

From: Roger Worthington <[REDACTED]>
Sent time: 04/22/2025 08:00:13 PM
To: Pete Korstad
Subject: Fwd: Letter to OR Delegation: Executive Order Targeting Climate Justice
Attachments: image001.png Executive Order Targeting Climate Justice_Oregon Delegation_042225.pdf Ripple statement 4-21-2024.pdf

Aloha Pete - hope you are well, sir.

Members of your faculty may be interested in the letter below.

Peace and Ducks



Roger Worthington
Bull Goose Looney/Founder

[REDACTED]
[REDACTED]
[REDACTED]
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Begin forwarded message:

From: Cindy Adams <[REDACTED]>
Subject: Letter to OR Delegation: Executive Order Targeting Climate Justice
Date: April 22, 2025 at 10:08:47 AM HST

To: '[REDACTED]',

[REDACTED],

'[REDACTED]',

'[REDACTED]',

'[REDACTED]',

'[REDACTED]',

[REDACTED]

<[REDACTED]>

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Cc: [REDACTED]

Dear Honorable Members of the Oregon U.S. Delegation,

Enclosed please find a letter on behalf of Roger Worthington in Support of our Climate Accountability Case (Multco vs. Exxon Mobil et al, CV 23CV25164 (Or. Circ. Ct.).

Thank you,

Cindy Adams
Paralegal

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^ Please respond to the San Pedro office

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April 22, 2025

VIA EMAIL and REGULAR MAIL

Sen. Ron Wyden
Sen. Jeff Merkley
Cong. Suzanne Bonamici
Cong. Val Hoyle
Cong. Andrea Salinas
Cong. Janelle Bynum
Cong. Maxine Dexter

Re: Executive Order Targeting Climate Justice

Dear Honorable Members of the Oregon U.S. Delegation:

President Trump on April 8, 2025, signed an Executive Order (EO) entitled "Protecting American Energy from State Overreach." The EO directs the Attorney General (AG) to identify all state and local regulations and "causes of action" that "burden" the use of oil and gas resources that may be preempted by federal law. The EO orders the AG to take action to stop any civil actions determined to be "illegal." Further, the President commands the AG to recommend additional executive or legislation action to stop the enforcement of climate accountability lawsuits.

On June 22, 2023, Multnomah County filed a climate accountability lawsuit against polluters within the oil and gas industry. The lawsuit alleges that the Oil and Gas industry has engaged in a sophisticated, decades long, multi-billion dollar campaign to deceive Oregonians about the health, environmental and economic impacts of burning fossil fuels in order to drive up consumption.¹ The County alleges violations of state common law theories of fraud, negligence, trespass and public nuisance and seeks damages to, among other things, cover the enormous costs to the taxpayers of adapting to a hotter climate that will exacerbate heat waves, wildfires, droughts and floods.

We believe the EO has targeted our case among others. We anticipate that after the 60-day period the U.S. Attorney General (AG) will recommend that Congress fashion retroactive legislation barring or preempting state common law tort cases like Multnomah

¹ "Fossil fuels are responsible for millions of premature deaths, trillions of dollars in damages, and the escalating disruption of ecosystems, threatening people, wildlife, and a livable future. The fossil fuel industry has obscured and concealed this evidence through a decades-long, multi-billion-dollar disinformation campaign aimed at blocking action to phase out fossil fuels." Wolfe, Oreskes, Ripple et al, "Scientists' Warning on Fossil Fuels," Oxford Open Climate Change, March 31, 2025, <https://academic.oup.com/oocc/article/5/1/kgaf011/8099165>. See Report from Bill Ripple, Ph.D., dated April 21, 2025, enclosed.

County's. Presumably, the AG might also recommend that the President withhold federal funding to the County unless the County drops the suit. It is likely that the AG will urge legislation that immunizes fossil fuel companies from tort liability, even though peer-reviewed literature now exists that uses generally accepted scientific methods to attribute causality of extreme heat events to specific emitters.¹ And the DOJ may attempt to intervene in Multco's lawsuit as a ploy to delay, disrupt and distract.

