

# GREENWASHING

Greenwashing - What you say vs what you do

Greenwashing 2.0 – What you say needs to be certified!



company  
websites



marketing  
materials



social media  
statements



commitments



internal  
company  
policies




corporate  
reporting



# THE POLITICIZATION OF ESG

## PRESS RELEASES

[Home](#) | [Media Center](#) | [Press Releases](#) | 

### Barr, Braun Introduce Measure to Tank Biden's ESG Rule

December 16, 2022

### McHenry Announces Financial Services Committee Republican ESG Working Group

*Taps Huizenga to coordinate Republicans' approach to environmental, social, and governance proposals*

Washington, February 3, 2023 -

## House Democrats launch sustainable investing caucus

BY SAUL ELBEIN - 01/25/23 2:50 PM ET

## Op-ed: Republican efforts to limit ESG investing are anti-capitalist

PUBLISHED FRI, JAN 13 2023 8:00 AM EST | UPDATED FRI, JAN 13 2023 8:19 AM EST  
Sens. Sheldon Whitehouse, D-R.I., Brian Schatz, D-Haw.

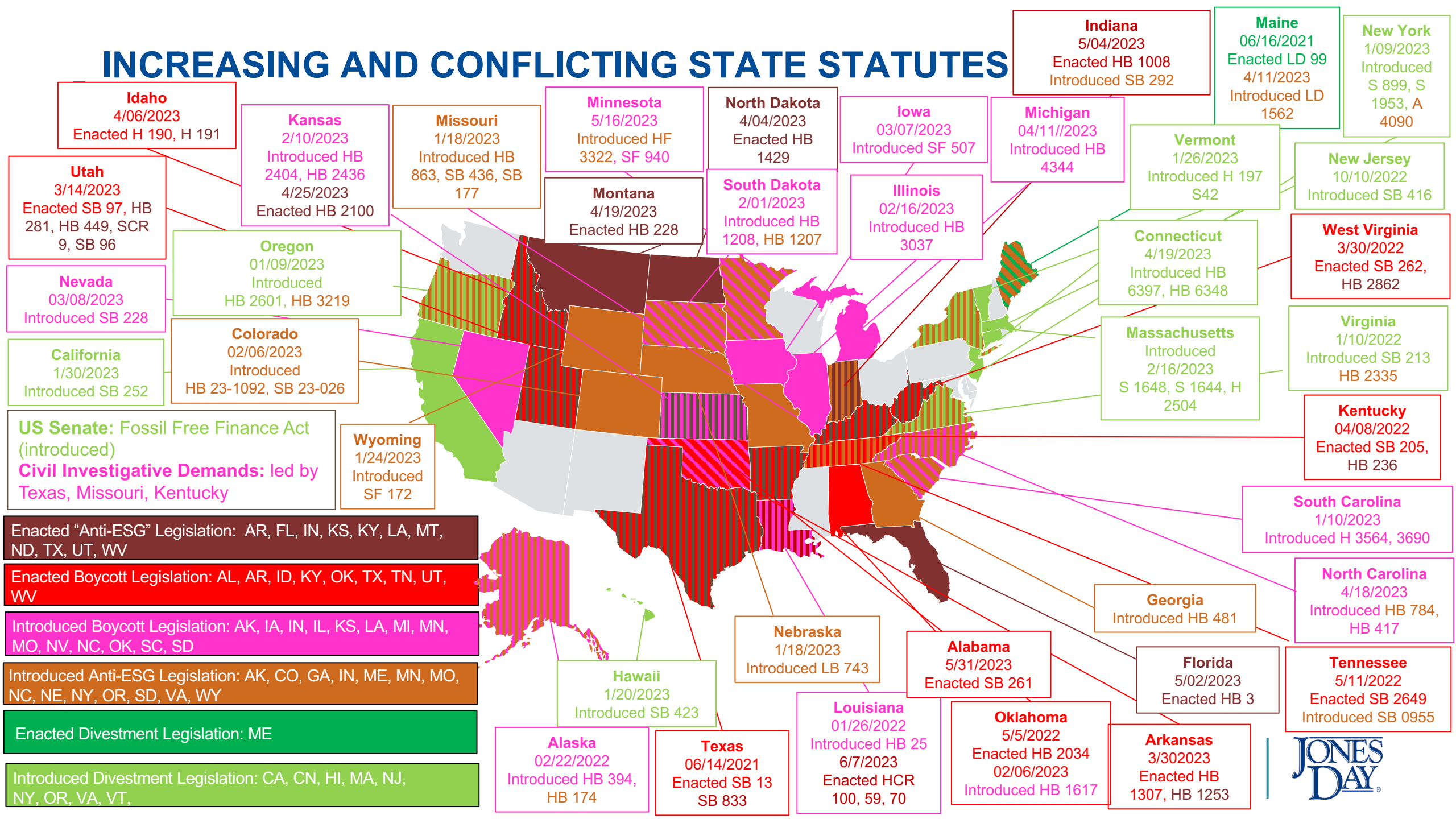
## 17 Democratic attorneys general push back against anti-ESG sentiments

