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Attorney General Marshall Files Amicus Brief with Supreme Court to Stop Cities and States from Crippling the Energy Industry

(Montgomery) – Today, Alabama Attorney General Steve Marshall led a 20-state amicus brief in a major U.S. Supreme Court case about who gets to set energy policy for the country. The lawsuit was filed by the City and County of Honolulu, which seeks to impose billions of dollars in penalties on the energy industry for allegedly causing a “global climate crisis.” Honolulu claims that the companies deceived consumers about the emissions created by everyday products like gasoline.

“If Hawaiians want to rely on solar power, I have no problem with that,” Attorney General Marshall said. “But Honolulu cannot force its views onto Alabama – or any other State. Major decisions about our national energy policy must be made at the federal level, not dictated by one lawsuit brought by one city in its own courts.” He added, “It is especially hypocritical for Honolulu, which has reaped tremendous benefits from fossil fuels for travel and the tourism industry, to try to impose costs on the rest of the Nation, which also depends on energy to meet day-to-day needs.”

Alabama also led a coalition in September 2023, seeking then to block Minnesota’s attempt to bring a similar lawsuit in its state courts under Minnesota law. The new brief argues that cases involving interstate emissions must be brought under federal law, not state law. Otherwise, one State’s actions could violate the sovereignty of every other State to set its own energy and environmental goals. The brief further argues that Hawaii’s lawsuit creates an interstate controversy, which must be resolved by the federal courts. The Supreme Court must intervene before a state judge in Hawaii has the chance to impose what would be a massive tax on the energy system.

Attorney General Marshall led the 20-state brief with support from: Alaska, Arkansas, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, North Dakota, Oklahoma, South Carolina, Texas, Utah, and Wyoming.

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