

**Feb. 5, 2022**

Senate Committee On Natural Resources and Wildfire

**RE: SB 1541 - Climate Resilience Superfund**

Dear Chair Senator Golden and Vice-Chair Senator Nash

Thank you for the opportunity to provide testimony on behalf of Oregon Just Transition Alliance (OJTA) in support of HB 1541 the Climate Resilience Superfund Bill. For the record, my name is Jamie Pang, and I am the Director of Programs for OJTA. We are a statewide alliance representing frontline communities who experience climate change first and worst, including people with disabilities, rural families, people of color, and low-income Oregonians.

For decades, large polluters have dumped climate pollution into our air, land and water while communities from Oregon and across the globe bear the cost of heart and lung diseases, lost homes to wildfires, and higher food prices due to water shortages. These big fossil fuel polluters have known about oil's impacts on climate as early as the 1950 and 1960's. So the impacts of those greenhouse gas emissions are the ones we are feeling now. Polluters knew this would happen, but continued to pollute, while piling up massive profits with no accountability. Congress has failed to act, and we should expect no action from the current federal administration.

SB 1541 would require the biggest fossil fuel polluters with activity in Oregon to pay for our state's climate damages. This concept is grounded in CERCLA's similar retroactive program designed to deal with past pollution (which has been upheld as constitutional).<sup>1</sup> Only polluters that exceed one billion metric tons of greenhouse gas emissions between 1995-2024<sup>2</sup> will be held liable. **Currently Oregon's biggest businesses and utilities should not trigger these thresholds to be amongst the regulated entities.**

If Oregon does not take action, taxpayers will continue paying for climate change impacts as we see the continuation of heatwaves, wildfires, droughts, flooding all increase in

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<sup>1</sup> Such superfund programs don't run afoul of the Commerce clause or the 8th amdt against excessive fines if the financial burdens are proportionate to the expected local harms from climate change. See *Rachel Rothschild, Assistant Professor, University of Michigan Law School, Memorandum Re: state Polluter Pays Climate Superfund Program (Feb. 8, 2024). (Written Testimony for Vermont Legislature).*

<sup>2</sup> It is estimated that there are about 100 multinational companies that meet this threshold.

frequency and intensity. A few examples of the costs to Oregon and the ones we have already experienced are:

- The costs to Oregonians from heat-related deaths during the 2021 heatwave totalled between \$1.3 billion and \$4.6 billions.
- The average Oregonian could lose roughly \$12,000 in personal income per year due to changes in the climate that have already been set in motion due to past greenhouse gas emissions.<sup>3</sup> Oregonians are already seeing the increases in the cost of food and other goods and services.

**We also support this bill as a longer term revenue solution for our natural resource agencies and communities in need.** The Climate Resilience Superfund Oregon is estimated to generate \$500-600 million annually to pay for climate damages, yielding approximately \$5-6 billion over 10 years and \$12.5-15 billion over 25 years. 30% of revenue must be transferred to the Department of the State Fire Marshal for **wildfire resilience** and recovery activities. Such revenue could potentially fund community needs such as fire hardening for utility and undergrounding utility lines, brush management, home hardening, emergency cooling (standing up cooling centers; low-income heat pumps), drought solutions, and Climate Resilience Hubs.

I urge you to pass SB 1541 and make an investment in our state and our communities for years to come and to mitigate the cost of climate damages.

Sincerely,

Jamie Pang  
Director of Programs  
Oregon Just Transition Alliance

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<sup>3</sup> Miller, Keaton, Noelwah R. Netusil, Ernie Niemi, Joshua Skov, John Talberth. 2024. The Economic Costs of Climate Change for Oregonians: A First Look. Forum on Oregon Climate Economics