

December 12, 2022

The Honorable Kathy Hochul
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

Dear Governor Hochul:

We write on behalf of our organizations, to request the inclusion of the “Climate Change Superfund Act” in your proposed FY 2023-2024 Executive Budget. This bill (S.9417/A.10556) was introduced earlier this year to ensure that the oil, coal, and gas industries are held financially responsible for the rising costs of the climate catastrophe that all of us already are—and will continue—enduring. Those industries’ decisions led to global warming; justice requires that they—not New York’s other taxpayers—be financially responsible for the tragically enormous climate crisis impacts that they created.

As you know, New York State—and the nation—is facing an existential threat posed by a rapidly heating planet. The climate changes resulting from the burning of fossil fuels are costing New Yorkers tens of billions of dollars in damages due to extremely powerful storms and flooding, escalating and frequent heat waves, and increased air pollution. Moreover, oil, coal, and gas companies are now benefitting from windfall profits as consumers pay higher heating and transportation costs. It’s time for some of those profits to be directed to protection, mitigation and remedial programs to address damages caused by the climate crisis. The largest oil companies made record profits in the 2022 second quarter, thanks to charging consumers gas prices of \$5 or more a gallon this summer. For example, the second quarter profits for two companies are staggering: Exxon-Mobil \$17.6 billion (a 273% increase from the previous year)¹ and Chevron \$11.4 billion (a 245% increase).²

The climate crisis is happening now and updated data show continued increases in sea level, heat waves, wildfires, and many other impacts.³ The burning of fossil fuels has had severe adverse effects on New Yorkers, especially in environmental justice and low-income communities, such as extreme weather events that cost too many New Yorkers’ their lives and results in billions of dollars in damages. For example, “Super Storm Sandy” caused \$19 billion in damages.⁴ Hurricane Irene devastated the state, resulting in over \$1.3 billion in damages.⁵ Tropical Storm Lee brought drenching rains that caused over \$1 billion in damages.⁶ Last year Hurricane Henri drenched the State with record-busting torrents of rain, and then Hurricane Ida shattered those records, causing devastating damage and tragically drowning New Yorkers in their own cars and homes. Recently, the U.S. Army Corps of Engineers’ plan⁷ of how to protect the downstate region from future storms reported that it will cost a staggering \$52 billion.

¹ CNN News, 7/29/2022, <https://www.cnn.com/2022/07/29/energy/exxonmobil-chevron-earnings/index.html>

² Ibid.

³ Environmental Protection Agency website as of 10/23/2022, <https://www.epa.gov/climate-indicators>

⁴ The City of New York, “A Stronger, More Resilient New York: Climate Analysis,” http://www.nyc.gov/html/sirr/downloads/pdf/final_report/Ch_2_ClimateAnalysis_FINAL_singles.pdf.

⁵ Hurricane Irene One Year Later: Storm cost \$15.8 in Damage from Florida to New York to the Caribbean, Associated Press, 8/27/2022, www.nydailynews.com/new-york/hurricane-irene-year-storm-cost-15-8-damage-florida-new-york-caribbean-article-1.1145302 Retrieved from [https://en.wikipedia.org/wiki/Tropical_Storm_Lee_\(2011\)#cite_note-59](https://en.wikipedia.org/wiki/Tropical_Storm_Lee_(2011)#cite_note-59)

⁶ Tier Flood Damage \$1 Billion, Press-Sun Bulletin, 2/1/2012, www.pressconnects.com/article/20120201/NEWS01/202010330/Tier-flood-damage-estimate-1-billion

⁷ US Army Corps of Engineers, NY & NJ Harbor & Tributaries Focus Area Feasibility Study (HATS) <https://www.nan.usace.army.mil/Missions/Civil-Works/Projects-in-New-York/New-York-New-Jersey-Harbor-Tributaries-Focus-Area-Feasibility-Study/>

Blistering heat waves have smashed temperature records this summer across the country, scorching crops, fueling wildfires and killing people.⁸ Extreme heat is the number one weather-related killer in America, responsible for over 130 deaths in New York City per year, a number that could increase to more than 3,300 deaths annually by 2080 if action is not taken.⁹ Over one-third of New Yorkers live in areas “moderately to severely vulnerable to heat.”¹⁰ The impacts are most severe in frontline disadvantaged communities, and other vulnerable populations, such as senior citizens and people with chronic illnesses. The escalating extreme heat necessitates urgent investments in mitigation and a substantial increase in medical care due to increases in illnesses.

It is clear from historical records that for the better half of the late 20th Century, oil companies knew burning fossil fuels was warming the planet. Nevertheless, starting in the 1980s, the industry championed an aggressive climate change denial campaign opposing any policy proposals and undermining climate science. Their success in bamboozling many Americans has pushed the planet to the brink.

