

Senate Bill 679

Sponsored by Senator GOLDEN (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act says that parties that made greenhouse gas are strictly liable for damages due to climate change. (Flesch Readability Score: 66.3).

Provides that parties that have caused a certain amount of greenhouse gas emissions are strictly liable to harmed parties for damages incurred as a result of extreme weather attributable to climate change or a climate disaster.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to harms associated with climate change; and declaring an emergency.

3 Whereas all Oregonians are at risk of concrete and particularized injuries caused by the in-
4 creasing prevalence and intensity of climate disasters and extreme weather attributable to climate
5 change; and

6 Whereas Oregon has a compelling state interest in protecting its citizens from harms resulting
7 from climate disasters and extreme weather attributable to climate change; and

8 Whereas the cost and impact of climate disaster and extreme weather attributable to climate
9 change continues to increase, straining public resources in this state; and

10 Whereas impacts in Oregon causally connected to responsible parties' qualified products and
11 actions since 1965 include, but are not limited to, damage to public property and infrastructure, as
12 well as adjacent private property and infrastructure, natural resource damages to public and private
13 resources, increased risk, hours and compensation to emergency responders faced with increasingly
14 frequent and severe events, significant and costly health and safety upgrades to public buildings
15 prior to generally accepted amortization and depreciation timelines, resulting in additional taxpayer
16 expenses now and into the future, significant and costly occupational productivity losses and costs
17 from workplace health and safety regulations that are increasingly necessary and required to pro-
18 tect employers and employees from increased risks and hazards related to climate change and ex-
19 treme weather attributable to climate change, canceled school days due to climate disasters and
20 extreme weather attributable to climate change, resulting in educational harms to students that
21 have long-lasting impacts on workforce, business and economic development and increasing public
22 and private health costs stemming from indoor and outdoor pollution, contamination and exposure
23 to toxic materials, whether in combination or occurring separately, exacerbated by the impacts of
24 climate disasters and extreme weather attributable to climate change; and

25 Whereas decades of intentional lies, misinformation or disinformation and misrepresentations by
26 responsible parties about the connection between qualified products and climate change has directly
27 and causally contributed to concrete and particularized injuries in this state from climate disasters
28 and extreme weather attributable to climate change; and

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 Whereas continued lies, misinformation or disinformation and misrepresentations pose a threat
2 to the health, safety and security of all residents of, and visitors to, this state; and

3 Whereas responsible parties have long known the dangers of their qualified products but con-
4 tinued to deny and lie for profit; and

5 Whereas hiding, obfuscating and denying information to consumers, elected officials and regu-
6 lators harmed and continues to harm Oregonians; and

7 Whereas this state has a compelling interest in protecting consumers from lies, misinformation
8 and disinformation in the marketplace and in encouraging factual and truthful information on cli-
9 mate disasters, extreme weather attributable to climate change and the qualified products and
10 actions of responsible parties; and

11 Whereas responsible parties have engaged in a decades-long project to protect their bottom lines
12 with a coordinated effort to deceive the public about the reality of the climate crisis; and

13 Whereas documents unveiled by litigation and investigative journalists demonstrate that as
14 early as the 1950s, responsible parties became aware of the potentially catastrophic impact of their
15 products; and

16 Whereas even in the face of research conducted by their own scientists affirming the impacts
17 of their business, responsible parties outright denied that climate change was real, spread disinfor-
18 mation to cast doubt on the science and fought regulatory action against qualified products; and

19 Whereas the 1970s and 1980s saw the development of a clear scientific consensus that increasing
20 carbon dioxide concentration in the atmosphere would contribute to global warming and that the
21 heightened carbon dioxide emissions were attributable to fossil fuels; and

22 Whereas these facts were supported by fossil-fuel industry scientists like Exxon's James F.
23 Black, who provided these findings in a 1977 presentation and a 1978 briefing of Exxon management;
24 and

25 Whereas in 1979, W. L. Ferrall outlined that an internal Exxon study concluded that the "pres-
26 ent trend of fossil fuel consumption will cause dramatic environmental effects before the year
27 2050"; and

28 Whereas in 1982, R. W. Cohen summarized that Exxon's climate modeling research was "con-
29 sistent with the published prediction of more complex climate models" and "in accord with the sci-
30 entific consensus on the effect of increased atmospheric CO2 on climate"; and

