Karen Sokol is a professor of law at the Loyola University New Orleans College of Law.

Over the past few months, reporters have sounded the alarm about various instances of “disaster capitalism.” It has quickly become clear that the leader in the effort to profit from the pandemic is the fossil fuel industry.

The industry is one of 16 sectors designated by the federal government as “critical infrastructure” that is “vital” to society. Importantly, the industry has made itself the world’s energy critical infrastructure by design. It has spent over half a century promoting fossil fuels as the only means of securing energy security, and suppressing and distorting the science making clear that we must develop carbon-free energy sources to avoid dangerous disruption of the Earth’s climate system.

Before the pandemic, however, many in the global community were finally beginning to separate “energy” from “fossil fuels.” Wind, solar, and hydropower technologies were being developed and increasingly used — not yet at the pace necessary to avert catastrophic climate disruption, but enough to demonstrate that a transition is possible. Fossil fuel companies responded by shifting their marketing campaigns to include less overt climate denial and more so-called “greenwashing,” which has included tactics like dropping the words “oil” and “petroleum” from their names and making vague promises to reduce the carbon intensity of their operations. The pace of their fossil fuel extraction and production, however, has only accelerated.

During the pandemic, the industry is using its “critical infrastructure” status to further accelerate its polluting activities. The industry asked the Trump administration for an
indefinite suspension of its obligations to comply with basic environmental and public health protections even though communities near polluting facilities have suffered higher death rates from COVID-19. The administration responded quickly, depriving communities of these vital safeguards with no clear date for reinstating them.

The industry has also called for an even greater share of taxpayer dollars than it has enjoyed for decades. As the energy “critical infrastructure” sector, the industry maintains, it needs a significant portion of the stimulus packages necessary to rebuild our economy, including an astounding $3 billion to purchase oil to fill the Strategic Petroleum Reserve, the only place for that oil to go given that no one is buying it and other storage sites are filling up.

Consequently, now that the pandemic has resulted in a global economic emergency, the United States and the rest of the world are at a crossroads as policymakers craft stimulus plans: Move toward decarbonizing energy “critical infrastructure,” and thus toward a planet capable of sustaining human life and many other species, or put that possibility out of reach.

The industry and its champions on Capitol Hill maintain that those pushing for provisions designed to rebuild a green economy are using the emergency to achieve political goals unrelated to the health and economic crises. That charge is ultimately yet another misleading marketing tactic completely unmoored from the reality of our current dire situation.

Contrary to the fossil fuel industry’s messaging, we do not face a Hobson’s choice. Energy is critical to society, but fossil fuel use is neither critical to energy security nor sustainable for the planet. The choice we face is one between massive bailouts that will preserve the deadly status quo and the industry that created it, or investments to support a just transition to a sustainable and humane economy and planet.