



## The Climate Superfund Act (S3545/A4696) *Make Polluters Pay!*

The Climate Superfund Act, introduced by Sen. McKeon, Sen. Smith, Asm. Allen, Asw. Hall, and Asw. Collazos-Gill, is groundbreaking legislation that would make the largest fossil fuel corporations pay for the damages caused by climate change. Modeled after similar legislation passed in New York and Vermont, the bill applies the logic of the original Superfund Act, which requires polluters to pay to clean up their contaminated sites, to the climate crisis. No estimates are yet available for New Jersey, but New York's version would raise up to \$3 billion of revenue annually for the next 25 years.

Extreme climate events cost the U.S. \$150 billion each year – an estimate that doesn't account for loss of life, healthcare-related costs, and damage to our environment. These are costs that disproportionately impact poor and disadvantaged communities<sup>1</sup>. These massive and rapidly increasing costs already fall upon our residents and taxpayers. The Climate Superfund Act is urgently needed to shift the burden of paying for these damages onto the companies responsible for them, in order to protect the health, environment and economic future of our NJ communities.

**What makes a fossil fuel company liable?** Fossil fuel extractors & refiners that do business in New Jersey and are responsible for more than 1 billion tons of greenhouse gas pollution since 1995 would be liable for damages. That means this law would specifically hold accountable companies like Exxon, Shell and BP for their climate pollution.

**What counts as a cost of climate change?** The State Treasurer would assess the impacts of greenhouse gas emissions on public health, natural resources, biodiversity, agriculture, economic development, flood preparedness and safety, housing, and any other relevant area, as well as the costs of projects to abate these effects.

**How much will each company pay?** The payments will be proportional – each company that is liable will be charged in proportion to their greenhouse gas emissions between 1995 and now.

**Where will the money go?** The NJ Department of Environmental Protection will be responsible for collecting this money through a new "Climate Superfund Cost Recovery Program." Revenue from these payments will be distributed in grants for climate change adaptation projects that will help New Jersey communities avoid, moderate, repair or adapt to the negative impacts of climate change. That includes everything from rebuilding after floods and storms to upgrading transit systems and the electricity grid to weatherizing and retrofitting buildings for energy efficiency.

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New Jersey residents have been paying for the costs of climate change for years. Now, it's time for fossil fuel companies to pay to clean up their mess!

**Contact EmpowerNJ for more info and to get involved:** [jaspray@fwwatch.org](mailto:jaspray@fwwatch.org)

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<sup>1</sup> USGCRP, 2023: Fifth National Climate Assessment. Crimmins, A.R., C.W. Avery, D.R. Easterling, K.E. Kunkel, B.C. Stewart, and T.K. Maycock, Eds. U.S. Global Change Research Program, Washington, DC, USA. <https://doi.org/10.7930/NCA5.2023>