



Written by [James Murphy](#) on May 13, 2024

Vermont Legislature Passes “Climate Superfund Act”

On Friday, the Vermont Senate gave its final approval of the state’s Climate Superfund Act in a voice vote. Previously, 106 out of 150 members of the House of Representatives had approved of the new legislation. The bill now goes to Republican Governor Phil Scott, who has previously opposed it. It isn’t known whether Scott will veto it.

Largely modeled after the federal government’s Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), also known as the “superfund,” which holds polluters responsible for toxic waste spills, [the new law, S. 259](#), would hold fossil fuel companies monetarily responsible for disasters caused by weather, which climate alarmists believe can be shown to be caused by climate change.



The National Guard/Flickr
Flooding in Montpelier, Vermont

Scott now may veto the bill, sign it, or take no action. If he takes no action, the bill automatically becomes law after five days. Should Scott veto it, the Legislature may take up an override in June.

Environmentalists are hailing the new legislation for finally attacking fossil fuel companies on the issue of climate change.

“For decades, fossil fuel corporations knowingly destroyed our planet for short-term profits,” Vermont Senator Bernie Sanders (I) [posted](#) on X. “I am proud that Vermont will go further than any other state in forcing the fossil fuel industry to pay for the destruction caused by the crisis of climate change.”

Others focused on taxpayer savings in light of climate change and its supposed effects.

“After last summer’s floods, heat, and wildfire smoke, it’s clear that Vermont isn’t immune to climate change and the costs are in the billions. If Big Oil doesn’t pay its fair share, the entire bill is going to fall on taxpayers,” said Johanna Miller of the Vermont Natural Resources Council.

But some are worried that the oil companies will fight back against being labeled the sole instigators of climate change.

“We’re a mosquito compared to a giant,” [said Senator Randy Brock](#), a Republican who voted against the measure. “We might win but the cost of doing so, alone, is huge. Exxon Mobil alone has an annual sales of \$344.6 billion, and Vermont has an annual budget of about \$8.5 billion.”

If enacted the bill will require the state treasurer to tally the cost of so-called climate change for the Green Mountain State from 1995 to 2024, then the state’s Agency of Natural Resources will present a bill to fossil fuel companies, who are allegedly responsible for more than one billion tons of greenhouse gas pollution based on their share of global fossil fuel-related emissions from that time period.



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[In testifying](#) in favor of the bill, State Treasurer Mike Pieciak said: “As Vermont explores ways to finance the necessary investments to help combat and adapt to climate change, it only seems fair to ask those who most significantly contributed to the problem to help foot the bill.”

How, exactly, can one small Northeastern state assess such a thing? Possibly with a rather new and somewhat questionable method known as “attribution science,” which looks to blame singular weather events on climate change.

“We’re able to say very clearly, ‘We would not be experiencing these intense global temperatures without human-caused climate change and the history of carbon pollution,’” [said Andrew Pershing](#) of Climate Central, an organization that conducts attribution science.

“New England has had a 60% increase in the heaviest precipitation days,” Pershing said, adding that “for every 1-degree Fahrenheit increase in temperature, you get a 4% increase in the amount of water vapor that the atmosphere can hold.”

All of that would certainly explain last year’s catastrophic flooding in parts of Vermont. In July, sustained heavy rainfall dropped three to nine inches of rain across the state in just 48 hours. July 11th was the wettest day in the state since they began keeping records in 1948, and roads were reportedly washed away, with landslides reported in the Green Mountains.

But what [explains](#) floods back in 1938, 1927, or 1869? Isn’t it just possible that parts of Vermont are prone to flooding, just as Oklahoma is subject to tornadoes and Florida to hurricanes?

It’s clear that Vermont wants to blame the weather on big oil and insist they pay for a portion of any cleanup that must occur. But how, exactly, will this play out? Will big oil simply acquiesce? Not likely. Besides, it’s not as if Vermonters don’t readily use the products they offer.

In a just world, big oil would just leave Vermont and let the state fend for itself as far as fuel goes. Unfortunately, antitrust laws would likely prevent such a thing.



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