

HIDING THE TRUTH. FACING THE CO₂NSEQUENCES.

Warming Oceans, Rising Seas, and How Coastal Communities are Using Science and the Law to Fight Back Against the Fossil Fuel Industry's Decades of Deception.

In July 2017, three California coastal communities – Marin County, San Mateo County, and the City of Imperial Beach – filed lawsuits in state court against 36 of the largest oil, gas, and coal companies in the world.

Here's why.

The Fossil Fuel Industry's Legacy of Deception and Denial

Exxon and other major fossil fuel companies have known the truth for nearly 50 years: their oil, gas, and coal products create greenhouse gas pollution that warms the oceans, changes our climate, and causes sea levels to rise. They've known for decades that the consequences could be catastrophic and that only a narrow window of time existed to take action before the damage might be irreversible. They were so certain that some even took steps to protect their own assets from rising seas and more extreme storms, and they developed new technologies to profit from drilling in a soon-to-be ice-free Arctic.

Nonetheless, these companies and their trade association surrogates engaged for decades in a coordinated, multi-front effort to conceal and contradict their knowledge, discredit the growing body of publicly available science, and persistently create doubt in the minds of customers, consumers, regulators, journalists, teachers, and the public about the reality and consequences of climate change.¹

This August, a peer-reviewed study from Harvard researchers Naomi Oreskes and Geoffrey Supran confirmed that "Exxon Mobil misled the public about the state of climate science and its implications." Their research revealed "a systematic, quantifiable discrepancy between what Exxon Mobil's scientists and executives discussed about climate change in private and in academic circles, and what it presented to the general public."

For example, in 1978, Exxon Science Adviser James Black told the company's Management Committee:

"[T]here is general scientific agreement that the most likely manner in which mankind is influencing the global climate is through carbon dioxide release from the burning of fossil fuels" and "[M]an has a time window of five to ten years before the need for hard decisions regarding changes in energy strategy might become critical."

By the time that 10-year window was closing, Republicans in Congress were leading the charge for aggressive regulation of greenhouse gas pollutants, and GOP presidential candidate George H.W. Bush was promising to tackle the greenhouse effect with the "White House Effect."

But instead of making the "hard decisions [about] changes in energy strategy" – doing something to reduce emissions and minimize the threats to others – Exxon and other fossil fuel companies launched multi-million-dollar PR campaigns to prevent regulation by denying the truth and deceiving the public and policymakers, while continuing to market their products aggressively and increasing production and profits.

¹ A detailed timeline showing what the fossil fuel industry knew about the role of its greenhouse gas pollution in sea level rise and climate change, when they knew it, and what they did – and didn't – do about it, can be found at www.sheredling.com/press-room.

The Damage is Real. The Science is Clear.

From Boston to Miami, Norfolk to New Orleans, Charleston to San Diego, communities up and down our coastlines are suffering from a wide range of economic damages tied to rising temperatures and seas. Experts say it is only going to get worse for the more than 120 million Americans who live and work there.

Sunny day flooding of streets and neighborhoods is commonplace in Miami, Atlantic City, Norfolk, and countless other cities and towns. Increasingly common extreme weather events only make the situation worse because residents can be cut off from their homes, businesses, or shopping centers for days or weeks at a time.

The science was certain 50 years ago, and it is even more clear today, that warming oceans and rising seas are a direct consequence of greenhouse gas pollution, primarily carbon dioxide and methane, from burning oil, gas, and coal. In fact, the latest scientific advances make it possible to trace the effects of that pollution on rising temperatures and sea levels directly to specific companies and their facilities.

The 36 defendants in the lawsuits filed by San Mateo and Marin Counties and the City of Imperial Beach are responsible for nearly 20% of all industrial carbon dioxide emissions between 1965 and 2015.

Coastal Communities Fight Back

Both San Mateo and Marin Counties, as well as the City of Imperial Beach, have conducted sea level rise Vulnerability Assessments in the past two years. Those assessments identified the property and infrastructure already at risk, as well as what is threatened under various sea level rise scenarios.

For example, in Marin County, more than 12,000 homes, businesses and institutions are at risk from tides and surge flooding by the end of the century, with the vulnerable properties assessed at nearly \$16 billion. San Mateo County has been called ground zero for sea level rise effects due to the value of infrastructure and people at risk. A 2009 Pacific Institute report calculated that San Mateo County has more at risk in terms of parcel value and number of people than any other county in the state. And Imperial Beach, the city with the highest poverty rate in San Diego County, expects sea level rise to flood wastewater and stormwater infrastructure, roads, private property and two elementary schools.

All told, families and businesses suffer the consequences: not only are they saddled with hundreds of millions of dollars in planning and adaptation costs, but the lifeblood is being drained from their communities. Worse still, the price tag will only continue to grow as state and local governments fulfill their obligation to protect their residents and infrastructure from accelerating sea level rise.

But why should these taxpaying families and businesses get stuck with that bill?

While most of our homes, offices, factories, and vehicles are powered by coal, oil, and gas, it is the fossil fuel industry that has known for nearly 50 years that their products were dangerous and would cause the exact kinds of consequences we are all suffering today. It is the fossil fuel industry that took steps to protect their own assets from those consequences. It is the fossil fuel industry that aggressively marketed its products, increased production, and maximized profits. And it is the fossil fuel industry that spent untold millions to convince the public and elected officials that everything was fine and climate change was not happening.

That's why these three communities are standing up for their taxpayers by attempting to shift the costs of protecting against sea level rise back where it belongs: on the fossil fuel companies who are substantially responsible for the damage that is occurring now and will continue for many decades to come.

All three cases were filed in California state court alleging only violations of state law, including nuisance, trespass, and product liability. The fossil fuel defendants removed the cases to federal court, and the court will consider the communities' motions to send the cases back to state court in early 2018.