

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1931 Session of
2025

INTRODUCED BY WEBSTER, HOWARD, HILL-EVANS, PROBST, SANCHEZ,
K.HARRIS AND GREEN, OCTOBER 7, 2025

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 8, 2025

AN ACT

1 Providing for a judicial forum for claims for damages stemming
2 from climate disasters, extreme weather attributable to
3 climate change and harms resulting from long-term changes to
4 the climate system.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Extreme
9 Weather Recovery Act.

10 Section 2. Legislative intent.

11 The General Assembly finds and declares as follows:

12 (1) The General Assembly finds that responsible parties
13 shall be accountable to harmed parties.

14 (2) The General Assembly explicitly authorizes a right
15 of action to harmed parties, including individuals,
16 businesses and associations.

17 (3) The Commonwealth has a sovereign and compelling
18 interest in providing a forum for individuals, businesses and
19 associations sustaining injuries and harms caused by

1 responsible parties' deceptive behavior and linked to the
2 harms of responsible parties' products and actions.

3 (4) It is the intent of the General Assembly to provide
4 a judicial forum for the efficient, just and equitable
5 resolution of harmed parties' claims for damages stemming
6 from climate disasters, extreme weather attributable to
7 climate change and harms resulting from long-term changes to
8 the climate system against responsible parties.

9 Section 3. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Amount in controversy." The damages claimed or relief
14 demanded by the injured party or parties in a lawsuit.

15 "Climate disaster." An event that meets any of the following
16 threshold qualifications and is determined by impact attribution
17 science or extreme event attribution science to be substantially
18 worsened or caused by climate change from responsible parties'
19 products or extreme weather attributable to climate change from
20 responsible parties' products:

21 (1) A major disaster as defined by the Federal Emergency
22 Management Agency Glossary in July 2024.

23 (2) A catastrophic incident as defined by the Federal
24 Emergency Management Agency Glossary in July 2024, not
25 including events linked to terrorism.

26 (3) An event that does qualify, or would have qualified,
27 for inclusion on the National Centers for Environmental
28 Information's Billion-Dollar Weather and Climate Disasters
29 program and data list as it existed in July 2024.

30 (4) A state of emergency or disaster declaration as

defined in 35 Pa.C.S. § 7301(c) (relating to general authority of Governor).

"Covered period." The period from 1965 to the effective date of this section.

"Extreme event attribution science." Research aimed at understanding how human-induced changes in the global climate system affect the probability, severity and other characteristics of extreme weather events such as hurricanes and heat waves.

"Extreme weather attributable to climate change." Weather, climate or environmental conditions, including temperature, precipitation, drought or flooding that are consistent with impacts or events that are attributable to climate change and where the intensity, magnitude, location, timing or extent of the event lie outside the historical distribution of measurements for that type of event or impact for a particular place and time of year. The term includes events that extreme event attribution science determines were made more likely or severe by climate change.

"Gross negligence." Negligence which is materially greater than the mere absence of reasonable care under the circumstances and which is characterized by indifference to or reckless disregard of the rights of others.

"Harmed parties." A person, business or association harmed or suffering damages in the amount of at least \$10,000 as a result of a climate disaster or extreme weather attributable to climate change.

"Impact attribution science." Research aimed at understanding how global climate change affects human and natural systems, including localized physical impacts, such as

floods, droughts and sea level rise, and the corresponding effects on infrastructure, public health, ecosystems, agriculture and economies.

"Long-term changes to the climate system." The following:

(1) Increases in average temperature.

(2) Disruptions to ocean chemistry, circulation and temperature.

(3) Sea level rise.

(4) Variation in precipitation.

(5) Saltwater intrusion into drinking water.

(6) Sunny day flooding.

(7) Decreased snowpack and seasonal water availability.

(8) Drought.

(9) Species mortality and extinction.

"Qualified product." A fossil fuel product, including:

(1) Crude petroleum oil and all other hydrocarbons, regardless of gravity, that are produced at the wellhead in liquid form by ordinary production methods.

(2) Natural, manufactured, mixed and byproduct hydrocarbon gas.

(3) Refined crude oil, crude tops, topped crude, processed crude, processed crude petroleum, residue from crude petroleum, cracking stock, uncracked fuel oil, fuel oil, treated crude oil, residuum, gas oil, casinghead gasoline, natural-gas gasoline, kerosene, benzine, wash oil, waste oil, blended gasoline, lubricating oil and blends or mixtures of oil with one or more liquid products or byproducts derived from oil or gas.

