a pre-

liminary injunction, Public Citizen and its co-counsel secured relief in 2020 for one plaintiff, whose family DHS then permitted back into the United States to pursue immigration proceedings.

Then, earlier this year, while a motion seeking relief for other plaintiffs was pending, the Biden administration began winding down the MPP program and began allowing our clients to enter the

U.S. to await their immigration proceedings, safe from the rampant danger they faced in Tamaulipas. As of publication, 25 of the plaintiffs are now in the United States.

On June 1, DHS formally terminated MPP. Although some people subjected to the program are still in Tamaulipas and other dangerous parts of Mexico, many are now able to pursue asylum proceedings from the United States. ■



A U.S. Department of State travel advisory has labeled Tamaulipas “Do Not Travel” and has instructed U.S. government employees to travel only within a limited radius around the U.S. consulates in Nuevo Laredo and Matamoros and the U.S. ports of entry in those cities.

Sharing the NIH-Moderna Vaccine Recipe to Increase Vaccine Production

BY RHODA FENG

Through public investment in development of the NIH-Moderna COVID-19 vaccine, the U.S. government has the vaccine recipe in its possession and has rights under contract to share key information with the rest of the world to facilitate increased vaccine production, according to a recent analysis by Public Citizen.

Drawing on publicly available sources, Public Citizen analyzed the manufacturing information that Moderna likely produced after entering into a contract with the Biomedical Advanced Research and Development Authority (BARDA).

The conclusion?

The U.S. government appears to hold rights to share the commercial-scale vaccine recipe.

Public Citizen found that BARDA, an arm of the U.S. Department of Health and Human

Services, obtained the entire vaccine recipe in the process of supporting manufacturing scale-up.

The government has “unlimited rights” to share technical information funded under its Moderna contract with other manufacturers, countries, or the World Health Organization (WHO). Many vital vaccine manufacturing documents, including master production records that provide manufacturing instructions, were contract funded.

“The U.S. government paid for and has in its possession critical knowledge that can help many countries scale up vaccine manufacturing and end the pandemic,” said Peter Maybarduk, director of Public Citizen’s Access to Medicines program. “The world cannot afford for the knowledge to make effective COVID-19 vaccines to be held secret. Without vaccine manufacturing and deliv-

ery plans of much greater ambition, millions of people may lose their lives needlessly, and virus variants spread unchecked.”

Due to the massive global COVID-19 vaccine shortage less than 4% of people on the African continent and just 30% of people across Asia have obtained at least one dose of a vaccine, compared with 60% of Americans. More than 4.3 million people have died from COVID-19 so far.

In recent days, scientists have warned that without immediate action to vaccinate the rest of the world, new variants may emerge – including ones that may evade existing vaccines’ protection.

Public Citizen previously noted that the U.S. government has authority to require vaccine makers to share recipes and know-how under the Defense Production Act. Public Citizen is now urging the Biden administration to

immediately share vaccine knowledge with WHO and provide the needed funding and support to help set up regional manufacturing hubs.

In August, Public Citizen and other health groups called on congressional leaders to include \$34 billion for global vaccine manufacturing and delivery in the \$3.5 trillion budget reconciliation package.

“A computer in a federal office in Washington D.C. contains documents that can help accelerate global vaccine production,” said Zain Rizvi, law and policy researcher at Public Citizen’s Access to Medicines program and author of the report.

“The Biden administration should release the information it holds to save lives around the world and protect Americans from the risk of new variants.” ■

Nursing Homes Experience Scourge of COVID

BY DAVID VILLANI

Nearly one-third of all coronavirus deaths in the United States have been linked to nursing homes. Although the disproportionately elderly population at these facilities has factored into the extremely high numbers, inadequate infection control measures have also played a part.

When the coronavirus started to spread throughout the United States, numerous nursing homes flouted infection-control regulations and COVID-19 related guidance by state and federal public health authorities. These decisions put the lives of their patients and staff at risk.

Now, in response to lawsuits by some of the families whose loved ones died of COVID as a result of the nursing homes' inadequate safety measures, many of the facilities are arguing in court that they cannot be held responsible for their own negligence.

Their theory is that the Public Readiness and Emergency Preparedness Act (PREP Act), a 2005 law passed to encourage the manufacture and distribution of vaccines, bars the families from bringing lawsuits about the nursing homes' failures to protect residents.

In four cases now in the federal courts of appeals, Public Citizen is representing families of six residents who died of COVID-19 in spring 2020 in nursing homes in California, Kansas, and Texas. These cases are among more than 70 state-law negligence actions across the country in which nursing homes have argued that, in light of the PREP Act, they cannot be held responsible for the consequences of their failure to take measures to stop the spread of the coronavirus in their facilities.

Intended to encourage the development, manufacture, and distribution of certain drugs and devices during public health emergencies, the PREP Act eliminates people's ability to pursue state-law claims for injury caused by the negligent "administration" or "use" of a "covered countermeasure."

The Act provides a compensation fund administered by the U.S. Department of Health and Human Services for some injuries. And if the injury was the result of "willful misconduct," the individual can take advantage of a limited judicial procedure in federal court in Washington, D.C.

"The idea was that if you got the swine flu vaccine and had an adverse reaction, or the nurse accidentally nicked an artery, any injury would be covered by the federal government. Congress wanted to encourage the development of and administration of vital vaccines and drugs when there's an emergency, and to ensure that manufacturers and health care providers could do so without having to worry about financial consequences should something go wrong."

—Adam Pulver, Public Citizen attorney

"The idea was that if you got the swine flu vaccine and had an adverse reaction, or the nurse accidentally nicked an artery, any injury would be covered by the federal government," said Adam Pulver, an attorney with Public Citizen representing the families. "Congress wanted to encourage the development of and administration of vital vaccines and drugs when there's an emergency, and to ensure that manufacturers and health care providers could do so without having to worry about financial consequences should something go wrong."

The statute was not intended to immunize health care providers for their decisions not to take steps that could save people's lives. The families represented by Public Citizen each claim the nursing homes they entrusted with their loved ones' care did just that. In each case, the nursing homes failed to take common-sense measures to protect their residents, ranging from failures to isolate residents known to have been exposed to COVID-19 to allowing symptomatic staff to interact with patients.

In one case, the nursing home prohibited staff from wearing

facial coverings at all, even as Americans throughout the country were masking up to stop the spread of the coronavirus. In each of the four cases, the nursing home claims that the PREP Act blocks the families from suing them.

