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The EQUATION

Scientists, Legal Scholars Brief State Prosecutors on Fossil Fuel Companies' Climate Accountability

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Chief Climate Scientist

Efforts to hold fossil fuel companies accountable for their contributions to climate change have gained both momentum and traction as attorneys general in Massachusetts and the US Virgin Islands [recently joined their counterparts in New York and California](#) in investigating whether ExxonMobil violated state laws by denying or distorting the climate risks of their products to investors and the public.

At the Union of Concerned Scientists, my colleagues and I

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I ACCEPT

Back in 2007, we published a report called *Smoke, Mirrors and Hot Air: How ExxonMobil Uses Big Tobacco's Tactics to Manufacture Uncertainty on Climate Science*, which documented that the company had spent nearly \$16 million to sow doubt about the climate risks of their products.

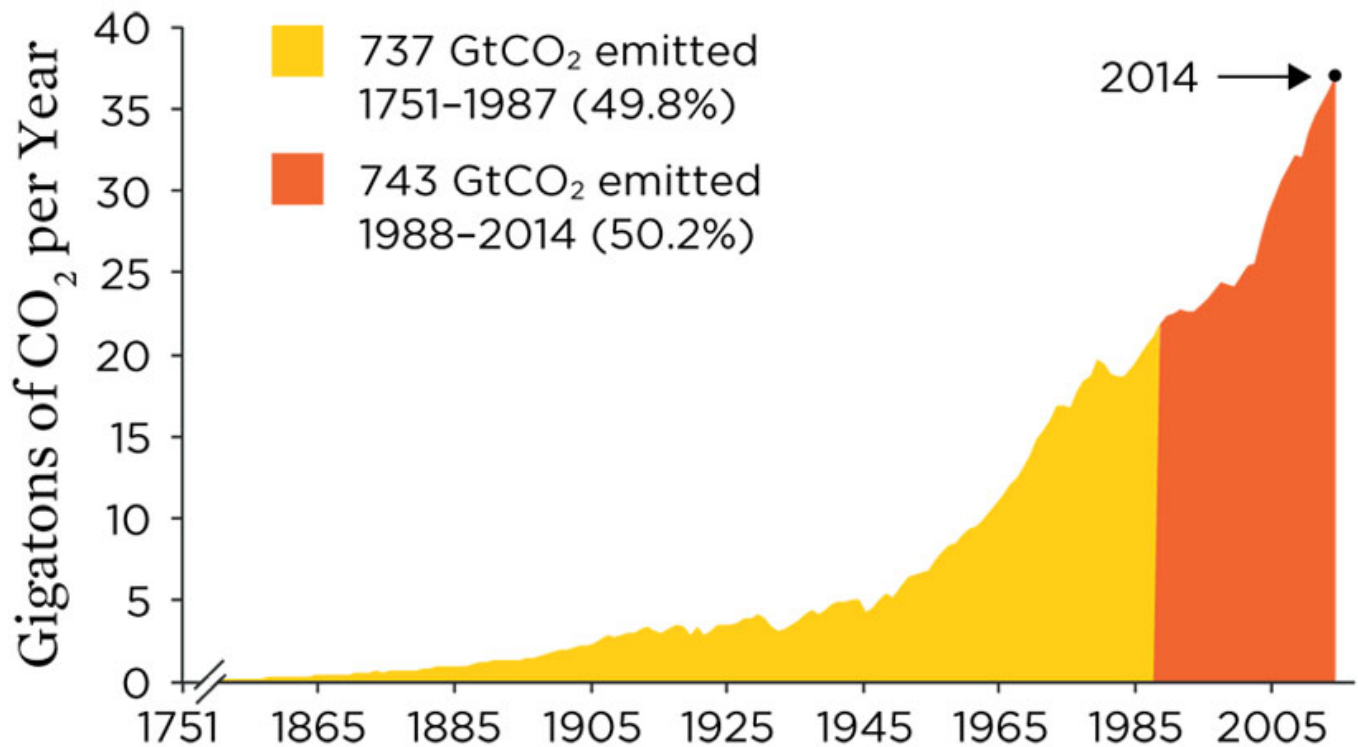
In 2012, we partnered with the Climate Accountability Institute (CAI) to hold a workshop in La Jolla, California that brought together a cross-disciplinary group of nearly two dozen leading scholars and practitioners to explore how lessons from tobacco control might inform public and policy maker understanding of fossil fuel company responsibilities for climate change.

In 2015, CAI's Richard Heede, Harvard University historian of science Naomi Oreskes, and I argued in a 2015 Climatic Change paper that leading fossil fuel companies have significant responsibilities for climate change, both because of their large contribution to the problem and because, knowing the serious risks of their products, they engaged in a campaign of climate disinformation to avoid policies and investments that might have stabilized or reduced emissions.

