

Nathan Cummings Foundation Shareholder Resolutions & Dialogues

<u>Company</u>	<u>Resolution</u>	<u>Primary Filer</u>	<u>Co-Filers</u>	<u>Outcome</u>
<u>2008</u>				
Apple	Say on Pay	AFSCME	NCF	50.7%
Centex	Climate change	NCF	Catholic Health East	26.0%
ConocoPhillips	Political contributions	NCF	Teamsters	28.2%
Costco	Toxics	Boston Common Asset Management	NCF, others	Withdrawn. Company agreed to report back to filers on progress relating to general sustainability efforts, with a particular focus on the reduction of PVC use.
Exxon Mobil	Emission reductions	Tri-Cri	NCF, SEIU	30.9%
KB Homes	Climate change	NCF	Catholic Healthcare West	Withdrawn. The company plans to release its first sustainability report in 2008. The report will include a description of how the company plans to address emissions from the end-use of its products and will use the WRI/WBCSD GHG Protocol to begin tracking emissions. The company has also agreed to provide the proponents with ongoing progress reports.
Kroger	Climate change	NCF	-	38.3%
Pulte	Climate change	NCF	Domini	22.9%
Ryland	Climate change	NCF	-	25.4%
Standard Pacific	Climate change	NCF	United Methodist Church General Board	33.7%
Ultra Petroleum	Climate change	NCF	-	36.6%
Valero	Political contributions	NCF	-	Awaiting publication of 10-Q for vote results.
Wal-Mart	Say on Pay	Amalgamated Bank	NCF	Preliminary result - 17%

Company 2007	Resolution	Primary Filer	Co-Filers	Outcome
3M	Healthcare	NCF	-	Omitted.
Bed Bath and Beyond	Climate change	Sierra Club Mutual Funds	NCF, Calvert	24.97% (<i>Unofficial Result</i>). Although the vote will not count due to a technicality, BBBY has acknowledged shareholders' desire for reporting on energy efficiency, emissions reductions and climate change. BBBY has assembled a team to gather information and consider ways to report on these topics. The team was also charged with considering the development and implementation of additional related measures. BBBY also responded to the CDP in 2007.
Boston Properties	Energy efficiency	New England Yearly Meeting of Friends Pooled Funds	-	32.6%. The company provided general information relating to its energy conservation initiatives and environmentally sound development practices through its 2007 proxy statement and its 2006 fiscal year annual report.
Centex Corp.	Climate change	NCF	-	Omitted.
ConocoPhillips	Political contributions	NCF	-	12%. The company provided some information relating to political contributions on its website in response to our proposal.
Costco	Energy efficiency	Evangelical Lutheran Church of America	-	Withdrawn. The company agreed to complete the requested report and to continue to answer shareholder questions about energy efficiency. Disclosure is now available at http://media.corporate-ir.net/media_files/irol/83/83830/reports/70072002.pdf .
D.R. Horton	Energy efficiency	NCF	-	Withdrawn. The company agreed to complete the requested report. Disclosure is now available at http://www.drhorton.com/corpgov/EnergyEfficiency.pdf .
Kohl's	Healthcare	NCF	-	Omitted.
Kroger	Climate change	NCF	-	37.44%
Smithfield Foods	Sustainability reporting	NCF	Green Century	Withdrawn. Company agreed to commence reporting on NOV's occurring on contract farms and to undertake a facility-level report for a company-owned farm.
Standard Pacific	Energy efficiency	NCF	-	Omitted.
Ultra Petroleum	GHG emissions	NCF	-	30.94%
Whole Foods	Energy efficiency	New England Yearly Meeting of Friends	Sierra Club Mutual Funds	10.79%