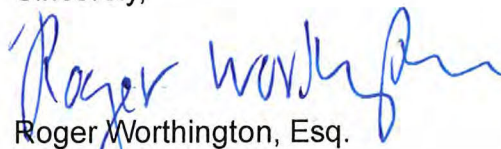
The EO is without any legal merit. Our U.S. Constitution does not confer upon the President, or the AG, the authority to unilaterally deem a lawsuit pending in state court alleging violations of state common law tort theories "illegal." Our case explicitly disclaims any violations of federal statutory or common law. Indeed, an Article III federal judge has already ruled that our case raises no federal questions and confers no federal subject matter jurisdiction.

It is well established that under the Tenth Amendment states and counties have the right to exercise their police powers to protect the public health, safety, and welfare. Moreover, the EO violates the Constitution's separation of powers, which prevents the President from acting as prosecutor, judge, and jury. It is the province of the Courts to adjudicate matters of preemption. Finally, the President's power to issue an EO must stem from an act of Congress, or the Constitution itself – neither of which are cited as a basis for EO here.

Climate change, as manifest in life-endangering heat domes, droughts, wildfires, and floods, and engendered by a decades-long and effective campaign of deception by the fossil fuel industry, presents a clear and present danger to the health and welfare of every Oregonian. Climate change is already costing Oregon's economy billions of dollars a year. Scientists and economists predict that the costs, both in blood and treasure, will escalate dramatically as we hurtle towards the tipping point. We remain undeterred in our mission to defeat the multiple motions to dismiss pending (including claims by defendants of federal preemption), robustly engage in discovery, proceed to trial, and put the facts in front of a jury in Multnomah County, so that justice will be done.

By June 8th, the AG will release her report, which we anticipate will lay out a plan to undermine, encumber, and ultimately attempt to dismiss our lawsuit. Neither the county, nor its counsel, will be intimidated. We are requesting an opportunity to meet and confer with each of you on the appropriate response when the report is released.

Sincerely,



Roger Worthington, Esq.

Outside Co-Counsel

County of Multnomah vs. ExxonMobil, et al, No. 23CV25164 (Cir. Ct. Oregon).

cc: Gov. Tina Kotek
Attorney General Dan Rayfield
Sec. of State Tobias Read

Enclosed: Report from Bill Ripple, Ph.D., dated April 21, 2025

¹ Callahan, Mankin. "Carbon Majors and the Scientific Case for Climate Liability," Nature, Feb. 6, 2025 (Using scope 1 and 3 emissions data from major fossil fuel companies, peer-reviewed attribution methods and advances in empirical climate economics, we illustrate the trillions in economic losses attributable to the extreme heat caused by emissions from individual companies. . . We outline a transparent, reproducible and flexible framework that formalizes how end-to-end attribution could inform litigation by assessing whose emissions are responsible and for which harms. Drawing quantitative linkages between individual emitters and particularized harms is now feasible, making science no longer an obstacle to the justiciability of climate liability claims."). Link: <https://doi.org/10.1038/s41586-025-08751-3> (link active on April 23, 2025)

Affidavit by Dr. William Ripple, April 21, 2025

I, Dr. William J. Ripple, am a Distinguished Professor of Ecology at Oregon State University and an internationally recognized expert in the fields of climate change, ecology, and ecosystem science. I have conducted extensive research on the impacts of climate change, particularly as they relate to all aspects of the environment and society. I have authored or co-authored over 200 peer-reviewed scientific articles on these and related topics. My work has been cited more than 45,000 times by scholars worldwide, demonstrating its broad influence in the scientific community.

