2023 Climate Accountability Legislative Briefing Book

For State and Local Leaders

The Center for Climate Integrity empowers communities and elected officials with the knowledge and tools they need to hold oil and gas corporations accountable for decades of lying about climate change. Through strategic campaigns, communications, and legal support, we ensure that the fossil fuel industry pays its fair share of the massive costs of climate damages.

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Dear State and Local Climate Champions,

Every week there is a new climate disaster that demands our attention. A devastating wildfire, unprecedented flooding, a deadly heat wave; the impacts of the climate crisis are here and threatening our communities' lives and livelihoods.

For decades oil companies knew their products would fuel these catastrophes, but they carried out a massive campaign to deceive the public and obscure the science — prioritizing their profits over our health and safety.

It's a playbook we've seen before from tobacco companies and opioid manufacturers — industries that have since been held accountable for their harmful lies.

There is a growing movement to apply the same legal logic to major polluters and demand climate accountability from Big Oil. More than 40 states and communities across the U.S. are suing oil and gas companies for their decades of climate deception and environmental harm, citing the massive costs to protect their communities from extreme heat, unprecedented flooding, wildfires, and other threats from climate change.

State and local leaders have an important role to play in supporting these accountability efforts and making polluters pay for the damage they cause. This briefing book serves as a reference for how climate-conscious lawmakers can lead the charge on calculating local climate change adaptation costs, condemning climate disinformation, and raising awareness for urgent action on the climate crisis.

In addition to this resource, the Center for Climate Integrity's team of multidisciplinary professionals are always available to advise on climate policy and messaging for your community.

The fossil fuel industry knowingly caused the climate crisis and continues to profit from climate pollution while our communities pay the price. It is more urgent than ever to hold these companies accountable so that your communities are not left holding the bill for the mess that Big Oil made.

Thank you for being part of this fight.

Sincerely,

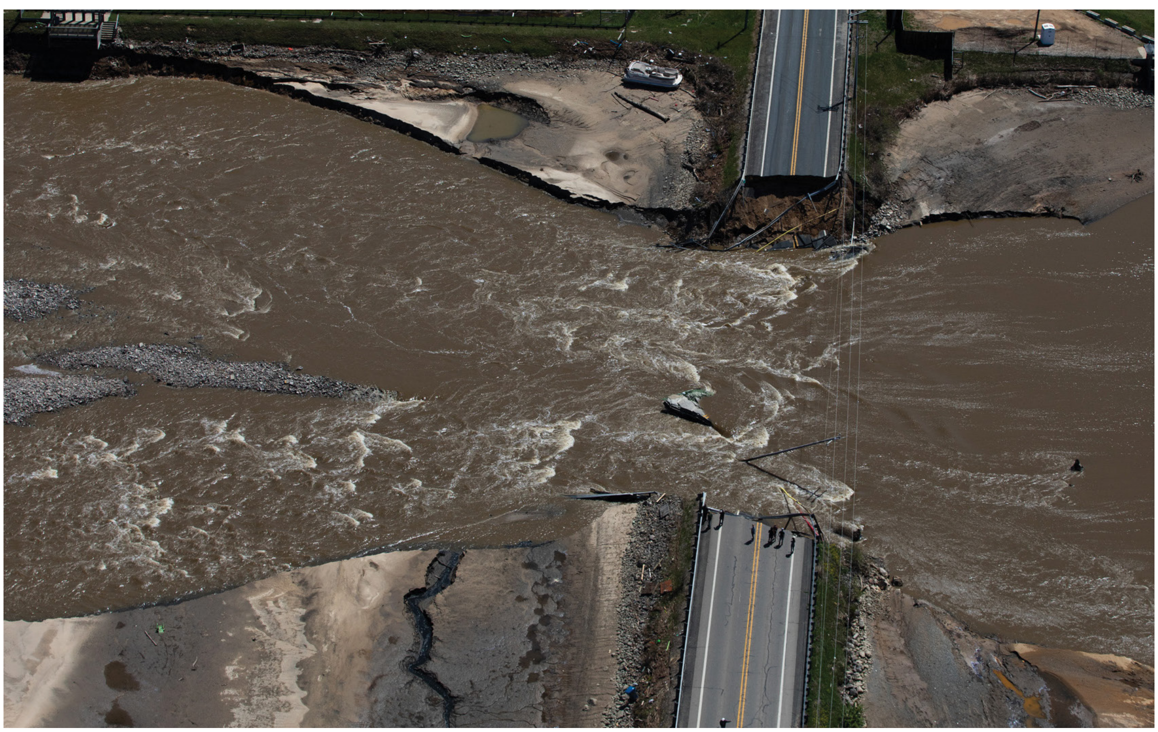
Richard Wiles
President, Center for Climate Integrity