Led by Kathy Mulvey and Seth Shulman, UCS published our 2015 Deception Dossiers report, detailing the decades of climate disinformation promulgated by leading fossil fuel companies, trade associations, and industry-funded lobbying

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More Than Half of Industrial Carbon Emissions Have Been Released Since 1988



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More than half of all industrial carbon emissions have been released since 1988—since fossil fuel companies knew of the climate risks of their products. Adapted from [Frumhoff et al 2015](#)

We are speaking out on the evidence and argument for fossil industry climate accountability in public forums across the US. And we are briefing a wide range of policymakers—from members of the California State Senate considering climate accountability legislation (the Climate Science Truth and Accountability Act. SB1161) to members of the Philippines

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the human rights of Philippine citizens affected by
worsening extreme weather.

In late March, I was invited to brief several US state attorneys general and their staff on my research at a climate meeting of state attorneys general hosted by New York attorney general Eric Schneiderman.

More recently, UCS President Ken Kimmell and I participated in an April 25 workshop on “Potential State Causes of Action Against Major Carbon Producers: Scientific, Legal and Historical Perspectives” which UCS co-convened with Shaun Goho and colleagues at Harvard Law School’s Emmett Environmental Law and Policy Clinic.

Held at the law school, the meeting provided senior staff from state attorneys general offices in nearly a dozen states with an opportunity to hear from leading climate scientists, legal scholars, historians, and other experts on topics including climate attribution research, lessons from tobacco litigation, and the potential role of state consumer protection laws.

We were joined by a superb set of panelists, including Naomi Oreskes; attorney Sharon Eubanks (Bordas and Bordas, PLLC), who served as lead counsel for the US Department of Justice in federal tobacco litigation; climate scientist Phil

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CEO of the Center for International Environmental Law; and Cara Horowitz, co-director of the Emmett Center on Climate Change and the Environment at UCLA Law School. I spoke on current climate science and attribution research; Shaun Goho and Harvard Law students presented synopses of their legal research.

Harvard Law School routinely hosts meetings that provide policy makers with opportunities to confer with scholars and practitioners. State attorneys general and their staff routinely confer privately with experts in the course of their deliberations on matters before them.

This is as it should be. I look forward to further opportunities to brief policymakers about climate science and the climate accountability of major fossil fuel companies and, in so doing, support timely, valuable initiatives to uphold the law and accelerate our essential transition to a clean, vibrant, low-carbon energy economy.