31 Whereas a 1988 Shell report that echoed the Exxon warnings and acknowledged the need to
32 consider policy changes provided that "the potential implications for the world are . . . so large that
33 policy options need to be considered much earlier" and that research should be "directed more to
34 the analysis of policy and energy options than to studies of what we will be facing exactly"; and

35 Whereas despite acknowledging that increased carbon dioxide concentrations due to fossil fuel
36 combustion posed a considerable threat, responsible parties decided not to take steps to prevent the
37 risks of climate change; and

38 Whereas instead, they stopped funding major climate research and launched campaigns to dis-
39 credit climate science and delay actions perceived as contrary to their business interests; and

40 Whereas these corporations carried out these campaigns by developing public relations strate-
41 gies that were contradictory to their knowledge and scientific insights, engaging in public commu-
42 nications campaigns to promote doubt and downplay the threats of climate change, and funding
43 individuals, organizations and research aimed at discrediting the growing body of publicly available
44 climate science; and

45 Whereas from 1970 to 2020 the oil and gas industry made nearly \$2.8 billion a day and \$1 trillion

1 a year in profit; and

2 Whereas responsible parties currently advertise “green” efforts to the public that mask the lack
 3 of real investment in resiliency and energy-source transition and the continued prioritization of the
 4 extraction, refinement and distribution of qualified products; and

5 Whereas a December 2022 report by the House Committee on Oversight and Accountability in
 6 Congress also revealed internal documents from senior leaders in responsible parties that explicitly
 7 reject taking accountability for the greenhouse gas emissions associated with their products; and

8 Whereas by conduct and impact, responsible parties have intentionally obfuscated the truth
 9 about climate change and outright deceived the public in order to continue dependence on their
 10 qualified products; and

11 Whereas intentional lies, misinformation, disinformation and misrepresentations by responsible
 12 parties about the connection between qualified products they sell or sold and climate change is not
 13 political speech, but fundamentally commercial activity with incidental political impact; now, there-
 14 fore,

15 **Be It Enacted by the People of the State of Oregon:**

16 **SECTION 1. As used in sections 1 to 5 of this 2025 Act:**

17 **(1) “Climate disaster” means an event that meets any of the following threshold quali-**
 18 **fications and is determined by impact attribution science or extreme event attribution sci-**
 19 **ence to be worsened to a statistically significant degree or caused by climate change from**
 20 **responsible parties’ products, or is extreme weather attributable to climate change from re-**
 21 **sponsible parties’ products:**

22 **(a) Any natural catastrophe, including any hurricane, tornado, storm, high water, wind-**
 23 **driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide,**
 24 **snowstorm or drought, or, regardless of cause, any fire, flood or explosion, which in the de-**
 25 **termination of the President of the United States causes damage of sufficient severity and**
 26 **magnitude to warrant major disaster assistance under federal law to supplement the efforts**
 27 **and available resources of states, local governments and disaster relief organizations in al-**
 28 **leviating the damage, loss, hardship or suffering caused thereby.**

29 **(b) Any natural or man-made incident that results in extraordinary levels of mass casu-**
 30 **alties, damage or disruption severely affecting the population, infrastructure, environment,**
 31 **economy, national morale or government functions, including an event that results in sus-**
 32 **tained impacts over a prolonged period of time, almost immediately exceeds resources**
 33 **normally available to local, state, tribal and private sector authorities in the impacted area**
 34 **and significantly interrupts governmental operations and emergency services to such an ex-**
 35 **tent that national security could be threatened.**

36 **(c) An event that qualifies or would have qualified for inclusion on the National Centers**
 37 **for Environmental Information’s Billion-Dollar Weather and Climate Disasters program and**
 38 **data list as it existed on July 30, 2024, without recognition of any changes weakening the**
 39 **agency program that may occur at a later time by subsequent agency administration or**
 40 **abolition of the program, the National Centers for Environmental Information or the Na-**
 41 **tional Oceanic and Atmospheric Administration.**

42 **(d) An event that results in a declaration of emergency under ORS 401.165.**

43 **(2) “Extreme event attribution science” means research aimed at understanding how**
 44 **human-induced changes in the global climate system affect the probability, severity and**
 45 **other characteristics of extreme weather events such as hurricanes and heat waves, includ-**

1 ing but not limited to a determination of the likelihood of the particular event happening
 2 today compared to how it might have unfolded without human-caused increase in concen-
 3 tration of greenhouse gases in the atmosphere.

