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March 21, 2025

The Honorable Thomas Umberg
Chair, Senate Judiciary Committee
1021 O Street, Room 3240
Sacramento, CA 95814

Re: SB 222 (Wiener), Climate disaster civil actions – OPPOSE

Dear Senator Umberg,

I am writing on behalf of the Kern County Board of Supervisors, in lockstep with CalChamber and a multitude of other stakeholder groups, to express our strong opposition to SB 222 (Wiener), which authorizes individuals to bring civil actions against parties deemed responsible for natural disasters and other extreme weather events. This bill, which closely resembles the previously introduced SB 1497 (Menjivar, 2024), would create significant economic and legal challenges for California while failing to meaningfully address the impacts of natural disasters.

SB 222 closely mirrors the intent and provisions of SB 1497, known as the “Polluters Pay Climate Cost Recovery Act of 2024”, which sought to hold fossil fuel companies financially accountable for climate-related damages in California. SB 1497, which Kern County also opposed, was ultimately moved to the inactive file in May 2024.

SB 222 would impose substantial costs on California residents and businesses by allowing individuals and attorneys to sue energy companies for damages related to natural disasters, including fires, floods, and extreme weather events. This bill does not require clear evidence of causation and instead applies vague and retroactive liability standards reaching back to 1965. A study by the California Center for Jobs and the Economy indicates that SB 222 would:

- Increase gasoline prices by 63%, reaching \$7.89 per gallon by 2026;
- Raise the average household’s annual costs by \$6,200;
- Increase electricity rates by 31%; and
- Lead to nearly 300,000 job losses per year, reducing wages and state tax revenues.

California is already struggling with an affordability crisis. Rather than enacting policies that further burden residents and businesses with higher costs, the Legislature should focus on solutions that make California more livable and economically sustainable.

SB 222 is riddled with legally questionable mandates that could result in costly and prolonged litigation. Key concerns focus on:

- Due Process: The bill imposes liability on energy companies without requiring proof of causation and applies vague, retroactive standards.
- Equal Protection: The bill unfairly targets a single industry for climate-related costs while ignoring the global nature of climate change and its multiple contributing factors.
- First Amendment: SB 222 could punish companies for statements deemed "misleading" or "deceptive," even if they constitute legitimate political speech.
- Supremacy Clause: The bill prevents companies from raising its unconstitutionality as a defense in court.
- Fifth, Fourteenth, and Eighth Amendment: The bill levies excessive fines and unfair penalties on targeted industries.

Given these substantial legal flaws, SB 222 would undoubtedly face extensive court challenges, ultimately delaying any potential outcomes and providing no immediate benefit to Californians affected by natural disasters.

SB 222 would also exacerbate the financial strain on California's insurance system by requiring the California FAIR Plan to file lawsuits against energy companies for climate-related damages. If private insurers do not file lawsuits under this bill, they would be penalized with an additional 10% assessment. This provision could further destabilize the already volatile property insurance market, making it even more difficult for Californians to secure affordable coverage.

By imposing billions in arbitrary, retroactive liability on a single industry, SB 222 sets a dangerous precedent for all sectors of California's economy. If this framework were applied to other industries, businesses across the state could face similar unpredictable liabilities, discouraging investment, innovation, and job growth.

In light of these concerns and considering the similarities between SB 222 and the previously shelved SB 1497, the Kern County Board of Supervisors strongly opposes this bill. We urge the Legislature to reject this misguided proposal and instead focus on policies that address disaster recovery and resilience without imposing excessive economic and legal burdens on Californians.

Sincerely,



Leticia Perez, Chair
Kern County Board of Supervisors

cc: Honorable Members, Senate Judiciary Committee
Honorable Members, Kern Legislative Delegation
Shaw Yoder Antwih Schmelzer & Lange