



OREGON STATE SENATE

SB 1187 Public Hearing Opening Testimony

April 7, 2025

Chair Sollman, Vice-Chair Brock-Smith, and Members of the Committee,

For the record, my name is Khanh Pham, and I represent Senate District 23 in Northeast and Southeast Portland. Thank you for the opportunity to introduce Senate Bill 1187, the *Make Polluters Pay Act*.

I'm here today because during the 2021 Heat Dome, temperatures hit 124 degrees in my district, a new record. **96 Oregonians died in that heat** - mostly people in urban heat islands, like in my own neighborhood.

According to the Oregon Climate Change Research Institute, the climate in Oregon has already warmed by approximately 1.2°C.¹ Just last week, JPMorgan, the world's most valuable bank, said it is vetting its own investments in line with a global 3 degree C rise by 2100. **That's double the 1.5C rise that the world's leading climate scientists have warned is a "safe upper limit" for climate change.**²

Scientists, and economists, are preparing for massive warming. So should we. We're here with SB 1187 because the truth is that even if we magically stopped all Green House Gas emissions today, this catastrophic warming trajectory is already baked in. This is because of "the lag effect," meaning there is about 10 years between the time when the greenhouse gas (GHG) is put into our atmosphere, and when most of the warming caused by that pollution is felt by us here on earth.³

1

<https://energyinfo.oregon.gov/blog/2023/1/11/occris-sixth-climate-assessment-outlines-climate-change-effects-on-oregon>

2

<https://www.scientificamerican.com/article/big-banks-quietly-prepare-for-catastrophic-climate-change/>

³ Ricke, Katharine L., and Ken Caldeira. "Maximum warming occurs about one decade after a carbon dioxide emission." *Environmental Research Letters* 9.12 (2014): 124002. <https://iopscience.iop.org/article/10.1088/1748-9>



SB 1187 is about facing this fact that climate pollution from the period of 1995-2024 creates known costs that the state of Oregon - our taxpaying residents - will bear for decades to come. But shouldn't the parties most responsible for breaking our climate balance be the ones to pay for the harms they caused? This is a basic premise of our liability laws: if you broke it, you pay for it. Similar to Superfund laws, SB 1187 holds the largest polluters strictly liable for their economic damages to the state of Oregon.

SB 1187 is based on the legislation passed by the states of Vermont and New York, and currently introduced in nine other states and in Congress. While Vermont only has one natural resource agency with all functions under one roof, here in Oregon we have 13 different agencies. So in consultation with agencies and stakeholders, we elected an interagency approach, to accommodate this complexity. We also have a particular need to address catastrophic wildfire, so we have provided for a specific set-aside of 30% for fire resilience and adaptation, to be managed by the Oregon State Fire Marshall as an office with existing inter-agency responsive capacity. While New York opted for a lump sum of 75 billion to comply with the strict liability, Vermont opted for dynamic damages assessments tied to *actual harms*. We preferred Vermont's approach, on the principle of fairness. I have also introduced a new directive that the Superfund includes a "Justice 40" style approach to prioritizing environmental justice communities, as defined in existing Oregon law.

So how will the Climate Superfund work?

The state of Oregon will assess the damages from climate change driven disasters that have already happened - such as the '21 Heat Dome - as well as forecast future damages for disasters that will be inevitable, due to the warming baked in by the emissions of covered entities from 1995-2024.

The state will also develop a plan for permanent adaptation and resilience investments that are necessary for our state because of the inevitable warming from emissions. This is called the Resilience Implementation Strategy for Oregon. This may include sectors like agriculture, fisheries, and forestry, as well as public health, water infrastructure, and sea level rise contingencies. This strategy will also include costing, which forms the basis of the damages for the State of Oregon.

Sections 9–12 give DEQ the authority to identify the responsible parties, calculate their share, and issue cost recovery notices.

The funds are then paid into a "Superfund" in our Treasury. Then the funds are disbursed to help Oregon to implement the plans, adapting and protecting our communities.

KHANH PHAM
STATE SENATOR
DISTRICT 23

This bill is based on similar state legislation and conversations convened by the Governor's Office, with input from agency directors, scientists, economists, and frontline leaders. Over the last year, we've:

- Met with legislators and experts from New York and Vermont, the first two states to pass Climate Superfund laws
- Engaged dozens of experts and community organizations across Oregon
- And worked through the complex legal, scientific, and fiscal frameworks needed to get this right, as reflected in significant changes in 1187.

This has led to a strong policy bill that we can be proud of.

We have the science. We have the economic data. We have the public support. And now, with SB 1187, we have a path forward to make polluters pay—and protect Oregonians from the climate disasters already unfolding. Thank you.