November 21, 2022 01:49 PM

## Republicans vow to probe US banks and asset managers' 'ESG agenda' in Congress

Lawmaker Andy Barr says the financial system has been 'co-opted by the intolerant left'

# INCREASING AND CONFLICTING STATE STATUTES



# THREE NEW YORK PENSION FUNDS SUED FOR FOSSIL FUEL DIVESTMENT

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

----- X  
WAYNE WONG, JERIANN JALOZA,  
JENNIFER DIMEGLIO, JATANIA MOTA,  
AND AMERICANS FOR FAIR  
TREATMENT, INC.,

Plaintiffs,

-against-

NEW YORK CITY EMPLOYEES'  
RETIREMENT SYSTEM, TEACHERS'  
RETIREMENT SYSTEM OF THE CITY OF  
NEW YORK, AND BOARD OF  
EDUCATION RETIREMENT SYSTEM OF  
THE CITY OF NEW YORK,

Defendants.  
----- X

Index No.

COMPLAINT

JURY TRIAL DEMANDED

GIBSON, DUNN & CRUTCHER LLP

Akiva Shapiro  
200 Park Avenue  
New York, NY 10166-0193  
Telephone: 212.351.3830  
ashapiro@gibsondunn.com

Eugene Scalia (*pro hac vice* forthcoming)  
Blake Lanning (*pro hac vice* forthcoming)  
1050 Connecticut Avenue, N.W.  
Washington, DC 20036-5306  
Telephone: 202.955.8500  
escalia@gibsondunn.com  
blanning@gibsondunn.com

Jennafer Tryck (*pro hac vice* forthcoming)  
3161 Michelson Drive  
Irvine, CA 92612-4412  
Telephone: 949.451.4089  
jtryck@gibsondunn.com

*Attorneys for Plaintiffs Wayne Wong, Jeriann  
Jaloza, Jennifer DiMeglio, Jatania Mota, and  
Americans for Fair Treatment, Inc.*

“Defendants have breached their fiduciary duties and abused their control over plan assets by divesting the Plans of approximately four billion dollars of holdings in companies involved in the extraction of fossil fuels, in a misguided and ineffectual gesture to address climate change”

“The nature of the divestment, as well as the statements made and the course of action taken by Defendants’ Trustees in executing their climate change focused divestment initiatives, demonstrate that Defendants are not “single-mindedly” and “solely” acting in the retirement interests of their participants and beneficiaries.”



# ESG LITIGATION IN EUROPE



20 YEARS OF  
Business & Human Rights  
Resource Centre

France: Landmark 'duty of vigilance' case  
against TotalEnergies over human &  
environmental rights impacts of EACOP  
dismissed on procedural grounds



REUTERS®

Activists sue BNP over energy loans,  
TotalEnergies over human rights



REUTERS®

Environmental groups sue TotalEnergies  
over climate marketing claims



REUTERS®

TotalEnergies sues Greenpeace over  
emissions report



REUTERS®

ClientEarth challenges UK court  
dismissal of Shell climate lawsuit

ClientEarth®

Our groundbreaking case against  
Shell's Board of Directors



REUTERS®

Shell filed appeal against landmark  
Dutch climate ruling

CLIMAT

French prosecutors probe fossil fuel giant  
TotalEnergies over 'greenwashing'