In each case, a federal district court disagreed and held the PREP Act does not apply to the families' claims based on negligent infection control policies. When the nursing homes appealed, Public Citizen stepped in to serve as co-counsel for the families and take the lead on the appeals.

In October 2021, Public Citizen's Pulver will argue on behalf of the family of Ricardo Saldana in the United States Court of Appeals for the Ninth Circuit. In May 2020, Ricardo died of COVID-19 in a Glendale, California nursing home owned and operated by Glenhaven Healthcare. His family sued Glenhaven in California state court, alleging that administrators at Saldana's nursing home failed to provide employees with appropriate personal protective equipment, banning them from wearing any facial coverings, and freely allowed exposed and symptomatic residents and staff

to intermingle with vulnerable residents like Ricardo.

In response to the lawsuit, Glenhaven moved the case to federal court on the theory that it was acting under the auspices of the federal government, citing generic infection control guidance, and arguing that the PREP Act provides it with immunity, and that only federal courts can determine whether the PREP Act applies.

In October 2020, a Los Angeles federal judge rejected Glenhaven's arguments and ordered the case back to state court. Judges all over the country have done similarly, reflecting what one court called a "growing consensus." Nursing homes have filed appeals in at least twenty similar cases.

A decision on Glenhaven's appeal is not expected until 2022. Even if the district court's decision is affirmed, the road to justice will be long.

"The question before the court now isn't whether Glenhaven is responsible for Ricardo's death, but whether the Saldanas can try and make their case," Pulver said. "The meritless delay tactics of the nursing home defendants is dragging out the mourning process for the families they victimized." ■



Herlinda Calzada, in a nursing home in El Paso, Texas, says goodbye to her daughter and grandchildren in April 2021. Photo courtesy of Billy Calzada / Flickr.

A Long Overdue Probe of an Unproven Alzheimer's Treatment

BY MIKE STANKIEWICZ

After months of public pressure by Public Citizen, the federal government is investigating the reckless approval of an unproven Alzheimer's treatment and the inappropriate collaboration between the U.S. Food and Drug Administration (FDA) and the drug maker in bringing the treatment to market.

The U.S. Department of Health and Human Service's Office of Inspector General (OIG) announced in early August that in response to concerns raised about the FDA's process for reviewing and approving aducanumab (Aduhelm) for treatment of Alzheimer's disease, the OIG will review and assess how the FDA implemented the accelerated approval pathway for this drug and a sample of other drugs approved under this regulatory pathway.

"Such an independent review is long overdue," said Dr. Michael Carome, director of Public Citizen's Health Research Group. "We are particularly pleased that the OIG's evaluation will include

an examination of the interactions between the FDA and outside parties during the review and approval process of these drugs."

On June 7, the FDA approved Biogen's application for the monoclonal-antibody drug aducanumab for the treatment of Alzheimer's disease, despite seriously flawed post hoc analysis of two trials and the nearly unanimous conclusion of an independent panel of experts convened by the agency.

"Approving aducanumab despite the lack of evidence of effectiveness plus the well-documented risk of serious harm will raise false hope for millions of Alzheimer's patients and their families, potentially bankrupt the Medicare program because of the drug's projected exorbitant price and impede for years the development of other experimental treatments for the disease," Carome said.

The FDA has been working with the drug maker to bring the treatment to market for years. According to media reports, key FDA staff in the Center for

Drug Evaluation and Research's (CDER) Office of Neuroscience (ON) who were responsible for the review of Biogen's marketing application for aducanumab for treatment of Alzheimer's disease began working closely with the company to analyze data from the key clinical trials of the drug starting in 2019.

After the drug's phase 3 trials were stopped early because a preliminary analysis found that they were unlikely to show the drug benefitted Alzheimer's disease patients, the FDA and Biogen worked collaboratively to salvage the drug.

Over the past year Public Citizen has strongly opposed the treatment's approval and has been pushing for investigations into the relationship between Biogen and the agency trusted to protect Americans' health. In December 2020, Public Citizen first called on the OIG to investigate the collaboration between the FDA and Biogen regarding the company's marketing application for aducanumab and has since called for the expansion of the

investigation, demanding that acting FDA Commissioner Janet Woodcock also be investigated for her role in the drug's approval.

Such an investigation must be broad and determine when Dr. Woodcock first became aware of this collaboration and whether she ever specifically endorsed or facilitated it in any way, Public Citizen maintains. Under her decades of leadership, the relationship between the FDA and the pharmaceutical industry has grown ever cozier, resulting in industry's regulatory capture of the agency.

Public Citizen has also called for the resignation of top FDA officials, including Woodcock, as a result of aducanumab's approval. "The FDA's decision showed a stunning disregard for science and eviscerated the agency's standards for approving new drugs," Carome added. "Because of this reckless action, the agency's credibility has been irreparably damaged." ■