New York State must take the nation’s lead in developing and implementing a responsible and fair approach to fund critically important mitigation, adaptation, and community protection programs to respond to accelerating storms, floods, extreme heat, and other serious impacts of global warming. The “Climate Change Superfund Act” ensures that those responsible for greenhouse gas (GHG) emissions—the oil, gas, and coal industries—are responsible for the state’s climate-related environmental costs.

New York has a strong history of holding polluting industry accountable for the contamination they created. Both the Federal and State Superfund and the Oil Spill Fund are based on the “polluter pays principle,” with funding coming from annual fees placed on the oil and chemical industry for hazardous waste generated, and for their use of toxic chemicals and petroleum. These precedents provide a fitting and appropriate model for the fossil fuel industry—climate crisis contributors should be responsible for the costs related to the growing catastrophe from GHG emissions. There is broad public support for the “polluter pays” principle. National polling by the Center for Climate Integrity found 70 percent of Americans support holding climate polluters financially responsible for programs to fight climate change, jumping to 82 percent when respondents were informed of the fossil fuel industry’s deception and denial campaign.¹¹

This bill places the oil, coal, and gas industries squarely on the financial hook for the costs New York faces in addressing the worsening climate crisis. The Climate Change Superfund Act extends the “polluter pays” principle to greenhouse gas pollution released into the atmosphere from the combustion of fossil fuel, the primary cause of climate change from global warming. This fund could finance statewide upgrades to roads and bridges, subways and transit systems; upgrades to storm water drainage, sewage treatment, and other water systems; preparing the power grid and improving emergency response programs to deal with stronger hurricanes and other severe storms; protecting residents from more frequent and deadly heat waves with new programs (such as ensuring that air conditioning exists in all schools); and responding to environmental and public health threats, such as algal blooms and drought caused by a rapidly heating planet.

The climate crisis poses an immediate, grave threat to the state’s communities, health, environment, and economy. Our organizations strongly urge you to include S.9417/A.10556 in your proposed FY 2023-2024 Executive Budget. New York State is a national leader with its landmark Climate Leadership & Community

⁸⁸ MIT Technology Review, 7/21/2022, <https://www.technologyreview.com/2022/07/21/1056291/do-these-heatwaves-mean-climate-change-is-worse-than-we-thought/>

⁹ New York City Could See Thousands of Heat Deaths by 2080, Scientific American, 6/23/2016,

<https://www.scientificamerican.com/article/new-york-city-could-see-thousands-of-heat-deaths-by-2080/>

¹⁰ New York State Department of Health, 2022, https://www.health.ny.gov/environmental/weather/vulnerability_index/nys_maps.htm

¹¹ The Center for Climate Integrity, <https://payupclimatepolluters.org/survey-results>

Projection Act, and it should also be a national leader with this first-in-the-nation, just and fair approach to ensure the state's efforts to respond to global warming are appropriately funded by the industry that profited from and is responsible for the climate crisis. Thank you for considering our request.

Sincerely,

119 State Street Corp.
350Brooklyn
350NYC
369th Veterans Association
Adaptive Sports Foundation
All Our Energy
All Souls NYC Peace & Justice
Alliance for a Green Economy
Alliance of Public Retiree Organizations
American Military Retirees Association
American Ex-Prisoners of War
AMVETS
AU Environmental Action Coalition
Beyond Plastics
Big Reuse
Black Veterans for Social Justice
Blinded Veterans Association
Bronx Climate Justice North
Bronx Council for Environmental Quality
Bronx River - Sound Shore Audubon Society
Building Performance Contractors Assoc. NYS
Inc.
Campaign for Renewable Energy
Carbon Tax Center
Carroll Gardens Association, Inc.
Catholic War Veterans
Catskill Mountainkeeper
Center for Global Affairs, NYU
Center for Independence of Disabled, NY
Church Women United in New York State
Citizen Action of New York
Citizens' Climate Lobby – New York City
Citizens' Climate Lobby - New York State
Citizens' Environmental Coalition
Clean + Healthy NY
Clean Air Coalition of Greater Ravena-Coeymans
Clean Air Coalition of WNY
Climate Caucus of West Harlem Progressive
Democrats
Climate Families NYC
Climate Reality Project, Capital Region Chapter
Climate Reality Project, Greater Finger Lakes
Region Chapter

