



May 3, 2023

The Honorable Maria Cantwell
 Chair
 U.S. Senate Committee on Commerce, Science,
 and Transportation
 254 Russell Senate Office Building
 Washington, DC 20510

The Honorable Ted Cruz
 Ranking Member
 U.S. Senate Committee on Commerce, Science,
 and Transportation
 512 Dirksen Senate Office Building
 Washington, DC 20510

Re: Opposition to the Nomination of Ann Carlson as Administrator of the National Highway
 Traffic Safety Administration

Dear Chairwoman Cantwell and Ranking Member Cruz:

We are 43 associations representing millions of workers all across the country. We provide 70% of the nation's energy that supports life-sustaining functions such as keeping Americans warm in the winter, getting them to work and school to better their lives, powering ICUs and medical devices, and delivering food to the dinner table. Oil and natural gas provide the feedstock for thousands of products used every day, from anything with a computer chip to fertilizer to feed the world. American oil and natural gas are developed under strict environmental controls with industry-driven

technologies that make it the most sustainably produced in the world. Natural gas electricity generation is the number one reason our country has reduced more greenhouse gas emissions than any other over more than a decade. The world would truly be less healthy, safe, and environmentally protected without the energy and products we provide.

We strongly oppose President Biden’s nomination of Ann Carlson as Administrator of the National Highway Traffic Safety Administration (NHTSA). Her multiple public statements reveal a clear agenda to go beyond NHTSA’s congressionally mandated mission on vehicle performance and safety standards and turn it into a climate change enforcement body. We are also concerned by Carlson’s lack of transparency about her work promoting spurious climate change litigation.

Today, the most pressing concern of NHTSA is not climate change impacts decades into the future but traffic safety in the here and now. Americans face real dangers from distracted and impaired drivers behind the wheel and potential vehicle safety standard violations. The number of highway fatalities has increased at unacceptable rates over the past decade, accelerating further under the Biden Administration.¹ From 2011-2021, annual highway deaths increased 32%, from 22,020 to 29,148. Though full data for 2022 are not yet available, the agency reported 31,785 fatalities for the first three quarters, nearly 30% higher than the 10-year average for the same period.² Furthermore, the most recent NHTSA data show the economic costs of all traffic crashes totaled \$340 billion in 2019, roughly five full years of federal highway funding in the Infrastructure Investment and Jobs Act of 2021.³

NHTSA needs an Administrator focused on saving lives and mitigating harm, not reorienting the agency to engage in a whole-of-government approach to climate change. Yet Ms. Carlson appears more concerned about limiting greenhouse gas emissions than fatalities and traffic accidents, as evidenced by her record as NHTSA’s chief counsel. As revealed through a FOIA inquiry, her statements show her attention is far from highway safety:

- “The agency is in charge of climate standards for cars and trucks, which is why they have recruited me for the position,” she stated in an email to colleagues at the University of California, Los Angeles (UCLA).⁴
- “I think it’s important NHTSA has climate people—they never have before,” in an email to Mark Gold at the California Natural Resources Agency.⁵
- “I view my appointment (and a number of others) as evidence that the Biden Administration is truly committed to a ‘whole of government’ approach to addressing climate change,” in an email to Emmett Institute on Climate Change & the Environment board members.⁶
- “I’ve been appointed by the Biden-Harris team to serve as NHTSA’s Chief Counsel. The deputy is also a climate person...I understand NHTSA was not the partner it could have been during

¹ [Fatality and Injury Reporting System Tool \(FIRST\)](#), NHTSA, Search: Fatal Motor Vehicle Crashes, NHTSA Region: All Regions, and 2011-2021, April 2023.

² [“NHTSA Estimates for First Nine Months of 2022 Suggest Roadway Fatalities Beginning to Level Off After Two Years of Dramatic Increases,”](#) NHTSA, January 9, 2023.

³ [“Bipartisan Infrastructure Law, Funding,”](#) U.S. Department of Transportation, Federal Highway Administration, February 14, 2023.

⁴ [“A.Carlson-Emails-Batch-2-21-8746.pdf,”](#) Government Accountability & Oversight (GAO), p. 5.

⁵ *Id.*, p. 313.

