



The Seven Deadly Climate Sins are discussed in *The Mad, Mad, Mad World of Climatism*, Chapter 2

All of These Climate Change Lawsuits Will Be Thrown Out

By Steve Goreham

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Last week, a federal judge [dismissed](#) New York City's climate change lawsuit against five major oil companies. Last month, another federal judge [dismissed](#) similar global warming claims against oil firms brought by San Francisco and Oakland. More than a dozen climate lawsuits filed during the last year by cities and counties seek billions of dollars in damages from oil and gas companies. But it appears that all of these lawsuits will eventually be thrown out.

The City of New York [sought](#) monetary damages from BP, Chevron, Conoco-Phillips, ExxonMobil and Royal Dutch Shell as compensation for damage caused by dangerous global warming allegedly caused by the companies. But John F. Keenan, District Court judge for the Southern District of New York, disagreed and dismissed the complaint.

Judge Keenan [ruled](#) that, "...it would thus be illogical to allow the City to bring state law claims when courts have found that these matters are areas of federal concern that have been delegated to the Executive Branch as they require a uniform, national solution...Global warming and solutions thereto must be addressed by the other two branches of government."

On June 25 on the west coast, US District Judge William Alsup [threw](#) out similar suits brought by the California cities of Oakland and San Francisco. Judge Alsup stated, "...it is true that carbon dioxide released from fossil fuels has caused (and will continue to cause) global warming. But against that negative, we must weigh this positive: Our industrial revolution and the development of our modern world have literally been fueled by oil and coal. Without those fuels, virtually all of our monumental progress would have been impossible." Judge Alsup concluded that the courts should "defer to the legislative and executive branches."

Note that Judge Alsup is not a conservative judge. Alsup was nominated by President Bill Clinton in 1999. In January, he blocked Trump Administration efforts to end the Deferred Action for Childhood Arrivals (DACA) program.

Several other climate lawsuits are [pending](#) in California. In July of last year, San Mateo County, Marin County, and Imperial Beach filed separate suits against 37 oil and gas companies in California Superior Court. Last December, Santa Cruz and Santa Cruz County also brought suits in California Superior Court against 29 companies. In January, the City of Richmond, California and the County of Contra Costa also filed claims against 29 companies.

Other state entities also [initiated](#) legal action this year. In April, the city of Boulder, Boulder County and San Miguel County filed a suit in Colorado against Exxon and Suncor. In May, King County Washington, the home of Seattle, filed suit against five companies. Just this month, the state of Rhode Island and the City of Baltimore filed separate climate change suits against oil and gas companies.

But all of these suits are likely to be thrown out. The New York City and the Oakland/San Francisco suits, the lawsuits with the highest profile, have now been dismissed. As Judge Alsup [noted](#) in his opinion, "No plaintiff has ever succeeded in bringing a nuisance claim based on global warming." All district or appellate courts are likely to eventually rule that climate change issues are to be decided by the federal government, not state and local governments.

It's clear that climate lawsuits do not [reflect](#) the will of Congressional representatives elected by the American people. In December of 1998, President Bill Clinton signed the Kyoto Protocol, a 1997 international treaty signed by 192 nations committing to reduce greenhouse gas emissions. But the US Senate passed a resolution of disapproval with a vote of 95-0, so the treaty was never submitted to the Senate for ratification. Cap and trade legislation was rejected by Congress in 2003, 2005, 2007, and 2009. Last week the US House of Representatives [passed](#) a resolution opposing a carbon tax.

While advocates of climate common sense are pleased with the recent court decisions, the acceptance that humans are causing dangerous climate change by the oil and gas defendants is very disappointing. Evidence [shows](#) that natural factors, not emissions from industry, dominate global temperatures.

Nor are the feared climate disasters happening. Evidence [shows](#) that storms, droughts, or floods are neither more frequent nor more severe than in past decades. Oceans are rising 7-8 inches per century, not the 20 feet per century [predicted](#) by former Vice President Al Gore and others. And the polar bears are doing just fine.

A simple example is the question of snow extent. The Boulder, Colorado lawsuit [alleges](#) that warming caused by oil companies is “reducing the snowpack” in Colorado mountains. While some areas have received less snow, satellite data from the Rutgers University Global Snow lab [shows](#) that both North American and Northern Hemisphere snow extent has been increasing for the last 40 years.

Like most efforts to “fight climate change,” climate lawsuits are a massive waste of taxpayer money. Cities, counties, and states are spending millions of dollars on futile public nuisance lawsuits that are doomed to failure.

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