

# Climate Superfund Laws & the Fight for Climate Accountability

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*How a Growing State-Led Movement is  
Shifting the Financial Burden of Climate  
Change Back to the Fossil Fuel Industry*

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# The Climate Crisis is Here

The scientific record is unambiguous: climate change is not a future risk but a present danger. Humanity is in the midst of a planetary emergency – a climate crisis that is an existential threat to the future of life as we know it. The impacts are already ravaging the face of the planet with terrifying speed. As billion-dollar catastrophes become increasingly routine, millions of people are being displaced, livelihoods are being destroyed, and communities are being dismantled across the globe.

In 2025 alone, over [87.8 million](#) people worldwide were directly impacted by climate-related disasters like droughts, floods, and deadly storms, while an estimated [770 million](#) people – roughly 8.5% of Earth’s population – experienced record-breaking heat waves. Around [13.6 million](#) individuals were internally displaced by these catastrophic events by the year’s end. The crisis is equally present in the U.S. where [one in three \(37%\)](#) adults say they have been personally affected by an extreme weather event in the past two years.

The financial toll of these disasters is staggering. Climate change is costing the world [\\$16.3 million](#) every hour. Over the past two decades, extreme weather events have generated [\\$2.86 trillion](#) in damages globally, and the pace is accelerating. Projections suggest these costs could rise an additional [\\$1.7 to \\$3.1 trillion](#) annually by 2050.

The United States is no exception. Extreme climate disasters are costing the nation an estimated [\\$150 billion](#) each

year – and the costs continue to climb. In 2024 alone, the United States recorded 27 separate billion-dollar weather disasters totaling [\\$182.7 billion](#) in damages. Since 1980, the cost of billion-dollar climate-related storms has exceeded [\\$2.9 trillion](#) across 403 disasters – and that figure captures only the largest events.

These numbers, sobering as they are, capture only the official financial losses without consideration for the homes destroyed, communities displaced, or the lives permanently altered by a climate crisis they did not create.

## Who Pays the Costs?

The financial burden of climate change is not distributed equally. While fossil fuel companies rake in enormous profits from the very activities driving the climate crisis, the costs of the resulting disasters have been overwhelmingly absorbed by working families and ordinary citizens, small businesses, state governments, and local communities.

U.S. taxpayers often end up footing the bill for floods, fires, storms and other natural disasters. Between 2011 and 2024, the federal government allocated [\\$117.9 billion](#) in disaster relief through FEMA and HUD programs – funding drawn entirely on taxpayer dollars. The burden falls similarly on the shoulders of state and local governments. When flash floods devastated the Northeast in 2023 – hitting Vermont and New York hardest – causing nearly [\\$2.2 billion](#) in regional



damages, state and local governments were left managing the enormous costs of cleanup, property restoration, road and bridge repair, housing for displaced residents and agricultural recovery.<sup>1</sup> Vermont communities are still [rebuilding years later](#), with some towns carrying debt worth more than double their annual budgets.

The result is a fundamental misalignment: those responsible for the crisis are not the ones paying for it. The downsizing of government and deregulation has created a political-economic environment where the privatization of profits from fossil fuel extraction is monopolized by Big Oil but the social and ecological costs are socialized by the state and the larger society.

## Big Oil at the Center of the Crisis

The damages caused by the fossil fuel industry are real, accumulating, and increasingly quantifiable. Globally, fossil fuel burning has driven rising temperatures, accelerating sea level rise, intensifying extreme weather events and increasing ocean acidification, all threatening marine ecosystems, coastal communities, and food systems.<sup>2</sup> Fossil fuel-related pollution degrades air and water quality, contaminates drinking water and generates plastic waste that has saturated oceans and food chains.<sup>3</sup> These emissions are responsible for [one in five deaths](#) globally.

Research has directly linked the emissions of the world's largest fossil fuel producers to trillions of dollars in economic damages. Extreme heat alone has been attributed to just 111 companies estimated to have cost the global economy [\\$28 trillion](#) between 1991 and 2020, not including damages from floods, hurricanes, or wildfires. Emissions linked to Chevron - the highest-emitting investor-owned company - have been estimated to account for anywhere between [\\$791 billion and \\$3.6 trillion](#) in economic losses from extreme heat over that same period, causing disproportionate harm to tropical regions. These are direct and calculable consequences of decisions made by an industry that understands the damage it is causing but nevertheless continues with business as usual.