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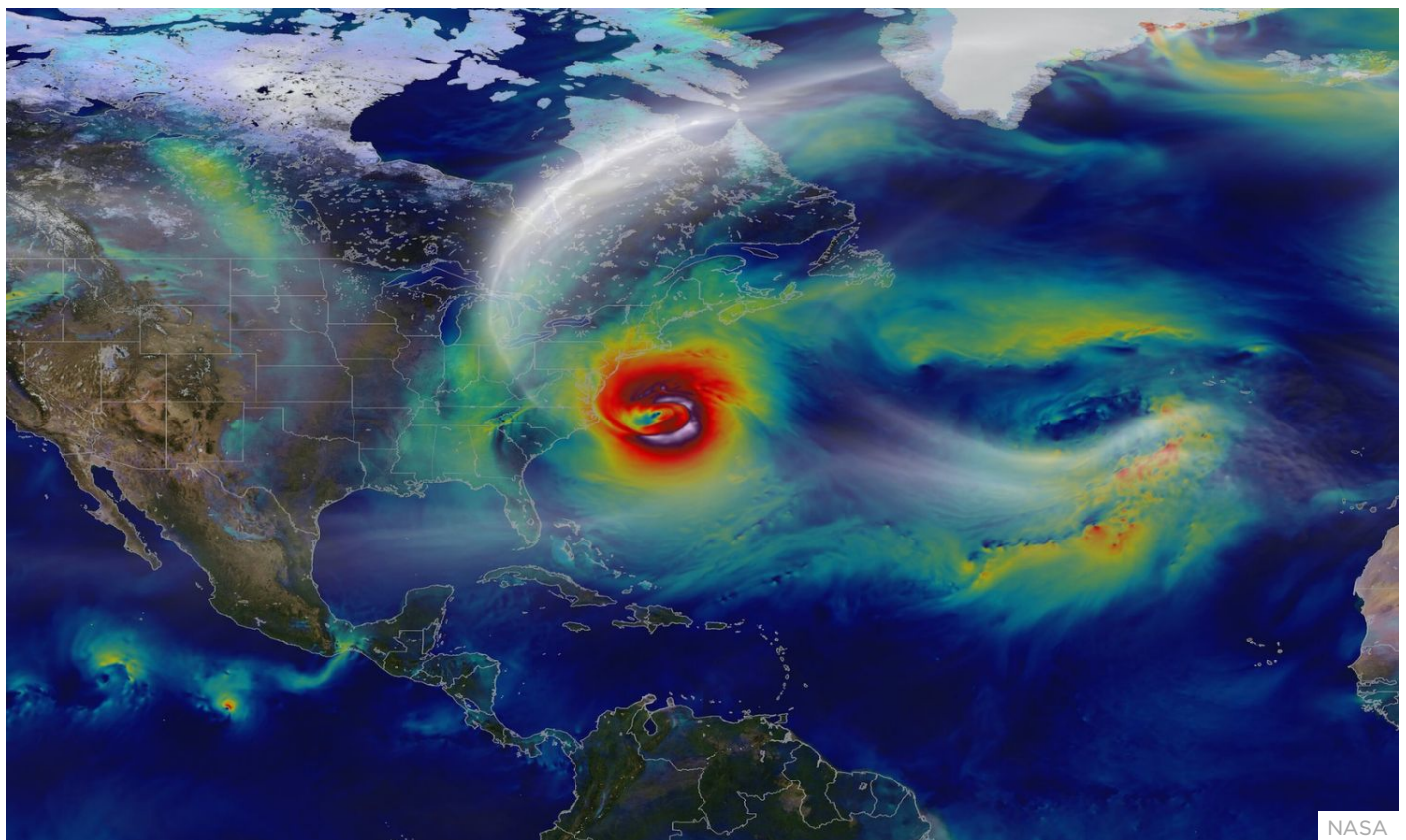
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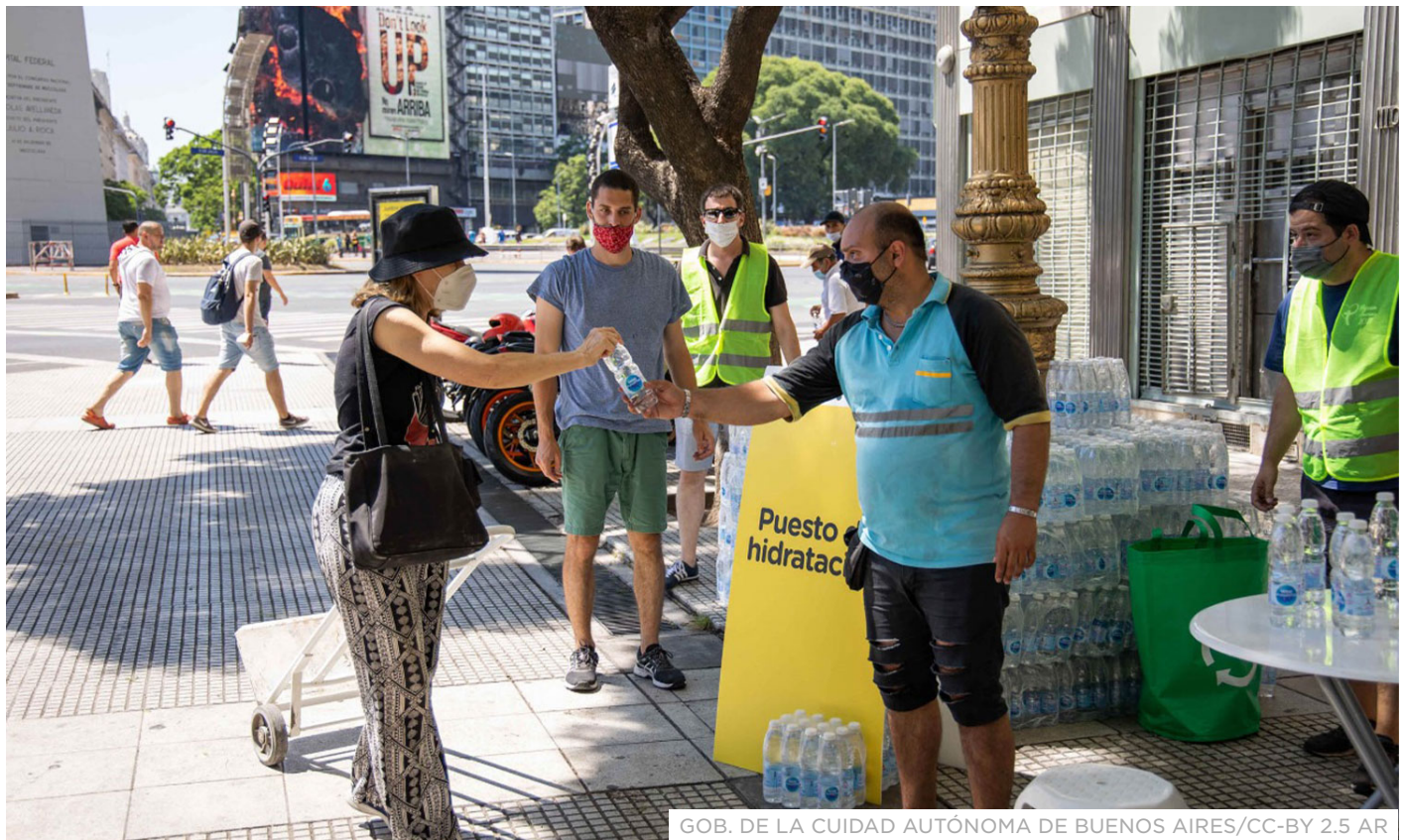
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