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Ellison extends a proud history: Holding ExxonMobil and Koch accountable

By Alexandra B. Klass | 07/13/2020

Minnesota has a proud history of holding bad corporate actors accountable — from tobacco companies to opioid manufacturers — when they knowingly conceal damaging information about their products from regulators and the public. This is particularly true when that secrecy results in harm to public health, private property, and public resources.

In late June, Attorney General Keith Ellison acted in Minnesota's tradition of guarding the public interest when he filed a consumer protection lawsuit against three of the nation's largest fossil fuel entities — ExxonMobil, Koch Industries, and the American Petroleum Institute (API). In the lawsuit, he seeks to recover civil penalties and restitution for the harm to Minnesotans caused by these companies' decades-long efforts to intentionally mislead the public about the relationship between fossil fuels, the climate crisis, and the resulting harm to public health, agriculture, infrastructure, and the environment.

Described 'potentially catastrophic' impact

The recent disclosure of thousands of internal corporate documents makes clear that ExxonMobil, Koch, API, and other large oil and gas companies have known for decades that the greenhouse gas emissions from their products would have what one internal Exxon document described as a "potentially catastrophic" impact on the climate. But rather than risk their profits, fossil fuel companies followed the playbook first created by the tobacco industry and intentionally deceived consumers, regulators, media, policymakers, and the general public about climate science.

Exxon, the world's largest oil company, Koch Industries, the largest oil refiner in Minnesota, and API, the largest oil and gas trade association, worked tirelessly to fund and support misleading ads, high-paid lobbyists, think tanks, industry-funded scientists, and more in order to confuse the public and block federal attempts to regulate emissions from the fossil fuels that made their fortune. There is also evidence that these companies even encouraged a public "addiction" to oil and created hostility toward alternative, cleaner fuels, reminiscent of the tobacco companies' efforts to increase individuals' nicotine intake despite their ability to lower nicotine content.

Minnesotans are paying dearly for the oil companies' actions. Record-breaking floods, extreme temperatures, and damaging storms have all become more common and severe. This changing climate poses myriad threats to our economy, food systems, vital infrastructure, and public health. And increased air pollution associated with fossil fuels has been linked to higher rates of asthma, cancer, and deaths caused by COVID-19.

As Minnesota and the nation work to confront the racism ingrained in our society and public policies, we must also recognize that the impacts of climate change often fall hardest on Black and Indigenous communities.



Alexandra B. Klass

Adapting is very expensive for Minnesota

Climate change has also proven very expensive. Minnesotans have already spent hundreds of millions of dollars adapting to the changing climate to make our state more resilient. Many more hundreds of millions of dollars will need to be spent to address the effects of climate change, including hardening our highways, bridges, and other infrastructure; protecting our lakes, rivers, and streams; and ensuring the viability of our state's agricultural economy.

Thankfully, Minnesota has some of the strongest consumer protection laws in the country, and few situations are better suited to them than the actions of Exxon, Koch, and API. For instance, the Prevention of Consumer Fraud Act aims to hold accountable "any fraud, false pretense, false promise, misrepresentation, misleading statement or deceptive practice, with the intent that others rely thereon in connection with the sale of any merchandise." These companies' own internal documents make clear that they made false and misleading statements in connection with the sale of fossil fuels in violation of Minnesota law. Other state consumer protection laws punish similar actions.

Again on the right side of history

Minnesota's historic lawsuit against Philip Morris in the 1990s relied on many of these same consumer protection laws. The case helped expose the tobacco companies' decades-long conspiracy to mislead the public about the harm their product caused and resulted in a \$6.6 billion settlement for the people of Minnesota.

If history and the law are any guide, Attorney General Ellison is once again putting Minnesota on the right side of history by standing up on our behalf against powerful corporations whose actions have caused and will continue to cause harm to Minnesota citizens.

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