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Landmark California bill would allow prosecution of climate-change skeptics

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A landmark California bill gaining steam would make it illegal to engage in climate-change dissent, clearing the way for lawsuits against fossil-fuel companies, think-tanks and others that have “deceived or misled the public on the risks of climate change.”

The first-of-its-kind legislation — Senate Bill 1161, or the California Climate Science Truth and Accountability Act of 2016 — is scheduled for floor action Thursday after clearing Senate committees in April and May.

The measure would allow state and local prosecutors to pursue claims against climate-change skepticism as a violation of the state’s Unfair Competition Law [UCL], as well as extend the four-year statute of limitations for such claims retroactively to Jan. 1, 2021.

“This bill explicitly authorizes district attorneys and the Attorney General to pursue UCL claims alleging that a business or organization has directly or indirectly engaged in unfair competition with respect to scientific evidence regarding the existence, extent, or current or future impacts of anthropogenic induced climate change,” says the state Senate Rules Committee’s floor analysis.

While the measure enjoys broad support by a bevy of environmental groups, the bill has also been described as an effort to ban free speech on climate change as well as chill donations to free-market groups.

Stephen Frank, editor of the conservative California Political Review, called the bill a “totalitarian statement by Democrats that the First Amendment is now dead.”

“Did you donate to the Pacific Legal Foundation? Do you support Americans for Prosperity? Are you a member of the California Republican Party, which has a platform approving of all forms of energy, including fossil fuel (oil)? Do you work for a gas station, an oil company, have your written a letter to the editor in favor of oil drilling?” asked Mr. Frank in a May 31 post.

“If so, you could find yourself with being charged in a court of law, thanks to SB 1161,” Mr. Frank said.

California Attorney General Kamala Harris belongs to a coalition of 17 state attorneys general that joined forces in March to pursue climate-change skeptics, starting with ExxonMobil.

The floor analysis cites as a rationale for the bill articles published last year by InsideClimate News and the Columbia Journalism School's Energy and Environmental Reporting Project accusing ExxonMobil of hiding its research on climate change, which the company has denied.

“By extending the statute of limitations, California has the opportunity to hold these companies fully accountable for their actions,” said the analysis.

The bill declares that there is no legitimate disagreement on the causes and extent of climate change, stating that, “There is broad scientific consensus that anthropogenic global warming is occurring and changing the world's climate patterns, and that the primary cause is the emission of greenhouse gases from the production and combustion of fossil fuels, such as coal, oil, and natural gas.”

Walter Olson of the website Overlawyered called the bill “extraordinary,” adding that “the target is clearly public-issue advocacy.”

“Combined with the plans laid by California Attorney General Kamala Harris — part of the alliance of AGs that has sought to investigate not only oil, gas, and coal companies, but private advocacy groups and university scientists who have played a role in what is characterized as ‘climate denial’ — the bill would begin laying the legal groundwork for an astonishingly broad campaign of inquisition and, potentially, expropriation,” Mr. Olson said in a May 31 post.