In 2017, I led the publication of "World Scientists' Warning to Humanity: A Second Notice," which garnered endorsements from over 15,000 scientists worldwide (Ripple et al. 2017). This paper served as a follow-up to the original 1992 warning and highlighted several critical environmental challenges threatening planetary health. Among the most pressing issues addressed was climate change, identified as a significant driver of global environmental degradation. The warning emphasized that human activities, particularly the combustion of fossil fuels, have led to increased greenhouse gas emissions, resulting in global warming and associated climatic disruptions. Other concerns included deforestation, biodiversity loss, ocean dead zones, and scarcity of freshwater. We discussed the urgent need for transformative action to mitigate these threats and promote sustainable stewardship of the Earth.

As the Director of the Alliance of World Scientists since 2017, I have played a key role in mobilizing scientific consensus on climate issues, including the publication of the "World Scientists' Warning of a Climate Emergency," which has been endorsed by thousands of scientists globally. My research has been published in leading scientific journals, such as *Science*, *Nature Climate Change*, and *Proceedings of the National Academy of Sciences*, and has been widely covered in major media outlets, including *The New York Times*, *The Washington Post*, and *The Guardian*.

I am also the co-lead author of the annual *State of the Climate* report, published each year in *BioScience*. This report provides a comprehensive assessment of planetary health, drawing on a wide range of global climate indicators, including greenhouse gas emissions, temperature anomalies, sea level rise, ocean heat content, and extreme weather events. Additionally, the report examines ecological and societal impacts, such as deforestation, food production instability, and human displacement due to climate-related disasters. The *State of the Climate* report series is widely cited and serves as an important resource for policymakers, scientists, and the public, calling attention to notable trends and emphasizing the need for immediate climate action. Our 2024 *State of the Climate* Report was viewed more than one half million times as of February 2025 (Ripple et al. 2024).

Given my background, I am well-qualified to provide comments regarding the scientific basis for climate change, the role of fossil fuel emissions in driving these changes, and the specific risks and damage that counties and municipalities, including those in Oregon, are facing as a result. I declare that the foregoing comments are true and correct to the best of my knowledge and belief. The opinions expressed in this affidavit are based on a reasonable degree of scientific certainty, drawing from scientific reports, peer-reviewed literature, established methodologies, and my expertise in climate science. My conclusions are grounded in widely accepted scientific principles, including analysis of empirical data, climate modeling, and assessments from authoritative sources such as the Intergovernmental Panel on Climate Change (IPCC) and peer-reviewed studies.

I am providing this affidavit in my personal capacity. The views and opinions I provide in this affidavit are my own and may not necessarily reflect those of my employer, Oregon State University.

What is anthropogenic climate change (ACC)?

Anthropogenic climate change (ACC) refers to long-term shifts in global and regional climate patterns driven by human activities, particularly the emission of greenhouse gases (GHGs) from the combustion of fossil fuels, deforestation, and other types of land use change. The Intergovernmental Panel on Climate Change (IPCC) has confirmed with high confidence that human activities, especially those involving carbon dioxide (CO₂) emissions, are the primary driver of observed global warming since the mid-20th century (IPCC 2021). There is a strong linear relationship between atmospheric CO₂ levels and the resulting global temperature increase (Figure 1), leading to more frequent and severe climate impacts (IPCC 2021). Simply put, the more CO₂ we add to the atmosphere, the warmer it gets.

