

ASSEMBLY RESOLUTION No. 75

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

Assemblywoman MILA M. JASEY

District 27 (Essex and Morris)

Co-Sponsored by:

Assemblyman Holley and Assemblywoman Carter

SYNOPSIS

Urges Governor and AG to pursue legal action against fossil fuel companies for harms caused by climate change.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 8/24/2020)

1 **AN ASSEMBLY RESOLUTION** urging Governor Murphy and
2 Attorney General Grewal to pursue legal action against fossil
3 fuel companies for the harms caused by climate change.
4
5 **WHEREAS**, On January 9, 2018 the City of New York filed a lawsuit
6 for damages against companies that produce, market, sell, and
7 profit from the sale of fossil fuels, including BP, Chevron,
8 ConocoPhillips, Exxon Mobil, and Shell, under public nuisance,
9 private nuisance, and trespass claims; and
10 **WHEREAS**, Fossil fuel companies have produced, marketed, and sold
11 massive quantities of fossil fuels, primarily oil and natural gas,
12 despite knowing that the combustion and use of fossil fuels emit
13 greenhouse gases, including carbon dioxide, and these companies
14 have also known for decades that greenhouse gas pollution
15 accumulates and remains in the atmosphere for up to hundreds of
16 years, where it traps heat, a process commonly referred to as
17 “climate change” or “global warming”; and
18 **WHEREAS**, Fossil fuel companies continue to this day to produce,
19 market, and sell massive amounts of fossil fuels and plan to
20 continue doing so for decades into the future; and
21 **WHEREAS**, According to peer-reviewed research, BP, Chevron,
22 ConocoPhillips, Exxon Mobil, and Shell are the five largest,
23 investor-owned producers of fossil fuels in the world, as measured
24 by the cumulative carbon and methane pollution generated from the
25 use of their fossil fuels; and
26 **WHEREAS**, Those five fossil fuel companies are collectively
27 responsible for over 11 percent of all the carbon and methane
28 pollution from industrial sources that has accumulated in the
29 atmosphere since the dawn of the Industrial Revolution; and
30 **WHEREAS**, Only 100 fossil fuel producers are responsible for 62
31 percent of all greenhouse gas emissions from industrial sources
32 since the dawn of the Industrial Revolution and for 71 percent of
33 emissions since 1988, and that over 90 percent of these emissions
34 are attributable to the fossil fuels that they produce and sell, rather
35 than those they emit from their own operations; and
36 **WHEREAS**, Fossil fuel companies knew decades ago that the fossil fuel
37 products they produce and sell were altering the atmosphere and
38 would cause dire global warming impacts; and
39 **WHEREAS**, These companies acted on this knowledge to protect their
40 own infrastructure and assets, and yet they told the public a very
41 different story; and
42 **WHEREAS**, Fossil fuel companies knew that averting dangerous
43 climate change required reducing the use of their fossil fuel
44 products, and were warned by industry scientists in stark terms that
45 fossil fuel use risked “catastrophic” harm from global warming over
46 the coming decades; and

1 **WHEREAS**, Fossil fuel companies and their representatives knew that
2 reductions in fossil fuel usage would result in the immediate
3 problem being considerably eased, questioned the long-term future
4 of fossil fuel use, and discussed internally the technical implications
5 of energy source changeover; and

6 **WHEREAS**, The past and ongoing conduct of fossil fuel companies
7 causes and exacerbates global warming and all of its impacts,
8 including hotter temperatures, longer and more severe heat waves,
9 extreme precipitation events, including heavy downpours, rising sea
10 levels, and other severe and irreversible harms; and

11 **WHEREAS**, Any corporation that makes a product that causes severe
12 harm when used as intended should shoulder the costs of abating
13 that harm; and

14 **WHEREAS**, Like the City of New York, the State of New Jersey has
15 already suffered damage from climate change, including
16 inundation, erosion, and regular tidal flooding of its property, and
17 faces further imminent threats to its property, its infrastructure, and
18 the health and safety of its residents; and

19 **WHEREAS**, The State of New Jersey, and its residents, will continue to
20 see additional harms and damage from climate change in the
21 coming decades, harms related to damage from more intense
22 superstorms and other extreme weather events, additional flooding
23 and coastal erosion, more severe heatwaves and associated
24 increases to energy and medical costs, increased medical costs
25 associated with projected increases in childhood asthma rates,
26 increased volatility in agriculture and aquaculture yields, and
27 additional costs associated with responding to and mitigating the
28 calamitous impacts of climate change; and

29 **WHEREAS**, The State of New Jersey should take all appropriate legal
30 action to protect the State from climate change impacts by shifting
31 costs associated with climate change back onto the companies that
32 have done nearly all they could to create climate change and the
33 associated existential threats posed by its impacts; now, therefore,
34

35 **BE IT RESOLVED** *by the General Assembly of the State of New*
36 *Jersey:*
37

38 1. This House urges Governor Murphy and Attorney General
39 Grewal to join the City of New York in pursuing all appropriate
40 legal action against fossil fuel companies, in order to shift the past
41 and projected costs associated with the harms caused by climate
42 change onto the companies that have created those harms.
43

44 2. Copies of this resolution, as filed with the Secretary of State,
45 shall be transmitted by the Clerk of the General Assembly to
46 Governor Murphy and to Attorney General Grewal.

STATEMENT

This resolution urges Governor Murphy and Attorney General Grewal to join the City of New York in pursuing all appropriate legal action against fossil fuel companies, in order to shift the past and projected costs associated with the harms caused by climate change onto the companies responsible for causing those harms.

On January 9, 2018 the City of New York filed a lawsuit for damages against companies that produce, market, sell, and profit from the sale of fossil fuels, under public nuisance, private nuisance, and trespass claims. Fossil fuel companies, including BP, Chevron, ConocoPhillips, Exxon Mobil, and Shell, have produced, marketed, and sold massive quantities of fossil fuels despite knowing that the combustion and use of fossil fuels emit greenhouse gases, including carbon dioxide. Those fossil fuel companies have known for decades that greenhouse gas pollution accumulates and remains in the atmosphere for hundreds of years, where it traps heat, causing climate change, which has caused grave harms to this State.

The past and ongoing conduct of fossil fuel companies causes and exacerbates climate change and all of its impacts, including hotter temperatures, longer and more severe heat waves, extreme precipitation events, including heavy downpours, rising sea levels, and other severe and irreversible harms. The State of New Jersey has already suffered damage from climate change, including inundation, erosion, and regular tidal flooding of its property, and the State faces further imminent threats to its property, its infrastructure, and the health and safety of its residents.

Governor Murphy and Attorney General Grewal should take legal action to hold fossil fuel companies accountable for the severe harms caused by the use of their products, used exactly as intended, especially since those companies downplayed the risks of climate change to the general public while continuing to produce, market, and sell products that they knew were causing these harms.