



The Honorable Joseph R. Biden
President of the United States
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

June 20, 2023

Dear President Biden,

We are writing on behalf of the Transatlantic Consumer Dialogue (TACD), a coalition of the leading consumer organizations in North America and Europe, to ask you and your administration to take immediate action regarding the rapid development of Generative Artificial Intelligence in a growing number of applications, such as text generators like ChatGPT, and the risks these entail for consumers. We are calling on policymakers and regulators on both sides of the Atlantic to use existing laws and regulations to address the problematic uses of Generative Artificial Intelligence; adopt a cautious approach to deploying Generative Artificial Intelligence in the public sector; and adopt new legislative measures to directly address Generative Artificial Intelligence harms. As companies are rapidly developing and deploying this technology and outpacing legislative efforts, we cannot leave consumers unprotected in the meantime.

Generative Artificial Intelligence systems are now already widely used by consumers in the U.S. and beyond. For example, chatbots are increasingly incorporated into products and services by businesses. Although these systems are presented as helpful, saving time, costs, and labor, we are worried about serious downsides and harms they may bring about.

Generative Artificial Intelligence systems are incentivized to suck up as much data as possible to train the AI models, leading to inclusion of personal data that may be irremovable once the sets have been established and the tools trained. Where training models include data that is biased or discriminatory, those biases become baked into the Generative Artificial Intelligence's outputs, creating increasingly more biased and discriminatory content that is then disseminated. The large companies making advances in this space are already establishing monopolistic market concentration. Running Generative Artificial Intelligence tools requires enormous amounts of water and electricity, leading to heightened carbon emissions. The speed and volume of information creation with these technologies speeds the generation and spread of increasing misinformation and disinformation.

Three of our members (Public Citizen, The Electronic Privacy Information Center, and The Norwegian Consumer Council) have already published reports setting forth the specific harms of Generative Artificial Intelligence and proposing steps to counter these harms – we would be happy to discuss these with you. In addition, TACD has adopted policy principles which we believe are key to safely deploying Generative Artificial Intelligence. Our goal is to provide policymakers,

lawmakers, enforcement agencies, and other relevant entities with a robust starting point to ensure that Generative Artificial Intelligence does not come at the expense of consumer, civil, and human rights.

If left unchecked, these harms will become permanently entrenched in the use and development of Generative Artificial Intelligence. We are calling for actions that insist upon transparency, accountability, and safety in these Generative Artificial Intelligence systems, including ensuring that discrimination, manipulation, and other serious harms are eliminated. Where uses of GAI are clearly harmful or likely to be clearly harmful, they must be barred completely.

In order to combat the harms of Generative Artificial Intelligence, your administration must ensure that existing laws are enforced wherever they apply. New regulations must be passed that specifically address the serious risks and gaps in protection identified in the reports mentioned above. Companies and other entities developing Generative Artificial Intelligence must adhere to transparent and reviewable obligations. Finally, once binding standards are in place, the Trade and Technology Council must not undermine those binding standards.

We welcome the administration's efforts on AI to protect Americans' rights and safety, particularly your efforts to center civil rights, via executive action. Furthermore, we are encouraged to see the leading enforcement agencies underscore their collective commitment to leverage their existing legal authorities to protect the American people. But more must be done, and soon, especially for those already disadvantaged and the most vulnerable, including people of color and others who have been historically underserved and marginalized, as well as children and teenagers. We want to work with you to ensure that privacy and other consumer protections remain at the forefront of these discussions, even when new technology is involved.

Sincerely,

Finn Lützow-Holm Myrstad

Director of Digital Policy, Norwegian Consumer Council

European Co-Chair of TACD's Digital policy committee

Calli Schroeder

Senior Counsel and Global Privacy Counsel, EPIC

U.S. Co-Chair of TACD's Digital policy committee