

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

August 17, 2022

Mr. Steven H. Gunby
President and Chief Executive Officer
FTI Consulting
555 12th Street, NW
Suite 700
Washington, DC 20004

Dear Mr. Gunby:

On June 12, 2022, the House Committee on Natural Resources (“Committee”) sent FTI Consulting (“FTI”) a letter requesting materials relating to its public relations work on behalf of fossil fuel industry interests. In the subsequent weeks, our staff has had multiple conversations with FTI’s representation in a good-faith effort to accommodate any reasonable concerns FTI might have regarding this request. Despite such efforts, summarized below, FTI has refused to produce responsive documents, the identities of relevant clients, or even the number of relevant clients FTI served during the responsive period.

In its initial communication with Committee staff, FTI asserted that many responsive materials would be covered by privileges, and all/most materials would be covered by confidentiality agreements between FTI and its various clients. Committee staff responded that, while it would respect genuine instances of attorney-client privilege to the greatest extent possible, mere confidentiality agreements with third parties were not legitimate obstacles to production.

Approximately 10 days later, FTI represented that the retention agreements relating to responsive matters had been collected and reviewed. FTI asserted all responsive materials were covered by either attorney-client privilege or confidentiality agreements, but indicated that it would ask its various clients for consent to disclose. Committee staff requested a more specific description of the grounds for withholding on such bases (e.g., a privilege log or similar listing), and FTI indicated that doing so might itself violate confidentiality.

Only after nearly a month had passed, did FTI report to Committee staff that it had completed its contacts with all its clients and that every client that responded refused to give consent to disclose any information. When Committee staff pressed for the most basic aggregated information, FTI refused to disclose even the total number of clients linked to responsive materials or how many of them had declined consent to disclose information, saying that the clients would have to approve even the disclosure of those numbers.

Finally, more than six weeks after the initial consultation with Committee staff, FTI represented that “50 percent” of an undisclosed number of unnamed clients had responded and refused to consent to disclosure.

FTI again asserted that the basis for withholding was confidentiality agreements with the clients, with some smaller (and undescribed) subset also ostensibly covered by attorney-client privilege. FTI also again claimed to have collected all relevant contracts but continued to refuse to provide even the total number of responsive clients or any of their identities.

As shown above, FTI has not wavered in its blanket refusal to provide even the most basic information about its clients or descriptions of the grounds for its refusal beyond the vaguest assertions of confidentiality and privileges. FTI has provided no indication that this obstruction of congressional oversight will come to an end voluntarily.

Unless FTI Consulting produces all responsive documents by 5:00 PM on August 24, 2022, the Committee will be forced to consider all of its options for obtaining this information, including, but not limited to, authorizing and issuing a subpoena under Committee Rule 4(d).

If you have any questions, please contact the staff of the Oversight and Investigations Subcommittee at (202) 225-6065. We look forward to your prompt response.

Sincerely,



Raúl M. Grijalva
Chair
Committee on Natural Resources



Katie Porter
Chair
Subcommittee on Oversight and Investigations
Committee on Natural Resources

cc: The Honorable Bruce Westerman, Ranking Member, House Natural Resources Committee