4 (3) “Extreme weather attributable to climate change” means weather, climate or envi-
 5 ronmental conditions, including but not limited to temperature, precipitation, drought or
 6 flooding, that rank above a threshold value near the upper or lower ends of the range of
 7 historical measurements for a particular place and time of year, with unusual characteristics
 8 in terms of magnitude, location, timing or extent, and including events that extreme event
 9 attribution science determines would not have been possible without the influence of climate
 10 change.

11 (4)(a) “Harmed party” means a person who incurs damages as a result of a climate dis-
 12 aster or extreme weather attributable to climate change.

13 (b) “Harmed party” does not include a public body.

14 (5) “Impact attribution science” means research aimed at understanding how global cli-
 15 mate change affects human and natural systems, including localized physical impacts, such
 16 as floods, droughts and sea level rise, and the corresponding effects on infrastructure, public
 17 health, ecosystems, agriculture and economies.

18 (6) “Public body” has the meaning given that term in ORS 174.109.

19 (7) “Qualified product” means a fossil fuel product including, but not limited to:

20 (a) Crude petroleum oil and all other hydrocarbons, regardless of gravity, that are
 21 produced at the wellhead in liquid form by ordinary production methods.

22 (b) Natural, manufactured, mixed and byproduct hydrocarbon gas.

23 (c) Refined crude oil, crude tops, topped crude, processed crude, processed crude petro-
 24 leum, residue from crude petroleum, cracking stock, uncracked fuel oil, fuel oil, treated
 25 crude oil, residuum, gas oil, casinghead gasoline, natural-gas gasoline, kerosene, benzine,
 26 wash oil, waste oil, blended gasoline, lubricating oil and blends or mixtures of oil with one
 27 or more liquid products or byproducts derived from oil or gas.

28 (8)(a) “Responsible party” means a firm, corporation, company, partnership, society, joint
 29 stock company or any other entity or association that:

30 (A) Since January 1, 1965:

31 (i) Has emitted total greenhouse gas emissions of at least one billion metric tons of car-
 32 bon dioxide equivalent; or

33 (ii) Has caused to be emitted, through the extracting, storing, transporting, refining,
 34 importing, exporting, producing, manufacturing, distributing, compounding, marketing or
 35 offering for wholesale or retail sale of a qualified product, total greenhouse gas emissions
 36 of at least one billion metric tons of carbon dioxide equivalent; and

37 (B) At any time on or after January 1, 1965:

38 (i) Did business in this state;

39 (ii) Was registered to do business in this state;

40 (iii) Acted as an agent of this state; or

41 (iv) Otherwise had sufficient contacts with this state to allow the responsible party to
 42 be subject to personal jurisdiction in this state.

43 (b) “Responsible party” does not include a public body.

44 **SECTION 2. The Legislative Assembly finds and declares that:**

45 (1) Decades of intentional lies, misinformation or disinformation and misrepresentations

1 by responsible parties about the connection between qualified products and climate change
2 has directly and causally contributed to concrete and particularized injuries in this state
3 from climate disasters and extreme weather attributable to climate change.

4 (2) A judicial forum is necessary for Oregonians to redress the harm that responsible
5 parties have caused and continue to cause through climate disasters and extreme weather
6 attributable to climate change fueled by their products and actions. This state has a com-
7 pelling state interest in empowering citizens to recover, recoup or rebuild the value of lost,
8 damaged and destroyed property, as well as the full extent of economic and noneconomic
9 damages allowable under this state's laws and the Oregon Constitution.

10 (3) The courts of this state are the appropriate venue to provide additional relief to
11 plaintiffs as deemed necessary or proper in the course of legal proceedings brought under the
12 authority of sections 1 to 5 of this 2025 Act.

13 (4) This state has a compelling interest in preserving public resources for traditional
14 public purposes, and this state should not continue paying for increased damages to harmed
15 parties caused by the profit-seeking acts and omissions of responsible parties.

16 (5) Climate disasters and extreme weather attributable to climate change by impact at-
17 tribution science and extreme weather attribution science should not be deemed acts of God,
18 unforeseeable or otherwise classified as a force majeure event eligible for litigation limita-
19 tions or defenses, except as explicitly and unambiguously provided.

20 (6) It is the intent of this state to provide a judicial forum for the efficient, just and eq-
21 uitable resolution of harmed parties' claims for damages stemming from climate disasters
22 and extreme weather attributable to climate change against responsible parties.