Background

The climate crisis was never inevitable. Decades ago, the largest and most powerful players in the fossil fuel industry were told by their own scientists that the continued use of their products could be "potentially catastrophic" for the planet. Concerned more about industry profits than public health and safety, oil and gas executives made a deeply consequential decision to publicly undermine the science, sow doubt, and deceive the public and policymakers in order to delay climate action. Oil and gas corporations knew their products would cause climate change — and they lied about it to protect their bottom line, stealing precious decades when we could have shifted course.

Now, communities everywhere are paying the price for Big Oil's deception and seeking ways to remain resilient in the face of the extreme weather events and other climate catastrophes the industry's scientists warned executives about decades ago. A growing number of state and local governments are turning to the courts to hold these polluters accountable for their lies and make them pay their fair share of the costs that communities face to adapt to our new climate reality.

State and local leaders have the unique power to craft and advance policies and laws that can reduce emissions and speed the clean energy transition. But they can also use their positions to support and advance efforts in court and elsewhere to make polluters pay for the damages they have already inflicted. This book is a guide to various actions that policymakers can take to hold climate polluters accountable.



Accounting for the Taxpayer Costs of Climate Change

From emergency response and infrastructure upgrades to public health expenses and conservation efforts, state and local governments are facing staggering costs to adapt to a worsening climate crisis. A recent study from CCI estimates that it will cost Pennsylvania municipalities more than $15 billion by 2040 to address eight infrastructure-related climate impacts. Some examples of how climate change drives up taxpayer costs include:

Extreme Weather Events

Hurricanes, floods, wildfires, and other extreme weather events result in significant costs for taxpayers for emergency response, evacuation procedures, infrastructure repairs, and other disaster recovery efforts.

Infrastructure Upgrades and Maintenance

Costly investments in infrastructure upgrades will be increasingly necessary to withstand climate-related impacts like sea level rise, increased precipitation, heat waves, and droughts. These upgrades could include reinforcing coastlines, improving drainage systems, and upgrading transportation networks.

Public Health

Rising temperatures contribute to heat-related illnesses, the spread of infectious and vector-borne diseases, and worsened air quality — all of which lead to increased hospitalizations and rising costs for treatment and prevention.

Agriculture and Food Security

Changes in temperature and precipitation patterns affect agricultural productivity, leading to reduced crop yields and increased risks for farmers. In order to maintain agricultural stability, state and local governments may face higher costs related to supporting farmers through subsidies, crop insurance, and assistance programs.

Water Management

Drought and water scarcity will necessitate costs related to ensuring water availability in affected communities.

Natural Resource Management

Ecosystems and natural resources are heavily impacted by changing climate conditions, leading to increased expenditures towards conservation efforts, habitat restoration, and managing the impacts on wildlife and biodiversity.

Elected representatives have a responsibility to manage public finances prudently and ensure long-term sustainability of the state or local budget. Climate change is going to cost your state billions of dollars and your constituents have a right to know the entirety of the costs they face when it comes to adapting to and recovering from its escalating impacts. A climate cost assessment is a powerful tool for state and local governments during budgeting, policymaking, and emergency planning, and can help hold polluters accountable for their fair share of the climate damages they knowingly imposed on communities.

Policy Recommendations

1. **Directives or Resolutions for Administrative Initiatives & Investigations**
   State and local governments can pass legislation that directs appropriate departments and agencies to account for costs related to climate change. Amendments to budgets and/or other enabling legislation have been successful.

2. **Legislative Initiatives & Investigations**
   State and local governments can pursue legislative initiatives and investigations to adequately account for these climate costs. Additional information is available in the 'Building a Public Record' section of this memo.

Existing Precedent

STATE

- **Washington:** House Bill 1170, Section 7 (2023) – Requires the Washington Department of Ecology to provide estimated state agency costs for implementing the updated climate response strategy over two, four, and 10-year time frames.
- **Nebraska:** Legislative Resolution 216 (2023) – Proposes an interim study to examine the economic and climate impacts of Nebraska's reliance on fossil fuel energy generation.
- **Oregon:** House Bill 3543 (2007) – Creates the Oregon Global Warming Commission and the Oregon Climate Change Research Institute to prepare Oregon for the effects of global warming. The Commission is required to track and evaluate economic, environmental, health, and social assessments of global warming impacts on Oregon and the Pacific Northwest as well as economic, environmental, health, and social costs.

