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New Report: State Court Lawsuits Hold Promise of Climate Accountability and Compensation

Fight for Climate Justice Enters New Forum

With help from researchers, scientists, and the plaintiffs' bar, the victims of climate-related disasters have opened a new front in the battle against climate change: lawsuits in state courts against corporate bad actors.

According to [a new report](#) from the Center for Progressive Reform, the push to hold fossil fuel producers legally accountable for greenhouse gas emissions and the private sector for its failure to adapt to the foreseeable impacts of climate change holds the promise of curbing bad behavior and securing compensation for those harmed by such irresponsible actions. [Climate Justice: State Courts and the Fight for Equity](#) highlights the role that state tort litigation is beginning to play in restoring a measure of justice for disadvantaged communities that have been and will continue to be hardest hit by climate change.

"Socioeconomic inequality is readily apparent in community-wide housing inadequacies, failing infrastructure, inadequate disaster planning and response, insufficient public education, lack of high-quality job opportunities, and poverty," said Karen Sokol, CPR Member Scholar and a co-author of the report. "These problems make individuals and communities more vulnerable to climate harms and less resilient to those harms."

The report includes several case studies spotlighting ongoing litigation:

- The city of **Baltimore, Maryland**, an urban heat island whose residents have suffered worsening heat waves and urban flooding associated with climate change, has brought suit against 26 fossil fuel companies in state court. The harms, according to the suit, are "disproportionately borne by communities made vulnerable by their geographic locations, and by racial and income disparities."
- **Imperial Beach, California**, the poorest jurisdiction in San Diego County, has brought suit against dozens of fossil fuel producers seeking to recover damages for sea level rise that is forcing the city to consider building sea walls in the face of projections that a third of the city could be destroyed by erosion and flooding by 2100.

- Residents and first responders in **Crosby, Texas, outside Houston**, have brought suit against Arkema, a chemical company that failed to take adequate precautions against hurricane-related flooding at its local plant, resulting in chemical fires after Hurricane Harvey that caused widespread health problems.
- In **California and Oregon**, a fisherman's association, acting on behalf of cottage-industry fishermen, has brought suit against ExxonMobil, Shell, BP, Chevron, and other fossil fuel companies seeking damages for climate-driven contamination of one of the West Coast's most lucrative and sustainable fisheries, driving 1,000-plus Dungeness crab boats to abandon the fishery.

"These lawsuits hold great promise on two important fronts," said Sidney Shapiro, CPR Board Member and report co-author. "First, they can achieve a measure of justice for Americans who've been deeply harmed by the reckless and deliberate behavior of corporate giants who knew their behavior was causing irreparable harm. Second, the suits could force companies to curb their bad behavior because it could become unprofitable."

"There's good reason to hope that state climate litigation could reshape the policy debate in much the same way that tobacco litigation did," said Thomas McGarity, CPR Board Member and co-author of the report. "For years, the tobacco companies ran PR campaigns aimed at misleading the American public about the harms of their products – just as ExxonMobil and other oil companies have done. Litigation forced the companies' hand, extracting documents in discovery that gave lie to their posturing and transforming the politics of tobacco regulation."

To allow these cases and others like them to do the most good for the most people, the report's authors offer several recommendations:

- Congress, state legislatures, and state courts should not restrict or limit climate torts.
- The insurance industry should not be allowed to escape liability for compensation to vulnerable populations harmed by the conduct of their policyholders, and it should impose reasonable conditions on insurance policies that can help reduce risks of harm.
- The plaintiffs' bar should endeavor to provide legal representation to victims of climate change, especially those in disadvantaged communities and populations.

"At the end of the day, all of these cases are about climate justice – justice for individuals who have lost their homes, livelihoods, or lives; justice for vulnerable communities whose residents are in harm's way; and justice for our children, grandchildren, and great-grandchildren, whose futures are in ever-growing danger due to the climate crisis," concluded CPR Policy Analyst David Flores, a report co-author.

The report is available at <http://www.progressivereform.org/ClimateJustice.cfm>.

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