23 (7) Responsible parties must be accountable to harmed parties.

24 (8) The state has a sovereign and compelling state interest in providing a forum for in-
25 dividuals, businesses and associations sustaining injuries and harms caused by responsible
26 parties' deceptive behavior and linked to the harms of responsible parties' qualified products
27 and actions.

28 **SECTION 3.** (1) A harmed party or a group of harmed parties that has incurred a total
29 amount of damages of at least \$10,000 as a result of extreme weather attributable to climate
30 change or a climate disaster may bring an action to recover damages under this section.

31 (2) All responsible parties are strictly liable, jointly and severally, for damages incurred
32 by a harmed party or group of harmed parties entitled to bring an action under this section.

33 (3) Except as provided in subsection (4) of this section, a harmed party that prevails in
34 an action under this section is entitled to recover:

35 (a) Economic and noneconomic damages, as defined in ORS 31.705. The amount of eco-
36 nomic damages to which a harmed party is entitled under this section includes the fair
37 market value of recovering, recouping, rebuilding or remediating the value of lost, damaged
38 and destroyed property.

39 (b) Reasonable attorney fees and costs.

40 (4) The damages to which a harmed party is entitled under subsection (3) of this section
41 shall be offset by:

42 (a) Any amounts paid by a public body to compensate the harmed party for the damages
43 claimed in the action under this section.

44 (b) Any amounts paid to a harmed party pursuant to a contract of insurance.

45 (5) An insurer may bring a subrogation action against responsible parties for recovery

1 of payments made to harmed parties under a contract of insurance regardless of whether the
 2 insured has been made whole.

3 (6) The court may not award attorney fees to a prevailing responsible party in an action
 4 under this section unless the court finds that an objectively reasonable basis for bringing the
 5 action did not exist.

6 (7) A harmed party may bring an action under this section in:

7 (a) The county in which all or a substantial part of the events giving rise to the action
 8 occurred;

9 (b) The county of residence for any one of the natural person responsible parties at the
 10 time the cause of action accrued;

11 (c) The county of the principal office in this state of any one of the responsible parties
 12 that is not a natural person; or

13 (d) The county of residence of the harmed party if the harmed party is a natural person
 14 residing in this state.

15 (8) An action under this section must be commenced by a harmed party no later than
 16 three years from the date the harmed party incurs damages as a result of extreme weather
 17 attributable to climate change or a climate disaster.

18 (9) The following are affirmative defenses to an action under this section:

19 (a) That the harmed party intentionally destroyed property or intentionally worsened
 20 damages to reach \$10,000 of incurred damages.

21 (b) That the harmed party's damages were incurred as a result of the gross negligence
 22 of the harmed party.

23 (10) The following are not defenses to an action under this section:

24 (a) A responsible party's ignorance or mistake of law.

25 (b) A responsible party's belief that the requirements of sections 1 to 5 of this 2025 Act
 26 are unconstitutional or were unconstitutional.

27 (c) A responsible party's reliance on any court decision that has been overruled on appeal
 28 or by a subsequent court, even if that court decision had not been overruled when the de-
 29 fendant engaged in conduct that violates sections 1 to 5 of this 2025 Act.

30 (d) A responsible party's reliance on any state or federal court decision that is not
 31 binding on the court in which the action has been brought.

32 (e) Nonmutual issue preclusion or nonmutual claim preclusion.

33 (f) Any claim that the enforcement of sections 1 to 5 of this 2025 Act or the imposition
 34 of civil liability against the responsible party will violate a constitutional right of a third
 35 party.

36 (g) A responsible party's assertion that sections 1 to 5 of this 2025 Act proscribe conduct
 37 that is separately prohibited by any other law of this state.

38 (h) Any claim that responsible parties' qualified products were not misused, or were not
 39 intended to be misused, in an unlawful manner.

40 (i) A responsible party's assertion that state or federal laws relating to qualified products
 41 and responsible parties' operations displace, abrogate or supersede the actions authorized
 42 under sections 1 to 5 of this 2025 Act, the authority of the courts of this state to provide a
 43 forum for the action or the authority of the courts of this state to provide a remedy to
 44 harmed parties.

45 (j) A responsible party's assertion that choice-of-law and choice-of-forum clauses govern

1 the action, regardless of whether such clauses apply to harmed parties by basis of consumer
2 transactions.