LOCAL

- **Hartford, Connecticut:** Resolution 008 (2023) – Urges the City's administration to transparently track the costs of climate adaptation, resilience, and recovery at the municipal level. Includes identification and evaluation of existing and projected climate-related expenditures such as economies impacted by extreme weather events, resilience, infrastructure adaptation, real estate losses, threats to public health, public cooling centers, and more.

Examples of Cost Assessments

- The Impact of Climate Change: Projected Adaptation Costs for Boulder County, Colorado, Resilient Analytics (2018)
- Pennsylvania's Looming Climate Cost Crisis: The Rising Price to Protect Communities from Extreme Heat, Precipitation, and Sea Level Rise, Center for Climate Integrity (2023)
- Climate Crisis: The Rising Cost of Inaction, Pennsylvania Auditor General Eugene A. DePasquale (2019)
- Quantifying Risks to the Federal Budget from Climate Change, The White House (2022)

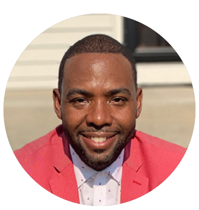
Additional Considerations

1. Consider costs that have been raised due to climate change, or were not previously considered necessary expenditures. Cost categories should focus specifically on taxpayer expenses as opposed to revenue loss (ex: infrastructure adaptation, disaster recovery, etc).
2. Climate cost analyses should identify which communities will bear disproportionate harms and subsequent adaptation costs.
3. A diverse set of stakeholders should be engaged in this work (ex: department heads, qualified consultants, and citizens living and working in urban and rural areas).

Helpful Resources

- The Importance of Measuring the Fiscal and Economic Costs of Climate Change, The White House (2022)
- Billion-Dollar Weather and Climate Disasters, National Centers for Environmental Information (2023)

For assistance assembling a comprehensive list of possible taxpayer climate costs in your state or community, contact the Center for Climate Integrity at info@climateintegrity.org.



> *Climate change is already impacting the city's budget: opening cooling centers to protect vulnerable residents from extreme heat, repairing and upgrading our stormwater systems in the face of more precipitation, or delay public works because of unsafe air pollution, that all comes with a price tag.*

City Council Majority Leader TJ Clarke II
Hartford, CT, June 2023

Demonstrate Support & Consensus for Action

Climate action requires us to simultaneously work on two necessary, urgent, and parallel tracks: climate mitigation and climate adaptation. Climate accountability litigation focuses on the latter, specifically what our communities need in order to adapt and become more resilient to the changing climate.

Across the United States, seven states, 36 municipalities, the District of Columbia, and one industry trade association are suing major oil and gas corporations for deceiving the public about the climate damages they knew their products would cause. The plaintiffs in each of these cases have made the following argument: Big Oil companies knew, they lied, and they should be held accountable.

From Imperial Beach, CA, to the state of New Jersey, climate accountability lawsuits have been brought by communities and states of all sizes. What they have in common are leaders who believe that fossil fuel corporations must not be allowed to pass off the extraordinary costs of climate damages onto communities with impunity. State and local leaders can make clear that businesses must be held accountable for their actions and the pursuit of profit cannot come at the expense of truth and public welfare.

Urging key decision-makers to take legal action is a powerful way to express the urgency of the crisis facing our local communities, raise awareness of the opportunity to make polluters pay their fair share of the costs they helped create, and demonstrate consensus and support for holding bad actors accountable for their actions.

Policy Recommendations

1. **Resolution Urging State or Municipal Legal Action**
   In states and municipalities where climate liability litigation has yet to be filed, state and local leaders can pass resolutions to demonstrate support and/or urge legal action. Many state legislatures can also pass a resolution to create a special committee, commission, or task force to explore potential legal action.

Existing Precedent

STATE

- **New Hampshire:** House Concurrent Resolution 5 (2023) — Urging the taking of appropriate legal action against multinational fossil fuel companies for harms incurred from disinformation campaigns about the effects of fossil fuel combustion.
- **New Jersey:** Senate Resolution No. 57 (2020)/ Assembly Resolution No. 56 (2022) — Urges the Governor and Attorney General to pursue legal action against fossil fuel companies for damages caused by climate change.