Image Credit: Chris LeBoutillier via [Unsplash](#)



# Big Oil Knew

Internal records reveal that major oil and gas companies were aware of the risks associated with climate change as early as the 1970s, decades before the issue entered mainstream public awareness.<sup>4</sup> ExxonMobil's scientists in particular had predicted global warming with remarkable precision,<sup>5</sup> essentially mapping the consequences of their own operations. Yet during this time they continued to fund public relations campaigns aimed at discrediting established climate science and obstructing the broader environmental movement and quest for meaningful climate legislation.

Armed with this knowledge, the industry chose their own profits over the prevention of a global ecological crisis. Rather than raise the alarm, fossil fuel companies including ExxonMobil, Chevron, ConocoPhillips, BP, Shell, Peabody Energy, and other corporations instead embarked on a coordinated, [industry-wide campaign](#) to deceive the public about the reality of climate change and block meaningful climate action. According to the [Climate Reality Project](#), their tactics include funding think tanks like the Cato Institute, Heritage Foundation and the Heartland Institute – privately funded organizations used to produce industry-favorable policy analysis – as well as establishing front groups designed to stimulate independent grassroots opposition, manufacturing scientific uncertainty, and intimidating climate advocates.<sup>6</sup> The five largest oil and gas majors alone invested over [\\$1 billion](#) in misleading climate-related branding and lobbying in just the three

years following the Paris Agreement. The industry continued to expand production, grow its political influence, and accumulate [record profits](#), all while contributing an outsized share of global emissions. In doing so, the industry spent [27 times more](#) than climate advocacy groups to obstruct climate action between 2008 and 2018.

These coordinated efforts on part of Big Oil exemplify the Polluter Industrial Complex (PIC) – a sophisticated political infrastructure designed to roll back and prevent the adoption of environmental and climate-friendly legislation.<sup>7</sup>

It is this decades-long pattern of profit, denial, and deliberate obstruction that the Make Polluters Pay movement is now challenging.

## Using Public Money

***The \$12 trillion annual wealth transfer to the fossil fuel industry is more than 100 times the global funds committed to help countries respond to the climate crisis.***

The oil and gas industry receives outlandish sums of money in the form of public subsidies. Globally, they have received [\\$636 billion](#) in direct government handouts in 2024. They have received over [\\$700 billion](#) more in tax breaks, concessional finance, and regulatory favors across 52 countries that fund and fuel the profits of the industry. Globally, of every dollar spent on fossil fuel subsidies, the poorest 20 percent of



households [receive just 8 cents](#) while the wealthy capture most of the benefits.

The total annual wealth transfer to the fossil fuel industry, estimated at [\\$12 trillion](#), is more than 100 times the global climate finance the world has committed to help countries respond to the crisis the industry helped create. This is equivalent to more than [\\$1,400](#) from every person on Earth, amounting to [\\$23 million](#) a minute. Unknowingly, people are effectively paying for fossil fuels [three times over](#) through their taxes, rising insurance and energy bills and the rising costs of climate disasters, while the industry pays little for the damage it causes.<sup>8</sup>

Since 1970, the industry's estimated cumulative profits are [\\$50 trillion](#), which is roughly [\\$1 trillion per year](#) on average. Profits of the US oil producers are expected to increase to around [\\$60-63 billion](#) 2026. This wealth is built, in significant part, on activities whose costs have been quietly transferred onto people and communities globally. Rather than absorbing the damages their operations have caused, these companies have externalized the burden onto the public while their profits have remained largely insulated and continue to grow.

Image Credit: "December 10 – Food, Agriculture and Water" by UNclimatechange, CC BY-NC-SA 2.0



## Holding Big Oil Accountable

In response to the fundamental imbalance between those who caused the climate crisis and those who bear its costs, a movement known as [Make Polluters Pay](#) has emerged. The movement draws support from a coalition of environmental justice organizations, frontline and fence-line communities, and state and federal lawmakers – alongside labor unions, public health advocates and faith communities. They are united around a single demand – that the fossil fuel industry be held financially accountable for the damages its products and operations have caused, rather than taxpayers, local governments, and the communities least responsible for the crisis.

