

12/3/2021

VIA ELECTRONIC FILING

Office of Regulations and Interpretations  
Employee Benefits Security Administration Room N-5655  
U.S. Department of Labor  
200 Constitution Avenue, N.W.  
Washington, D.C. 20210

Dear Acting Assistant Secretary Khawar,

I respectfully submit this letter in support of the Department's proposed rule, *Prudence and Loyalty in Selecting Plan Investments and Exercising Shareholder Rights* ("the Proposed Rule.")

I'm a 401(k) plan participant, and like many working people, my 401K is a major part of my overall investment portfolio. This rule helps me align my investment behavior with my values, and it provides me a hedge against the negative impact of climate change on my investments.

I thank the Department for this important proposal, which builds on decades of conscientious stewardship of private-sector American retirement savings. Employee Retirement Income Security Act (ERISA) plans help create retirement security for working Americans. In 2020, under the prior administration, the Department enacted new rules that effectively prohibited ERISA plans from considering climate or other ESG factors in their investment selection and proxy voting. These 2020 rules left retirement savers unnecessarily exposed to the negative economic impacts of climate change, and silenced their voices on important issues of corporate governance. The Proposed Rule would fix this.

### **Retirement savings must be protected from climate-related financial risk**

Managers of retirement plans must be free to evaluate *all* factors that impact plan investments. Climate related disasters are increasingly frequent, with a record 22 events causing over [\\$1 billion](#) damage each in the US during 2020 alone. In response to the climate crisis, new regulation and changes in consumer demand will create significant market and investment [opportunities](#). These risks and opportunities are especially relevant to retirement investors, who invest over decades.

Many professional [investors](#) recognize these risks and opportunities, and have updated their investment strategies to deal with the realities of our changing environment. Individual investors share these [concerns](#). Climate change and other ESG risks will be a significant driver of investment risk and return for the foreseeable future. But because of these 2020 rules, very [few](#) American retirement savings plans are designed to protect

their beneficiaries from climate risk. The Proposed Rule will allow these savings plans to better manage these and other ESG risks. *In addition, the new rules will help mitigate plan participant lawsuits – which is a big fear among plan fiduciaries at companies such as mine.*

It is now clear that climate change poses an existential challenge to our very livelihoods. But if we can embrace the changes required to meet this challenge, the US economy has tremendous potential to grow, creating jobs and wealth. The Proposed Rule clears the way for ERISA plans to provide access to these investment opportunities. It is consistent with Department policy that has served American workers well in the nearly 50 years since ERISA became law.

I appreciate the Department's hard work in drafting this timely and thoughtful Proposed Rule.

Sincerely,

A handwritten signature in black ink, appearing to read 'TH Merrow', with a long horizontal flourish extending to the right.

Thomas H Merrow  
105 Bible Hill Ext.  
Francestown, MNH 03043

cc: Honorable Marty Walsh, Secretary of Labor