

Mayors Group Votes to Support Cities' Right to Sue Oil Industry for Climate Damages

By Karen Savage July 1, 2019



The country's largest organization of mayors passed a resolution on Monday opposing any federal or state legislation that would grant fossil fuel companies immunity from climate liability lawsuits. The resolution had been championed by the mayors of several cities who have filed those lawsuits against the industry, hoping to hold those companies accountable for climate damages their cities have already suffered.

Those mayors won the support of the [U.S. Conference of Mayors](#), which passed the [resolution](#) at their meeting in Hawaii. The resolution was co-sponsored by the mayors of Oakland, Richmond and Santa Cruz, Calif., as well as Baltimore and Boulder, Colo., which have

already filed suits against the oil industry. The mayors of San Leandro and Torrance Calif., Austin, Honolulu, Salt Lake City and St. Petersburg, Fla., were also co-sponsors.

“Fossil fuel lobbyists tried to kill the resolution in the Environment Committee, but they failed as it passed 9-1,” said Richmond Mayor Tom Butt. “It was then adopted unanimously in the general session.”

The resolution is aimed at preventing legislation like the industry-backed Baker-Schultz Carbon Dividends Plan, which proposes taxing carbon emitters and returning the proceeds to the American public. Buried in the plan’s fine print is the waiver of the right to sue fossil fuel companies for climate change impacts.

Congressional leaders at a hearing on the economic and health consequences of climate change last month weren’t told that the Baker-Schultz plan would also immunize companies from climate liability lawsuits.

Ted Halstead, chief executive of the Climate Leadership Council, a policy group, and Americans For Carbon Dividends, an industry-backed organization founded to promote the plan, testified at the Congressional hearing.

The Baker-Schultz plan also calls for rolling back most greenhouse gas and other emissions regulations.

While no legislation has been introduced to implement the Baker-Schultz plan, the mayors’ group hopes to pre-emptively shoot it down. The resolution vows to oppose “any legislation, whether in Congress or state legislatures, that attempts to limit or eliminate cities’ access to the courts by overriding existing laws or in any way giving fossil fuel companies immunity from lawsuits over climate change-related costs and damages.”

The mayors said taxpayers should be protected from solely shouldering the costs of climate change impacts. They also demand that Congress ensure that cities have the resources to protect their residents—particularly low-income and disadvantaged communities—as well as vulnerable infrastructure.

Butt said cities across the U.S. are now facing hundreds of billions of dollars in climate change-related adaptation costs.

“Eight cities, six counties, and one state, collectively representing approximately 15,374,000 million people or 4.7% of the total population, have filed lawsuits over the past two years to protect their residents and taxpayers by holding fossil fuel companies accountable for costs of climate damages and adaptation measures,” the resolution said, adding that cities must have access to the courts in order to resolve disputes over climate change-related damages and adaptation costs.

The U.S. Conference of Mayors, the National League of Cities and the International Municipal Lawyers Association, have filed amicus briefs in support of many cities that have filed climate liability suits. They say those suits “raise textbook claims under state law, seeking to allocate fairly a portion of the significant costs required to protect city and county residents from harms inflicted by Defendants’ products.”

“Fossil fuel companies and related trade groups spent billions of dollars on public relations and lobbying campaigns to obscure the truth from the public and elected officials about the potentially catastrophic consequences of burning fossil fuels, even while some of those companies were protecting their own assets from rising seas and other impacts of climate change,” the mayors’ resolution said.

The American Petroleum Institute did not immediately respond to a request for comment.

“The science is clear and overwhelming that those costs are being incurred solely because of the actions of the fossil fuel companies,” Butt said.

“As mayors we need to continue our leadership advocating at the state and federal levels to protect our rights and defend our residents from the catastrophic damages of climate change which is impacting our cities at alarming rates.”