## Labor's Role

The labor movement has been a foundational force in shaping the environmental legislation and climate justice frameworks that underpin the Make Polluters Pay movement today.<sup>9</sup> The AFL-CIO and its allied unions successfully lobbied to embed worker and community protection provisions into the 1986 Superfund Amendments and Reauthorization Act – establishing in law that industries must bear responsibilities for the environmental harm their operations cause rather than transferring those costs onto workers and communities.<sup>10</sup>

Building on the original 1980 federal Superfund model for toxic waste cleanup, labor activist Tony Mazzocchi coined the concept of a *just transition*,



which was initially proposed as a “Superfund for Workers.”<sup>11</sup> This concept established that corporations cannot profit while workers and communities absorb the costs of industrial decisions they did not make.<sup>12</sup> This transition campaign forged alliances between labor and environmental justice movements as Mazzocchi negotiated partnerships with Greenpeace and environmental justice communities around the shared challenge of climate accountability. The concept has since spread into international climate policy – embedded in the preamble of the 2015 Paris Agreement<sup>13</sup> – and is now explicitly incorporated as a central goal of the climate superfund revenues under the Make Polluters Pay framework.

Despite historic tensions between labor and environmental groups, major unions have increasingly recognized their stake in the climate crisis in recent years – finding new allies in the environmental movement and becoming more active participants.<sup>14</sup> Yet their formal involvement in the Make Polluters Pay movement remains limited, representing a gap in the current coalition and an opportunity for deeper engagement. A stronger and more formal labor presence in the Make Polluters Pay movement would ensure that the workers and communities bearing the greatest costs would have a seat at the table in the fight to hold the industry accountable. Notably, California’s proposed Climate Superfund legislation explicitly [prioritizes labor and job standards](#) in how collected funds are deployed, signaling that the movement is already beginning to embed labor’s demands into the legislation itself.

## The Polluter Pays Principle

The movement is grounded in a long-standing legal and moral framework: the polluter pays principle. Simply put, the principle holds that those who caused environmental harm should bear the financial costs of that harm, rather than the public.<sup>15</sup>

The polluter pays principle was first formally established by the [Organization for Economic Co-operation and Development \(OECD\)](#) in 1972 and has since been ratified by [over 175 countries](#) as a framework for environmental cost allocation. It was subsequently reaffirmed as [Principle 16 of the 1992 Rio Declaration](#) on Environment and Development, stating that those responsible for pollution should bear the costs of managing its environmental impact.

The polluter pays principle is part of a growing global movement toward corporate accountability for climate damages beyond the reach of U.S.-based legislatures. Polling across G20 countries with the largest economies show that on average [71%](#) of people support making polluters pay higher taxes. A number of actions are being taken on an international level to hold the fossil fuel industry accountable. In July 2025, the International Court of Justice issued a [landmark ruling](#) affirming that states have a binding legal obligation to prevent climate harm and protect human rights from climate impacts. This decision is what climate advocates have referred to as the *end of an era of fossil fuel impunity*.<sup>16</sup>



# A Growing Global Movement

On an international level, [Make Polluters Pay International](#) is a coalition that uses public support to hold the oil and gas industry accountable. The campaign began in Britain and was initially led by [Stamp Out Poverty](#) and seeks to create an international movement to hold the fossil fuel industry accountable. It unites grassroots networks, international NGOs, scientists and legal experts from Africa, Asia, the Americas, Europe and the Pacific.<sup>17</sup>

The demand to make polluters pay is not confined to U.S. state legislatures – it is a global reckoning taking shape independently across continents. While Climate Superfund Laws remain a U.S.-led initiative, the broader Make Polluters Pay movement has taken root around the world, with communities, governments and civil society organizations arriving at the same conclusion through their own experiences of climate harm: the industries responsible for this crisis must be held financially accountable for the damage they have caused.

At the global level, the [Make Big Polluters Pay](#) petition and advocacy campaign unites 15 convening organizations spanning Africa, Asia, Latin America and Europe – mostly based in the Global South. Across Africa, a dedicated regional coalition known as [Make Big Polluters Pay Africa](#) is independently pressuring governments and transnational corporations to bear responsibility for climate damages across the continent. The campaign unites 32

government officials and decision-makers across the region. In Australia, a separate Make Big Polluters campaign is currently pushing for a Climate Pollution Levy that would require fossil fuel corporations to contribute to a dedicated [Climate Compensation Fund](#) for climate-impacted communities. These movements did not emerge from a single source – instead they reflect a shared global recognition that the injustice at the heart of the climate crisis demands the same remedy regardless of geography: make polluters pay.



