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Media Contact: Glenn Lammi | glammi@wlf.org | 202-588-0302

WLF Urges Supreme Court to Block State Climate-Change Tort Suits

(Suncor Energy v. County of Boulder)

“Allowing state courts to regulate global climate change through tort suits threatens national economic stability and federal authority.”

—Cory Andrews, WLF General Counsel & Vice President of Litigation

WASHINGTON, DC—Washington Legal Foundation (WLF) today urged the U.S. Supreme Court to review a decision of the Colorado Supreme Court in a climate-change suit by Boulder County against major energy companies. WLF contends that the suit, pursued under state law, usurps federal authority and risks economic chaos by assigning liability for a global phenomenon. WLF joined the Atlantic Legal Foundation and the Federation of Defense & Corporate Counsel on the amicus brief.

The case stems from a 2018 lawsuit by Boulder County against Exxon Mobil and Suncor Energy, alleging that their fossil fuel activities exacerbated climate change and caused local harm under state tort laws. Despite the suit’s global implications, the Colorado Supreme Court, in a 5-2 decision, rejected the companies’ federal preemption defense and allowed the case to proceed in state court.

The amicus brief argues that climate-change tort claims implicate uniquely federal interests, requiring a uniform federal rule of decision rather than a patchwork of state rulings. The proliferation of such suits could impose crippling liabilities on the energy sector, disrupt interstate federalism, and undermine national economic and security interests, necessitating Supreme Court intervention to halt this disastrous trend.

Celebrating its 48th year, WLF is America’s premier public-interest law firm and policy center advocating for free-market principles, limited government, individual liberty, and the rule of law.

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