

HIDING THE TRUTH. FACING THE CO₂NSEQUENCES.

Rising Seas, Wildfires, Extreme Weather, and Drought: Communities Are Using Science and the Law to Recover Costs for Climate Change-Related Damages and Fight Back Against the Fossil Fuel Industry's Decades of Deception.

In July 2017, three California coastal communities – San Mateo County, Marin County, and the City of Imperial Beach – filed lawsuits against some of the largest oil, gas, and coal companies in the world. Santa Cruz County and the cities of Santa Cruz and Richmond followed suit. They're now joined by two East Coast jurisdictions: Rhode Island, the first state to file such a lawsuit, and Baltimore, Maryland.

Here's why so many are standing up for their taxpayers and taking action.

The Fossil Fuel Industry's Legacy of Deception and Denial

Fossil fuel companies have known the truth for nearly 50 years: their oil, gas, and coal products create greenhouse gas pollution that warms the oceans and atmosphere and cause sea levels to rise. They've known for decades that the consequences could be catastrophic and that only a narrow window of time existed to act before the damage might be irreversible. They were so certain that some even took steps to protect their own assets from rising seas and more extreme storms, and they designed infrastructure to better adapt to a warming Arctic.

Nonetheless, these companies and their trade association surrogates engaged for decades in a coordinated, multi-front effort to conceal and contradict their knowledge, discredit the growing body of publicly available science, and persistently create doubt in the minds of customers, consumers, regulators, legislators, journalists, teachers, and the public about the reality and consequences of climate change.¹

In 2017, a [peer-reviewed study](#) from Harvard researchers Naomi Oreskes and Geoffrey Supran confirmed that "Exxon Mobil misled the public about the state of climate science and its implications." Their research revealed "a systematic, quantifiable discrepancy between what Exxon Mobil's scientists and executives discussed about climate change in private and in academic circles, and what it presented to the general public."

For example, in 1978, Exxon Science Adviser James Black told the company's Management Committee:

"[T]here is general scientific agreement that the most likely manner in which mankind is influencing the global climate is through carbon dioxide release from the burning of fossil fuels" and "[M]an has a time window of five to ten years before the need for hard decisions regarding changes in energy strategy might become critical."

By the time that 10-year window was closing, Republicans in Congress were leading the charge for aggressive regulation of greenhouse gas pollutants, and GOP presidential candidate George H.W. Bush was promising to tackle the greenhouse effect with the "White House Effect."

But instead of making the "hard decisions [about] changes in energy strategy" – doing something to avoid or minimize the threats to others – fossil fuel companies launched multi-million-dollar PR campaigns to prevent regulation. They denied the truth and deceived the public and policymakers, while continuing to market their products aggressively and increasing production and profits.

¹ A detailed timeline showing what the fossil fuel industry knew about the role of its greenhouse gas pollution in sea level rise and climate change, when they knew it, and what they did – and didn't – do about it, can be found at www.sheredling.com/press-room.

The Damage is Real. The Science is Clear

Communities across America are already suffering from a wide range of economic damages tied to rising temperatures and seas. Scientists say it is only going to get worse.

Sunny day flooding of streets and neighborhoods is commonplace in many coastal cities and towns. Wildfires are increasing in both frequency and severity across the West. Droughts and extreme weather events are affecting farmers, ranchers, residents, and businesses nearly everywhere.

For decades, the science has been clear that rising seas, extreme precipitation, and increased wildfires and droughts are a direct consequence of greenhouse gas pollution, primarily carbon dioxide and methane, from burning oil, gas, and coal. In fact, the latest scientific advances make it possible to trace the effects of that pollution on rising temperatures and sea levels directly to specific companies and their facilities. That science reveals that fossil fuels produced by the defendants' in these various lawsuits are responsible for nearly 20% of all industrial carbon dioxide emissions between 1965 and 2015.

Communities Are Fighting Back

Each of these cities and counties, as well as the state of Rhode Island, have studied the effects of rising seas and other climate change-related impacts in their communities. Those assessments identified the property and infrastructure already at risk, as well as what is threatened under various climate change scenarios.

For example, Baltimore has 60 miles of waterfront and one of the most important ports on the East Coast. Billions of dollars in infrastructure and commerce could be at risk from inundation with projected sea level rise. In Rhode Island, 175 miles of road and 90 bridges would be exposed to flooding with seven feet of sea level rise, and 573 miles of road and 148 bridges may be vulnerable with additional storm surge.

In Marin County, more than 12,000 homes, businesses and institutions are at risk from tides and surge flooding by the end of the century, with the vulnerable properties assessed at nearly \$16 billion. San Mateo County has been called ground zero for sea level rise effects due to the value of infrastructure and people at risk. And Imperial Beach, the city with the highest poverty rate in San Diego County, expects rising seas to flood wastewater and stormwater systems, roads, private property, and two schools.

Santa Cruz County has spent hundreds of millions of dollars on planning, permitting, and repair due to severe winter storms in recent years alone. The City of Santa Cruz's water supply system is already vulnerable and faces significant adaptation costs, estimated at more than \$100 million for a regional aquifer recharge project alone, because of increased probability of future droughts. In Richmond, two rail lines, 3,000 acres of public waterfront parks, vulnerable neighborhoods, two wastewater treatment plants, and a refinery, all subject to inundation.

Ultimately, it is families and businesses who suffer the consequences as they are saddled with higher taxes to pay for planning and adaptation costs. Worse still, the price tag will only continue to grow as state and local governments fulfill their obligation to protect their residents, workers, and businesses.

In 2012, Exxon CEO Rex Tillerson said people "will adapt" to climate change and it's just "an engineering problem." But why should taxpaying families and businesses have to pay for the adaption and engineering?

While most of our homes, offices, factories, and vehicles are powered by coal, oil, and gas, it is the fossil fuel industry that has known for decades that their products were dangerous and would cause the exact kinds of consequences we are all suffering today. It is the fossil fuel industry that took steps to protect their own assets from those consequences. It is the fossil fuel industry that aggressively marketed its products, increased production, and maximized profits. And it is the fossil fuel industry that spent untold millions to convince the public and elected officials that everything was fine and climate change was not happening.

That's why these cities, counties, and the State of Rhode Island are standing up for their taxpayers by attempting to shift the costs back where they belong: on the fossil fuel companies who are substantially responsible for the damage that is occurring now and that will continue for many decades to come.

All of these cases were filed in state court alleging only violations of state law, including nuisance, trespass, negligence, and product liability.