

June 16, 2022

Ms. Vanessa A. Countryman
Secretary, U.S. Securities and Exchange Commission
100 F Street, NE
Washington, DC 20549

Re: File Reference No. S7-10-22; The Enhancement and Standardization of Climate-Related Disclosures for Investors (SEC Release Nos. 33-11042; 34-94478)

Dear Chair Gensler,

Nikola Corporation (“Nikola”) appreciates the opportunity to provide comments to the U.S. Securities and Exchange Commission (“SEC”) regarding the File No. S7-10-22: The Enhancement and Standardization of Climate-Related Disclosures for Investors (“Proposed Rule”). We applaud the SEC’s efforts to bring increased standardization, transparency, and accuracy to ESG reporting and offer our comments to improve the ability for companies to respond to and achieve those goals without discouraging urgently needed ambitious progress in combating climate change.

Nikola, a leading designer and manufacturer of heavy-duty commercial battery-electric vehicles (“BEV”), fuel cell electric vehicles (“FCEV”), and energy infrastructure solutions, is paving the way as a global leader in zero-emissions transportation. Our core mission is to combat climate change through transforming transportation, a leading contributor to climate change emissions, with clean vehicle and clean energy solutions. BEV and FCEV vehicles serve to reduce climate emissions and criteria pollutants to help us tackle the climate crisis and human health impacts caused by traditional combustion technologies and fuel sources.

We operate in two business units: Truck and Energy. The Truck business unit develops and commercializes BEV and FCEV Class 8 trucks that provide environmentally friendly, cost-effective solutions to the short, medium, and long-haul trucking sectors. The Energy business unit is focused on BEV energy solutions and for the FCEVs, developing and constructing a hydrogen fueling ecosystem from generation through dispensing of the hydrogen.

We recognize that information on climate-related issues is important to public company investors. We also understand the increasing interest of company stakeholders and shareholders in understanding the potential risks and impacts of climate change for companies as well as their actions to combat climate change and to mitigate the risks and impacts. This includes efforts to transition to more climate-friendly materials, products, and operations.

Nikola appreciates the SEC's recognition of the complexity of Scope 3 reporting through having a safe harbor for that reporting. Climate science and the technology to combat climate change are evolving rapidly however and actions we are taking today may not work as anticipated. Even the most committed and ambitious companies can inadvertently get negative results from genuine efforts to make positive change. Companies need the flexibility and an expanded safe harbor for trial and error of those efforts.

We also recognize that some climate data is not readily available, complete, or definitive. We encourage consideration of having the disclosures furnished rather than filed and suggest a year delay from the proposed compliance timelines. Furnished disclosures will not subject companies to strict liability standards, which should encourage disclosure that is prepared using best efforts for estimates, projections or contains forward-looking information.

At a minimum, we request consideration of an expansion of the safe harbor for all reporting for the first 3 years, an additional 2 years of limited assurance for Scope 1 and 2 emissions, and a continued safe harbor for Scope 3 emissions. This would allow companies the time needed to identify the necessary data and implement processes to gather, analyze, and validate the data.

Nikola also encourages the SEC to consider adding a minimum annual revenue threshold to the filer status, such as \$1 billion for the large accelerated filer, in regard to the compliance timelines, assurance, and Scope 3 reporting requirements. As currently proposed in section II.M, it would subject smaller less resourced companies to the same timelines and requirements as much larger companies with extensive internal and external resources. As well to ensure economic resource use, Nikola suggests extending the submission timeline to beyond the Annual Report on Form 10-K deadlines.

Thank you again for the opportunity to provide Nikola's perspective on the SEC's proposed rule for The Enhancement and Standardization of Climate-Related Disclosures for Investors. Nikola supports addressing climate change in public reporting and looks forward to working with all our stakeholders on this critical topic.

Sincerely,

Elizabeth Fretheim
Global Head of Sustainability & ESG
Nikola Corporation