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Supporting Legal and Regulatory Certainty for Lawful Energy Production and Related Activities

Sponsors

Representative Neil Riser, Louisiana
Representative Rick Beck, Arkansas
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WHEREAS, the members of the Southern States Energy Board ("SSEB") play a critical role in producing, transporting, refining, and delivering the affordable and reliable energy resources that power the nation's economy and support American energy security; and

WHEREAS, growing electricity demand driven by data centers, manufacturing reshoring, and electrification requires continued investment in reliable baseload energy generation; and

WHEREAS, affordable and dependable energy supplies are essential to economic growth, manufacturing competitiveness, job creation, national security, and the quality of life of citizens throughout the United States; and

WHEREAS, energy producers, manufacturers, agricultural enterprises, transportation providers, and other industrial sectors operate within extensive federal and state regulatory frameworks governing environmental protection, workplace safety, and operational compliance; and

WHEREAS, climate-related civil liability actions have been brought by states, cities, and counties (local governments), and other parties against energy producers and other industries seeking damages or other remedies for alleged injuries, property damage, economic losses, deception, or environmental harms arising from global climate change or greenhouse gas emissions, as well as to punish and chill disfavored speech on issues of public importance, bypassing legislators and forcing energy policy through state courts; and

WHEREAS, such litigation seeks to address complex global phenomena through state court actions against individual entities whose activities are otherwise lawful and heavily regulated; and

WHEREAS, the causes, impacts, and responses to global climate change involve complex questions of energy, environmental, economic, and public policy that are best addressed through federal and state legislative and regulatory processes informed by robust public debate rather than through the imposition of civil liability for regulated activities, which may have negative implications for the development and implementation of those policies; and

WHEREAS, uncertainty regarding potential climate-related civil liability may affect investment decisions, capital formation, domestic energy development, infrastructure development, employment and costs ultimately borne by consumers and ratepayers; and

WHEREAS, clear and predictable legal and regulatory frameworks provide greater certainty for businesses, consumers, investors, and policymakers while maintaining accountability and enforcement parameters for violations of applicable laws, regulations, and permits; and

WHEREAS, the Southern States Energy Board recognizes the importance of preserving the authority of states to establish energy and environmental policy through their respective legislative and regulatory processes and of maintaining appropriate causes of action for conduct that violates applicable laws, regulations, and permits; and

WHEREAS, policies that provide legal and regulatory certainty for energy production and related activities can support interstate commerce, domestic energy development, investment, economic growth, energy security, and reliable and affordable energy supplies.

THEREFORE, BE IT RESOLVED, that the Southern States Energy Board supports policies providing that civil liability for alleged harms arising from or relating to global climate change or greenhouse gas emissions should not be imposed on persons or entities solely on the basis of their production, manufacture, transportation, storage, processing, refining, or sale of fossil fuels; and

BE IT FURTHER RESOLVED, that SSEB supports preserving appropriate causes of action for unlawful conduct, including violations of applicable laws, regulations, and permits; property rights, or other conduct for which liability is already or currently established; and

BE IT FURTHER RESOLVED, that SSEB supports clear and predictable legal and regulatory frameworks that provide certainty for energy producers, consumers, investors, and other stakeholders; preserve state authority over energy and environmental policy; support reliable and affordable energy supplies; and promote continued investment in domestic energy production, manufacturing, and critical infrastructure; and

BE IT FURTHER RESOLVED, that SSEB encourages all members to consider these principles in the development and evaluation of laws, regulations, permits and policies to limit climate-related civil liability and encourage energy production, consistent with each jurisdiction's respective laws, regulatory structures, and policy priorities; and

BE IT FURTHER RESOLVED, that copies of this resolution shall be transmitted to the Governors, legislative leadership, attorneys general, and appropriate energy and environmental officials of the Southern States Energy Board member states and territories, and other interested parties.