3 (k) A responsible party's assertion that a harmed party assumed a risk of harm through
4 the use of the responsible party's products.

5 (L) A responsible party's forum non conveniens assertion, so long as the requirements
6 of subsection (7) of this section are satisfied.

7 (11) An action under this section is not subject to court-ordered arbitration under ORS
8 36.400 to 36.425.

9 (12) A public body may not intervene in an action under this section, but a court may
10 allow a public body to appear as amicus curiae in an action under this section.

11 (13) The Chief Justice of the Supreme Court shall adopt procedural rules for actions un-
12 der this section that include simplified procedures.

13 **SECTION 4.** Sections 1 to 5 of this 2025 Act may not be construed to:

14 (1) Limit the enforceability of any other laws that regulate or prohibit any conduct re-
15 lating to climate disasters, extreme weather, greenhouse gas emissions or consumer pro-
16 tection.

17 (2) Replace legally mandated disaster recovery funds or designated disaster recovery
18 funds established through legislation, administrative rule or contractually obligated or
19 court-ordered insurance claim payouts.

20 (3) Impose liability on any speech, expression or conduct protected by the First Amend-
21 ment to the United States Constitution, as made applicable to the states through the Four-
22 teenth Amendment to the United States Constitution, or by the Oregon Constitution.

23 (4) Wholly or partially repeal, either expressly or by implication, any other statute that
24 regulates or prohibits conduct relating to climate disaster or extreme weather attributable
25 to climate change.

26 **SECTION 5.** (1) Existing litigation filed in the courts of this state under the statutes of
27 this state may not be expressly or impliedly preempted, displaced, mooted or dismissed upon
28 any other prudential consideration arguably arising from sections 1 to 5 of this 2025 Act.

29 (2) To the extent that any aspect of existing litigation filed in the courts of this state is
30 reviewed for the application of sections 1 to 5 of this 2025 Act, it is severable in each of its
31 applications to every person and circumstance. If any statute that provides financial benefits
32 to victims or survivors of climate disasters or extreme weather attributable to climate
33 change, or results in the collection of damages by the state for damage to consumers and
34 state interests from climate disasters or extreme weather events, is found by any court to
35 be unconstitutional, either on its face or as applied, then all applications of that statute that
36 do not violate the United States Constitution and the Oregon Constitution shall be severed
37 from the unconstitutional applications and shall remain enforceable, notwithstanding any
38 other law, and the statute shall be interpreted as if containing language limiting the statute's
39 application to the persons, group of persons or circumstances for which the statute's appli-
40 cation will not violate the United States Constitution and the Oregon Constitution.

41 (3) The remedies provided under sections 1 to 5 of this 2025 Act are in addition to any
42 other remedy available to a person at common law or under statute. Sections 1 to 5 of this
43 2025 Act may not be interpreted to prevent a person or the state from pursuing a civil action
44 or any other remedy available at common law or under statute.

45 (4) Sections 1 to 5 of this 2025 Act do not:

1 (a) Relieve the liability of a person for damages resulting from climate change, as pro-
2 vided by law.

3 (b) Preempt, displace or restrict any rights or remedies of a person, the state, units of
4 local government or tribal government under law relating to a past, present or future
5 allegation of:

6 (A) Deception concerning the effects of fossil fuels on climate change.

7 (B) Damage or injury resulting from the role of fossil fuels in contributing to climate
8 change.

9 (C) Failure to avoid damage or injury related to climate change, including claims for
10 nuisance, trespass, design defect, negligence, failure to warn or deceptive or unfair practices
11 and claims for injunctive, declaratory, monetary or other relief.

12 (5) Sections 1 to 5 of this 2025 Act do not preempt, supersede or displace any state law
13 or local ordinance, regulation, policy or program that:

14 (a) Limits, sets or enforces standards for emissions of greenhouse gases.

15 (b) Requires monitoring, reporting or keeping records of emissions of greenhouse gases.

16 (c) Provides for the collection of revenue through fees or impose taxes.

17 (d) Provides for the performance or support of investigations.

18 **SECTION 6.** Sections 1 to 5 of this 2025 Act apply to causes of action arising on or after
19 the effective date of this 2025 Act.

20 **SECTION 7.** This 2025 Act being necessary for the immediate preservation of the public
21 peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect
22 on its passage.
23 _____