The momentum behind polluters pay movements is reflected in a growing wave of independent legal and policy action around the world. Communities in the Philippines are pursuing [legal action against Shell UK](#) over damages caused by the Typhoon Odette, representing one of the first cases in the Global South directly linking a fossil fuel company to a specific climate disaster. Meanwhile, 17 countries including France, Kenya, and Barbados are pursuing higher pollution taxes through their new expert group, the [Global Solidarity Levies Taskforce](#). A coalition of former world leaders, known as the [Club of Madrid](#), has called for the taxation of fossil fuel profits. Governments are also negotiating a



[UN tax framework](#) that would apply a polluter pays levy directly to fossil fuel company profits.

At a regional level, the European Commission has launched a [fitness check](#) to strengthen and reinforce similar principles across all EU Legislation.<sup>18</sup> Together, these developments signal that the demand to make polluters pay is no longer a fringe position but is becoming the foundation of a new global standard of corporate accountability for climate damages. The EU has also established the [Social Climate Fund](#), a €65 billion mechanism implemented in January of 2026 to protect vulnerable households and small businesses from the costs of the transition away from fossil fuels.<sup>19</sup>

Across all of these international efforts, the momentum is real and present but the outcomes remain largely aspirational. Most of these movements are still at the stage of organizing, litigating, or negotiating. Despite this, each offers something worth considering. The [Philippines](#)' human rights framing of finding fossil fuel companies morally and legally responsible for climate damages adds a human dimension to damages that purely financial arguments cannot.

Australia's proposed Climate Pollution Levy offers a tax-based model that may prove more legally durable than retroactive liability approaches. The European Union offers the most instructive model through its fitness check to strengthen the polluter pays principle and also through the Social Climate Superfund that focuses on protecting vulnerable households and small businesses. Although it has not yet launched, it pairs corporate social accountability with direct protection for the communities most exposed to transition costs.

## How Climate Superfund Laws Work

The movement's legislative expression in the United States is known as [Climate Superfund Law](#) – a framework that requires fossil fuel companies to bear their share of climate-related costs. This legislation is modeled after the federal Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), a landmark 1980s statute originally designed to hold industries accountable for toxic and hazardous waste and to fund the cleanup of the nation's most contaminated sites.<sup>20</sup>



Image Credit: "Road haulage EP introduces polluter pays principle" by European Parliament, CC BY-NC-ND 2.0



These laws require the largest fossil fuel polluters to contribute to a dedicated fund for climate damages. Each company's contribution is determined by proportionality, based on their share of greenhouse gas emissions over an established accountability window. Those funds are directed toward climate mitigation, adaptation infrastructure, and disaster recovery for affected communities.

## The Science Behind Accountability

To hold polluters accountable, Climate Superfund Laws use two complementary tools: the Carbon Majors dataset and climate attribution science.<sup>21</sup> Together, they allow policymakers to move beyond broad moral arguments about responsibility to specific, legally defensible accountability.

The scientific foundation for this accountability is grounded in the work of Justin Mankin, one of the world's leading researchers in climate attribution. In a [landmark 2025 study](#) published in *Nature*, Mankin and his co-author Christopher Callahan developed what is known as an 'end-to-end' attribution framework – directly linking the emissions of individual fossil fuel companies to specific economic damages from extreme heat. Mankin testified in support of Vermont's Climate Superfund Act, and an early version of his *Nature* study directly informed the law's development.<sup>22</sup>

Mankin's work in attribution science represents a turning point for climate accountability, demonstrating that financial damages of the climate crisis can be traced not just to the fossil fuel industry broadly, but to specific companies in specific amounts. Climate attribution science is the cornerstone of the Climate Superfund Laws – and Mankin's work is what gives them their legal foundation.