Climate Reality Project, Hudson Valley Chapter
Climate Reality Project, Long Island Chapter
Climate Reality Project, NYC Metro Chapter
Climate Reality Project, NY State Chapters
Coalition
Climate Reality Project, Westchester Co. Chapter
Climate Reality Project, Western NY Chapter
Climate Solutions Accelerator of Genesee-Finger
Lakes Region
Coalition Against Nukes
Coalition Against the Rockaway Pipeline
Coalition for Outreach, Policy & Education
Coalition of Concerned Medical Professionals
Coalition to Protect New York
Coastal Research & Educ. Society of Long Island
Combat Infantrymen's Association
Community Advocates for a Sustainable
Environment
Communities for Local Power
Concerned Citizens About NL Industries
Concerned Health Professionals of New York
Council 82 AFSCME Veterans Committee
County Veterans Service Officers Assoc. of NYS
CSEA Veterans Committee
Deep Green Resistance
Delaware-Otsego Audubon Society
Disabled American Veterans
Divest New York
Dominican Sisters in Committed Collaboration
Don't Waste New York
Drawdown New York City
Earthkeeper Health Resources
Environmental Advocates
Environmental Future
Extinction Rebellion Mid-Hudson
Fleet Reserve Association
Food & Water Watch
For the Many
Fossil Free Tompkins
FrackbustersNY
Free the People WNY
Gas Free Seneca

Good Shepherd International Justice Peace Office NY	New York State Council of Veterans' Organizations
Grassroots Environmental Education	New Yorkers for Clean Power
Gray Panthers NYC	North American Climate, Conservation and Environment
Green Education and Legal Fund	North Bronx Racial Justice
Green Map System	North Country Earth Action
Green Party of Monroe County	North Country NYPAN
Green Party of New York	Northern Catskills Audubon Society
Green Sanctuary Team at Albany UU	Northeast Organic Farming Assoc. of NY
HabitatMap	North Shore Audubon Society
HAN UMC	North Star Fund
Healthy Planet	NYCD16 Indivisible
Human Impacts Institute	NYC H2O
Hells Kitchen Democrats	NY-GEO
Hudson River Audubon Society of Westchester	Nuclear Information & Resource Service
Hudson River Sloop Clearwater	Nurses Rise-Nurses for Safe Water
Human Impacts Institute	NYPAN Environmental Committee
Indivisible Harlem	Occupy Bergen County
Interfaith Climate Justice Community of WNY	Operation Resilient Living & Innovation Plus
Inwood Indivisible	Operation Splash
Ironworks Software Inc.	Our Climate
Jewish Climate Action Network NYC	Partnership for the Public Good
Jewish War Veterans	Peace Action Bay Ridge
Katal Center for Equity, Health & Justice	Peace Action New York State
Korean War Veterans Association	PEF Veterans Committee
Lights Out Norlite	People for a Healthy Environment
Long Island Progressive Coalition	People of Albany United for Safe Energy
League of Women Voters of NYS	Progressive Schenectady
LWV Cortland County	Queens Climate Project
Mamaki	Reach Out America
Marine Corps League NY Dept.	Real Edgemere
Military Order of the Purple Heart	Renewable Energy Long Island
Melissa Carlson Architect	Rensselaer Environmental Coalition
MetroJustice	ReWild Long Island
Metro NY Catholic Climate Movement	Rise & Resist
Mothers Out Front NYS	Rivers & Mountains GreenFaith Circle
Neighborhood Sun	Riverside Salem UCC/DoC
New Paltz Climate Action Coalition	Rochester Mennonite Fellowship
Neighborhood Sun	Roctricity LLC
New York City Chapter of Citizens Climate Lobby	Safe Energy Rights Group
New York City Friends of Clearwater	SAGEVets
New York Climate Action Group	SANE Energy Project
New York Climate Advocacy Project	Sanford-Oquaga Area Conc. Citizens
New York Communities for Change	Seneca Lake Guardian
New York Environmental Law & Justice Project	Seventh Generation, Inc.
New York Progressive Action Network	Sheridan Hollow Alliance for Renewable Energy
New York Public Interest Research Group (NYPIRG)	Sisters of Charity Federation
	Sisters of St. Dominic of Blauvelt

Sisters of the Good Shepherd Province of New York /Toronto
Sixth St. Community Center
Solarize Albany
Solidarity Committee of Capital District
South Asian Fund Educ. Scholarship & Training
South Bronx Unite
Staten Island Urban Center
Stop NY Fracked Gas Pipeline
Stop the Algonquin Pipeline Expansion
Sullivan Alliance for Sustainable Development
Sunrise Movement NYC
SUNY New Paltz Environmental Task Force
Sure We Can, Brooklyn
Sustainable Finger Lakes
The Retired Enlisted Association
Third Act NYC
Thomas Berry Forum at Iona Univ.
TIAA-Divest! from Climate Destruction
Tompkins County Climate Protection Initiative
Ulster Activists
United Federation of Teachers Veterans Committee
United Neighbors Concerned About GE Dewey Loeffel
United for Action
United For Clean Energy
United Spinal Association
Uptown Progressive Action
Upper Nyack Green Committee
Upper Green Side
UU Congregation of Binghamton, Green Sanctuary
Veterans of Foreign War NYS
Veterans For Peace
Vote Solar
WE ACT for Environmental Justice
West Branch Conservation Association
Western New York Environmental Alliance
WESPAC Foundation
Win Climate