Alzheimer's Disease Projected to Nearly Triple by 2060

5 million

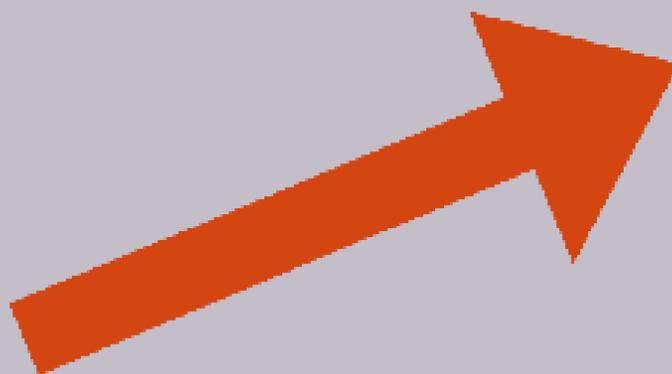


2014

14 million



2060



Census Population Projections Program, 2014 to 2060

Graphic courtesy of the U.S. Centers for Disease Control and Prevention

The Olympics and Public Citizen's #StopPlayingGames Campaign

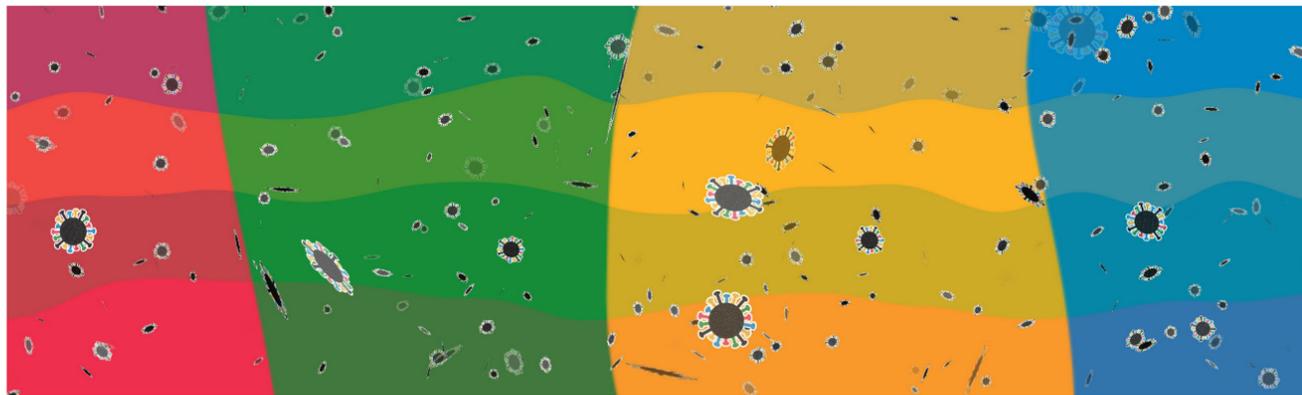
BY ALEXANDRA HARTMAN

As the entire globe gathered to celebrate the Tokyo 2020 Olympics, the worlds the athletes left behind could not have been more different. At the end of July, vaccination rates in the US had surpassed 50% and people were returning to something resembling normal life. On July 19th, with more than 68% of Britons vaccinated, England lifted all remaining COVID-19 restrictions and observed “Freedom Day,” with bars and clubs packed.

Although cases had risen in both countries throughout July, high vaccination rates mean that deaths did not increase as substantially. Although they would face strict public health rules in Tokyo, Katie Ledecky, Tom Daley, Megan Rapinoe, and their fellow athletes from the US, Great Britain, and other wealthy, well-vaccinated countries could feel reasonably sure that their families back home were safe from disease.

Meanwhile, African countries experienced a devastating third wave of infections, with cases spiking in South Africa, Kenya, Zimbabwe, Tunisia, and elsewhere. The continent suffered nearly 1,000 deaths per day, concentrated in Namibia, South Africa, Tunisia, Uganda and Zambia, amid shortages of hospital beds and oxygen.

And only 2% of Africans are



Graphic courtesy of Zach Stone.

fully vaccinated. As 18-year-old Ahmed Hafaoui of Tunisia won an upset gold medal in the men’s 400m freestyle, Tunisia was in the midst of one of its deadliest weeks of the pandemic. The gold medalist in the men’s 10,000 meter race, Selemon Barega, represented Ethiopia, where less than 2% of people had received one shot.

This enormous disparity ran conspicuously contrary to the Olympic values of solidarity and fair play. Public Citizen’s Access to Medicines team, along with the People’s Vaccine Alliance, launched the #StopPlayingGames campaign to draw attention to vaccine inequity and call on world leaders to launch ambitious plans to vaccinate the world.

The campaign video featured people from Global South countries including Colombia, the Philippines, Kenya, and Sierra Leone telling their stories of lack

of access to vaccines during the Olympics and demanding that world leaders #StopPlayingGames with our lives and livelihoods. The video was viewed over 700,000 times, and was shared by celebrities like Mia Farrow and former Olympian Martina Navratilova, as well as Director of UNAIDS Winnie Byanyima.

The Access to Medicines also launched a petition calling on President Joe Biden to launch a \$25 billion global vaccine manufacturing initiative, along with recipe sharing and technology transfer, to produce 8 billion doses of mRNA in one year, enough for 80% of people in low- and middle-income countries.

The #StopPlayingGames campaign continued throughout Tokyo 2020 and also included a series of graphics highlighting vaccine apartheid between competitors in specific Olympic events, a letter to First Lady Jill

Biden calling on her to bring to the Olympics a plan to vaccinate the world, and vaccine-related memes deployed to great effect on Twitter.

We launched the campaign in response to gross inaction by President Biden and other G7 leaders on global vaccine access. Despite Biden’s commitment to be an ‘arsenal of vaccines’ for the world, the US has so far only committed to donate 500 million doses to low- and middle-income countries and had only shipped 140 million doses as of September 10. Considering these countries desperately need 8 billion doses now to vaccinate their people, the U.S. dose donation is a drop in the bucket.

As of this publication, ten thousand people die each day waiting for ambitious action to match Biden’s vision while the Delta variant rages across the globe with no end in sight. ■

“

85% of the world's vaccines have gone to wealthy countries.

Meanwhile, people in low-income countries have received <1% of vaccines worldwide.

This is vaccine apartheid.

Source: NYT Covid Vaccine Tracker

STOP PLAYING GAMES
VACCINATE THE WORLD NOW

Of the 36 countries that have reached 50% vaccination, **none** are low-income.

STOP PLAYING GAMES

Graphic courtesy of the Public Citizen's Access to Medicines team.

► **Vaccine**, from page 1

This scarcity is not only unjust and guarantees needless deaths and economic pain, but increases the chances of vaccine-resistant variants emerging that put the whole world back to square one on immunization.

The global shortage of vaccines can be traced to monopolies that empower a few vaccine makers to control if, how much, and where vaccine doses are produced. The World Trade Organization (WTO) requires 159 countries to enforce patent and other so-called intellectual property barriers to greater medicine production.

Regular *Public Citizen News* readers will recall that the Biden administration made history in May when it reversed the Trump administration's position and supported temporarily waiving the WTO pharmaceutical monopoly terms to save lives amidst the COVID-19 crisis.

American support for the "TRIPS Waiver"

greatly elevated the issue and influenced some allies to follow suit.

However, since then little progress has been made thanks to a handful of wealthy countries opposing the waiver, especially Germany and the European Union on its behalf.

Following the U.S. announcement of support, GTW joined with a coalition of U.S. and international civil society organizations to pressure German Chancellor Angela Merkel to stop blocking the more than 130 countries that want the waiver.

As Merkel traveled to Washington, D.C., in July for her final White House visit, she was met with dozens of protests organized by Public Citizen, Citizens Trade Campaign (CTC), and allied organizations focused on more than a dozen German consulates nationwide.

The Chancellor was directly challenged by GTW protestors – including one inside a large

Merkel puppet – as she arrived for an honorary degree at Johns Hopkins that students petitioned against, given her opposition to the waiver.

CTC, GTW, and allies mobilized a huge banner on helium balloons depicting the White House in the background. Body bags were also laid outside the White House the day of the Biden-Merkel meeting, generating more press.