## Who is Responsible?

The [Carbon Majors dataset](#) tracks cumulative greenhouse gas emissions attributed to the world's largest fossil fuel producers. In this context, 'attributed' covers both the direct emissions from their own extraction and production operations, as well as the emissions released when consumers burn the fuels they produced and sold.<sup>23</sup> The concentration of responsibility is striking. Recent data shows that half of the world's CO<sub>2</sub> emissions can be attributed to just 32 major fossil fuel firms.<sup>24</sup> These entities range from investor-owned corporations like ExxonMobil and Chevron, to state-owned producers like Saudi Aramco and Petrobras.<sup>25</sup>

Attribution science then connects those emissions to real-world damages by comparing climate models with and without human influence. Research has attributed (again, flush out word attributed in previous paragraph) close to half of current global warming and roughly a third of the rise in global sea levels to emissions from the world's largest fossil fuel producers.<sup>26</sup>

Image Credit: Vermont National Guard via Flickr  
Montpelier Main Street flooding in July 2023



## From Principle to Practice

Vermont and New York became leaders as the first states to translate the Make Polluters Pay principle into law in the U.S., enacting Climate Superfund legislation in 2024. Both laws were passed in direct response to the devastating Northeast floods of 2023, which caused [\\$2.2 billion](#) in damages regionally. The floods were among the most severe in the Northeast's recorded history, inundating communities, destroying homes and infrastructure, and causing catastrophic damage, especially in Vermont and New York. It dumped nearly [two months' worth of rain](#) in less than 48 hours, producing Vermont's worst flooding since 1927. [Climate scientists](#) have concluded that a warmer atmosphere, driven by human-caused climate change, intensified the extreme rainfall

by increasing the amount of moisture available to the storm, making an event of this magnitude much more likely and increasingly common.

The landmark legislation of both New York and Vermont has established a model that nearly a dozen states are now working to replicate.

The scale of what these laws aim to recover is significant, though it remains a fraction of the actual damages inflicted. While Vermont has not yet specified the amount it seeks to recover, New York's Climate Superfund seeks [\\$75 billion over 25 years](#), which equates to approximately \$3 billion annually. To contextualize this figure, ExxonMobil alone earned between [\\$56 billion in a single year in 2022](#). The \$75 billion sought over a quarter century represents a modest ask relative to the industry's earnings and a fraction of the costs of harm these companies' emissions have created.



Organizers driving this movement put it plainly. “As it stands, Massachusetts has no funding plan that shifts the costs of extreme weather events away from our communities.” said Dan Zackin, the legislative manager with 350 Mass and co-lead of the MA Make Polluters Pay campaign. “While we overheat and drown, big oil rakes in record profits. We need to make polluters pay.”

## Who is Held Accountable?

Both laws target the largest fossil fuel polluters – those responsible for more than [1 billion metric tons](#) of greenhouse gas emissions through extraction and refining activities. To qualify for liability, a company must have [sufficient connection](#) with the state - meaning it must have operated, extracted, or refined fossil fuels with ties to that state - to satisfy the constitutional nexus requirements of the Due Process and Commerce Clause.<sup>27</sup> Neither state has specified which polluters will be required to pay into the superfund.

## The Window is Deliberate

Vermont and New York’s accountability windows differ slightly: Vermont covers emissions from [1995 to 2024](#), while New York focuses on [2000 to 2024](#). This accountability window is not arbitrary. By the mid-1990s, the science of climate change was well established and widely understood within the industry. This standard is deliberately conservative, as it holds companies accountable for a period during which continued expansion cannot be attributed to ignorance.

## What Are the Funds Used for?

***Every dollar spent on resilience-building and preparedness can save communities up to \$13 in post-disaster recovery costs.***

Funds will be used for state-wide adaptation and mitigation efforts including resilience measures and clean-ups. Research indicates that every dollar spent on resilience-building and preparedness can save communities up to \$13 in post-disaster recovery costs.<sup>28</sup> This suggests that these funds, if deployed effectively, represent not just a matter of justice, but of fiscal prudence.

## A Growing Movement

Vermont and New York have generated incredible momentum for the cause. Eleven additional states including California, Connecticut, Hawaii, Maine, Maryland, Massachusetts, New Jersey, Oregon, Rhode Island, Tennessee, and Virginia have introduced or are actively pursuing similar legislation.<sup>29</sup> California’s proposed [Polluter Pays Climate Superfund Act](#), introduced in early 2025, was primarily driven by the state’s catastrophic wildfires of 2025, underscoring how extreme weather events continue to motivate legislative action. Despite momentum on a state-level across the United States, climate superfund laws remain specifically a U.S.-initiative and have not yet been implemented on a global scale.



