



Written by [James Murphy](#) on June 3, 2024

## Vermont's "Climate Superfund Act" Becomes Law Without Governor's Signature

Vermont has become the first state to attempt to hold big oil companies responsible for the effects of climate change. Governor Phil Scott chose not to veto [bill S.259](#), dubbed the Climate Superfund Act, which seeks to hold fossil fuel interests accountable for damage done to the state by weather events, which climate alarmists claim are exacerbated by emissions of greenhouse gas.

The new [law](#) is modeled after the federal government's Comprehensive Environmental Response, Compensation, and Liability Act ([CERCLA](#)), more commonly known as the "superfund." CERCLA requires polluters to pay for clean-up of toxic waste they've been deemed responsible for.



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Several other states — including New York, Maryland, and Massachusetts — are considering similar legislation. Scott believes that the Green Mountain State should have allied themselves with other states prior to pushing ahead.

"Instead of coordinating with other states like New York and California, with far more abundant resources, Vermont — one of the least populated states with the lowest GDP in the country — has decided to recover costs associated with climate change on its own," Scott said [in a letter](#) to the General Assembly. "Taking on 'Big Oil' should not be taken lightly. And with just \$600,000 appropriated by the Legislature to complete an analysis that will need to withstand intense legal scrutiny from a well-funded defense, we are not positioning ourselves for success."

"I'm deeply concerned about both short- and long-term costs and outcomes. Just look at our unsuccessful nationally-focused cases on GMOs, campaign finance and pharmaceutical marketing practices. I'm also fearful that if we fail in this legal challenge, it will set precedent and hamper other states' ability to recover damages," he added.

Even so, the governor claims, he understands the impulse to hold someone accountable for the weather.

"I understand the desire to seek funding to mitigate the effects of climate change that has hurt our state in so many ways," he explained. "I also note Attorney General [Charity] Clark and [State] Treasurer [Mike] Pieciak have endorsed this policy and committed to the work it will require."

[In testimony](#) in favor of the law, Pieciak noted that "it only seems fair to ask those who most significantly contributed to the problem to help foot the bill."

Pieciak will be responsible for assessing the climate-related costs to the state and submitting the bill to the fossil fuel companies; Clark will be tasked with responding to the expected lawsuits from the big oil



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companies.

Vermont's Agency of Natural Resources, along with Pieciak, is currently in the process of assessing the impact of greenhouse gases from 1995 through 2024. Any funds collected from fossil fuel interests could then be used by the state to upgrade stormwater drainage, roads, bridges, and railroads.

Scott said he is "comforted by the fact that the Agency of Natural Resources is required to report back to the Legislature in January 2025 on the feasibility of this effort, so we can reassess our go-it-alone approach."

Climate zealots see the new "superfund" as a way to hold oil companies responsible for the weather.

"For too long, giant fossil fuel companies have knowingly lit the match of climate disruption without being required to do a thing to put out the fire," said [a statement](#) from Paul Burns of the Vermont Public Interest Research Group. "Finally, maybe for the first time anywhere, Vermont is going to hold the companies most responsible for climate-driven floods, fires and heat waves financially accountable for a fair share of the damages they've caused."

But the American Petroleum Institute (API), an organization representing fossil fuel interests, believes that the superfund is punitive and "retroactively imposes costs and liability on prior activities that were legal, violates equal protection and due process rights by holding companies responsible for the actions of society at large; and is preempted by federal law."

"Rather than work collaboratively with the industry to further our shared goal for a lower carbon future, state lawmakers opted to pass a bill designed by activists to further their own interests," said [Scott Lauer](#), an API spokesman.

But climate alarmists don't want to work collaboratively; they want to impose. And it's a mistake for the governor and Lauerman to acknowledge carbon in the form of CO<sup>2</sup> as something that needs to be controlled.



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