Heads of major U.S. organizations wrote to Biden and spoke at a press conference organized by GTW to publicly urge him to exert U.S. leadership at the summit and resolve the German opposition.

Public pressure put the TRIPS waiver on the agenda for the summit, but Biden apparently did not expend the political capital necessary to convince the Chancellor to move. Nor has the administration exhibited the leadership at the WTO.



Protesters hoisted a large banner outside the White House in July calling on German Chancellor Angela Merkel to stop blocking an emergency waiver of intellectual property rules needed to increase global production of COVID-19 vaccines. Photo courtesy of AP Images for People's Vaccine Coalition.

Waiver proponents had called for progress by the end of July, but with none in sight, the WTO disbanded for a six-week vacation against the WTO Director-General's guidance.

"The WTO is showing itself to not just be useless in the fight against COVID, but an actual hindrance," said GTW Director Lori Wallach. "The WTO's shameful inaction on the COVID waiver could be the final undoing of an organization that already was suffering a major legitimacy crisis and on its last legs."

According to Oxford University, more than 3.3 million people worldwide have died from COVID-19 since India and South Africa first proposed the WTO waiver in October 2020. Meanwhile, White House coronavirus czar Jeff Zients appears to have no plan to end the pandemic. GTW and almost 30 partner organizations – including Be A Hero, Amnesty International USA, and Avaaz – are joining forces in a petition to Zients demanding that he:

- Actively cooperate with waiver proponents to produce a draft WTO TRIPS waiver text and use all means to press the European Union and others to end their opposition;
- Leverage the U.S. government's past public investments and all legal authorities to make vaccine firms transfer technology; and
- Launch and fund a global manufacturing plan to increase and democratize vaccine production in hubs worldwide.

Biden is reportedly planning a COVID-19 summit to follow the United Nations General Assembly in September. According to Wallach, "President Biden's global COVID summit will only be a success if he uses it to exert global leadership to get the WTO TRIPS waiver done and secure commitments from other countries to help fund the necessary scale-up in develop-

ing countries' production of COVID vaccines to end the pandemic."

More than 130 countries support the WTO waiver, and opponents are facing increasing political pressure and moral outrage. Chancellor Merkel's upcoming retirement creates opportunities for our German allies to end their country's obstruction of the waiver and thus end the EU's opposition. But while there is hope, there is also peril.

All eyes are now on the Nov. 30 WTO ministerial, a date far beyond when a waiver should have been enacted. And Big Pharma and other interests are pushing to transform a meaningful waiver into a meaningless WTO political declaration.

Public Citizen will keep up the pressure to force the Biden administration to show leadership and secure a comprehensive waiver as fast as possible to end the pandemic. ■



Protesters outside the White House called on German Chancellor Angela Merkel during a protest in July on the need to increase global production of COVID-19 vaccines and treatments to help save millions of lives. Photo courtesy of Eric Kayne/AP Images for Citizen Trade Campaign.

FERC Should Establish Transparency in Natural Gas Pricing System

BY JOSEPHINE FONGER

Public Citizen is fighting a recent proposal by the U.S. Federal Energy Regulatory Commission (FERC) to establish safe harbor protections for natural gas traders that report their transaction data to the Commission.

Natural gas price indices determine the price of natural gas for households and businesses across the country. They are used by state utility commissions to set rates, negotiate financial derivative contracts, and many other market transactions. Currently, these natural gas price indices are determined by voluntarily reported data from market participants within a geographic area. The data is used by price index developers from private companies that sell the information to those who can afford to subscribe to their services.

On Dec. 17, 2020, FERC issued a Notice of Proposed Rulemaking (NOPR) to codify their safe harbor policy in response to significant declines in price reporting over recent years. In order to encourage voluntary reporting, FERC seeks to provide a rebuttable presumption that will protect energy traders reporting their transaction data, as long as they did not knowingly submit false information. In the name of transparency, the Commission argues this decision will result in more accurate natural gas price indices. However, there is no evidence that the safe harbor provisions would encourage voluntary reporting.

“Safe harbor protections cannot fix the significant problems inherent with voluntarily-reported price indexes, and codifying them will simply formalize the nation’s reliance upon a profoundly non-transparent, uncompetitive natural gas pricing system,” said Tyson Slocum, director of Public Citizen’s Energy Program. “Instead of codifying safe harbor protections, the Commission should scrap this NOPR and initiate a proceeding to find a replacement for voluntarily-reported price indexes.”

In February 2021, a winter storm in the central U.S. caused natural gas spot prices to skyrocket. In Oklahoma, supply for next-day delivery at the Oneok

Gas Transportation hub went from \$4.19 to as high as \$999 per million British thermal units (MMBtu). However, Oneok’s average of \$944/MMBtu that day was based on twelve trades alone.

Similarly, Southern Star’s record average price of \$622.79/MMBtu was based on only two trades. This is one of many examples in which limited voluntary price reporting can have drastic effects on the market. Millions of households and small businesses are on the hook for billions of dollars of gas price increases that occurred over just a handful of days. Meanwhile, a small group of pipeline companies and financial traders made billions in profits exploiting a climate change-induced natural disaster. Public Citizen has coined a term for this opportunism: climate change price gouging.

In July, Public Citizen moved to block a California natural gas power plant owner from passing \$13 million in these storm-related natural gas costs onto consumers, as we noted that they were set by the uncompetitive spot price.

“Market prices can provide effective signals to producers and consumers if the market is competitive and functioning normally,” said Slocum. “But these punishing natural gas price spikes occurred during significant market dysfunction: many producers were unable

to respond to high spot prices because their production was frozen and shut-in. And the thinly-traded, voluntarily-reported spot indices are devoid of effective transparency and competition, allowing a handful of traders to set prices. If a grocery store raised prices of milk and other essentials during a severe weather event, there would be outrage. But when energy traders do it for home heating prices, federal regulators bellow a collective yawn.”

There are other options available to address the issue of transparency that have been employed around the world. Federal law allows FERC “to consider the degree of price transparency provided by existing price publishers and providers of trade processing services.” Furthermore, it states that the “Commission may establish an electronic information system if it determines that existing price publications are not adequately providing price discovery or market transparency.”

The system could solve the issue of transparency by using actual transactions to determine natural gas price indices and making the knowledge widely accessible to everyone, rather than only the parties willing to buy the information from private developers. This solution would end the privatized, non-transparent gas price reporting

platform currently in place and replace it with one operated by federal regulators with the data provided to the public for free.

