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Colorado Communities File Lawsuit Against Oil Giants for Climate Change Costs

Costs of climate change impacts estimated to top one hundred million dollars by 2050

(Boulder, Colorado -- April 17, 2018) -- Today, the Colorado communities of Boulder County, San Miguel County, and the City of Boulder—with legal support from EarthRights International, Niskanen Center, and other co-counsel—filed a lawsuit against Suncor and ExxonMobil (“Exxon”), two oil companies with significant responsibility for climate change. The communities have demanded that these companies pay their fair share of the costs associated with climate change impacts, so that the costs do not fall disproportionately on taxpayers.

Climate change affects fragile high-altitude ecosystems and hits at the heart of these communities’ local economies, affecting roads and bridges, parks and forests, buildings, farming and agriculture, the ski industry, and public open space. Adapting to such a wide range of impacts requires local governments to undertake unprecedented levels of planning and spending. Over the next three decades, these communities will face at least one hundred million dollars in costs to deal with the impacts of climate change caused by the use of fossil fuel products like those made and sold by Suncor and Exxon.

Suncor and Exxon have known about the costly consequences of fossil fuel use for more than 50 years. Yet they continued to promote and sell their products, while recklessly deceiving the public and policymakers about the dangers.

In the past year, nine coastal communities in California and New York filed climate lawsuits against fossil fuel companies. This is the first such lawsuit in Colorado—or anywhere in the U.S. interior—aimed at holding fossil fuel companies accountable for paying their fair share of the costs of climate change.



Statements

"Climate change impacts are already happening and they are only going to get worse. In fact, Colorado is one of the fastest warming states in the nation. Climate change is not just about sea level rise. It affects all of us in the middle of the country as well." - Elise Jones, Boulder County Commissioner

"We are a small rural county dependent on tourism and farming and ranching. A natural disaster here could wipe out our reserves. Unabated fossil fuel production is already impacting our climate. These changes will grow more intense over time." - Hilary Cooper, San Miguel County Commissioner.

"Our communities and our taxpayers should not shoulder the cost of climate change adaptation alone. These oil companies need to pay their fair share." - Suzanne Jones, Mayor, City of Boulder

"For over 50 years, Suncor and Exxon have known that fossil fuels would cause severe climate impacts. To enhance their own profits, they concealed this knowledge and spread doubt about science they knew to be correct. Now, communities all over this country are left to foot the bill." – Marco Simons, EarthRights International

"Future generations and those least responsible for causing climate change will bear the brunt of the impacts. We need to shift the costs back to these companies that have profited off their demands for unabated pollution in the face of global climate destabilization." - Micah Parkin (350 Colorado)

"The fossil fuel industry has normalized oil and gas in our lives while concealing the dangers. It's time for a cultural shift. In the future, when we talk about 'energy,' we should be referring to renewable energy, not fossil fuels." - Rebecca Dickson, Sierra Club

"For hundreds of years, the common law has insisted that people who damage property should be held liable for their actions, and this case seeks no more than to protect property rights and the rule of law." - David Bookbinder, Niskanen Center



Background

For years, these three Colorado communities have taken action to reduce their own carbon footprints. All three have adopted ambitious CO₂ emission reduction targets, passed budgets for climate work, conducted greenhouse gas (GHG) inventories, and established incentive programs for residents. Despite these efforts, taxpayers already face the rising costs of adapting to a changing climate.

Suncor and Exxon are two of the world's largest contributors to climate change and have been particularly active in Colorado. Fossil fuel combustion accounted for nearly 80 percent of all GHG emissions between 1970 and 2010.

- Exxon is the largest investor-owned fossil fuel producer in history. Suncor is one of the world's largest independent energy companies. Both are active in Colorado.
- Suncor's U.S. operations are based in Denver, Colorado; the company supplies about 35 percent of the state's gasoline and diesel fuel demand. Suncor and Exxon work closely together in Colorado to market and sell fossil fuels.
- The two companies jointly own the majority of Syncrude Canada Ltd., one of the largest developer of Canada's tar sands.

Together, Suncor and Exxon are responsible for billions of tons of CO₂ emissions. Their future carbon footprint is likely to be enormous, as well: both companies plan to expand fossil fuel production through tar sands, fracking, and other means.

For more than 50 years, these oil companies have known about the harm that their products would cause to communities, but have chosen to continue business as usual. These companies have long known about the risks of their own activities. In 1968, industry scientists warned them that "significant temperature changes are almost certain to occur by the year 2000" due to rising GHGs, and that "the potential damage to our environment could be severe."

By the 1970s, Suncor and Exxon knew with high certainty that their products were dangerous and that inaction would cause dramatic, even catastrophic, changes to the climate. Exxon even took measures to protect itself from climate change: for example, the company adapted its own facilities to protect from sea level rise.

Consequently, Boulder County, San Miguel County, and the City of Boulder have partnered together to represent communities on the Front Range and the Western Slope and require these companies to help pay for the costs of climate change on local



communities in Colorado. Because of the magnitude of the financial impacts, these communities feel like they have little choice but to bring this litigation on behalf of their residents.

In addition to EarthRights International, the plaintiffs are represented by David Bookbinder, Chief Legal Counsel of the Niskanen Center, and Kevin Hannon of the Hannon Law Firm LLC.