Company	Resolution	Primary Filer	Co-Filers	Outcome
<u>2006</u>				
Bed, Bath and Beyond	Energy efficiency	Sierra Club Mutual Funds	Vermont State Treasurer's Office, Calvert	26%
Centex	Energy efficiency	NCF	-	9.02%
D.R. Horton	Energy efficiency	NCF	-	5.50%
The Home Depot	Energy efficiency	NCF	Catholic Healthcare West and Benedictine Sisters	Withdrawn due to the following commitments: Completion of the 2006 CDP4 Questionnaire • Continuation of dialogue • Disclosure of the following indicators and information: 1. Number of the company's buildings that are ENERGY STAR qualified or LEED certified 2. Estimated annual cost savings resulting from energy efficiency measures 3. Total energy generated from renewable sources as a percentage of total energy usage 4. Total greenhouse gas (GHG) emissions avoided through energy efficiency measures 5. Formal policies on energy efficiency 6. Integrated energy management systems 7. Programs specifically targeting energy efficiency performance 8. How energy efficiency measures impacted the bottom line 9. Specific energy conservation goals or established targets for decreasing energy usage 10. Targets for renewable energy usage 11. Capital commitments for energy cost efficiency projects 12. Formal targets for the reduction of GHG emissions or emissions intensity 13. Formal positions on climate change.
Liberty Property Trust	Energy efficiency	New England Yearly Meeting of Friends	-	The resolution was withdrawn after the company agreed to expand its reporting on energy efficiency and include information on the topic in its 10-K.
Lowe's	Energy efficiency	NCF	Catholic Healthcare West	Withdrawn due to the following commitments: Expansion of its sustainability reporting • Average energy used in the company's stores and distribution centers • Data regarding the use of green power • The company's general policy on energy efficiency • Information on the company's integrated energy management system • Information on the company's facility operation and maintenance program as it relates to energy • Information on energy efficiency improvements in new and existing buildings • Information on the use of SmartWay certified partners for shipping. The company has also agreed to discuss • Its management structure responsible for supervising its energy efficiency efforts • Its views regarding energy costs and how they impact the bottom line • Its purchase commitments for green power • Its views regarding GHG emissions.
Ryland	Energy efficiency	NCF	-	The SEC granted the company's no-action request.
Simon Property Group	Energy efficiency	New England Yearly Meeting of Friends	-	The company has agreed to report on its efforts to increase energy efficiency in its 10-K. Information to be contained in the report includes: • A description of Simon's best practices program. • Use of energy management techniques as a tool to improve earnings • A recap of the company's capital commitments for energy cost efficiency projects • Monitoring and benchmarking of energy consumption data since 2003.

Company	Resolution	Primary Filer	Co-Filers	Outcome
Smithfield Foods	Sustainability reporting	NCF	-	29.25%
Standard Pacific	Energy efficiency	NCF	Calvert	39.25%
Sunoco, Inc.	N/A - Member of Stakeholder Group	N/A	N/A	In-depth dialogue regarding all issues relating to EHS and social performance. Sunoco is a Ceres company.
Ultra Petroleum	GHG emissions	NCF	-	22.30%
Valero Energy	N/A - Ongoing dialogue regarding GHG emissions	NCF	-	The company has created a Climate Change Committee composed of members of senior management, has posted emissions data and participated in the Carbon Disclosure Project.
Vintage Petroleum	GHG emissions	NCF	NYC Comptroller's Office, Amalgamated Bank and Catholic Healthcare West	This resolution did not go to a vote as Vintage was acquired by Occidental Petroleum.
Whole Foods	Energy efficiency	New England Yearly Meeting of Friends	Sierra Club Mutual Funds	8.88%
2005				
Anadarko Petroleum	GHG emissions	Trillium Asset Management	NCF, Domini, Boston Common Asset Management, GBOP United Methodist Church, ISIS Asset Management	Withdrawn due to the following commitments: • Publicly acknowledging that the impact of GHG emissions is a growing concern and that reducing those emissions is a responsible action. • Adoption of a GHG management plan and ongoing collection of baseline emissions data. • Formation of a climate change committee comprised of employees in various disciplines within the company. This committee will report annually to the board of directors. • Discussion of the company's strategies for managing climate risk in its 10-K. • Utilization of carbon-constrained scenario planning as part of long-term strategic planning. • Minimization of GHG emissions through the use of various technologies such as enhanced oil recovery (EOR).
Apache	GHG emissions	Boston Common Asset Management	NCF, others	Withdrawn due to the following commitments: • Estimation of GHG emissions intensity for all of Apache's operated properties in Kyoto Annex I countries as well as operated properties in the US and Australia. • Inclusion on its website of a description of the progress made on all major GHG mitigation projects undertaken by the company. • Issuance of a statement regarding climate change endorsed by the company's CEO and placed on the corporate website. • Annually reporting climate change-related projects, initiatives and issues to the company's board of directors.

