

SIX REASONS TO SUE

BRIEFING NOTE

Climate change is going to cost Toronto. We must plan on spending billions of dollars to rebuild the homes, businesses and municipal infrastructure damaged by floods, storms and heat waves made more extreme by climate change. We will spend even more to make our city more resilient in the face of those impacts. And most importantly, Torontonians will experience devastating loss and suffering – a cost that will be felt by all but which will hit the most vulnerable groups hardest. [1] Toronto is already unaffordable for many residents [2] and the costs of climate change impacts could mean spending less on important services and on making the city more liveable.

The more we invest in making Toronto climate resilient, the less Toronto residents will suffer and the less we will pay for repairs. But who should help pay for these climate change-related costs is a question that cities across North America are struggling with.

In light of game-changing investigations exposing oil companies' decades-long efforts to cast doubt on climate science, [3] Greenpeace Canada urges Toronto City Council to explore joining New York, San Francisco and other cities in taking major oil companies to court.

Just like tobacco companies knew their products caused cancer but hid that information from the public, major oil companies have known for decades that their products would cause climate change. [4] So like the tobacco companies who have been held accountable for the health care costs associated with smoking, big polluters should have to pay their fair share of building a more climate-safe city.



"The recent Toronto flood is yet another example of an increase in severe weather events across the country. As a direct result of climate change these flooding events are occurring more frequently and with greater intensity, with escalating costs to both taxpayers and insurers." [5] - Kim Donaldson, Insurance Bureau of Canada, 2018

HERE ARE SIX EVIDENCE-BACKED REASONS WHY THE CITY OF TORONTO SHOULD EXPLORE LEGAL ACTION AGAINST OIL COMPANIES.

#1. Climate change is impacting Toronto now and it's going to get worse

Climate change is no longer a problem for the distant future – it is a problem here and now.

- The most recent report from the Intergovernmental Panel on Climate Change warned that climate change is already causing more extreme weather and that rising temperatures will bring even greater risks to human health, livelihoods, assets and ecosystems from heat waves, heavy rain, drought and associated wildfires. [6]
- According to the City of Toronto's own assessment, we already have a "hotter, wetter, and wilder" Toronto due to climate change. Protecting the city from extreme weather must be a top priority.[7]
- Toronto's Medical Officer of Health [8] and the Canadian Medical Association [9] have identified climate change as an important health concern, increasing risks related to heat waves, air pollution, mental health and more.
- According to the Insurance Bureau of Canada, the Greater Toronto Area has had six "100 year storms" since 2005. [10]

SIX
REASONS
TO SUE

1



#2. Dealing with climate impacts is expensive ... and insurance won't cover it all

Extreme weather is already causing massive damage to Toronto-area infrastructure, homes, services and businesses.

- The July 2013 storm that required GO trains to be evacuated by police boats resulted in over \$850 million in insurance claims, making it the most expensive disaster in Ontario's history. [11] Insurance Group Swiss Re calculated that insurance covered only about two-thirds of the total losses from these Toronto floods, creating a sizeable "protection gap." [12]
- The May 2018 wind storm that hit the GTA caused over \$500 million in insured damage. [13]
- The Insurance Bureau of Canada estimates that for every dollar in insured damages to homes and businesses, governments must spend three dollars to repair infrastructure. [14]

#3. A few big polluters are responsible for the lion's share of greenhouse gas emissions

New research has shown that the largest 25 fossil fuel producers are responsible for the majority of the world's human-caused greenhouse gas pollution since 1988. [15] That list contains big multinational and state-owned oil companies like Saudi Aramco (4.5% of total emissions since 1988), ExxonMobil (3.5%), Shell (1.7%) and BP (1.5%). Scientists are also now able to identify and quantify the part human-caused climate change plays in specific extreme weather events. [16] This makes it possible to link corporate emissions to impacts.

#4. Oil polluters knew their products would cause climate change but misled us

Oil companies like Exxon have known that burning fossil fuels would lead to climate change for at least 50 years. Rather than warn the public about the danger, they spent millions to deceive the public and policymakers as part of a sophisticated, decades-long effort to delay and prevent action to reduce the demand for their products. [17]

#5. Other cities are suing oil companies over climate costs

Ten cities in the United States, including New York, San Francisco and Baltimore, are holding Big Oil financially responsible for its role in global warming-related damages. [18] Their lawsuits are modelled on the successful cases against tobacco companies, which hid the devastating health impacts of cigarettes from consumers but were ultimately made to pay over US\$206 billion in damages. [19]

In Canada, 20 local governments have sent climate accountability letters to 20 of the world's largest fossil fuel companies, asking these companies to pay a fair share of local costs. [20] Victoria's city council has asked the Union of B.C. Municipalities to explore initiating a lawsuit on behalf of local governments and encouraging the province to support local governments in recovering climate change costs from major fossil-fuel corporations. [21]

#6. Fairness and accountability: Finding Big Oil's missing fair share

History shows that those who mislead the public, the market, or the government about the risks of their products, or the availability of safer alternatives, can face substantial legal liability. Tobacco companies are paying over US\$200 billion in the United States to cover tobacco-related health care costs [22] and are being sued for CDN\$50 billion in Ontario. [23]

Just like Big Tobacco, Big Oil hid what they knew about the harms caused by their products and they should pay their fair share of the costs. The more our local government has to spend cleaning up after climate-fuelled disasters, the less money there will be to invest in the things that make our lives better — like better public transit, affordable housing and social services.