⁶ *Id.*, p. 516.

the Obama era—our appointments are meant to change that,” in an email to Jody Freeman, Harvard law professor and former climate counselor in the Obama administration.⁷

Carlson’s expressed focus on climate falls outside of NHTSA’s congressional mandate, “to help reduce the number of deaths, injuries, and economic losses resulting from motor vehicle crashes on the Nation’s highways.”⁸ Nowhere in NHTSA’s statute is climate change addressed.⁹ Yet she is running point on a proposed rulemaking on new restrictive vehicle fuel economy standards designed to achieve the president’s aggressive goal of compelling a switch to electric vehicles.¹⁰

Carlson views NHTSA’s pending restrictions on internal combustion engines as key to overloading the regulatory system with so many new rules that it becomes extremely difficult for the courts to overturn them, as happened with the Clean Power Plan. She has advocated for the Biden Administration to “have a suite of climate policies rather than relying on any single policy—think of it as the ‘don’t place all your eggs in the same basket’ approach.” Her policy focus runs far afield from safety to, “tightening efficiency standards, tighter fuel economy standards, limiting drilling on public lands, infrastructure investments, appointing FERC commissioners who can factor carbon into their decision-making, continuing tax incentives to encourage renewable energy and R&D investments, and many international efforts...”¹¹

We are also concerned by Ms. Carlson’s lack of transparency and conflicts of interest. She failed to disclose her relationship with the Sher Edling law firm and its network of partners on her Department of Transportation recusal form when taking over as NHTSA’s chief counsel. Carlson served as an advisor and fundraiser for Sher Edling during her time as an environmental law professor at UCLA.¹²

Ms. Carlson helped recruit states and municipalities to serve as plaintiffs represented by Sher Edling in climate change lawsuits against oil and natural gas companies seeking to offset costs from climate change.¹³ She has boasted that, “Sher Edling really knows how to plot against these defendants and knows what it takes in terms of resources, they know what to expect, there will be mud flung in every direction, hoping something will stick to the wall.”¹⁴ She helped Sher Edling raise millions of dollars from actor Leonardo DiCaprio’s foundation for climate lawsuits using a dark money vehicle called the Collective Action Fund for Accountability, Resilience and Adaptation managed by Wyss Foundation-backed organizations.¹⁵ Her failure to disclose these relationships raises several alarm bells and should be considered disqualifying.

⁷ *Id.*, p. 84.

⁸ “[National Highway Traffic Safety Administration](#),” *Federal Register*, April 2023.

⁹ “[About NHTSA](#),” NHTSA, April 2023.

¹⁰ “[FACT SHEET: President Biden Announces Steps to Drive American Leadership Forward on Clean Cars and Trucks](#),” White House, August 5, 2021.

¹¹ [A.Carlson-Emails-Batch-2-21-8746.pdf](#), GAO, p. 415.

¹² “[Biden NHTSA Nominee Bundled Funds from Leonardo DiCaprio, Others for Climate Litigation](#),” Energy In Depth (EID), Nicole Jacobs, April 5, 2023.

¹³ “[Honolulu Files Climate Lawsuit Against Fossil Fuel Companies](#),” *Bloomberg*, Ellen M. Gilmer, March 9, 2020.

¹⁴ “[UCLA Professor’s Role In Climate Litigation Raises Transparency Questions](#),” *Western Wire*, October 2018.

¹⁵ “[Biden NHTSA Nominee Bundled Funds from Leonardo DiCaprio, Others for Climate Litigation](#),” *EID*, Nicole Jacobs, April 5, 2023.

We urge you to take an important step to protect Americans on the road by not advancing the nomination of Ms. Carlson as Administrator at NHTSA. Thank you for considering our combined voices representing millions of energy and manufacturing workers.

Sincerely,

Western Energy Alliance
Alaska Support Industry Alliance
American Association of Professional Landmen
American Exploration & Production Council
American Fuel & Petrochemical Manufacturers
American Petroleum Institute
Arizona Petroleum Marketers Association
Arkansas Independent Producers & Royalty Owners Association
Colorado Alliance of Mineral and Royalty Owners
Colorado Oil & Gas Association
Domestic Energy Producers Alliance
Energy Workforce & Technology Council
Gas and Oil Association of West Virginia
Illinois Oil & Gas Association
Independent Oil and Gas Association of New York
Independent Petroleum Association of America
Independent Petroleum Association of New Mexico
International Association of Drilling Contractors
Kansas Independent Oil & Gas Association
Kentucky Oil and Gas Association
Michigan Oil and Gas Association
Mississippi Independent Producers and Royalty Owners Association
Montana Association of Oil, Gas, and Coal Counties
Montana Petroleum Association
National Ocean Industries Association
National Stripper Well Association
New Mexico Oil and Gas Association
North Dakota Petroleum Council
Northern Montana Oil and Gas Association
Ohio Oil and Gas Association
Panhandle Producers & Royalty Owners Association
Pennsylvania Manufacturers' Association
Permian Basin Petroleum Association
Petroleum Association of Wyoming
Southeast Oil and Gas Association
Texas Alliance of Energy Producers
Texas Independent Producers & Royalty Owners Association
Treasure State Resources Association
The Energy Council
The Petroleum Alliance of Oklahoma
U.S. Oil & Gas Association
Utah Petroleum Association
West Slope Colorado Oil & Gas Association