Mayors: Cities Should Not Be Left Alone to Foot the Bill for Climate Costs

Communities like Pacifica, Calif., are struggling with climate costs, including coastal erosion, increased drought, wildfires and extreme weather. Photo credit: Josh Edelson/AFP/Getty Images

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By Dana Drugmand

A group of mayors will propose a resolution that seeks to protect cities from shouldering the burden of climate adaptation costs at an upcoming meeting of the U.S. Conference of Mayors. The resolution also asks the group to oppose attempts to shield fossil fuel companies from climate liability lawsuits, alluding to a carbon tax proposal that would give legal immunity to the industry.

The lead sponsor of the resolution, Mayor Tom Butt of Richmond, Calif., leads a city that has filed one of those liability suits. Seven other mayors have signed on as co-sponsors, including the mayors of Oakland, Santa Cruz, and San Leandro, Calif., as well as Baltimore, Boulder, Colo.,
Honolulu, and Salt Lake City. Several of those cities have also sued oil and gas companies to recover climate-related costs.

“We will continue to urge our federal elected representatives to be on the lookout for legislative proposals that hide massive gifts for the fossil fuel industry—blanket immunity and regulatory repeals—inside a so-called carbon tax solution to climate change,” Butt told Climate Liability News.

The resolution, which will be presented during the U.S. Conference of Mayors’ annual meeting in Honolulu from June 28 to July 1, calls on the mayors to officially endorse the position that the costs of climate adaptation and damage should not fall solely on cities’ residents and businesses. It also says that Congress should ensure that cities have the resources to protect residents from climate impacts, including protecting cities’ access to the courts to pursue accountability lawsuits against fossil fuel companies.

Butt recently called attention to a letter that his city, along with the cities of Santa Cruz and Imperial Beach and the counties of Marin, San Mateo and Santa Cruz, sent to California Sens. Kamala Harris and Diane Feinstein last summer. The letter highlighted the immunity provision in the carbon fee and dividend plan proposed by the Climate Leadership Council, a conservative coalition backed by fossil fuel companies. According to the CLC’s plan, “A robust national carbon price would also make possible a historic emissions provision stipulating that no party should be liable for damages from past emissions that were legal at the time.”

The oil industry has begun to express support for a carbon tax as the solution to climate change, but the mayors warned that communities should not be forced to trade away the right to sue for damages as a result.

“The fossil fuel industry’s own scientists and experts warned about the consequences of burning oil, gas, and coal nearly 50 years ago,” Butt said. “Yet these companies ignored those warnings, deliberately undermined what they knew to be the truth about the consequences, piled up hundreds of billions of dollars in profits from the aggressive promotion, marketing, and sale of their products, and caused the sea level rise and changes to the hydrologic cycle that are harming Richmond and other communities.”

He said his city’s lawsuit is not about trying to solve climate change, but rather about holding fossil fuel companies accountable for knowingly causing climate damage. “Our courts are exactly the right forum for deciding whether someone’s actions harmed others,” he said.

Richmond, like many cities, increasingly experiences the direct impacts of climate change such as severe flooding and sea level rise, extreme heat, and catastrophic storms and wildfires. “Richmond is surrounded by water on three sides with many vulnerable and low-income neighborhoods at extreme risk from sea level rise,” Butt said. “Ironically, the effects we have already experienced are weeks of unhealthy air from the wildfires in Northern California that closed schools, sent people to hospitals and closed businesses. We are also exceptionally challenged in finding the resources to mitigate or adapt to the impact of climate change.”
Butt will participate in a panel discussion titled “Navigating City Financial Risk in the Face of Climate Impacts,” during the Climate Mayors Summit on June 27. He said he will talk about climate liability litigation during this session. “This conversation has to include the fundamental rights that cities have to seek accountability from the fossil fuel industry through the courts,” he said.

Martine Watkins, mayor of Santa Cruz, will also discuss her city’s climate liability lawsuit at the Mayors Climate Summit. “I will specifically speak to our lawsuit against the largest fossil fuel corporations seeking to hold them accountable for their reprehensible contributions to climate change,” she explained in a recent op-ed, adding, “I am personally committed to using this national platform to advocate on behalf of our city, and ultimately, the sustainability of our planet for future generations.”

Richmond and Santa Cruz’s climate liability lawsuits, along with suits filed by the city of Imperial Beach and the counties of Marin and San Mateo, are currently before the Ninth Circuit Court of Appeals as the fossil fuel companies challenge a federal judge’s decision to remand the suits back to state court. San Francisco and Oakland also have climate lawsuits awaiting appeal to the Ninth Circuit. The U.S. Conference of Mayors and two other municipal government associations submitted amicus briefs supporting the California communities in these appeals.

“I submitted this resolution to the USCM because it is important to support the universal rights of cities to protect their residents from the impacts of climate change,” Butt said. “As an important voice in Washington D.C., we want the USCM to send a clear message to Congress not to excuse the fossil fuel companies from being held accountable for climate change-related