For example, the U.S. Commodity Futures Trading Commission’s Market Risk Advisory Committee just recently voted to transition away from the London Interbank Offered Rate (LIBOR), after it was discovered that banks were exploiting the voluntary reporting system and manipulating LIBOR in their favor. Major Wall Street banks paid nearly \$10 billion in penalties.

As a member of the Committee, Public Citizen helped detail the process for switching from LIBOR to the Secured Overnight Financing Rate (SOFR), which is the estimated overnight borrowing cost collateralized by Treasury securities based on actual transaction data. A similar change should be implemented by FERC in order to fairly and accurately determine natural gas price indices.

Rather than enacting safe harbor protections for energy traders, it is essential that FERC establishes an electronic information system that determines natural gas price indices using actual transactions. As authorized by federal law, this decision will prevent market manipulation from voluntary reporting and ensure transparency for all market participants. ■



Two 3,100 TEU LNG-powered containerships are stationed in a Jaxport terminal. JAX LNG is building a liquefaction and storage facility, with capacity to produce in excess of 120,000 gallons of LNG per day. Photo courtesy of JAXPORT Flickr.

► **Gas**, from page 1

to 2020. It found that they paid 76 executives a combined total of nearly \$200 million in cash bonuses, retention payments, and severance.

“The top executives of polluting companies have extracted multimillion-dollar payouts while putting the planet at risk, exploiting public lands, and leaving a mess for others to clean up,” said Robert Weissman, president of Public Citizen.

Ten oil and gas CEOs received payouts of more than \$4 million, with the largest CEO payout at \$14.5 million. Nine out of 10 of the largest cash payouts went to CEOs who have since left their companies.

“You’ve had some deals struck where the company goes bankrupt and the executives do very well, and that’s wrong. That doesn’t pass the smell test at all,” Dennis McCuistion, executive director of the Institute for Excellence in Corporate Governance at the University of Texas at Dallas, told the *Houston Chronicle* back in 2017 when the trend was first emerging.

Bankruptcy judges do have some authority over executive

compensation, due to a provision of a 2005 federal bankruptcy law that imposed limits on executive retention and incentive plans.

However, companies in recent years have skirted the law by adjusting their executive or bonus plans before filing for bankruptcy, ensuring that corporate executives are paid sizable cash bonuses despite their companies’ failures.

Among the companies analyzed, more than 10,500 workers lost their jobs, while the oil and gas drilling companies analyzed have purchased only \$281 million in bonds to cover environmental losses – less than 20% of the companies’ own estimates of \$1.6 billion in environmental liabilities.

Most companies analyzed in the report were able to exit the bankruptcy reorganization process with debt levels reduced and new managers in charge. But the companies’ fragility highlights the danger that taxpayers could foot the bill for potential environmental cleanup.

For decades, the fossil fuel industry has been a poster child for ill-conceived corporate welfare for decades, benefiting from numerous subsidies, tax breaks, and regulatory favors. But Public

Citizen and progressive lawmakers are working to stop senseless subsidies to this planet-destroying industry and working to force polluters to shoulder the cost of cleaning up their own mess.

“Every parent understands this: You want to make a mess, you’ve got to pick it up,” said U.S. Rep. Katie Porter (D-Calif.) in a social media interview with Public Citizen. “Same thing for the oil and gas companies. You want to drill, you need to clean up your messes. You can’t just walk off and leave the rest of us on the hook.”

Oil and gas company bankruptcies were rising before the pandemic and surged further due to the 2020 collapse in oil prices. With more companies going bust, officials at the federal, state, and local levels have been growing concerned that taxpayers will be forced to shoulder the burden of billions in cleanup costs.

For example, California taxpayers have had to foot the bill for \$27 million out of the \$47 million costs of cleaning up a man-made island off Ventura County. In Colorado, the 2019 bankruptcy of PetroShare, a small Colorado drilling firm, left about 50 wells for the state to clean up at taxpayer expense.

Oil and gas companies are required to purchase bonding coverage to ensure their wells are cleaned up even if they go bust. But the amount of bonding coverage – essentially a form of insurance – that is widely viewed as inadequate because they have not kept up with inflation or the soaring costs to reclaim modern wells created with expensive horizontal drilling technology.

A New Mexico study recently found that the state’s drillers have only secured \$201.4 million in financial coverage to cover the cost of well cleanup, compared with a projected cleanup cost of nearly \$8.4 billion for wells on state and private lands.

President Joe Biden has pledged to end new offshore and onshore oil leases. But due to a court order the U.S. Interior Department has restarted the process of holding new onshore and offshore oil and gas lease sales, ending a pause that had been in effect since Biden took office.

“The first, easiest steps to address the climate crisis are to stop making things worse,” Weissman said. “More oil and gas leasing is insane policy in light of the climate crisis.” ■



Graphic courtesy of Zach Stone.

Public Citizen and Allies Fight Attack on Solar at Nation's Largest Electric Co-op

BY KAIBA WHITE

Near the start of 2021, Public Citizen's Texas office got word that the board of directors for a large electricity cooperative in Central Texas had quietly approved punitive new rates and fees for customers using solar energy to power their homes. The vote by the Pedernales Electric Co-op (PEC) happened in December, after a cursory "study" and with no effort to gather input from co-op members.

Of the co-op's approximately 350,000 members, only about 5,000 have solar at their homes. That number has grown significantly over the past few years though, and it seems that PEC's leadership saw this as a threat.

The co-op justified its rate increase by pointing to a cost-of-service study that claimed members with solar were underpaying by 17%. But that same study failed to account for most of the benefits that solar provides. Their solution? Raising rates and imposing a new \$600 fee just to connect a solar installation to the grid.

Not only were the new rates intended to make solar users pay more, they were also incredibly complicated. Instead of fixed per kilowatt-hour rates, these solar users would have time-of-use rates that varied depending on the time of day.

On top of that, they would have two different demand charges - a type of fee that is generally only imposed on commercial custom-

ers. The demand charges would be added to the customer's bill, based on the greatest amount of energy they used at one time. As if this wasn't confusing enough, the two demand charges would be calculated differently.

All of this added up to a significant deterrent to anyone wanting to use solar at their homes. The time it would take to pay off the cost of investing in solar would be extended, that was certain. But how these changes would affect any given customer would depend on how and when they used energy. Determining the eventual cost would be nearly impossible. When someone is thinking about making a big investment, the last thing they want is uncertainty. These new rates would have been a death knell for residential solar in PEC territory.

