Inslee Climate Plan Includes Prosecuting Fossil Fuel Producers

By Dana Drugmand  June 24, 2019

Democratic presidential candidate and Washington Gov. Jay Inslee unveiled a plan to directly challenge the fossil fuel industry, including holding polluters legally accountable and extending federal support to climate liability lawsuits against fossil fuel producers.

“This industry has known about this for decades and has lied to the American people about it. The jig is now about to be up,” Inslee said as
he announced his Freedom from Fossil Fuels plan on Monday. The plan is part of Inslee’s broader agenda—and singular campaign focus—to tackle the climate crisis, with other plans focusing on accelerating the transition to clean energy, investing in green jobs and infrastructure and promoting global climate mobilization.

Inslee’s latest plan is the first from a Democratic presidential candidate that addresses the culpability and legal liability of fossil fuel producers. He proposes using the Department of Justice to hold them accountable by establishing a new Office of Environmental Justice to pursue “maximum civil and criminal penalties under environmental law” against polluting corporations. “The Inslee Administration will ensure polluters pay for their actions, and will not hesitate to prosecute them to the fullest extent of the law,” the plan states.

Inslee’s plan was applauded by Sen. Sheldon Whitehouse of Rhode Island, the one state that has filed a climate liability suit against the oil industry.

“Governor Inslee’s message about holding polluters accountable in court is important, as the judicial system is one place where the deception and propaganda that the fossil fuel industry relies on won’t hold up,” Whitehouse said via email. “I’m glad his climate change platform is part of the primary conversation.”

Inslee also calls for supporting communities, including states cities and Indian tribes, in using the courts to hold fossil fuel companies accountable for the costs of climate impacts. Current such climate liability lawsuits have come from nearly a dozen cities and counties, the state of Rhode Island, and a commercial fishing association. The state of New York has also sued ExxonMobil for allegedly misrepresenting climate risks to shareholders. New York’s suit is slated for trial in October, while the other municipal cases are in various stages of a jurisdictional battle over whether they belong in state or federal court.

“Much like lawsuits against tobacco companies in the 1990s, these suits seek to hold fossil fuel companies accountable for the accelerating harms their corporate decisions have caused and are causing in American communities. Governor Inslee will ensure that the U.S. Department of Justice (DOJ) is empowered with the resources and discretion to support these suits, and if necessary, to join them,” Inslee’s plan states.
The plan rejects proposals such as the Climate Leadership Council’s Carbon Fee and Dividend that waive legal liability for fossil fuel companies. “Some people are saying we ought to let the oil and gas industry off the hook of their legal liabilities,” Inslee said during his announcement. “That will not wash. They need to be held responsible for their pollution and not find a way to escape this liability.”

Several communities that have brought climate liability suits are seeking federal support to preserve their access to the courts on climate liability. The Marin County, Calif. Board of Supervisors recently passed a resolution opposing legal immunity for fossil fuel companies, and Richmond, Calif., Mayor Tom Butt is bringing a similar resolution to the U.S. Conference of Mayors meeting later this week.

Other pieces of Inslee’s Freedom from Fossil Fuels plan include ending federal subsidies for fossil fuels, banning new fossil fuel leasing while phasing out fossil fuel production, rejecting new fossil fuel infrastructure, and improving corporate climate transparency and disclosure.

Environmental and climate justice groups applauded Inslee’s plan.

“Governor Inslee’s ‘Freedom from Fossil Fuels’ plan is yet another barn burner that should put both the fossil fuel industry and other candidates on notice. With action to end handouts to fossil fuels and rein in the out-of-control expansion of oil and gas in the United States, this plan shows what real climate leadership looks like, plain and simple,” said David Turnbull, strategic communications director for the advocacy group Oil Change U.S.

“For too long, our government has let fossil fuel executives stand in the way of climate action,” Greenpeace senior climate campaigner Jack Shapiro said. “Not anymore. We need a president with the courage and moral clarity to stand up to the corrupt billionaires willing to wreck the planet for their profit.”