April 26, 2022

Gary Gensler
Chairman
Securities and Exchange Commission
100 F Street, NE
Washington, D.C. 20549

RE: Request for Extension, Climate Change Disclosure Rule, File Number S7-10-22

Dear Chairman Gensler:

The undersigned 36 trade and industry associations respectfully request that SEC provide a substantial comment period for the climate change disclosure rule given the size, scope, complexity, and ramifications of the rule. The 39 days allotted for comment since the proposed rule was published in the Federal Register are woefully inadequate for the magnitude of this rule, which runs to 506 pages, contains 1,068 footnotes, references 194 dense academic and governmental reports, imposes a $10.235 billion cost on society, and seeks answers to 196 discrete questions. The public requires ample time to consider all the materials SEC has laid out in this rule in order to thoughtfully and thoroughly respond. Likewise, SEC has a statutory obligation to provide the public with a meaningful opportunity to comment. Thirty-nine days does not constitute a meaningful opportunity when there are so many wide-ranging economic and financial impacts from this rule.

Our associations represent thousands of upstream, midstream, downstream, and service companies in the oil and natural gas industry across the entire country. Our members employ millions of workers whose livelihoods are specifically targeted by a rule that suggests, “…an energy company might discuss…reducing its medium and long-range fossil fuel exploration and production.” (p. 21362) At a time of high gasoline prices when the world needs more, not less, American oil and natural gas production, this rule is uniquely ill-timed. SEC should give the public ample time to consider the full impacts of this wide-ranging rule designed to deny financing to the energy sources that meet 80% of global demand now and well into the future.
In order to provide meaningful public input for a rule that would fundamentally reorient the financial system to place climate change policy considerations on par if not above material market factors and financial return, SEC should consider a full 180-day comment period. Besides this rule, SEC is undertaking 54 other rulemaking efforts with significant financial implications. Further, SEC should recognize that this rule does not occur in a vacuum. Our industry is regulated by many other agencies, such as the Environmental Protection Agency, Federal Energy Regulatory Commission, Occupational Safety and Health Administration, Bureau of Land Management, Bureau of Ocean Energy Management, Pipeline and Hazardous Materials Safety Administration, National Marine Fisheries Service, and Fish and Wildlife Service, which are also advancing ambitious regulatory agendas.

The Office of the Federal Register’s Guide to the Rulemaking Process states that “[f]or complex rulemakings, agencies may provide for longer time periods, such as 180 days or more.” The sweeping nature, complexity, and sheer volume of this rule surely fits into the definition of a “complex rulemaking.” We draw your attention to the excellent discussion of the Administrative Procedure Act requirements, legislative history, executive actions, and case law in the financial associations’ letter to you on April 5, 2022, which demonstrates that our request for a full 180-day comment period is indeed a reasonable one.

Thank you for considering our request. We appreciate the opportunity to comment on the climate disclosure rule, but wish to have an appropriate amount of time to provide you with meaningful analysis and answers to all the questions you have posed.

Sincerely,
Western Energy Alliance
Alaska Oil and Gas Association
Alaska Support Industry Alliance
American Association of Professional Landmen
Coalbed Methane Association of Alabama
Colorado Alliance of Mineral and Royalty Owners
Colorado Oil & Gas Association
Domestic Energy Producers Alliance
EnerGeo Alliance
Energy Council
Energy Workforce & Technology Council
Gas and Oil Association of West Virginia
Gulf Energy Alliance
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
Louisiana Oil & Gas Association
Marcellus Shale Coalition
Montana Petroleum 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
Permian Basin Petroleum Association
Petroleum Association of Wyoming
Southeast Oil and Gas Association
Texas Alliance of Energy Producers
Texas Independent Producers & Royalty Owners Assn
The Petroleum Alliance of Oklahoma
Treasure State Resources Association
U.S. Oil & Gas Association
Utah Petroleum Association

1 See Federal Register, The Rulemaking Process at 5.
2 “Importance of Appropriate Length Comment Periods”, SIFMA letter signed by 26 financial and business associations to Chair Gensler, dated April 5, 2022.