Company	Resolution	Primary Filer	Co-Filers	Outcome
Centex	Energy efficiency and GHG emissions	NCF	-	Withdrawn. The company agreed to: • Include a short section in its proxy statement indicating that it received a proposal regarding climate change. • Continue to discuss climate change related issues with the proponents. • Place information on energy efficient homes on its website.
Health Care Property Investors	Energy efficiency and GHG emissions	Harrington Investments	-	8.90%
Lennar	Energy efficiency and GHG emissions	NCF	-	2.33%
Liberty Property Trust	Energy efficiency and GHG emissions	New England Yearly Meeting of Friends	-	7.45%
Merck	Political contributions	NCF	New York State Common Retirement Fund, others	8.78%. As a result of the resolution, Merck has taken steps to improve access to information about Merck PAC contributions. The Company posted a link on its website to Merck PAC data on the Federal Election Commission's website. In addition, the Company annually posts information about its corporate contributions in the United States, categorized by state, candidate office and amount. This information will be updated annually.
Pfizer	Reimportation of prescription drugs	AFSCME	NCF, others	10.80%
Ryland	Energy efficiency and GHG emissions	NCF	-	7.90%
Simon Property Group	Energy efficiency and GHG emissions	New England Yearly Meeting of Friends	-	7.51%
Smithfield	Sustainability reporting	NCF	Sierra Club and Amalgamated Bank	24.84%. Ongoing dialogue regarding SFD's sustainability report.
Vintage Petroleum	GHG emissions	NCF	Amalgamated Bank and Boston Common Asset Management	25.60%

Company	Resolution	Primary Filer	Co-Filers	Outcome
XTO Energy	GHG emissions	NCF	Amalgamated Bank	Withdrawn. Company agreed to: <ul style="list-style-type: none"> • Create a climate change committee to address issues relating to GHG emissions. • Publicly acknowledge that climate change is an important issue and disclose the actions it is currently taking to address this issue. • Disclose on its website its emissions baseline. • Update emissions data annually. • Continue its participation in voluntary programs and help to formulate a plan for the reduction of methane emissions from current operations. • Include a short section in its proxy statement indicating that the company received a proposal regarding climate change. • Continue to discuss climate change related issues with proponents.
2004				
Anadarko	GHG emissions	Trillium Asset Management	NCF	31.39%
Merck	Political contributions	NCF	SEIU, Progressive Asset Management, Trillium Asset Management, Adrian Dominican Sisters, Domini	10.12%
Pfizer	Political contributions	NCF	Trillium Asset Management	10.91%. The company agreed to take the requested actions.
Smithfield	Sustainability reporting	NCF	Amalgamated Bank	20.90%.
Valero	GHG emissions	NCF	Amalgamated Bank	9.33%. The company agreed to take the following actions: <ul style="list-style-type: none"> • Reduce projected 2008 emissions by 5%. • Reduce emissions related to the combustion of its gasoline by an additional 2 million tons a year – the first time that an oil company or refiner took responsibility for its end product emissions. • Complete an annual baseline emissions inventory and post the results on their website. • Publicly list the ways in which the company is attempting to reduce its emissions.
2003				
Merck	Ethical criteria for the extension of patents	Province of St. Joseph of the Capuchin Order	20 other ICCR members	6.40%
Smithfield	GRI report	NCF	Sierra Club, Amalgamated Bank	Omitted. Ongoing dialogue between company and investors commenced.