

BRIAN K. FITZPATRICK
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Congress of the United States

House of Representatives

Washington, DC 20515

June 15, 2022

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

Honorable Vanessa A. Countryman
Secretary
Securities and Exchange Commission
100 F Street NE
Washington, D.C. 20549

Dear Mr. Gensler and Ms. Countryman,

I write today to express my concerns with the Securities and Exchange Commission's (SEC) proposed rule, "Enhancement and Standardization of Climate-Related Disclosures for Investors" as it relates to farmers and the agricultural sector. This proposal, if implemented, would impose additional, burdensome requirements on numerous small, family farms and other agricultural operations that were not intended to be subject to SEC oversight.

In 2020 alone, the agriculture industry contributed over \$1 trillion to the U.S. gross domestic product (GDP), and employed nearly 20 million people, accounting for 5 percent of our GDP, and over 10 percent of our domestic workforce. Given that this proposed rule could have a significant impact on nearly 5 percent of the United States economy, it is only right that the SEC conduct a cost-benefit analysis of the impact of this proposed rule on the agricultural industry before promulgating substantial and unworkable regulations.

Further, the proposed rule also raises substantial privacy concerns for those potentially affected, as most of the individuals affected live where they work, unlike those managing the entities traditionally regulated by the SEC. In *American Farm Bureau Federation v. EPA*, the 8th U.S. Circuit Court for Appeals affirmed that public disclosure of farmers' personal information would constitute a "substantial" and "clearly unwarranted invasion of personal privacy." For this reason alone, the SEC should recognize the serious problems that this rule would create for farmers.

Farmers in my home state of Pennsylvania and across the country already struggle to navigate the expansive patchwork of burdensome regulatory requirements at all levels of government. Small farmers and agricultural businesses were not the intended targets of the SEC's regulatory regime, and this attempt to capture them, albeit indirectly, is an improper use of its authority. In that spirit, I urge you to reconsider this proposed rule.

Sincerely,

A handwritten signature in blue ink that reads "Brian Fitzpatrick".

Brian K. Fitzpatrick
Member of Congress