

# PUBLIC SUBMISSION

<b>Received:</b> December 12, 2021 <b>Tracking No.</b> kx4-3do4-19ac <b>Comments Due:</b> December 13, 2021 <b>Submission Type:</b> Web
--

**Docket:** EBSA-2021-0013

Prudence and Loyalty in Selecting Plan Investments and Exercising Shareholder Rights

**Comment On:** EBSA-2021-0013-0001

Prudence and Loyalty in Selecting Plan Investments and Exercising Shareholder Rights

**Document:** EBSA-2021-0013-DRAFT-3894

---

## Submitter Information

**Name:** Christopher Lish

---

## General Comment

Sunday, December 12, 2021

Office of Regulations and Interpretations  
Employee Benefits Security Administration  
Room N-5655

U.S. Department of Labor  
200 Constitution Avenue NW  
Washington, DC 20210

Attention: Restore Investor Choice & Proxy Power -- Prudence and Loyalty in Selecting Plan Investments and Exercising Shareholder Rights

Subject: Prudence and Loyalty in Selecting Plan Investments and Exercising Shareholder Rights (Document ID: EBSA-2021-0013-0001)

Dear Acting Assistant Secretary Khawar,

I'm writing to express my our support for the direction of the proposed rule "Prudence and Loyalty in Selecting Plan Investments and Exercising Shareholder Rights," issued on October 14, 2021, by the Department of Labor (DOL). I especially welcome the return to the long-standing support within the DOL for the:

\* Inclusion of environmental, social, and corporate governance (ESG) criteria—including consideration of the impacts of the climate crisis—in the selection of investments for 401(k) plans and other employer-sponsored retirement plans; and

\* Recognition that proxy voting and other shareholder actions are important fiduciary responsibilities that should be fully promoted, not discouraged.

Since the upending of these positions by the last administration, investment advisors, plan sponsors, asset managers, investors, investor and consumer groups, and labor organizations have called for clarity and a return to these investment practices that have been successful for decades.

ESG investing has grown tremendously in the United States and is now valued at \$17 trillion in assets under professional management. It is used by a growing number of individual and institutional investors resulting in mainstay, conventional financial firms now routinely offering a range of ESG products and services. In fact, seven in ten individual investors now want to invest in accordance with their values. Moreover, institutional investors globally are working to decarbonize their portfolios and reinvest in climate solutions to help prevent the worst climate outcomes, protect their assets, create jobs, and grow the clean energy economy on which a livable future depends.

In addition, I strongly support giving investors the right to select these investments for their portfolios as a prudent choice, given the positive financial track record of ESG investing. As studies have repeatedly shown, including a 2020 analysis by the NYU Stern Center for Sustainable Business of more than 1,000 studies on ESG investing, an ESG approach can help protect companies and investors from a wide array of risks and support positive financial returns.

Moreover, investors have a crucial responsibility when it comes to holding the corporations in which they invest, accountable to the many stakeholders their actions affect. By filing and voting on shareholder resolutions, investors identify issues of risk, new opportunities, and the need to correct negative impacts on communities, workers, consumers, the climate, environment, and more. Discouraging investors from exercising their proxy voting rights is anti-democratic and an irresponsible approach to corporate ownership that decreases corporate accountability and transparency.

I also value the DOL's recognition of the importance of addressing climate impacts as a fiduciary duty. The need to explicitly integrate climate crisis impacts into investment decision-making is essential if we are to avoid the worst consequences of the climate crisis for life on Earth. I therefore recommend taking the DOL's position a step further to require all publicly traded companies to report on their climate impacts and mitigation steps. So doing at this time is a prudent measure for our long-term economic viability and success.

Thank you for your leadership and consideration of our recommendation on climate. I look forward to the results of the public comment period and next steps to ensure the long-term financial well-being of millions of Americans. I believe our economic interests are best served for generations to come by acting on the connections between financial, social, environmental, and corporate governance factors.

"The ultimate test of a moral society is the kind of world that it leaves to its children."  
-- Dietrich Bonhoeffer

Thank you for your consideration of my comments. Please do NOT add my name to your mailing list. I will learn about future developments on this issue from other sources.

Sincerely,  
Christopher Lish  
San Rafael, CA