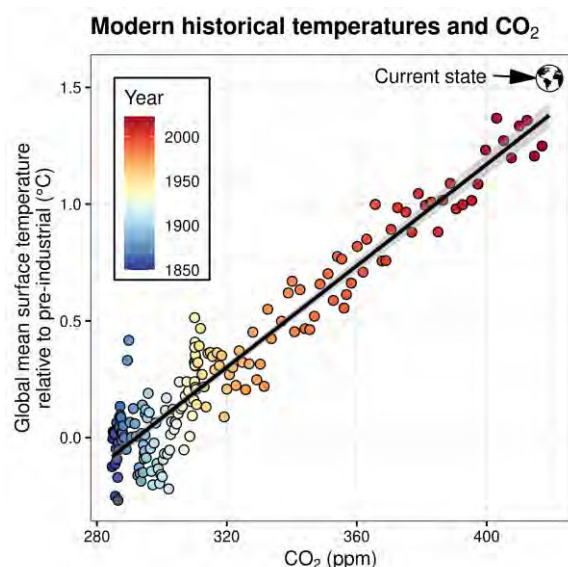


Figure 1. Recent temperatures and CO₂ levels are strongly correlated. Modern CO₂ data were obtained from Etheridge et al. (1996; 2001) for 1850–1978 and from Lan et al. (2024) for 1979–2023. Modern (1850–present) temperature data (B) were obtained from Rohde and Hausfather (2020).

Does the combustion of fossil fuels contribute to ACC?

Yes, the combustion of fossil fuels is the dominant source of anthropogenic greenhouse gas emissions, which drive climate change. As of 2022, global fossil fuel combustion and fossil fuel industrial processes accounted for approximately 90% of these emissions, whereas land-use change, primarily deforestation, accounted for approximately 10% (Figure 2; Ripple et al. 2024). These emissions accumulate in the atmosphere, enhancing the greenhouse effect by trapping heat and increasing global temperatures (IPCC 2021). Studies show that fossil fuel companies have significantly contributed to the rise in atmospheric CO₂ levels (Chen et al. 2022).

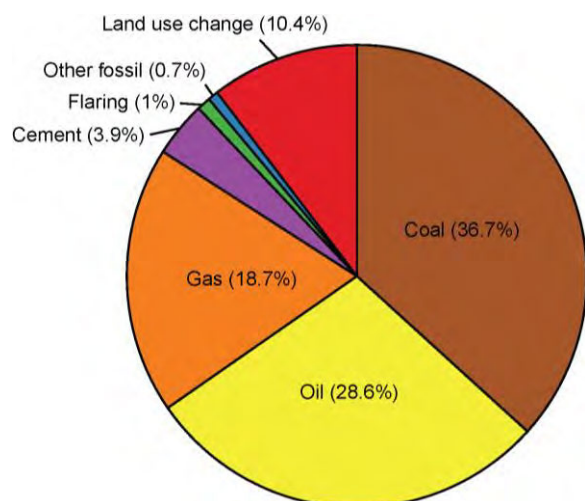


Figure 2. Global anthropogenic CO₂ emissions for 2022 by source. Total estimated emissions are 41.46 Gt CO₂ per year. Roughly 90% of CO₂ emissions (including the “Cement” category) are related to fossil fuel use compared to ~10% from land use change. Data are from the Global Carbon Budget (Friedlingstein et al. 2023).

Has ACC contributed to the probability, severity, and duration of extreme weather events, such as heat waves, droughts, floods, wildfires, and wildfire smoke, in and around Multnomah County? If so, generally, how so?

Yes, ACC has significantly increased the probability, severity, and duration of extreme weather events in Multnomah County. The 2021 Pacific Northwest heatwave, which brought record-breaking temperatures to Oregon, would have been "virtually impossible" without human-caused climate change (Philip et al. 2022). The event contributed to hundreds of deaths, marine life and forest losses, widespread ecosystem losses, and intensified wildfires (Overland 2021). Additionally, Multnomah County has experienced or is predicted to experience worsening droughts, heavy rainfall events, and wildfire smoke, all of which have been linked to rising global temperatures and altered atmospheric patterns (Heeter et al. 2023; Fleishman 2025). Portland's annual average temperature has risen by approximately 3°F since 1940, dramatically increasing the risk of extreme heat and compounding climate-related hazards (Portland State Climate Science 2024).

In view of current trends on the consumption of fossil fuels, is the surface temperature in Multnomah County expected to increase? If so, about how much over the next 50 years?

