

DON'T ENDANGER ALEC THE ENDANGERMENT FINDING RESOLUTION

Clients: Conservative Energy Network

Issue: Endangerment Finding Resolution

Practice Area:
Government Relations

Outcome: Resolution Defeated

Successful Tactics: Strong Advocacy coupled with Coalition building, Media Relations, and Digital Advocacy tactics

The **Endangerment Finding** stemmed from the U.S. Supreme Court's 2007 decision in *Massachusetts v. Environmental Protection Agency*. Twelve states had sued the EPA, demanding that the agency regulate carbon dioxide and other greenhouse gases as pollutants under the Clean Air Act. The Supreme Court ruled in favor of the states and ordered the EPA to determine if greenhouse gas emissions endanger public health and welfare. Its ruling, which states that current and projected levels of six greenhouse gases threaten the health and welfare of current and future generations, has been the basis for legal arguments concerning "climate science."

A 2017 resolution sponsored by a far-right advocacy groups asked the American Legislative Exchange Council (ALEC) to adopt a **Policy Resolution** asking state legislatures to call upon the EPA to review and repeal "Endangerment Finding for Greenhouse Gases." The controversial resolution garnered nationwide media attention and placed the influential policy network at the forefront of the climate policy debate.

Conservative Energy Network, a center-right energy policy association, retained Capitol Core to defeat the resolution and build an on-the-fly coalition of private-member companies to support that position.

Capitol Core employed an integrated approach — incorporating strong advocacy, coalition building, media relations and digital communications — to build a "spot coalition" and soundly defeat the resolution in both a subcommittee and Task Force/Full Committee.

Messaging

Capitol Core began by developing clear, persuasive arguments against the resolution that were easy to maintain throughout the 45-day campaign: 1) the resolution was "wrong-headed," divided ALEC membership, and was dismissive of private members who had committed to reducing the carbon footprint at their respective organizations; 2) the resolution would force the Trump Administration into a legal battle on unfavorable ground by attacking "climate science" rather than the merits of individual regulatory repeal; and 3) there were other remedies for overbearing climate regulations that did not require complete repeal of the endangerment finding .

Digital Advocacy & Direct Response

Utilizing ALEC Task Force rosters, Capitol Core established a digital advocacy strategy combining email, social media, and direct response tactics to disseminate informational and lobbying documents to public and private members. We used a robust and distinct naming convention for email communications to minimize spam-filter obstacles and achieved an open-ratio of greater than 70%. We focused our social media efforts on Facebook, creating a specific page (@ALECEndangerment) and hashtag (#dontendangerALEC) to provide information emphasizing the potentially harmful impact of the resolution's passage. Our in-house creative team produced striking online advertisements; we then employed precise targeting strategies to effectively reach our intended audience without straining our client's budget. Lastly, we utilized direct response (telephone survey) techniques to gain a "whip count" of supporters, along with insights on members' attendance and their knowledge and understanding of the relevant issues. We also initiated discussions to encourage members to join a "spot built" coalition for the sole purpose of defeating the resolution.

Going into the conference, our whip count indicated strong support for our position and the coalition from private-sector members, and a near-even count for public-sector members. Though passage appeared unlikely, we recognized that approval remained a threat going into the actual Task Force vote. In response, we increased our direct advocacy during the conference and used coalition members to help persuade state legislators (i.e., public members) to shift their votes.

Coalition Building – The Voice of the Many

Critical to Capitol Core's success in moving the public-sector vote was our ability to identify both the number and specific names of private sector members who opposed the resolution. For state legislators, it was critical to help them see beyond ideological arguments and better understand how the resolution might actually affect their constituents. Capitol Core asked nearly 50 private-sector members to join the client's coalition in public opposition to the resolution. Many were hesitant to express a written position that might be construed as support for regulations detrimental to their industries. Others did not want to enter into a public fight with far-right organizations. While only 10 members initially joined the coalition and publicly stated their position prior to the conference, that number *dramatically* increased during the conference itself.

Media Relations

The Endangerment Finding resolution had garnered national media interest and coverage prior to the conference. An increased media presence suggested notably heightened awareness of the issue, putting ALEC in the spotlight on the climate change argument. Unlike other government relations firms, Capitol Core's integrated abilities enabled us to quickly pivot to media relations and secure favorable stories in influential outlets such as *Politico*, *The Economist*, *CQ-Roll Call*, *Huffington Post*, and *The Hill* — helping change the narrative while circumscribing our opponents' arguments.

Direct Advocacy – Hand-to-Hand Combat

During the ALEC conferences, Capitol Core focused on direct-advocacy techniques. We spoke directly with state legislators and private-industry members to solidify votes opposing the resolution. We utilized distilled messages, bulleted white papers, and direct conversations to continue building relationships while expanding educational efforts and continuing digital advocacy. This "full-court-press" style led resolution proponents to

Strategy at the Core.

respond with intemperate and inflammatory arguments — including media statements calling our coalition members (specifically UPS, Chevron, Exxon-Mobile, and APS) “climate change bed-wetters,” which put our opponents in a decidedly negative light. This tactic helped us solidify industry-wide opposition to the resolution within the oil and gas and electric utility industries during the conference. In the end, the resolution’s legislative sponsor withdrew his support, leading the Energy Task Force to table the item indefinitely.

The Outcome – Our Votes

Subcommittee on Energy: Motion to Table Indefinitely carried by greater than 50% of the vote (including those of both public and private members). Hand Count.

Energy Task Force: Sponsor withdrew the resolution. No vote is taken