

FOR IMMEDIATE RELEASE

February 23, 2026

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

Supreme Court Grants Review of Boulder County’s Climate-Change Tort Suit (*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—Earlier today, the U.S. Supreme Court agreed to review a decision of the Colorado Supreme Court in a climate-change suit by Boulder County against major energy companies. The decision was a victory for Washington Legal Foundation (WLF), which contends that the state-law suit 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 an amicus brief urging review.

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.

WLF’s amicus brief argued 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. Besides the question presented by the petition, the Court directed the parties to also brief and argue whether the Court has statutory and Article III jurisdiction to hear the case.

Celebrating its 49th 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.

###