

September 4, 2026

Steve Marshall
Alabama Attorney General



For **press** inquiries only, contact:

Amanda Priest (334) 322-5694

William Califf (334) 604-3230

Page 1 of 2

Marshall Helps Secure Major Win as 21 States Defeat New York's \$75 Billion Energy Penalty Law

(Montgomery, Ala.) - Attorney General Steve Marshall announced that the U.S. District Court for the Northern District of New York deemed New York's Climate Change Superfund Act to be unenforceable and preempted by federal law. The law sought to impose \$75 billion in fines to energy producers for lawful energy production dating back decades. Attorney General Marshall joined a coalition of attorneys general, led by West Virginia, challenging the law, along with the Trump Administration and attorneys representing the coal, oil, and natural gas industries.

"This ruling puts a stop to New York's attempt to penalize two decades of lawful energy production that has put Alabamians to work and kept energy affordable for families and businesses across our state," Attorney General Marshall said. "New York cannot try to regulate the global energy industry by branding hardworking men and women and their employers as illegal operations and fine them \$75 billion. We will always fight to protect Alabama energy workers. That's why our coalition stepped in to fight this far-left policy, and why we won't let rogue liberal states get away with the same overreaching tactics."

In late July, the Court heard arguments in *West Virginia v. James*. Chief Judge Brenda Sannes issued a written ruling in favor of West Virginia. The Court held that the Climate Change Superfund Act was "simply beyond the limits of state law." New York's law conflicts with federal interests in applying uniform air pollution regulations. Congress struck a balance when it enacted the federal Clean Air Act, which provides exclusive rules for regulating alleged interstate air pollution. Because New York's law is inconsistent with the Clean Air Act, it cannot be enforced.

This victorious ruling is the first on this issue. The coalition is currently also challenging a similar Superfund law in Vermont. Legislation is also pending in several other states.

Background on the challenge of New York's Climate Change Superfund Act:

- Climate Superfund laws threaten America's energy independence by punishing energy producers for decades of prior energy production. New York's statute specifically targeted energy production from 2000 - 2024.
- The State of New York used and profited from the use of traditional energy, such as coal, oil, and natural gas, during the years in question.
- Energy producers faced mammoth fines despite following all existing laws and regulations.
- The Climate Change Superfund Act targeted only select traditional energy producers with crippling penalties. The Climate Superfund law aimed to impose \$75 billion in fines.



Attorney General Marshall joined West Virginia, Arkansas, Georgia, Idaho, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah and Wyoming in the lawsuit.

[Read the order here.](#)