

### *Nathan Cummings Foundation Shareholder Resolutions*

<u>Company</u>	<u>Resolution</u>	<u>Primary Filer</u>	<u>Co-Filers</u>	<u>Outcome</u>
<b>2006</b>				
Bed, Bath and Beyond	Energy efficiency	Sierra Club Mutual Funds	Vermont State Treasurer's Office, Calvert	Submitted January 30, 2006
Centex	Energy efficiency	NCF	-	Ongoing dialogue. The company has not been very forthcoming in response to our requests for additional information. We plan to refile the resolution on February 14, 2006.
D.R. Horton	Energy efficiency	NCF	-	5.50%
Home Depot	Energy efficiency	NCF	Catholic Healthcare West and Benedictine Sisters	The company has contacted the proponents and has asked that we provide them with a list of the ways in which we would like to see their reporting improved.
Liberty Property Group	Energy efficiency and GHG emissions	New England Yearly Meeting of Friends	-	Submitted November, 2005

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Lowe's	Energy efficiency	NCF	Catholic Healthcare West and Domini	Withdrawn due to the following commitments: Expansion of its sustainability reporting to include information on <ul style="list-style-type: none"> <li>• Average kWh per square foot used in the company's stores</li> <li>• Average kWh per square foot using in the company's distribution centers</li> <li>• Data regarding the company's use of green power</li> <li>• Data regarding the amount of solar power generated by the company</li> <li>• The company's general policy on energy efficiency</li> <li>• Information on the company's integrated energy management system</li> <li>• Information on the company's facility operation and maintenance program as it relates to energy</li> <li>• Information on energy efficiency improvements in new and existing buildings</li> <li>• Information on the use of SmartWay certified partners for shipping where possible. The company has also agreed to discuss</li> <li>• Its management structure responsible for supervising its energy efficiency efforts</li> <li>• Its views regarding energy costs and how they impact the bottom line</li> <li>• Its purchase commitments for green power</li> <li>• Its views regarding GHG emissions.</li> </ul>
Ryland	Energy efficiency	NCF	-	The company has challenged the resolution at the SEC and we are awaiting a decision.
Simon Property Group	Energy efficiency and GHG emissions	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: <ul style="list-style-type: none"> <li>• A description of Simon's best practices program.</li> <li>• Use of energy management techniques as a tool to improve earnings</li> <li>• A recap of the company's capital commitments for energy cost efficiency projects</li> <li>• Monitoring and benchmarking of energy consumption data since 2003.</li> </ul>
Smithfield Foods	Sustainability reporting	NCF	Amalgamated Bank, Sierra Club and Evangelical Lutheran Church in America	To be submitted
Standard Pacific	Energy efficiency	NCF	Calvert	Submitted November 22, 2005

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Ultra Petroleum	GHG emissions	NCF	NYC Comptroller's Office	We have been in contact with the company and are currently awaiting a withdraw proposal drafted by the CEO and the Manager of Investor Relations.
Vintage Petroleum	GHG emissions	NCF	NYC Comptroller's Office, Amalgamated Bank and Catholic Healthcare West	This resolution will not go to a vote as Vintage has been acquired by Occidental Petroleum.
Whole Foods	Energy Efficiency	New England Yearly Meeting of Friends	Sierra Club Mutual Funds	Submitted October 31, 2005

<u>Company</u> <u>2005</u>	<u>Resolution</u>	<u>Primary Filer</u>	<u>Co-Filers</u>	<u>Outcome</u>
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: <ul style="list-style-type: none"> <li>Publicly acknowledging that the impact of GHG emissions is a growing concern and that reducing those emissions is a responsible action.</li> <li>Adoption of a GHG management plan and ongoing collection of baseline emissions data beginning with 2004 emissions.</li> <li>Formation of a climate change committee comprised of employees in various disciplines within the company to evaluate and advise management on climate change and GHG issues. This committee will report annually to the board of directors.</li> <li>Discussion of the company's strategies for managing climate risk in its 10-K.</li> <li>Utilization of carbon-constrained scenario planning as part of long-term strategic planning.</li> <li>Minimization of GHG emissions through the use of various technologies such as enhanced oil recovery (EOR).</li> </ul>
Apache	GHG emissions	Boston Common Asset Management	NCF, others	Withdrawn due to the following commitments: <ul style="list-style-type: none"> <li>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.</li> <li>Inclusion on its website of a description of the progress made on all major GHG mitigation projects undertaken by the company.</li> <li>Issuance of a statement regarding climate change endorsed by the company's CEO and placed on the corporate website.</li> <li>Annually reporting climate change-related projects, initiatives and issues to the company's board of directors.</li> </ul>
Centex	Energy efficiency and GHG emissions	NCF	-	Withdrawn. The company agreed to: <ul style="list-style-type: none"> <li>Include a short section in its proxy statement indicating that it received a proposal regarding climate change and that the proposal was withdrawn due to the company's actions in this area.</li> <li>Continue to discuss climate change related issues with the proponents.</li> <li>Place information on energy efficient homes on its website under the "Find a Home" section.</li> </ul>

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Health Care Property Investors	Energy efficiency and GHG emissions	Harrington Investments	-	8.90%
Lennar	Energy efficiency and GHG emissions	NCF	-	2.33%
Liberty Property Group	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 will post a link on its website to Merck PAC data on the Federal Election Commission's website. In addition, the Company will annually post information on its website about its corporate contributions in the United States, categorized by state, candidate office and amount. This information will be posted during the first quarter of 2006 and will reflect 2005 corporate contributions. It 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%

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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%
XTO Energy	GHG emissions	NCF	Amalgamated Bank	Withdrawn. Company agreed to: <ul style="list-style-type: none"> <li>• Create a climate change committee to address issues relating to GHG emissions, including monitoring the science of climate change and making recommendations to help develop emission reduction programs.</li> <li>• Publicly acknowledge that climate change is an important issue and disclose the actions it is currently taking to address this issue.</li> <li>• Disclose on its website its emissions baseline.</li> <li>• Update emissions data annually.</li> <li>• Continue its participation in voluntary programs and help to formulate a plan for the reduction of methane emissions from current operations.</li> <li>• Include a short section in its proxy statement indicating that the company received a proposal regarding climate change and that it was withdrawn due to the company's actions in this area.</li> <li>• Continue to discuss climate change related issues with proponents.</li> </ul>

## **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 Social Investments	10.12%

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Pfizer	Political contributions	NCF	Trillium Asset Management	10.91%. The company agreed to take the requested actions.
Smithfield	Sustainability reporting	NCF	Amalgamated Bank	20.9%. Since engagement with NCF, the quality of the company's stewardship report has been greatly enhanced, though the company continues to refuse to report on its contract farms.
Valero	GHG emissions	NCF	Amalgamated Bank	9.33%. The company agreed to take the following actions: <ul style="list-style-type: none"> <li>• Reduce projected 2008 emissions by 5%.</li> <li>• 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.</li> <li>• Complete an annual baseline emissions inventory and post the results on their website.</li> <li>• Publicly list the ways in which the company is attempting to reduce its emissions.</li> </ul>

### **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.