

Environmental Advocacy Clinic, Vermont Law & Graduate School
Environmental Justice Clinic, Vermont Law & Graduate School
Goldman Sonnenfeldt Environmental Protection Clinic, Yale Law School

March 13, 2024

Senate Committee on Judiciary
Vermont State House
115 State Street
Montpelier, VT 05633-5301
Attn: Benjamin Donsbach, Committee Assistant, bdonsbach@leg.state.vt.us

Re: S.259

Dear Chair Sears and Members of the Committee:

We are faculty leaders of environmental law clinics who have followed with interest the introduction of S.259. Although modestly described as “[a]n act relating to climate change cost recovery,” the bill is in our view enormously important for Vermont and, indeed, for the world.

S.259 would, for the first time in the United States and arguably anywhere on the planet, unmistakably establish the responsibility of fossil fuel companies to help cover the monetary costs of adapting to the harmful impacts of climate change. The bill’s provisions are vital to the future of Vermont, as made tragically plain by the catastrophic flooding the state endured during July 2023 and during Tropical Storm Irene in 2011. The provisions also would become a model for other governments around the world to follow as they seek to establish accountability for the unbearable costs and consequences of climate change.

S.259 has been drafted to follow all legal and constitutional requirements. Nevertheless, it still may face challenge in court from industry actors who prefer to externalize with impunity the climate costs of fossil fuel use onto the public and future generations.

We write to express our willingness to partner with clients, stakeholders, and the State to help defend the legality and constitutionality of S.259 in court should such a challenge arise. The clinics we supervise are staffed by rising leaders of the bar and the environmental protection and justice movement – students who would relish the opportunity to preserve the vision of climate justice that S.259 represents. It is their future at stake.

Sincerely,

Christophe Courchesne

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