LOCAL

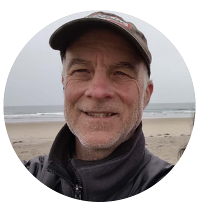
- **Multnomah County, Oregon:** Resolution No. 2023-065 (2023) — Declares climate change a public nuisance and authorizes the Office of the County Attorney to pursue legal remedies for damages caused by climate change.
- **Milwaukee County, Wisconsin:** Resolution No. 22-404 (2022) — Calls on the Wisconsin Attorney General to initiate a lawsuit against fossil fuel companies to seek justice and damages for environmental and climate harms in Wisconsin communities.

Additional Considerations

1. Familiarize yourself with what sort of tort/consumer fraud litigation has been — or is about to be — brought by your state and local municipalities (i.e. Has a nearby climate case already been filed? What about opioid or PFAS cases?).
2. Familiarize yourself with legislative steps that preceded other corporate accountability actions.

Helpful Resources

- Climate Liability Litigation: Cases Underway to Make Climate Polluters Pay, Center for Climate Integrity
- New Jersey Officials Fighting for Climate Accountability, Center for Climate Integrity
- 'Like a dam breaking': Experts hail decision to let US climate lawsuits advance, The Guardian, April 25, 2023



> *The impacts of [the oil and gas industry's] influence campaign have been astoundingly successful for oil companies, but tragic for the rest of us. Who will pay these costs? The public and generations to come? What would justice be in the case of such an extreme crime?*

New Hampshire Representative Tony Caplan
January 2023

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Condemning Climate Denial & Disinformation

Major oil and gas corporations have known for decades about the realities of climate change and its connection to their products. Hundreds of pages of internal industry documents uncovered by journalists and researchers show that fossil fuel companies knew as early as the 1960s that burning fossil fuels would raise global temperatures, leading to "catastrophic" consequences for people and the planet. Instead of doing what they could to inform the public or mitigate the crisis, they pivoted to a decades-long campaign of doubt, denial, and disinformation to delay climate action and protect their profits.

In recent years, instead of outright denying climate change, fossil fuel companies have waged PR campaigns to mislead the public about climate solutions. While current marketing, advertising, and climate pledges from fossil fuel majors would have you believe the industry is well on its way to reducing emissions and transitioning us to a clean energy future, in reality, these same companies are doubling down on oil and gas. After announcing record 2022 profits, Exxon, Shell, and BP all backed away from their pledges to reduce carbon pollution. BP announced it was scaling back clean energy targets, Shell is cutting investments in renewables, and Exxon slashed funding for its heavily publicized algae biofuels work. Big Oil continues to pollute and scale up oil and gas production, all while shifting the blame for emissions onto consumers and claiming that the world still needs fossil fuels.

Climate deception and disinformation undermines the efforts of state and local leaders to address the climate crisis. The fossil fuel industry's attempts to mislead the public about climate change erode public trust in both the companies and the government's ability to protect its citizens. It is the responsibility of state and local leaders to uphold the integrity of the legislative process by addressing dishonesty and condemning the lies and deceptive practices from any industry that employs these tactics.

Condemning climate denial and disinformation demonstrates the commitment of state and local leadership to protecting the public, sends a strong message that deliberate deception and misinformation campaigns will not be tolerated, and lays a solid foundation for climate accountability.

> *"The oil industry knew about climate change, knew what it was going to do and lied about it. Taxpayers have been paying for the impacts of climate change, and really, big oil needs to be held accountable for their lies."*

Vermont State Senator Anne Watson
December 2021

Policy Recommendations

1. **Resolution Condemning Climate Denial & Disinformation**
   State and local leaders can pass resolutions condemning the fossil fuel industry's role in denying climate change and undermining efforts to address it.

Existing Precedent

STATE

Minnesota: House Resolution 1 (2021/2022) — Condemns violence and violent rhetoric directed at the United States Capitol and state capitols, and affirms support for democracy, rule of law, and the certified results of Minnesota's election.

LOCAL

Westminster, California: Resolution 22-84 (2022) — Denounces fake news in the city of Westminster, CA, and debunks fake news stories.

San Antonio, Texas: Resolution 20-3124 — Affirms the City's commitment to the safety and well-being of all community members and combating hate-speech.

OTHER

United Nations: Resolution 76/277 (2021) — Counters disinformation for the promotion and protection of human rights and fundamental freedoms.

