

SB 1161 – Climate Science Truth & Accountability Act SENATOR BEN ALLEN

SUMMARY

Internal industry documents show that many of the world's largest fossil fuel companies knowingly worked to deceive the public about the realities and risks of climate change for decades—even while companies factored projected climate change impacts into their own business operations. SB 1161 seeks to extend the statute of limitations under the state's Unfair Competition Law to 30 years for deceptive behavior relating to scientific evidence of climate change.

BACKGROUND

The fundamentals of global warming – that the buildup of heat-trapping emissions in the atmosphere from the burning of fossil fuels is warming global temperatures – have been well established for generations. Fifty years ago, President Lyndon Johnson warned about the potential dangers of a changing climate, and by the late 1980s climate change was well recognized in the scientific community, supported by multi-disciplinary science, and was widely acknowledged in the public sphere.

Recent research has shown that nearly two-thirds of all industrial carbon dioxide and methane released into the atmosphere since the dawn of the industrial revolution can be traced to just 90 entities. The top five investor-owned companies on the list— Chevron, ExxonMobil, British Petroleum, Shell, and ConocoPhillips—are responsible for one-eighth of all emissions.

New discoveries by *Inside Climate News*, the *Los Angeles Times*, and a Union of Concerned Scientists' report, *The Climate Deception Dossiers*, show that by the 1980s the fossil fuel industry was well aware of the emerging scientific consensus that emissions from the burning of fossil fuels was increasing global temperature. In fact, many companies engaged in their own climate change research and shared some of this research with others in the industry. Exxon's own climate scientists, for example, conducted cutting-edge climate change research in the late 1970s and early 1980s. There is also evidence that companies began

factoring projected climate change into their own business decisions and operations.

Despite documented evidence that fossil fuel companies knew the risks and likely consequences of processing and burning their products (oil, coal, and gas), the industry chose a course of denial and deception. Internal industry documents show that by the late 1980s, fossil fuel companies intentionally developed and participated in a concerted campaign to sow confusion about the science of climate change. Evidence suggests that such efforts continue today. Unfortunately, since 1988, industrial carbon emissions have doubled, significantly increasing both costs and risks to life, health, and property.

Holding fossil fuel companies accountable for their deceptive practices, just as the tobacco industry was held to account for decades of lies, is now being considered in several states. For example, California's Attorney General is reportedly investigating whether ExxonMobil lied about the risks of climate change to the public and shareholders in violation of state laws. State law provides a broad right of action to challenge "unfair" business practices.

Generally, the law establishes a statute of limitations of four years, though case law indicates that if the legislature finds sufficient cause, it has the ability to retroactively extend the statute of limitations. Given the environmental, health, and economic impacts that Californians are already paying for as a result of the fossil fuel industry's many years of public deception and their efforts to block action on climate change, it is important to hold the industry responsible. Keeping the statute limited to only four years undermines the state's ability to hold fossil fuel companies responsible for their practices that extend back well beyond four years, as well as the damages and risks that Californians and everyone else must face for centuries to come.



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SOLUTION

SB 1161 will extend the statute of limitations under the state’s Unfair Competition Law from 4 to 30 years for deceptive behavior relating to scientific evidence of climate change. This would enable the California Attorney General, a district attorney, or a city attorney of a city having a population of more than 750,000, to bring legal action against a business that has committed “unlawful, unfair or fraudulent business act[s] or practice[s] and unfair, deceptive, untrue or misleading advertising,” as it related to climate change, over the last 30 years.

SUPPORT

Union of Concerned Scientists (Sponsor)

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