Yes, based on current fossil fuel consumption trends, surface temperatures in Multnomah County are expected to increase significantly over the next 50 years. The *Seventh Oregon Climate Assessment* projects that, without substantial reductions in greenhouse gas emissions, Oregon's annual average temperature will rise by at least 5°F by 2074 and up to 7.6°F by 2100, with the largest increases occurring in the summer months (Fleishman 2025). Portland's annual average temperature has already increased by 3.1°F since 1940 (Figure 3), a trend that is expected to continue as greenhouse gas emissions accumulate in the atmosphere (Portland State Climate Science 2024). The IPCC's Sixth Assessment Report confirms that there is a near-linear relationship between cumulative CO₂ emissions and global temperature rise, meaning that continued fossil fuel combustion will further amplify warming (IPCC 2021). Additionally, Dr. James Hansen, a top climate scientist, has described, with his collaborators, trends in global surface temperatures as accelerating more than predicted by the IPCC (Hansen et al. 2025).

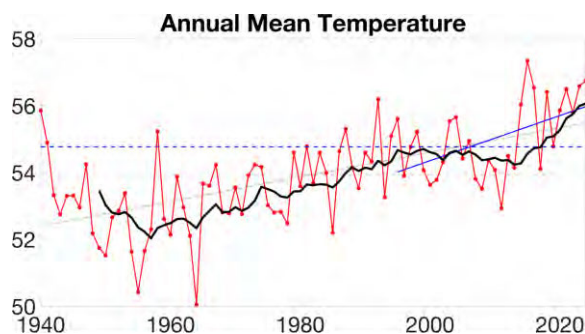


Figure 3. “Portland’s annual average temperature has warmed by about 3.1 degrees F since 1940. This warming trend is statistically significant. The warmest year on record was 2015. The warming rate over the most recent 30 years is greater than the warming rate over the entire record. Data updated through 2024.” Figure and caption are from Portland State Climate Science (2024).

Will increased temperatures have a foreseeable impact on the frequency, duration, and intensity of extreme events (described above) in and around Multnomah County?

Yes, increasing temperatures will intensify the frequency, duration, and severity of extreme weather events in Multnomah County, including heatwaves, droughts, wildfires, and extreme precipitation events. The 2021 Pacific Northwest heatwave demonstrated how climate change is already making extreme events more intense, with daily maximum temperatures breaking previous records by several degrees Celsius (Overland 2021; Philip et al. 2022). As the climate warms, extreme heat events that were once rare will become more frequent and prolonged, increasing the likelihood of record-breaking temperatures (Bercos-Hickey et al. 2022). Additionally, higher temperatures will exacerbate drought conditions by increasing evaporation rates, reducing soil moisture, and stressing water supplies, which in turn will contribute to more intense and widespread wildfires (Dahl et al. 2023; Heeter et al. 2023). Wildfire smoke, already a growing problem in the region, is projected to increase in duration and severity, leading to prolonged periods of poor air quality (Niemi 2025).

Will such ACC-related extreme events impact the health, safety, welfare, and natural resources in Multnomah County? If so, generally, how so?

Yes, climate change-driven extreme events will have profound impacts on the health, safety, welfare, and natural resources in Multnomah County. The 2021 heatwave led to a sharp increase in heat-related deaths and hospitalizations, particularly among vulnerable populations such as the elderly, low-income individuals, and those without access to cooling (Multnomah County Health Department 2021; Haggerty et al. 2024). Wildfire smoke exposure will likely worsen respiratory and cardiovascular health outcomes, increasing emergency room visits and hospital admissions for conditions like asthma, chronic obstructive pulmonary disease (COPD), and heart disease (Niemi 2025). Rising temperatures will also stress water resources, affect agricultural yields, and degrade ecosystems, leading to significant economic losses (Miller et al. 2024). Oregon’s economy is already experiencing climate-related financial losses, with estimates suggesting that climate change may reduce the state’s GDP by \$7,500 per person per year due to extreme weather events, wildfires, and resource depletion (Miller et al. 2024). Without aggressive mitigation and adaptation measures, these impacts will worsen, posing a growing threat to public health, infrastructure, and natural ecosystems.