With the help of some dedicated and concerned PEC members, Public Citizen's Texas office, the Texas Solar Energy Society, Clean Water Action, and Solar United Neighbors stepped up to fight back against the unfair and punitive rate increases on solar users. And it wasn't the first time Public Citizen stepped in to help PEC members.

Public Citizen and Clean Water Action have a history of engaging in PEC policy and politics that dates back at least 15 years to when we helped PEC members wrest control from a corrupt board and general manager.

This summer, Public Citizen

helped co-op members get the information they needed to make their case to the PEC board and staff and voice their concerns.

Some board members quickly realized that a mistake had been made - at least in making this change without consulting affected members. In April, we got our first victory, when the board instructed staff to host three townhall meetings and committed to reconsider the rate changes in July.

While the virtual "townhall meetings" left a lot to be desired (co-op members couldn't speak and couldn't see who else was attending), they garnered even more input from members. We worked with our allies to assist

members who had attended the annual meeting in June to show up and speak out against the unfair rate changes at the co-op's annual meeting in July.

The outreach worked. In July, the PEC board voted to reverse the rate changes and reduce the solar connection fee by \$150. The PEC staff is now working with a consultant to conduct a value of solar study that will inform any future rate changes.

Public Citizen's Texas office is keeping a close eye on that process. We will work to ensure that the study is fair and comprehensive and that co-op members have a chance to weigh in again before the PEC board makes any other changes to rates or fees. ■



Photo courtesy of Billy Hathorn.

Public Citizen Weighs in on Florida Medicaid Lawsuit

BY JOSEPHINE FONGER

Public Citizen's Litigation Group is serving as co-counsel for the plaintiff in a lawsuit addressing a conflict between federal and state law over whether Florida's Medicaid program can reach into the pocket of an accident victim to reimburse itself for medical expenses paid on her behalf.

In 2008, 13-year-old Gianinna Gallardo was hit by a truck after getting off her school bus. She has remained in a persistent vegetative state ever since. The Florida state Medicaid program paid \$862,688.77 towards Gallardo's medical expenses, but she will need care throughout her lifetime.

After parents and guard-

ians filed a lawsuit in state court against the school board and truck driver, she received a court-approved settlement of \$800,000. The money was allocated to pay for both past and future medical expenses, as well as lost earnings and other damages, but failed to fully compensate Gallardo for the damages she suffered.

The state of Florida filed a lien against Gallardo to recover past Medicaid expenses. Although the settlement specified that only about \$35,000 represented damages for past medical expenses, Florida law permits the state to recover its past expenditures from the parts of damages awards or settlements that represent a

defendant's liability for future expenses. The law also incorporates a formula that presumes the state can take as much as half of a settlement (net of attorney fees and costs), which in this case would come to \$300,000.

In 2017, Gallardo filed a federal lawsuit challenging Florida's law. She argued that the language of federal law governing Medicaid limits the state's recovery of payments made for past medical expenses to the parts of a settlement that correspondingly represent a defendant's liability for past medical expenses.

A federal district court agreed, but Florida's Agency for Health Care Administration appealed to

the U.S. Court of Appeals for the Eleventh Circuit, which in June 2020 reversed the district court's decision, over a vigorous dissent by one judge. As the court of appeals acknowledged, it conflicted with a decision of Florida's own supreme court in another case, which held that the state's law is inconsistent the federal Medicaid Act.

On March 9, 2020, Scott Nelson, an attorney with Public Citizen's Litigation Group, served as co-counsel for the plaintiff on her petition for certiorari to the U.S. Supreme Court. On July 2, 2021, the U.S. Supreme Court agreed to hear the case, called *Gallardo v. Marsteller*.

► **Medicaid**, from page 12

Public Citizen is continuing to serve as co-counsel as the case is briefed this fall. The Court will hear oral argument in January 2022.

“Medical expenses that were paid by Medicaid accounted for less than 5% of Ms. Gallardo’s

estimated damages, and because of limits on the resources of the wrongdoers who injured her, the settlement provided only a small fraction of what she will need to pay for her future care on top of what Medicaid will provide,” said Nelson. “Now Florida is attempting to take away her ability to pay

for that additional care by grabbing more than its share of the settlement. Public Citizen got involved to try to prevent that kind of unfair overreaching by the government at the expense of our neediest citizens.”

“This is a case where the words of the Medicaid law, and the

Supreme Court’s recent decisions interpreting them, line up with our position,” said Nelson. “In many cases, we don’t want the Supreme Court to take up issues we care about, but we are optimistic about the outcome of this case.” ■

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The following are highlights from our recent media coverage.

Robert Weissman, Public Citizen president

On the Pentagon budget increase: *The Hill, Common Dreams*. **On key vacancies in the Biden administration:** *The Washington Post, Axios*. **On vaccine access inequity:** *Common Dreams*. **On a billionaire astronaut tax:** *The Berkeley Daily Planet*. **On breaking up Big Tech:** *American Progress Action Fund, Media Post, The Ohio Star*. **On the bonding of U.S. Sen. Bernie Sanders (I-Vt.) and President Joe Biden:** *US Politics Today, Nation of Change*. **The resumption of oil and gas drilling on federal lands:** *E&E News, Washington Times*.

Lori Wallach, director of Public Citizen's Global Trade Watch

On the EU's stance on the Trade-Related Aspects of Intellectual Property (TRIPS) waiver: *Fortune, Bloomberg News, Common Dreams, Consortium News, Alaska Native News*. **On Biden's failure to push Merkel to sign the TRIPS waiver at the Biden-Merkel bilateral summit:** *Jacobin, Common Dreams, Free Speech TV*.

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

On the U.S. Food and Drug Administration's (FDA) approval of aducanumab for treatment of Alzheimer's disease: *The Associated Press, Common Dreams, Tampa Bay Times, Fair, JAMA Network, Center for Health Journalism, JD Supra*. **On the removal of FDA Acting Commissioner Janet Woodcock:** *The Washington Examiner, Web MD*. **On dangerous bed rails:** *CBS News, Business Insider*. **On FDA approval procedures:** *MarketWatch, Medical Marketing and Media*. **On COVID-19 booster shots:** *The Financial Times, The American Prospect*.

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

On Biden falling short on his pledge for the U.S. to be the world's vaccine arsenal: *The New York Times*. **On vaccine manufacturing and the United States' responsibility:** *Politico, In These Times, Truthout, Common Dreams*. **On the urgency of vaccine recipe distribution:** *In These Times, Common Dreams*. **On the FDA's approval of aducanumab:** *FDA News Morning Service*.