Helpful Resources

- The Lie-brary, The Center for Climate Integrity.
- Deception Documents for Elected Officials, The Center for Climate Integrity
- Exxon's own research confirmed fossil fuels' role in global warming decades ago, InsideClimate News (2015)
- Big Oil braced for global warming while it fought regulations, Los Angeles Times (2015)
- The clean energy claims of BP, Chevron, ExxonMobil and Shell: A mismatch between discourse, actions and investments, Mei Li, Gregory Trencher, and Jusen Asuka (2022)
- Climate accountability in the news, Center for Climate Integrity
- Amicus brief on the history of the fossil fuel industry's deception and denial of climate change (2023)

For assistance with understanding fossil fuel industry deception or with crafting similar resolutions, please contact the Center for Climate Integrity at info@climateintegrity.org.

Building a Public Record

A robust public record of corporate wrongdoing empowers communities to seek justice and compensation for the damages caused by a company's misconduct. Specifically, access to real-world examples of the costs and damages from climate change can spark public discussions and mobilize individuals, advocacy organizations, and policymakers to demand accountability for the harms perpetrated against them by the fossil fuel industry.

Policy Recommendations

1. **Hearings**
   Public hearings can be an effective way to document the damages related to climate change and the role that major fossil fuel companies played to undermine much needed climate action. Through hearings, lawmakers can gather evidence, question key individuals, and create a public record that can be used for further investigations, legal proceedings, and the formulation of new policies. Hearings can also create opportunities to demonstrate support for action at different levels of government and engage key partners and stakeholders while also increasing public awareness. Historically, legislative hearings have played a critical role in documenting corporate wrongdoing, bringing the issue to the public's attention, and holding the companies accountable for their actions.
2. **Investigations**
   State legislatures generally have the ability to conduct state-level investigations, which may include subpoena powers. Since investigations of this kind usually focus on oversight of the executive branch, there are few examples of the use of state legislative oversight powers for investigations into specific, big corporate actors. However, state legislators can advance investigations through special committees or task forces.

   State executive officials also have varying degrees of authority to conduct investigations and audits. Often, designated legislative committees must request, approve, or direct state officials to perform these duties.

Existing Precedent

HEARINGS

- **Tobacco:** In 1994, Florida held hearings during a special legislative session regarding the liability of the tobacco industry for the billions of dollars the state of Florida has spent caring for sick smokers via Medicaid. The state later joined the Master Settlement Agreement and used settlement funds to support tobacco prevention and cessation programs.
- **Climate Impacts:** In Minnesota, the Capital Investment and Climate and Energy Committees held a joint hearing on sustainable, climate-resilient infrastructure in 2021. Presenters highlighted the financial cost of ignoring climate change and available infrastructure solutions. In 2023, Minnesota passed historic climate and environment initiatives, elevating the state as a leader in those policy spaces.

INVESTIGATIONS

- **State Auditor authority:** Pennsylvania State Auditor special report on climate costs: In 2019, the Pennsylvania State Auditor released a special report about the costs of climate change. The report documented that climate-driven weather events are already costing taxpayers hundreds of millions of dollars. Some examples of costs included in the report are equipping public school buildings with air conditioning because of increased heat waves; higher food costs related to changes in growing zones and seasons, as well as increasing pest issues; and the impact of sea level rise on major shipping and transportation hubs.
- **Committee request:** Joint Legislative Audit Committee (JLAC), California: In 2019, JLAC directed the California State Auditor to conduct an audit of three California counties to assess "how well prepared each county is to protect vulnerable populations before, during, and after a natural disaster."
- **U.S. Congress:** Congressional Committee on Oversight and Reform, U.S. Congress: From 2021-2022, the House Oversight Committee conducted an investigation into "the fossil fuel industry's long-running campaign to mislead the American people about fossil fuels' central role in causing the global climate crisis and to impede urgently needed efforts to curb climate change." In December 2022, the Committee released a memo based on subpoenaed documents and testimony detailing the findings from the investigation. Some of these findings are as follows:
  - Big Oil is doubling down on long-term reliance on fossil fuels
  - Big Oil's climate pledges are intended to provide PR cover so the industry can continue to invest in long-term reliance on fossil fuels
  - Big Oil continues to engage in activities intended to block climate action

"*Instead of sounding the alarm or genuinely pursuing clean-energy alternatives, the oil industry lied about climate science, intentionally misled the public about the impacts of fossil fuels and continued pushing their products, all the while raking in untold billions in profits.*

Now, Allegheny County's municipalities are facing major costs to protect our residents from climate change. More than $986 million to prevent climate-fueled rains from overwhelming our stormwater systems and sending billions of gallons of raw sewage streaming into our waterways; $99.7 million to install air conditioning in schools to protect our students from hot classrooms that disrupt their learning; $142.7 to repair roads from more water and heat damage; nearly $330 million to reduce the rising risk of landslides."

