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Attorney General Marshall and Coalition Challenge Vermont Superfund Act: Threatens America's Energy Independence

(Montgomery, Ala.) – Alabama Attorney General Steve Marshall has joined a coalition of 24 states challenging Vermont's Climate Superfund Act. Similar to a law recently enacted by New York, the statute levies massive retroactive penalties on America's coal, oil, and natural gas suppliers. It seeks to punish a small set of domestic energy producers for contributing to global greenhouse gas emissions from 1995 to 2024. The Act has no cap, so the fines levied on decades of past energy production could be in the billions. Vermont targets producers regardless of their compliance with federal environmental standards and regardless of how much Vermont and its citizens have benefited from affordable and reliable fuel.

"Vermont's action is both unlawful and deeply misguided," Attorney General Steve Marshall said. "For decades, Vermont has relied on essential energy resources and never complained. Yet now it seeks a way to extract huge sums from the American companies that have powered Vermont's economy – indeed, the global economy. We should be lockstep in our ambition to secure affordable, reliable energy for all Americans and for the future of American prosperity. I will take the fight wherever political ideology stands in the way of that future."

The lawsuit claims that Vermont's Climate Superfund Act will devastate traditional energy producers, leaving them with no other option than to curtail operations, resulting in massive job losses and price inflation. It will also shift power production to foreign countries like China, India, Iran, and Russia, whose energy industries are subject to fewer environmental regulations and are unlikely to face Vermont's massive fines.

As part of his Executive Orders to protect our nation's energy interests, President Trump promised federal reinforcements to help States fight laws like Vermont's. Delivering on that promise, the U.S. Department of Justice also filed a lawsuit Thursday challenging Vermont's law.

The West Virginia-led state coalition asked to join an existing suit brought by the U.S. Chamber of Commerce and the American Petroleum Institute filed in the U.S. District Court of Vermont. The suit lists Secretary of the Vermont Agency of Natural Resources Julie Moore and Director of the Vermont Agency of Natural Resources Climate Action Office Jane Lazorchak as defendants.

The coalition is asking the court to, among other things, issue an injunction and declare the Act both unconstitutional and preempted by federal statutes.



Alabama, West Virginia, Alaska, Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Missouri, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, and Wyoming are seeking to join the lawsuit.

[Read the coalition's lawsuit here.](#)