

Via Electronic Mail

February 27, 2025

The Honorable David A. Bennett
Chair, House Committee on Environment and Natural Resources
Room 135, State House
Providence, RI 02903

RE: CLF **Supports** House Bill No. 5424 – The Rhode Island Climate Superfund Act of 2025

Dear Chair Bennett:

Thank you for the opportunity to provide testimony on House Bill No. 5424, the Rhode Island Climate Superfund Act of 2025. H-5424 will require fossil fuel companies to help pay for the climate change damages caused by their products. Conservation Law Foundation (“CLF”) supports this bill and wishes to thank its sponsors for their attention to this important issue.

CLF is a member-supported non-profit environmental advocacy organization working throughout New England to counter climate change, restore the health of our oceans, embolden new energy infrastructure, and safeguard health, quality of life, and economic prosperity for future generations. We are working to address the climate crisis in Rhode Island and across New England, and we have worked extensively on issues of climate adaptability and coastal resiliency.

As a coastal state, and one of the fastest-warming states,¹ Rhode Island is on the front lines of the climate crisis. We are already feeling the impacts of climate change, and they will only grow more severe over time. These impacts include sea level rise, coastal erosion, storm surge, increased storm intensity, more frequent heavy rain events, and flooding. Climate change poses significant risks for state and municipal infrastructure as well as our environment, public health, welfare, and economic well-being.

Preparing for and responding to the impacts of climate change will impose enormous costs on Rhode Island. H-5424 will force large fossil fuels companies to help pay to address the harm that they have knowingly caused for decades. This bill is modeled on legislation passed in other

¹ Rhode Island is the 9th fastest-warming state, having experienced 2.84°F of warming between 1970 and 2018. Climate Central, *American Warming: The Fastest-Warming Cities and States in the U.S.* (2019), available at <https://www.climatecentral.org/news/report-american-warming-us-heats-up-earth-day>.

states like Vermont and New York, which in turn is modeled on the EPA's existing Superfund program.

The Superfund program² was created by statute in 1980 after it was discovered that a Niagara Falls community had been built at the site of a toxic chemical dump. Since then, the law has required companies responsible for contaminating the environment to help clean up their messes. One of the most prominent examples of a Superfund site is the country's largest—the Hudson River. For thirty years, two General Electric manufacturing plants discharged approximately 1.3 million pounds of toxic chemicals into the river, where they settled along the river bottom. Under the Superfund program, GE was forced to pay \$1.7 billion to dredge 310,000 pounds of these chemicals from stretches of the river.

In the case of the Climate Superfund law, fossil fuel companies will be required to pay for clean-up and damages based on their carbon emissions since 2009. Under the law, the Department of Environmental Management will tally the costs of climate effects caused by major fossil fuel companies over the relevant period. It will then decide which major fossil fuel companies are liable and should pay. The total cost will be divided among those companies deemed responsible. The money will be used for clean-up and to fund resilience measures necessary to cope with floods, storms, crop damage, wildfires, and more.

Only the largest fossil fuel companies will be affected. A company must have been responsible for more than one billion metric tons of carbon emissions globally between 1990 and 2024 to be liable.

CLF respectfully urges passage of H-5424. Thank you for your time and consideration of these comments.

Sincerely,



James Crowley
Senior Attorney
CLF Rhode Island

cc: Members of the House Committee on Environment and Natural Resources
Darrèll Brown, Vice President for Rhode Island, CLF

² See Env'tl. Prot. Agency, *Superfund*, <https://www.epa.gov/superfund> (last visited Feb. 27, 2025).