



NEW YORK STATE SENATOR

Liz Krueger

## Statement from Senator Liz Krueger On West Virginia Lawsuit Targeting Climate Change Superfund Law

LIZ KRUEGER February 6, 2025

| ISSUE: **CLIMATE CHANGE, AFFORDABILITY, RESILIENCY**



**Albany** – Senator Liz Krueger, sponsor of the Climate Change Superfund Act, released the following statement today regarding the **announcement** by West Virginia Attorney General JB McCuskey of a lawsuit targeting the new law:

"We always knew that Big Oil & Gas would sue to avoid having to clean up the mess they made, following the playbook of Big Tobacco before them, so this announcement comes as no surprise. We're very confident in the ability of the statute to withstand legal challenges,

and in the ability of our Attorney General to defend it. Repairing from and preparing for extreme weather caused by climate change will cost more than half a trillion dollars statewide by 2050. That's over \$65,000 per household, and that's on top of the disruption, injury, and death in every corner of our state, principally caused by the product these companies produce. No lawsuit will change that, and New York families should not be left to deal with these burdens alone.”

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#### BACKGROUND:

The [Climate Change Superfund Act](#) is modeled on the existing State and Federal Superfund law (which requires polluters to fund toxic waste dump cleanups) by making Big Oil climate polluters financially responsible for the environmental damages that they have caused. The top Big Oil companies will be required to pay a combined total of \$75 billion over 25 years. These costs won't fall back on consumers, according to numerous economists, including [Nobel-prize winning economist Joseph Stiglitz](#) and [an analysis](#) from the Institute for Policy Integrity at NYU Law.

New York is facing staggering—and growing—climate costs. Last year alone Governor Hochul announced [\\$2.7 billion](#) in taxpayer funding for climate-related infrastructure repairs and upgrades and resilience projects. The U.S. Army Corps of Engineers [estimates that it will cost \\$52 billion](#) just to protect NY Harbor. On top of that, we'll need [\\$75-\\$100 billion](#) to protect Long Island, and [\\$55 billion](#) for climate costs across the rest of the state. The state Comptroller [has predicted](#) that more than half of local governments' costs will be attributable to the climate crisis.

Big Oil is responsible for climate change, and it can certainly afford the costs. According to [a study in One Earth](#), the world's 21 top polluting companies are responsible for \$5.4 trillion in climate damages over a period of 26 years. While these climate damage bills pile up for taxpayers, the industry responsible for this mess is [raking in cash](#). From January 2021 through now, Big Oil [has made \\$1 trillion in profits](#).

Those record profits allowed them to deliver unprecedented returns to shareholders while doing little to address the climate crisis [they knew was coming, but did all they could to undermine climate action](#). Starting in the 1970s, scientists working for Exxon made “remarkably accurate projections of just how much burning fossil fuels would warm the planet.” Yet for years, “the oil giant publicly cast doubt on climate science, and cautioned against any drastic move away from burning fossil fuels, the main driver of climate change.”

The Climate Change Superfund Act isn't just necessary—it's popular. According to a poll from Data for Progress, [a whopping 89% of New Yorkers](#) support fossil fuel companies covering at least some of the cost for climate damages. Another [poll](#) found that [70% of New York voters](#) support the Climate Change Superfund Act, including majorities across party lines. Nationally, 89% of Democratic voters support the Climate Superfund approach, and 53% of New York voters said they were more likely to vote for candidates who supported passing a Climate Superfund bill.

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**2023-S2129A**

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- Introduced
  - ◦ In Committee Assembly
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    - On Floor Calendar Senate
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    - Passed Senate
- Delivered to Governor
- Signed By Governor
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Establishes the climate change adaptation cost recovery program and the climate change adaptation fund

January 18, 2023

Signed by Governor

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Do you support this bill?