Adrian Shelley, director of Public Citizen's Texas office

On the need for ExxonMobil to limit

emissions: *Salon*. **On Texas' energy market and citizens' large electricity bills:** *The Dallas Observer, The Washington News Post*. **On a two-tiered justice system and the For the People Act:** *San Antonio Express News*. **On weatherizing residential homes and Public Citizen's involvement:** *Dallas News*.

David Arkush, managing director of Public Citizen's Climate Program

On sustainability and financial regulation: *The Regulatory Review*.

Tyson Slocum, director of Public Citizen's Energy Program

On Illinois regulators launching a probe of ComEd in the wake of a bribery scandal: *Utility Dive*.

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

On the extent of Speaker of the House Nancy Pelosi's husband's tech stock holdings: *Bloomberg*. **On Congress members who are trading stocks:** *The New York Post, The Orange County Register*. **On campaign finance corruption:** *The Philadelphia Inquirer*. **On Ohio State Senator Nina Turner and an adversarial super PAC:** *The Intercept*. **On campaign finance reform:** *The Daily Caller*.

Bartlett Naylor, financial policy advocate of Public Citizen's Congress Watch Division

On the future of American inflation: *The American Banker, National Mortgage News*.

Public Citizen Litigation Group

On Texas oil wells: *Bloomberg*. **On U.S. Immigration and Customs Enforcement data disclosure:** *Reuters*. **On lawsuits by those wrongly flagged as terrorists:** *NPR*. **On workplace safety regulation:** *Bloomberg Law*. **On government-branded debit cards:** *Market Watch*. **On Public Citizen's legal support on nursing home lawsuits:** *Bloomberg Law*. **On predatory lending practices involving student borrowers:** *Public, EIN Presswire*. **On free speech and online customer reviews:** *KGW8*. **On a wrongful death case:** *Law 360, WDAF-TV*.

What's in the 26-Across

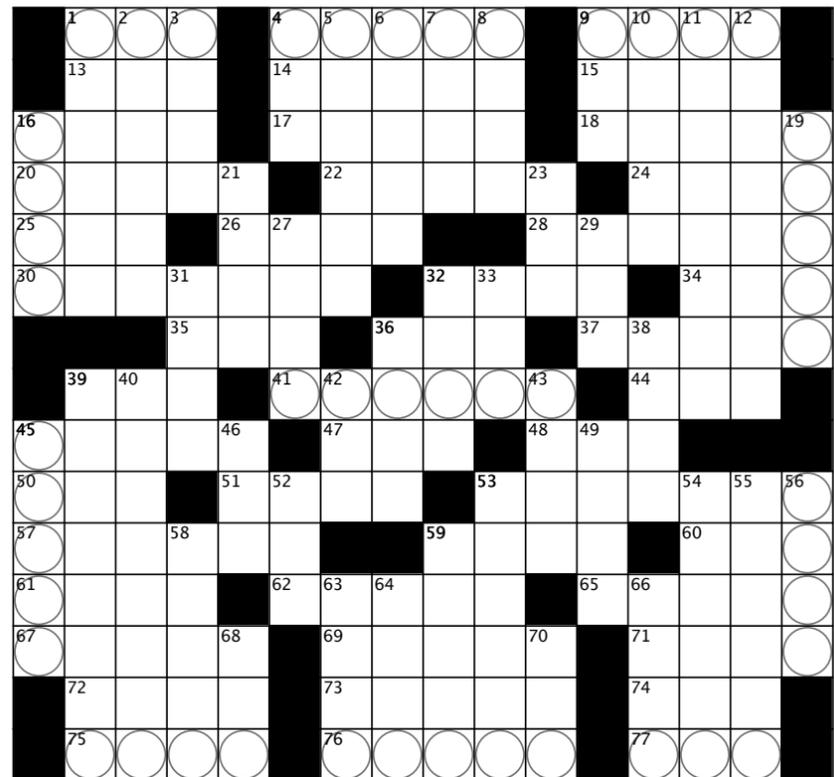
Across

1. Get in on the action
4. Word after New or tax
9. New Wave band Depeche ___
14. Resistance symbol
15. Shrub that yields indigo (that's not as uptight as the word looks)
16. Bar Mitzvah dance
17. "West Side Story" groups
18. Gossipy Hilton
20. President that advocates of this publication most likely miss
22. Hungers (for)
24. "Let ___" (Disney song currently being sung 8 times a week on Broadway)
25. Horror film star Chaney
26. *It may be difficult to crack... or a word that can precede each of the circled entries on the border of this puzzle
28. Crankcase bottom
30. One of four characters in Mississippi?
32. Many a sacrifice in chess
34. The loneliest number, supposedly
35. Abu Dhabi, Dubai, et al.
36. Wrigley Field denizen
37. Rubber shoe brand
39. Sn, in science class
41. Season being protected by the outside of this puzzle
44. Common verb that can be anagrammed any way you'd like, and still be considered acceptable crossword fill
45. Fast-food beverage choices
47. Fancy man?
48. "Yes, mon ami"

50. Capitol figure, briefly
51. Lowly worker
53. Tabby's portal, perhaps
57. Watchful Japanese canines
59. Loft locale
60. The Indigo Girls, e.g.
61. Decorator's target, in a bakery
62. Network whose first broadcast was a 1979 speech by Al Gore
65. Greek poetry muse
67. Major happening
69. Vietnam's capital
71. Clock radio toggle
72. Western tribe
73. Change somewhat.
74. He's mentioned in The Beatles' "Revolution"
75. Microsoft Office component
76. Senate's counterpart
77. Subject of many a scandal

Down

1. Honey who was exploited by reality TV
2. Off-course
3. Carrier of coal from a mine
4. Big motorcycle, slangily
5. Italy's ___ Coast
6. Spot for an event
7. Ammo for Halloween pranksters
8. Anti-Tweed cartoonist
9. Theme park handout
10. Baseball pioneer Buck
11. Broke, and then some
12. Classy quality
16. "Please ___" (dreaded phrase for a caller in a hurry)



19. City subdivisions
21. On a cruise ship, say
23. Plant, as seeds
27. Fruity summer drinks
29. Letters at the end of some company names
31. Charlie of Starkist, e.g.
32. Put gas in your car
33. Prez who was undoubtedly more honest than #45
36. "Seriously?!"
38. Sudden military action
39. Formally swore
40. "Sounds fun" response
42. Tabloid craft, briefly
43. Emulate a lion
45. Key between command buttons, on a Mac
46. Pampering place
49. ___ Reader (alternative magazine)
52. Key corner key when viewing NSFW material at work
53. Participates in a summer camp activity
54. Whoopi Oscar role
55. Be slyer than
56. Hotel unit
58. Andrea Bocelli, for one
59. Language that gives us "banjo" and "gumbo"
63. Former Iranian ruler
64. With "Alto," a city in California
66. St. Louis squad since 1995
68. Acronym before "Talk"
70. Intense wrath

Jim Quinlan constructs the crossword gratis. Public Citizen appreciates his generous contribution.

