

Testimony In Support of LD 1808 and LD 1870

Senator Tepler, Representative Doudera, members of the Committee: my name is Sue Inches and I'm testifying in support of LD 1808 and LD 1870. I am an environmental author, educator and writer.

I'm testifying in person today because these two bills are the most important environmental proposals in this legislative session.

The earth's atmosphere is held in the public trust. But fossil fuel companies are pouring *37 billion tons* of greenhouse gases into our atmosphere each year. At the same time they are posting record profits. Profits for the top five fossil fuel companies in 2023 were \$102 Billion.

These polluting companies insist that taxpayers and state governments pick up the tab for damage their emissions have caused to our atmosphere and our state. This is immoral, unethical and unfair to Maine people.

LD 1808 and 1870 would establish a "climate superfund" funded with fees paid by large fossil fuel companies. The funds would cover the cost of storm damage and climate adaptation projects. There are many needs for these funds. I'll give you just one compelling example: sewage treatment.

Maine's 135 public sewage treatment plants are old, mostly built after the Clean Water Act was passed in 1972. Many are located in flood zones. Most are unable withstand the increased rainfall and flooding caused by climate change.

As a result, we have many storms each year where our sewage treatment plants are overwhelmed with storm water and are forced to dump overflow—meaning raw untreated sewage---into our coastal and river waters. This causes great damage to our fisheries, outdoor recreation and tourism industries.

The climate superfund money can address this problem. Funds can be used to separate stormwater and sewage systems, to raise facilities above flood levels, and in some cases relocate facilities to higher ground.

These projects cost hundreds of millions, if not billions to complete. Maine taxpayers cannot and should not pay for this. By passing this bill, fossil fuel companies can be held accountable for the damage they have caused.

Finally, I want to point out that LD 1870 includes a provision that would reimburse the general fund for any costs associated with this bill. The funds would come from money collected from fossil fuel companies. Please be make sure this provision is included in the final draft of the bill.

LD 1870 is vitally important. It will hold fossil fuel companies accountable. It will save you, our legislative leaders, from having to allocate funds in every budget to repair and upgrade facilities to meet the challenge of climate change.

Enacting this bill is the right thing to do for the people of Maine. Please vote support it with your vote.

I'm happy to answer any questions you may have.

(See Attachment for more information on similar measures in other states.)

Should Big Oil Pay Maine's Climate Bill?

(OpEd submitted to Maine newspapers by Sue Inches.)

Like the tobacco industry, big oil has denied for years that their products are harmful. Now as extreme storms and fires have become common, they claim to be the clean energy leaders. The top five oil companies spend \$250 million a year on green advertising to convince us of this.

The facts present a different picture. In 2024, world oil production reached a new high, sending *40 billion metric tons* of greenhouse gases into the earth's atmosphere. Profits for the top five oil companies also reached a new high: \$102 billion. 2024 was the hottest year on record.

Yes, big oil did invest in clean energy. But the top five oil companies invested just 4% of their total investments in renewables. A whopping 96% of their investment dollars went to oil and gas exploration, and building new infrastructure such as refineries, pipelines and ports.

Maine environmental voters are having none of this. That's why Representative Lookner of Portland and Senator Brenner of Scarborough have introduced legislation to establish a "Maine Climate Superfund". These bills are based on a principle called "polluter pays".

The laws would charge large fossil fuel companies a fee for climate damage and deposit the funds into a state "climate superfund". The money would be used to clean up from storms and build new infrastructure to accommodate climate change.

You may be wondering how a pollution fee could be assessed. Based on decades of research and using advanced computing, it's now possible to accurately determine the cost of climate damage attributed to each polluter. Formulas are in place.

Establishing a state "climate superfund" is a bold move. But there's legal precedent for it. Vermont and New York have passed similar legislation. The new laws are based on the national superfund act (the Comprehensive Environmental Response, Compensation and Liability Act or CERCLA) passed in 1980. Since then, 1340 toxic sites have been cleaned up.

There is no similar law requiring payment for damage from greenhouse gas pollution, and Congress is unlikely to take up this issue any time soon. So states are stepping up. Maine joins five other states pursuing bills to make fossil fuel companies accountable.

The strategy behind Maine's legislation is to assess fees retroactively--on past emissions since the year 2000. This avoids the argument that states are regulating future emissions, or regulating the operations of out of state companies, both of which would be illegal. Noting the precedent set by CERCLA, lawyers and supporters believe they have a strong case.

The fossil fuel companies have never been complacent, however. True to character, the American Petroleum Institute has sued Vermont claiming that fossil fuel companies operated within the law at the time of past emissions, and that the bill "regulates" interstate emissions.

A coalition of twenty-two attorneys general from oil producing states are suing New York. Similar to the Vermont lawsuit, they claim that New York is "regulating" emissions in violation of interstate commerce laws. If Maine passes the new law, we are likely to see similar pushback.

State Climate Superfund laws are a welcome paradigm shift and well worth the fight to put them in place, however. For too long our country has allowed companies to externalize the costs of pollution. As a result, you and me as taxpayers end up paying the bill, while oil companies harvest record profits.

Once again, Maine is taking the lead. If we don't call upon fossil fuel companies to clean up their act, our coastline, forests and farms will suffer catastrophic damage.

Damage to public and private infrastructure from last year's winter storms cost over \$100 million. Repair to our state electric grid from storm damage cost an additional \$250 million in each of the last three years. Maine communities and taxpayers should not be stuck with these bills. Please contact your legislators and urge them to support LD 1808 and LD 1870, the climate superfund bills.

*Sue Inches is an author, educator and environmental advocate. Her latest book is *Advocating for the Environment, How to Gather Your Power and Take Action*. She lives in North Yarmouth.*