Image Credit: "Make Polluters Pay" by Linh Do, CC BY 2.0

# The Case for Retroactive Accountability

## A Shift in Strategy

For decades, climate policy has asked polluters to do better going forward by capping emissions, investing in renewables, paying carbon taxes, and reducing their overall footprint. While necessary, this forward-looking approach has a critical blindspot in that it ignores the damage already done. An entire generation of communities is already living with the consequences of decades of unchecked and avoidable emissions. Across New York, communities continue to live with the lasting consequences of

climate change. Years after [Hurricane Ida](#), many communities are still rebuilding homes and critical infrastructure while [strengthening resilience](#) to extreme events and adapting to an increased risk of future flooding.

The Make Polluters Pay movement operates on a different, remedial premise – that harm has already occurred, that it is measurable and attributable, and that justice requires addressing it rather than simply preventing future harm.

## Recognition of Injustice

The fossil fuel industry has privatized its profits while transferring the costs of its activities onto the public – a practice known as a negative externality.<sup>30</sup> The public has been involuntarily and unknowingly subsidizing the industry's bottom line while communities absorb the floods, fires, and storms that industry helped create.

It's critical to note that not everyone is equally affected. As wealthy individuals and corporations continue profiting or have the financial resources to insulate themselves from the direct harm of climate change, marginalized communities with the least political and economic power are hit the hardest.<sup>31</sup> This disparity reflects a broader issue of climate injustice across the United States, as [underserved communities](#), particularly low-income communities and communities of color, disproportionately bear the burdens of climate change while often having the fewest resources to prepare for and recover from its impacts. These inequalities are rooted in decades



of systemic oppression, discriminatory policies, and chronic underinvestment that have left many marginalized communities disproportionately exposed to environmental hazards, including poor air quality, industrial facilities, toxic waste sites, and other harmful conditions.<sup>32</sup>

The Make Polluters Pay movement represents more than just an acknowledgement of this injustice – it represents a tangible mechanism for correcting it. New York’s passed Climate Superfund Act that requires at least [35% of funds](#) – with a goal of 40% – be directed towards projects that directly benefit disadvantaged communities. Massachusetts’ proposed Climate Superfund Bill goes further, mandating that [40%](#) of generated funds flow directly to environmental justice communities. This deliberate allocation ensures that revenues reach communities that have borne the greatest burden of a crisis they did the least to create.

## Filling the Federal Void

The urgency of state-led action is compounded by the retreat of the federal government. Within the first 100 days of Trump’s second administration, nearly 145 actions were initiated to dismantle protections for the nation’s climate. Since January of 2025, the administration has at least another 400 attacks on the climate intended to weaken environmental protections, limited the EPA’s authority, and retreated from emissions oversight, leaving states to confront the financial realities of climate change on their own.<sup>33</sup>

Climate Superfund Laws represent a direct assertion of state authority in the face of federal inaction. If these laws withstand legal challenges and payments begin flowing in 2028, they will establish a precedent that corporate accountability for climate damage is both legally defensive and morally necessary.



Image Credit: "Action at COP28 Make Big Polluters Pay" by Friends of the Earth International, CC BY-NC-ND 2.0.jpg



## Challenges and Opposition

The challenges facing the movement cannot be understood in isolation, as they exist within a broader system of economic incentives, political influence, and organized public messaging that has long allowed fossil fuel companies to avoid full accountability for climate damages. Over the last forty years and more, Big Oil has helped to create a sophisticated political infrastructure of think tanks, policy institutes, research centers, foundations, public relations firms, trade associations, lobbying arms, and fake citizen-based environmental corporate front groups (or astroturf) organizations devoted to de-legitimizing the climate crisis and other environmental problems.

Dr. Daniel Faber, a Senior Research Fellow at the Global Center for Climate Justice, refers to this infrastructure as the *Polluter Industrial Complex (PIC)*. The *PIC* is a deeply entrenched power bloc that uses political lobbying and coordinated disinformation campaigns to protect the fossil fuel industry's bottom line at the expense of meaningful climate action.<sup>34</sup> This system does not merely resist accountability, but actively works to undermine our democratic institutions devoted to protecting the public.

This system of organized resistance has deep roots. The industry has historically launched coordinated campaigns of climate denialism and disinformation to protect profits and avoid regulation.<sup>35</sup> In 2020, oil and gas interests spent [\\$9.5 million](#) on advertising campaigns promoting fossil fuels as essential to

the energy mix and framing these corporations as community assets. That same year, the sector directed over [\\$112 million](#) into political lobbying, employing 746 lobbyists. The American Petroleum Institute, with financial support from Big Oil, spent \$500,000 [in six weeks](#) alone on targeted Facebook advertisements attacking federal climate legislation.

