

Congress of the United States
Washington, DC 20515

May 4, 2020

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
H-232, The Capitol Building
Washington, D.C. 20515

The Honorable Kevin McCarthy
Minority Leader
U.S. House of Representatives
H-204, The Capitol Building
Washington, D.C. 20515

Dear Speaker Pelosi and Minority Leader McCarthy:

As Congress works on the next COVID-19 relief package, we urge you to categorically oppose any attempt to confer immunity on the fossil fuel industry or to limit its liability for the damages it causes to people or property. The struggle to beat the coronavirus should not be corrupted or abused for the purposes of providing legal immunity to the oil, gas and coal industries, major polluters who have destabilized our climate and imperiled our environment, our economy and our future.

It would seem unnecessary to make the obvious point that the nation's desperate efforts to respond to one catastrophic global crisis should not be the occasion to immunize polluters and tortfeasors from the legal consequences of helping create another catastrophic global crisis. But during negotiations over the Coronavirus Aid, Relief, and Economic Security (CARES) Act, fossil fuel companies reportedly sought sweeping legal immunity for the duration of the COVID-19 pandemic.¹ Although this brazen effort was defeated in the final bill we passed, an early draft actually included language that would have immunized companies engaging in "covered activities," and recent news stories suggest that the fossil fuel companies are continuing to lobby hard for language that would absolve them of any accountability for their part in the climate crisis.²

This is not the place to adjudicate the social costs of the carbon industries, but we will do so if we must. Fossil fuel companies have known for more than 50 years that their industrial emissions were causing cataclysmic environmental consequences. Instead of alerting the public, they launched a decades-long campaign of denial, deceit and disinformation that succeeded in forestalling meaningful government action to avert climate change. We now face the reality of climate chaos and the need to undertake aggressive and costly policy changes—with very little time to accomplish them before it is too late.

Climate adaptation and restoration from decades of burning fossil fuels will cost in the trillions of dollars. A study by the Center for Climate Integrity and Resilient Analytics found that just the most basic coastal defenses for the lower 48 states will cost more than \$400 billion over the next twenty years, and 132 coastal counties face an exorbitant bill amounting to more than \$1 billion.³ If the fossil fuel companies do not pay their fair share, these overwhelming costs will fall

1 <https://www.drillednews.com/post/the-climate-covid-19-policy-tracker>

2 <https://beta.documentcloud.org/documents/20067793-2020-03-20-covid-19-lifeline-sectors-liability-protections-002313>

3 http://cci.beaconfire.us/files/ClimateCosts2040_Report-v5.pdf

onto our communities which are already facing profound economic hardship as a result of the COVID-19 pandemic.

Our communities cannot bear these costs alone, nor should they have to. Cities, counties, and states across the country are fighting back by taking the companies that knowingly contributed to climate change to court to recover their damages. We should not interfere with ongoing litigation by granting the culpable parties a license to destroy our eco-system with financial impunity and legal immunity.

The world is suffering through one of the worst public health disasters we have ever known. History has placed on us an enormous burden to respond with speed, wisdom, and foresight to help our constituents survive this crisis and to put the nation back on its feet. That is where our focus must be. Shielding carbon polluters from proper accountability is an irrelevant and dangerous distraction from the task at hand. It has no place in federal legislation—we think never, but especially not now.

Very truly yours,



Jamie Raskin
Member of Congress

Nanette Diaz Barragán
Member of Congress

Jared Huffman
Member of Congress

Donald S. Beyer Jr.
Member of Congress

Mark Takano
Member of Congress

Nydia M. Velázquez
Member of Congress

Jan Schakowsky
Member of Congress

Jimmy Gomez
Member of Congress

Ro Khanna
Member of Congress

Lloyd Doggett
Member of Congress

Eleanor Holmes Norton
Member of Congress

Debbie Wasserman Schultz
Member of Congress

Deb Haaland
Member of Congress

Peter Welch
Member of Congress

Stephen F. Lynch
Member of Congress

Adriano Espaillat
Member of Congress

Yvette D. Clarke
Member of Congress

Grace F. Napolitano
Member of Congress

Juan Vargas
Member of Congress

Alexandria Ocasio-Cortez
Member of Congress

Alcee L. Hastings
Member of Congress

Barbara Lee
Member of Congress

Steve Cohen
Member of Congress

Alan Lowenthal
Member of Congress

Bill Foster
Member of Congress

Joe Neguse
Member of Congress

Diana DeGette
Member of Congress

Ayanna Pressley
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Rashida Tlaib
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Veronica Escobar
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Gwen S. Moore
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Mike Quigley
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Anna G. Eshoo
Member of Congress

André Carson
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José E. Serrano
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Jesús G. "Chuy" García
Member of Congress

Lori Trahan
Member of Congress

Andy Levin
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Gerald E. Connolly
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Henry C. "Hank" Johnson, Jr.
Member of Congress

Earl Blumenauer
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Mike Levin
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James P. McGovern
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Kathy Castor
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Mark Pocan
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Bonnie Watson Coleman
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Debbie Mucarsel-Powell
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Julia Brownley
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Jahana Hayes
Member of Congress