

NEW YORK STATE'S CLIMATE REALITY IS AN ENVIRONMENTAL & ECONOMIC INJUSTICE

The Climate Change Superfund Act S. 2129A (Krueger) & A. 3351A (Dinowitz) Will Generate Sustainable Funding from Polluting Big Oil Companies

PROBLEM: NYS taxpayers were burdened with nearly \$2 billion in climate crisis costs over the past year. A state agency report estimates that up to \$10 billion annually is needed to meet the State's Climate Act goals.¹

SOLUTION: Climate polluters should pay \$3 billion a year for their past damaging greenhouse gas emissions. Big Oil companies are making skyrocketing profits with no fiscal accountability for the climate crisis they created.

The world's biggest oil companies are reaping enormous profits while people across the globe suffer from unprecedented climate disasters. New York taxpayers were burdened with nearly \$2 billion in climate damage and resiliency costs over the past 12 months according to a review of Governor Hochul's news releases.² At the same time, Big Oil companies have racked up staggering profits - \$750 billion since 2021.³

Make the Climate Polluters Pay

It's bad enough that New Yorkers are suffering from air pollution, extreme heat, intense storms, and rising sea levels; they are also on the hook for billions of dollars to deal with the costs of a worsening climate. The Climate Change Superfund Act is the obvious solution. If Governor Hochul and the NYS Assembly want to rectify this economic injustice, address affordability and the climate crisis, they must join the NYS Senate and pass the Climate Change Superfund Act to make corporate climate polluters - not hardworking New Yorkers - pay.

The Climate Change Superfund Act is first-in-the-nation legislation to put Big Oil, which is still driving the climate crisis, on the hook for climate damages and resiliency. The legislation is modeled on the "polluters pay" principle established in the 1980s under the successful Federal and State Superfund laws that require companies to pay to clean up their toxic waste dumps. *We all learned the basic rule in kindergarten - you make a mess; you clean it up. Corporate climate polluters should be financially responsible for the environmental damage that they have caused. This bill would not result in consumer price increases according to an economic analysis by NYU Law's Institute for Policy Integrity because "polluter pay" fees are for past greenhouse gas emissions.*⁴

Big Oil is at fault, and it can certainly afford the "polluter pays" fees. The oil industry has known for decades that the burning of oil, coal, and gas would lead to global warming, but they mislead the public over the dangers.⁵ A Rebuild by Design report estimates NYS climate costs could be \$55 billion by 2030.⁶ The U.S. Army Corps of Engineers estimates it will cost \$52 billion to protect NYC Harbor alone.⁷ It was recently estimated that Long Island faces up to \$100 billion in climate costs.⁸ Storms are worse, sea levels

SUMMARY

Big Oil companies created the climate crisis with their greenhouse gas emissions and then misled the public of the dangers.

New York is spending hundreds of millions of dollars to address the climate crisis.

There is strong legal precedent and broad public support for the "polluter pays principle."

The Climate Change Superfund Act requires the fossil fuel industry to pay \$75 billion over 25 years, for their share of past GHG emissions.

The Climate Change Superfund Act would support programs to repair climate damages and protect communities.



are rising, and extreme heat and wildfires are increasing - and those repair and resiliency project expenses are unfairly burdening local and state governments.

The State Needs a Climate Change Superfund Act

The Climate Change Superfund Act is fair, just, and popular. According to a Data for Progress poll, 89% of New Yorkers support fossil fuel companies covering some of the cost for climate damages.⁹ Over 230 environmental, health, faith, labor, and community groups support the bill, stating in a letter to Governor Hochul that the fossil fuel industry should pay since their decisions led to global warming; justice requires they be financially responsible for the tragically enormous climate crisis impacts they created.

Hundreds of green jobs could be created with the Climate Change Superfund with monies for major projects to repair climate damage and build resiliency throughout the state.

The Climate Change Superfund Act would support:

- Massive statewide upgrades to roads and bridges, subways and transit systems;
- Unprecedented upgrades to storm water drainage, sewage treatment, and other water systems;
- Preparing the power grid for stronger hurricanes and other severe storms;
- Installing new systems to protect people from more frequent, escalating, deadly heat waves (e.g., the costs for ensuring that air conditioning exists in schools); and
- Responding to increased environmental and public health threats, such as air and water pollution.

New York State is a national leader with its landmark Climate Leadership and Community Protection Act. The state now has the opportunity to set a precedent with the Climate Change Superfund Act which is a just and fair approach to make sure the industry responsible for the climate crisis is funding the work needed to address it.

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¹ *An Economic Analysis of Climate Change Impacts and Adaptations in New York State*, 2014, Annex III, <https://www.nyserda.ny.gov/-/media/Project/Nyserda/Files/Publications/Research/Environmental/EMEP/climaid/ClimAID-Annex-III.pdf>.

² Information collected by NYPIRG from the governor's news postings, August 2022 through August 2023.

³ Information collected by NYPIRG from companies' media releases and other public sources from largest publicly-owned Western oil companies & Saudi Aramco.

⁴ Institute for Policy Integrity, *Enacting the "Polluter Pays" Principle*, November, 2022, <https://policyintegrity.org/publications/detail/enacting-the-polluter-pays-principle>.

⁵ *Exxon Scientists Predicted Global Warming, Even as Company Cast Doubts, Study Finds*, The New York Times, 1/12/2023.

https://www.nytimes.com/2023/01/12/climate/exxon-mobil-global-warming-climate-change.html?campaign_id=54&emc=edit_clim_20230113&instance_id=82625&nl=climate-forward®i_id=56949721&segment_id=122450&te=1&user_id=54e05bcd4678be2a4bf3ed4d35bbbf5e.

⁶ *Resilient Infrastructure for New York State*, Rebuild By Design, 2021, <https://rebuildbydesign.org/wp-content/uploads/2021/12/1329.pdf>.

⁷ *12 Storm Surge Gates: Army Corps Proposes \$52 Billion Barriers for NY NJ Waterways*, 9/26/2022, <https://gothamist.com/news/army-corps-52-billion-dollar-storm-surge-barriers-new-york-new-jersey-harbor-waterways>.

⁸ *Rising ocean, bay tides could eventually reshape Long Island — and will alter how we live, work and play, experts say*,

Newsday, 4/24/2023, <https://www.newsday.com/long-island/environment/climate-change-sea-levels-bay-tides-long-island-s1hsx81r>.

⁹ Data for Progress, 12/2022, https://drive.google.com/file/d/1JwVEOxE2DaXvK9RTU8cWzoRCeS-zPw_s/view