*Image Credit: Nothing Ahead via Pexels*



## Lawsuits

Vermont and New York have been met with intense opposition in the face of their legislative efforts. Vermont faces two legal challenges: one filed by the federal government under the Trump administration, and another brought by the Chamber of Commerce and the American Petroleum Institute.<sup>36</sup> New York faces three: one from the federal government, one from the Chamber of Commerce and the American Petroleum Institute, and a third from a coalition of 22 Republican-led states that filed suit in February 2025 seeking to block the law entirely.<sup>37</sup>



The federal government's involvement did not emerge independently. After meeting with oil company executives in the White House in April 2025, President Trump issued an [executive order](#) instructing former Attorney General Pam Bondi to shield the industry from state-level climate accountability efforts – making the federal government an active participant in the industry's legal defense. The DOJ also moved preemptively against [Michigan and Hawai'i](#) to stop them from pursuing similar action against fossil fuel companies, though those suits were later dismissed. Recently, a federal district judge struck down New York's Superfund Act, asserting that the legislation went “beyond the limits of state law” to seek relief for injuries caused by greenhouse gas emissions.<sup>38</sup> However, New York is widely expected to appeal this ruling.

These lawsuits share a common argument – that state-level Climate Superfund Laws overreach into what is regarded as federal territory and unfairly penalize energy producers for legal activities. These legal arguments, however, are tenuous. Courts have repeatedly recognized the authority of states to enact laws to protect the health, safety and financial well-being of their residents. Crucially, Climate Superfund Laws do not regulate or restrict current emissions – they address the financial consequences of past activities. This is not unprecedented, as CERCLA has required polluters to fund toxic waste cleanup since the 1980s, establishing that financial accountability for environmental harm is both legally sound and constitutionally permissible.<sup>39</sup> The overreach argument ignores decades of established liability law.

## Legislation

The opposition to climate accountability extends beyond lawsuits and has now reached the floor of Congress. In April 2026, Republican Lawmakers formally introduced the Stop Climate Shakedowns Act of 2026 in both chambers sponsored by Senator Ted Cruz and Representative Harriet Hageman. This legislation would effectively place the fossil fuel industry [above the law](#), granting it [blanket immunity](#) from any laws, lawsuits or financial accountability holding them accountable for their role in the climate crisis. Should it pass, it would not only nullify Vermont and New York's Climate Superfund Laws, but would permanently bar communities across the country from ever holding



Image Credit: Josh Fields via Pexels  
Santa Rosa after 2017 Tubbs fire



the fossil fuel industry in any court of law. If passed, this legislation would send an unambiguous message – that protecting the industry’s bottom line matters more than the suffering of the communities it knowingly harmed and the legal recourse they deserve.

## Structural Limitations

Beyond these challenges, the movement faces two structural limitations worth acknowledging.

First, these laws are deliberately non-punitive and instead are designed to compensate for damages already done rather than restrict ongoing production. This means they do not address the source of the problem, only its financial aftermath. While this is a meaningful limitation, it also represents a pragmatic legal strategy whereby a focus on compensation rather than prohibition allows the laws to stand on stronger constitutional footing. This also gives the laws more political viability.

Second, and more fundamentally, this remains a state-led movement with a low likelihood of federal or nation-wide action. In February 2025, a federal version of Climate Superfund legislation was introduced in the House of Representatives.<sup>40</sup> However, the prospects of polluter pays legislation advancing in the current political environment are, by most assessments, slim. Until new federal leadership emerges, the movement’s reach will remain constrained by what individual states can accomplish alone.

## The Promise

If these laws survive legal challenges and extreme opposition and payments begin coming into state coffers in 2028, they establish something far more than a valuable funding mechanism – they establish a legal precedent that the fossil fuel industry can be held retroactively accountable for climate damages. This would send a strong signal to the industry that their historic activities of socializing costs onto communities will not stand, and that the hour of accountability has arrived.

This movement extends far beyond the possible financial gain that states may get for future climate mitigation and adaptation efforts. It is just as much about the recognition (legal and moral) that the climate crisis is real, the responsibility is traceable, and communities should not have to absorb the risks or burdens alone or in silence. For frontline communities that have historically borne the greatest burden from a global energy industry that knew the harms it was causing, that recognition matters as much as the funds themselves.



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