END NOTES

- [1] City of Toronto (2018). *Resilient Toronto: ResilientTO Initiative, 2017-2019*. Pg. 9. URL: https://www.toronto.ca/wp-content/uploads/2018/05/8e13-180503_Final_PRA_summary_vDIGITAL.pdf
- [2] Demographia (2019). *15th Annual Demographia International Housing Affordability Survey: 2019*. Pg. 5. URL: <http://www.demographia.com/dhi.pdf>
- [3] Amicus Brief filed by the Center for Climate Integrity et al. in support of San Mateo County case against Chevron et al. (2019). URL: http://blogs2.law.columbia.edu/climate-change-litigation/wp-content/uploads/sites/16/case-documents/2019/20190129_docket-18-15499-18-15502-18-15503_amicus-brief-7.pdf
- [4] Centre for International Environmental Law (November 2017). *Smoke and Fumes: The Legal and Evidentiary Basis for Holding Big Oil Accountable for the Climate Crisis*. URL: <https://www.ciel.org/wp-content/uploads/2019/01/Smoke-Fumes.pdf>
- [5] Insurance Bureau of Canada (7 September 2018). URL: <http://www.IBC.ca/on/resources/media-centre/media-releases/toronto-flood-causes-over-80-million-in-insured-damage>
- [6] IPCC (2018). *Global Warming of 1.5°C*. URL: www.ipcc.ch/site/assets/uploads/sites/2/2019/02/SR15_Chapter3_Low_Res.pdf
- [7] City of Toronto (2018). *Resilient Toronto: ResilientTO Initiative, 2017-2019*. Pg. 2. URL: https://www.toronto.ca/wp-content/uploads/2018/05/8e13-180503_Final_PRA_summary_vDIGITAL.pdf
- [8] City of Toronto (15 November 2016). *Climate Change and Health Strategy: 2016 Update*. URL: <https://www.toronto.ca/legdocs/mmis/2017/pe/bgrd/backgroundfile-99379.pdf>
- [9] Canadian Medical Association (7 December 2018). *Lancet Countdown 2018 Report: Briefing for Canadian Policymakers*. URL: <https://www.cma.ca/its-public-health-emergency-cma-board-member-authors-lancet-report-health-impacts-climate-change>
- [10] Insurance Bureau of Canada (2015). *The Economic Impacts of the Weather Effects of Climate Change on Communities*. Pg. 95. URL: <http://assets.IBC.ca/Documents/Studies/IBC-The-Economic-Impacts.pdf>
- [11] Natural Resources Canada (2016). *Climate risks and adaptation practices for the Canadian transportation sector 2016*. Pg. 275. URL: <https://www.nrcan.gc.ca/sites/www.nrcan.gc.ca/files/earthsciences/pdf/assess/2016/Chapter-9e.pdf>
- [12] Swiss Re (2016). *The road to flood resilience in Canada*. Pg. 6. URL: https://media.swissre.com/documents/The_road_to_flood_resilience_in_Canada.pdf
- [13] Insurance Bureau of Canada (17 September 2018). URL: <http://www.IBC.ca/on/resources/media-centre/media-releases/toronto-flood-causes-over-80-million-in-insured-damage>
- [14] Insurance Bureau of Canada (16 January 2019). URL: <http://www.IBC.ca/on/resources/media-centre/media-releases/severe-weather-causes-190-million-in-insured-damage-in-2018>
- [15] Griffin, Paul (2017). *The Carbon Majors Database CDP Carbon Majors Report 2017*, Climate Accountability Institute. URL: <https://6fefcbb86e61af1b2fc4-c70d8ead6ced550b4d987d7c03fcdd1d.ssl.cf3.rackcdn.com/cms/reports/documents/000/002/327/original/Carbon-Majors-Report-2017.pdf?1501833772>
- [16] Union of Concerned Scientists (2018). *The Science Connecting Extreme Weather to Climate Change*. URL: <https://www.ucsusa.org/our-work/global-warming/science-and-impacts/climate-attribution-science#.XF232VxKhPY>
- [17] Amicus Brief filed by the Center for Climate Integrity et al. in support of San Mateo County case against Chevron et al. (2019). URL: http://blogs2.law.columbia.edu/climate-change-litigation/wp-content/uploads/sites/16/case-documents/2019/20190129_docket-18-15499-18-15502-18-15503_amicus-brief-7.pdf
- [18] Climate Liability News (2 August 2018). URL: <https://www.climate-liabilitynews.org/2018/08/02/climate-liability-lawsuits-nyc-san-francisco-oakland/>
- [19] State of California Department of Justice. Master Settlement Agreement (1998). URL: <https://oag.ca.gov/tobacco/msa>
- [20] West Coast Environmental Law (1 March 2019). <https://www.wcel.org/media-release/20-local-governments-ask-20-fossil-fuel-companies-pay-share-local-climate-costs>
- [21] West Coast Environmental Law (18 January 2019). URL: <https://www.wcel.org/media-release/environmental-lawyers-applaud-victorias-recommendation-lawsuit-against-fossil-fuel>
- [22] State of California Department of Justice. Master Settlement Agreement (1998). URL: <https://oag.ca.gov/tobacco/msa>
- [23] Ontario Ministry of the Attorney General (Nd). URL: https://www.attorneygeneral.jus.gov.on.ca/english/tobacco_litigation.php

Photos: Tom Ryaboi / Greenpeace