



April 1, 2025

The Honorable Scott Wiener
1021 O Street, Suite 8620
Sacramento, CA 95814

Re: **SB 222 (Wiener), as amended March 28, 2025 – OPPOSE – Creates new private right of action that is arbitrary, vague, retroactive, and unconstitutional**

Dear Senator Wiener:

The below-listed organizations respectfully **OPPOSE** your **SB 222, as amended March 28**. While we appreciate recent amendments to the bill that removed a few problematic provisions, the fundamental problems with the bill remain as set forth below:

1. SB 222 would drive up costs for California consumers and wreak havoc on the economy.

Even as amended, SB 222 would still create a new mechanism for individuals and lawyers to sue California's energy companies for damages caused by natural disasters like fires, floods, hurricanes, and earthquakes. The bill is still vague and retroactive – newly added intent language refers to alleged activity from the 1950s and 1960s. It bases liability on events “attributable to

climate change” without defining “attributable” and without providing any time bounds on attribution.

Additionally, SB 222 continues to allow a private right of action against energy companies without proof of causation – there is no requirement of any evidence that energy companies’ actions caused the alleged damages. To sue, a person need only allege the damage was the result of a climate disaster. As a result, SB 222 still blatantly violates the U.S. Constitution.

Because these fundamental flaws with SB 222 persist, the bill would still result in higher costs for all Californians. According to an independent study by the California Center for Jobs and the Economy, SB 222 would drive up costs for gasoline, diesel, electricity, and natural gas – resulting in a massive increase to the state’s already-high cost of living.

Specifically, SB 222 would, by 2026, increase:

- the price per gallon of gas to \$7.89 per gallon, a 63% hike;
- the average household’s costs by \$6,200 per year; and
- electricity rates by 31%.

In addition to enormous new costs imposed on California consumers, the bill would harm the state’s economy, with nearly 300,000 jobs lost each year, reducing wages and state tax revenues, according to the California Center’s study.

Finally, the bill would still exacerbate the tremendous financial strain already felt by the FAIR Plan, as well as private insurers. It *mandates* the FAIR Plan to bring – and penalizes private insurers with an extra 10% assessment if they *do not* bring – unconstitutional lawsuits under this bill.

2. SB 222 is unconstitutional and would spawn costly and lengthy legal challenges to its provisions.

Even with the recent amendments, SB 222 is still riddled with legal issues, including the following likely Constitutional violations:

- **Violates due process:** The bill would impose billions of dollars in liability related to alleged climate-related disasters upon energy companies, using vague and retroactive standards without requiring proof of causation. The bill also would prevent energy companies from limiting liability to intentional conduct or in proportion to fault, by making them jointly, severally, and strictly liable.
- **Violates equal protection:** The bill would hold a single industry responsible for all the costs associated with any alleged climate-related disasters, ignoring the inherently global nature of climate change and the multitude of factors and sources purportedly contributing thereto.
- **Violates the Fifth, Fourteenth, and potentially the Eighth Amendments.** The bill would levy excessive fines by creating billions of dollars in retroactive liability for lawful conduct.

As a result of these substantial legal flaws, SB 222 would still generate a host of costly legal challenges to its provisions that could potentially last for a decade or more.

3. SB 222 sets a terrible precedent for all industries and would do nothing to help with Los Angeles wildfire recovery.

By singling out one industry for billions of dollars in arbitrary, retroactive liability, SB 222 would set a horrible precedent for every industry in California. Indeed, the bill begs the question: which industry will be targeted next?

And, while the bill is brought in response to the devastating Los Angeles wildfires, SB 222 would do nothing to benefit victims and survivors. By creating a new, blatantly unconstitutional way to sue, SB 222 would be tied up in litigation for years. SB 222 will not actually help Californians recover from alleged climate-related disasters.

Our state's citizens are looking for the Legislature to enact policies that make California affordable, not create gigantic new costs for consumers.

For the foregoing reasons, we must respectfully **OPPOSE SB 222**. Thank you for your consideration. If you have any questions or would like to discuss our position, please contact: Chris Micheli at (916) 743-6802, cmicheli@snodgrassmicheli.com; or Soyla Fernandez at (916) 995-4278, sfernandez@fernandezgov.com.

Sincerely,



Kyla Christoffersen Powell
President & Chief Executive Officer

On behalf of the below-listed organizations:

Civil Justice Association of California – Kyla Christoffersen Powell
Agricultural Energy Consumers Association – Michael Boccadoro
American Chemistry Council – Tim Shestek
American Pistachio Growers – Zachary Fraser
American Property Casualty Insurance Association – Mark Sektnan
American Tort Reform Association – Sherman Joyce
Bay Area Council – Jim Wunderman
Building Owners and Managers Association of California – Matthew Hargrove
California Building Industry Association – Karim Drissi
California Business Properties Association – Matthew Hargrove
California Business Roundtable – Oracio Gonzalez
California Chamber of Commerce – Jonathan Kendrick
California Fresh Fruit Association – Daniel Hartwig
California Fuels + Convenience Alliance – Alessandra Magnasco
California Hispanic Chambers of Commerce – Julian Canete

California Manufacturers and Technology Association – Elizabeth Esquivel
California Renewable Transportation Alliance – Nicole Rice
California Retailers Association – Ryan Allain
California Rice Commission – Timothy A. Johnson
California Taxpayers Association – Peter Blocker
Central Valley Business Federation – Clint Olivier
Council of Business and Industries – Raully Butler
East Bay Leadership Council – Mark Orcutt
Family Business Association of California – Robert Rivinius
Garden Grove Chamber of Commerce – Claudette Baldemor
Grower-Shipper Association of Central California – Christopher Valadez
Harbor Association of Industry and Commerce – Henry Rogers
Howard Jarvis Taxpayers Association – Scott Kaufman
Industrial Association of Contra Costa County – Mark Hughes
Kern Citizens for Energy – Tracy Leach
Los Angeles County Business Federation – Brian Johsz
National Association of Mutual Insurance Companies – Christian Rataj
National Federation of Independent Business – Tim Taylor
Nisei Farmers League – Manuel Cunha, Jr.
Orange County Business Council – Jeffrey Ball
Personal Insurance Federation of California – Allison Adey
Redondo Beach Chamber of Commerce – Dominik Knoll
San Gabriel Valley Economic Partnership – Matthew Lyons
South Bay Association of Chambers of Commerce – Kimberly Caceres
Southern California Leadership Council – Mike Roos
U.S. Chamber Institute for Legal Reform – Jeanne Walker
Western Plant Health Association – Renee Pinel
Western Propane Gas Association – Krysta Wanner
Western States Petroleum Association – Zachary Leary

cc: Members, Senate Judiciary Committee
Christian Kurpiewski, Consultant, Senate Judiciary Committee
Morgan Branch, Senate Republican Caucus