Public Citizen Recommends ...

'Fulfillment: Winning and Losing in One-Click America'

By Alec MacGillis; \$28; Farrar, Straus and Giroux

On July 20, Jeff Bezos, upon his return from the edge of space, appeared decked out in a blue jumpsuit and a stylish cowboy hat with a grin on his face. Speaking of his flight, the richest man alive was feeling grateful: "I want to thank every Amazon employee, and every Amazon customer because you guys paid for all this," he said to the camera.

In Alec MacGillis' "Fulfillment," we explore the landscape created in the course of Bezos' historic quest for wealth. Unlike other books that explain the inner machinations of Amazon, this one concerns itself more with a portrait of the winners and losers, the spaces lifted up and those dragged down by the online retail

behemoth.

In the process, MacGillis describes the lives of some people impacted by the company, from the Seattle gospel singer who lives through extreme gentrification to the forklift driver killed on the job in a warehouse.

The story MacGillis tells is broad and ambitious. Amazon is at the center of the book, but it is not its entirety. We trace the history of cities and towns deep into the past, to the days of steel prosperity when another class of super-rich Americans was reshaping the landscape of this country. In a sense, this is not so much the story of Amazon per se as it is the story of an America increasingly defined by Amazon.

Indeed, this book comes at a noteworthy moment in our history. Two years of pandemic have driven us inside and although seclusion and lockdown have

spelled ruin for broad swaths of the country, they have made Amazon prosper. As profits for the online company soared over 200% since the beginning of the pandemic, Bezos has seen his fortune rise by \$86 billion.

As such, we have seen more and more people reflect deeply and critically on the company and its impact.

How is it, that between 2006 to 2018, Bezos' wealth increased by \$127 billion but his taxes amounted to \$1.4 billion, a tax rate of 1.1%? And how is it that as workers braved the coronavirus in packed warehouses, attempts at unionization were met by illegal liquidations and oppressive management?

In this regard, "Fulfillment" excels. We are forced to consider what goes on behind our screens in the landscape of one-click America – something companies like Amazon work so hard to avoid. MacGillis reminds us of the

ripple effect, of the lives changed, improved, and destroyed by this massive company. This message is very valuable.

But for all its provocative storytelling and haunting tableaux, MacGillis' book does contain some flaws. The writing is a bit lackluster and the tone is frequently moralistic. "Fulfillment" comes on strong and does not let go until the end, and it makes for a bit of an exhausting read. We see all the tropes of modern American social commentary, from the Ohio heroin addict to the Washington, D.C., sleazy lobbyist, and the result is a book that feels justified but not quite fresh.

In the end, he has a point to make and he certainly makes it. This book makes for an interesting read. It is a very American story of the company that has forced itself into our lives. ■ – David Villani

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

AIG Must Stop Fueling the Climate Crisis

BY RHODA FENG

The climate-wrecking fossil fuel industry can't function without insurance. Recent months have, however, revealed a silver lining: 26 of the world's top insurers have already adopted policies to limit support for coal.

But insurance giant American International Group (AIG) – one of the biggest insurers of coal, oil, and gas – is one of the few insurers that has yet to adopt a single policy to restrict insuring or investing in fossil fuels. It is now beginning to face the music.

In June, AIG lost a major investor over its insufficient action on climate change. Legal & General Investment Management (LGIM), the largest asset manager in the U.K., announced that it would divest from AIG and three other companies that have failed to adequately address climate change.

One month later, Public Citizen ratcheted up the pressure on AIG to take climate action. It released an analysis of AIG's first ever "Environmental, Social and Governance" (ESG) report, in

which the insurer affirms its underwriting and investments in the fossil fuel industry. Public Citizen's report confirms what many have suspected: that AIG has not taken adequate climate action given its lack of restrictions on fossil fuels.

"AIG is refusing to address its contribution to a warming planet," said Elise Peterson-Trujillo, climate campaign coordinator with Public Citizen. "Claims of climate leadership while supporting the fossil fuel industry are unacceptable. AIG's practices endanger people, the planet, and its own business."

AIG has, for instance, provided insurance for the controversial Trans Mountain pipeline in Canada. During a week of action in June, Indigenous leaders and environmental advocates called on AIG to publicly rule out underwriting the project for its harmful impacts. AIG has ignored multiple requests to meet with Tsleil-Waututh Nation leaders opposed to Trans Mountain.

The world's top scientists have concluded that we only have 10 years to avoid a climate catastro-

phe. This makes it increasingly urgent to completely transition away from fossil fuels. Public Citizen has been pressuring AIG to stop insuring and investing in fossil fuels and more than 70 groups wrote to AIG CEO Peter Zaffino in April asking him to commit the company to exiting fossil fuel coverage, divesting from fossil fuels, and respecting Indigenous rights.

In its July report, Public Citizen debunks claims from AIG's ESG report, including:

- AIG says that pulling support for fossil fuels is not in the public's best interest, but advocates cite scientific predictions for catastrophic climate impacts as evidence to the contrary.
- The company also touts its ongoing carbon exposure assessment, but AIG does not need complex accounting or analysis to see that its cover of coal and the expansion of fossil fuels are incompatible with Paris targets.
- Advocates also criticize

AIG's failure to disclose the emissions from its underwriting and investments in fossil fuels.

"It is unacceptable that AIG still underwrites new, multibillion-dollar coal projects," said David Arkush, managing director of Public Citizen's Climate Program. "Any company that continues to support this sector will only face increasing scrutiny from investors as the urgency of the climate crisis escalates. LGIM's divestment from AIG puts much-needed pressure on this climate laggard."

Public Citizen is running an online petition demanding that AIG: stop insuring new and expanded fossil fuel projects post-haste; phase out insurance for all fossil fuels, beginning with coal; divest completely from fossil fuel companies; and respect human rights, including indigenous people's right to free, prior, and informed consent.

To add your name, please visit: <https://bit.ly/3zWpnsr>. ■

Crossword Answers



IN THE NEXT ISSUE...

Public Citizen updates readers on our lawsuit to remove propeca from the market.



Graphic courtesy of Zach Stone.

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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