Committee Markup

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Committee on Judiciary, United States House of Representatives

September 16, 2026

Dear Chairman Jordan, Ranking Member Raskin, and Members of the House Judiciary Committee:

The **Consumer Choice Center** is an independent, non-partisan consumer advocacy group championing the benefits of freedom of choice, innovation, and abundance in everyday life. We champion smart policies that are fit for growth, promote lifestyle choice, and defend technological innovation.

As advocates for consumer choice and smart policy, we write to you to express our support for **H.R. 8330**, the *Stop Climate Shakedowns Act of 2026*.

The bill bars retroactive climate liability lawsuits, dismisses pending state proceedings, voids state "climate superfund" laws, and reaffirms exclusive federal jurisdiction over greenhouse gas emissions. Vermont and New York have already enacted superfund laws (New York's has been recently struck down in court), with at least nine other states considering similar proposals.

Rep. Hageman's bill rightly shuts down the climate-lawsuit racket: a regulation-by-litigation scheme where a handful of state AGs, contingency-fee firms and third-party litigation funders try to set national energy policy in the courts. Every dollar extracted from domestic producers in these lawsuits lands squarely on American consumers. Federal preemption is the only serious way to stop it, and we appreciate Rep. Hageman's leadership on these efforts.

As determined in *AEP v. Connecticut* (2011), the Clean Air Act displaces federal common-law nuisance claims for emissions, but this message is still ignored.

The Cost to Consumers

The Consumer Choice Center has long warned that the patchwork of state climate suits — bankrolled by outside financiers and pursued on contingency by plaintiff-side tort firms — functions as a backdoor regulatory regime that bypasses Congress and the EPA to impose multi-billion-dollar penalties on lawful activity, with costs flowing straight to consumers at the pump and on the power bill.

We all pay for this. And although a lot of attention has been given to the role that data centers are playing in local debates about energy bills, not enough has been said as to the adverse effect of ideological climate lawfare.

For the last decade in local courts, municipalities and states have waged their own legal battles against American energy providers to extract massive settlements over their alleged failure to acknowledge culpability in global climate change.

Most of these lawsuits have been launched by cities and states in friendly jurisdictions, banking on judges to link state consumer protection and nuisance laws with global climate change. It is no coincidence that most cases have been launched in Colorado, California and Hawaii, and progressive college town enclaves such as Carrboro, N.C., where more sympathetic state benches might allow cases to proceed.

These efforts have been coordinated by well-connected groups of state attorneys generals, university law programs and millions of dollars in funding from philanthropists who believe that climate litigation will help “bankrupt” oil and gas firms. David Bookbinder, a director at the Environmental Integrity Project who formerly was on the legal team in the suit launched against oil firms by the County of Boulder, Colo., recently admitted as much.

For many climate activists who have turned to the courts, the use of tort law is a deliberate attempt to weaponize America’s litigation addiction to further their goals of reining in fossil fuel companies, no matter the cost to consumers. It’s a carbon tax by another name. Research by economist Wayne Winegarden indicates that combining energy lawsuits seeking damages at (a conservative) $100 billion equates to a 31 cents per gallon price increase for consumers at the pump — meaning an extra $326 per household per year.

We welcome the opportunity to work with you to implement competitive and fair legal policies that will help promote certainty, reduce costs for Americans, and ensure American energy dominance.

Thank you for your attention to this matter,

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