Allegheny County Council Member Anita Prizio
Pennsylvania, July 2023

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Additional Considerations

HEARINGS

1. **Topics**
   There are a number of important potential topics for hearings related to climate accountability. Suggested topics to strengthen the public record in support of holding the fossil fuel industry accountable include:

   A. Taxpayer costs of climate change

   - Climate-driven disasters: response and recovery (ex: floods, wildfires, heatwaves)
   - Adapting public infrastructure to withstand climate change impacts (expanding stormwater drainage capacity, maintaining roads and bridges, expanding access to cooling centers, etc.)
   - Declining property values due to flooding, sea level rise, wildfires, etc and the impact on tax revenue

   B. Local climate damages

   - First-hand accounts of climate-related damages to individuals, property, and businesses (ex: injury from extreme weather event, flood damage, destruction of business inventory, etc)

   C. Fossil fuel industry deception

   - Presentation by leading experts on the evidence detailing the extent to which major oil and gas companies knew about the "catastrophic" impacts of climate change and their decades-long campaign to deny the crisis and delay climate action.

   D. Modern day greenwashing

   - Presentation by leading experts on topics such as:
     - Big Oil's shift from denying climate science to portraying themselves as part of the solution.
     - How Big Oil is scaling back climate pledges while raking in massive profits.
     - Big Oil's investments in false solutions to mitigate climate change.

2. **Venues**
   Considerations for determining the appropriate forum for state and local government hearings include: committee jurisdiction; committee leadership and membership; ability to engage influential officials, stakeholders, and allies; and opposition positioning. Examples of key forums:

   - Energy, Environment and/or Natural Resources committees
   - Consumer Protection committees
   - Judiciary committees
   - Budget and Finance committees
   - Commerce committees
   - Health committees
   - Multi-government/jurisdictional "field" hearings or panels

Helpful Resources

- For climate cost resources, see page 4 in *Accounting for the Taxpayer Costs of Climate Change*
- For fossil fuel industry deception resources, see pages 7-8 in *Condemning Climate Denial and Disinformation*
- ExxonKnews: Exxon drops its algae ruse, Center for Climate Integrity
- ExxonKnews: Shell sold out the planet for short term profits, new documents show, Center for Climate Integrity
- ExxonKnews: Time to toughen up the rules on greenwashing, Center for Climate Integrity
- The Levin Center for Oversight and Democracy

For assistance on the topics referenced in this section, or for help identifying and securing expert witnesses, please contact the Center for Climate Integrity at info@climateintegrity.org.

Other

While the legislative proposals described in this report offer a critical step forward in demanding accountability from the fossil fuel industry, some legislators have introduced other types of legislation (such as expanding polluter liability and strengthening reporting requirements), which are worth mentioning here.

Bills introduced in New York (S2129/A3351), Massachusetts (S.481/A.872), and Maryland (SB0843/HB0915) establish climate liability for corporate polluters by following the model set forth by federal Superfund legislation. These "climate change superfund" bills create climate change adaptation cost recovery programs that would require major oil and gas companies to share the costs of climate adaptation infrastructure investments.

In New York, S0212/A4056 expands civil suit eligibility against the fossil fuel industry by creating "climate negligence" for knowingly or recklessly endangering the safety or health of the public. The bill also establishes a private right of action for any person, firm, corporation or association that has been damaged by the fossil fuel industry as a result of climate negligence. SB253 in California would require companies with annual revenues in excess of $1 billion that do business in California to publicly disclose Scope 3 emissions.

The Center for Climate Integrity is here to support you in your efforts to hold Big Oil accountable for the damages the industry knowingly caused. Please reach out to us for assistance with any of the initiatives outlined in this report, or with any questions.

Email: info@climateintegrity.org

Our staff are available to support your efforts to hold Big Oil accountable:

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Join the Center for Climate Integrity's Leaders Network

CCI's Leaders Network is a national coalition of public officials who support holding oil and gas corporations accountable for the massive costs of climate change.

Across the country, members of our network are calling out the fossil fuel industry's climate lies and holding them accountable for the harm they've caused to our communities.
The Center for Climate Integrity helps to unify, support, and elevate this leadership.
Our team can help with:

- Messaging guidance and training
- Press support
- Identifying media opportunities
- Issue expertise
- Informational on local impacts and related climate costs
- And more!

Sign up using the QR code, or email info@climateintegrity.org.