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Testimony supporting SB680

Chair Prozanski and members of the Senate Committee on Judiciary:

Southern Oregon Climate Action Now is a grassroots climate organization of some 2,000 Southern Oregonians. We are concerned about the climate crisis and seek federal, state and local action to address it. We are rural and coastal Southern Oregonians who live on the frontlines of the warming, reducing snowpack, heatwaves, drought, rising sea level and the increasing wildfire risk that these trends conspire to impose on us. Because of our concern, we pay close attention to efforts nationally, statewide, and locally that impact our collective efforts to address the climate crisis. As our logo above indicates, the focus of SOCAN is to promote action through science.

I write today regarding the proposal to target greenwashing, SB680. According to the United Nations (UN undated): "Greenwashing presents a significant obstacle to tackling climate change. By misleading the public to believe that a company or other entity is doing more to protect the environment than it is, greenwashing promotes false solutions to the climate crisis that distract from and delay concrete and credible action." Furthermore, The U.N. Secretary General (UN 2022) admonished us that "We must have zero tolerance for net-zero greenwashing."

The international network of public accounting, tax, consulting and business advisory firms BDO (2024) stated "In the contemporary landscape, greenwashing has become a major obstacle to meaningful climate action. It not only undermines the integrity of sustainability reporting but also misleads stakeholders about the environmental benefits a company claims to achieve through its products, practices, or overall impact. This form of deception erodes trust, complicates corporate reputation management, damages investor confidence, distorts consumer decision-making, and undermines broader environmental objectives."

Mullard (2023) argued that "Greenwashing – misleading people over environmental claims – can be a form of corruption or a form of fraud. It damages trust, and undermines public confidence in climate action."

Clearly, greenwashing is perceived generally as a barrier to meaningful action that promotes sustainability and a healthy climate.

For thirty years I taught an Introductory Process of Science course at Southeast Missouri State University. This experience repeatedly confirmed to me that there exist more than one understanding of what constitutes 'reality.' Among them are two diametrically opposed views: one view identifies reality as 'just what I think it is,' while the other extreme identifies reality with 'the objective actual way the world works regardless of our perceptions.' Science essentially seeks to discern reality in terms of the latter concept. I suspect that most residents of Oregon would agree that public policy should be based on the kind of reality that science seeks to understand rather than the personal reality that claims it's 'just what I think.'

Unfortunately, in the marketing and political arenas, it is difficult to determine easily whether claims are based on the scientific evidence-based reality or the biased or personal reality.

The habit of offering public pronouncements that are clearly untethered to scientific or evidence-based reality and basing public policy or such claims became commonplace during the first Trump presidency (e.g. Somers 2023). This author further summarized recent research by commenting on the: "correlation between the number of times President Donald Trump repeated falsehoods during his presidency and misperceptions among Republicans, and that the repetition effect was stronger on the beliefs of people who consume information primarily from right-leaning news outlets." However, the propensity to confuse the public in order to score marketing political points is not, of course, new. As Benen (2013) reminded us, one of the most reported journalistic exchanges during the Bush/Cheney era was between Ron Suskind and a Bush aide during which Suskind was criticized by the Bush aide as representative of those who "believe that solutions emerge from your judicious study of discernible reality." The Bush approach was summarized with "That's not the way the world really works anymore..." The essence of this retort was "we create our own reality." The notion of creating one's own reality and ignoring discernible objective reality has been around for a while.

In the arena of commerce, there has been a federal remedy from false advertising since the 1940s when the federal Lanham Act was passed. Primarily targeting trademark protection, this act also addressed false advertising (Zirpoli 2023) and accorded civil liability for advertising fraud.

SB680 confronts the problem of greenwashing In Oregon by establishing a state remedy based, among other premises, on the notion that "honest and transparent businesses in this state face unfair competition from companies that greenwash their products or services or their actions;" (OLIS 2025). This legislation would impose limited (\$200) damages "to a plaintiff that brings an action in a court of this state in which the plaintiff asserts and proves with appropriate evidence" that defendant made a "materially false, misleading, deceptive or fraudulent claim" that damaged defendant.

Notably, the bill does not establish a panel of experts charged with determining the accuracy of claims. Rather, it simply provides those who feel aggrieved by fraudulent claims a recourse through the courts. Rather than launching an onslaught of court cases, the most likely outcome of passing this legislation would be that those considering making fraudulent claims in the service of their own interests will reconsider doing so.

For the above reasons, Southern Oregon Climate Action Now endorses SB680 and encourages the Senate Committee on Judiciary to accord it a 'Do Pass' recommendation.

Respectfully Submitted



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