If, hypothetically, all fossil fuel-related emissions were abated, how long generally will greenhouse gas molecules already in the atmosphere remain aloft?

The length of time that greenhouse gas molecules remain aloft is highly variable, depending on the specific greenhouse gas, the state of the Earth system, where the molecules ultimately end up (e.g., the ocean) or how they break down in the atmosphere, and random variability. Even if all fossil fuel-related emissions were halted immediately, some portions of greenhouse gases (GHGs) already in the atmosphere would persist for thousands of years. Carbon dioxide (CO₂), the primary driver of anthropogenic climate change, has a long atmospheric lifetime, with a portion remaining aloft for thousands of years (Archer and Brovkin 2008; Clark et al. 2016). Methane (CH₄), a more potent but shorter-lived greenhouse gas, lasts about 9.1 years before breaking down, primarily into CO₂ and water vapor (Prather et al. 2012). Global temperatures would not immediately return to pre-industrial levels even if emissions were stopped today partly because the climate system has significant thermal inertia, meaning it takes time to cool down even after emissions cease (IPCC 2021). Temperatures would also remain elevated due to lingering atmospheric GHGs. In other words, while immediate emissions abatement would slow further warming, much of the existing climate change impacts could persist for centuries.

The surface temperature in Portland, Oregon has risen about 3°F since 1940. Approximately how long after said hypothetical abatement of all fossil fuel emissions will the temperature in Portland remain elevated above 1960 levels (i.e., 317 ppm)?

If all fossil fuel emissions were halted today, Portland's temperature would remain elevated above 1960 levels for a very long time. Many climate models indicate that even if greenhouse gas emissions were completely stopped, global temperatures would remain elevated for centuries due to the long lifetime of CO₂ and the slow response of the climate system (MacDougall et al. 2020). Given that CO₂ levels were around 317 ppm in 1960 and are now over 420 ppm, it would take an extended period—potentially centuries—before Portland's temperature could return to mid-20th-century levels, even in the absence of additional emissions (MacDougall et al. 2020).

Is there a consensus in the scientific community on the severity of ACC and, if so, what is the consensus?

Yes, there is an overwhelming consensus in the scientific community that anthropogenic climate change (ACC) is occurring, is primarily driven by human activities, and poses severe risks to ecosystems, human health, and economies. The IPCC, which synthesizes research from thousands of climate scientists worldwide, has concluded with high confidence that human-induced greenhouse gas emissions are the dominant driver of observed global warming since the mid-20th century (IPCC 2021). Studies indicate that over 97% of climate scientists agree that global temperatures are rising due to human activities, primarily the combustion of fossil fuels (Cook et al. 2016; IPCC 2021). The scientific community also agrees that ACC is already contributing to more frequent and severe extreme weather events, including heatwaves, wildfires, droughts, and hurricanes (IPCC 2021; Philip et al. 2022). The U.S. National Academy of Sciences, the American Meteorological Society, and virtually every major scientific organization worldwide have affirmed the severity of ACC and the urgent need for mitigation and adaptation efforts.

I recently coauthored a journal article regarding a scientists' warning on fossil fuels (Wolf et al. 2025). In this peer-reviewed paper, we attribute approximately 90% of carbon dioxide emissions to the burning of fossil fuels. We also attribute much of the escalation of consumption of fossil fuels to a sophisticated and effective long term campaign of disinformation and deception by the oil and gas industry. In the abstract we wrote: "Fossil fuels are responsible for millions of premature deaths, trillions of dollars in damages,

and the escalating disruption of ecosystems, threatening people, wildlife, and a livable future. The fossil fuel industry has obscured and concealed this evidence through a decades-long, multi-billion-dollar disinformation campaign aimed at blocking action to phase out fossil fuels”.

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