"Responsible party." A firm, corporation, company, partnership, society, joint stock company or any other entity or

1 association that emitted or caused to be emitted through the
2 extracting, storing, transporting, refining, importing,
3 exporting, producing, manufacturing, distributing, compounding,
4 marketing or offering for wholesale or retail sale, a qualified
5 product with total greenhouse gas emissions of at least one
6 billion metric tons of carbon dioxide equivalent during the
7 covered period. The term does not include any public utility,
8 public authority or the Commonwealth or its political
9 subdivisions.

10 "Statute of limitations." An action under this act must be
11 commenced within three years after the cause of action accrued.

12 "Strict liability." Liability that does not depend on actual
13 negligence or intent to harm but that is based on the breach of
14 an absolute duty to make something safe.

15 Section 4. Civil action enforcement.

16 (a) Exclusivity.--The requirements of this act shall be
17 enforced exclusively through the civil actions described in this
18 act.

19 (b) Conditions.--A person, other than an officer or employee
20 of a State or local governmental entity, may bring a civil
21 action against a responsible party when the following conditions
22 are met:

23 (1) The person qualifies as a harmed party.

24 (2) During any part of the covered period, the
25 responsible party did business in this Commonwealth, was
26 registered to do business in this Commonwealth, was appointed
27 an agent of the Commonwealth or otherwise had sufficient
28 contacts with the Commonwealth to give the Commonwealth
29 jurisdiction over the responsible party under State law.

30 (3) The statute of limitations for the action has not

1 expired.

2 (c) Liability.--A responsible party is jointly and severally
3 liable to a plaintiff for strict liability if the plaintiff is a
4 harmed party.

5 (d) Location of action.--A harmed party shall be entitled to
6 bring an action against a responsible party for recovery of
7 damages in:

8 (1) the county in which all or a substantial part of the
9 events giving rise to the action occurred;

10 (2) the county of residence for any one of the natural
11 person defendants at the time the cause of action accrued;

12 (3) the county of the principal office in this
13 Commonwealth of any one of the defendants that is not a
14 natural person; or

15 (4) the county of residence for any plaintiff if the
16 plaintiff is a natural person residing in this Commonwealth.

17 (e) Transfer of venue.--If a civil action is brought under
18 this act in one of the venues described in subsection (d), the
19 action may not be transferred to a different venue, including
20 Federal court, without the written consent of all parties.

21 (f) Enforcement.--

22 (1) The fact that a harmed party brings legal action
23 against a responsible party under this act shall not be an
24 independent basis for enforcement of any other law of this
25 Commonwealth, or the denial, revocation, suspension or
26 withholding of any right or privilege conferred by the law of
27 this Commonwealth or a political subdivision, or a threat to
28 do the same, by this Commonwealth, a political subdivision, a
29 district, county or city attorney or an executive or
30 administrative officer or employee of this Commonwealth or a

1 political subdivision, or a board, commission or similar body
2 assigned authority to do so under law, against any person.

3 (2) A civil action predicated upon a violation of this
4 act shall not be brought by this Commonwealth, a political
5 subdivision, a district, county or city attorney or an
6 executive or administrative officer or employee of this
7 Commonwealth or a political subdivision.

8 (g) Construction.--Nothing in this act shall be construed
9 to:

10 (1) Limit the enforceability of any other laws that
11 regulate or prohibit any conduct relating to climate
12 disasters, extreme weather, greenhouse gas emissions or
13 consumer protection.

14 (2) Replace legally mandated disaster recovery funds,
15 designated disaster recovery funds established via
16 legislation or administrative rule or contractually obligated
17 or court-ordered insurance claim payouts.

18 (h) Award.--If a claimant prevails in an action brought
19 under this section, the court shall award all of the following:

20 (1) The full extent of noneconomic, compensatory and
21 punitive damages allowable under the laws of this
22 Commonwealth.

23 (2) Compensatory damages in an amount of not less than
24 the fair market value of recovering, recouping, rebuilding or
25 remediating the value of lost, damaged and destroyed
26 property.

27 (3) Compensatory damages in an amount not less than the
28 cost of injuries to the harmed party, including medical care,
29 mental and behavioral health care, past and present pain and
30 suffering and emotional distress.

1 (i) Time limitation.--A cause of action under this section
2 shall be extinguished unless the action is brought not later
3 than three years after the cause of action accrues.

4 (j) Injury in fact.--

5 (1) The connection of a climate disaster, extreme
6 weather attributable to climate change or harms resulting
7 from long-term changes to the climate system to alleged
8 injuries shall be deemed an injury in fact for all residents
9 of, and visitors to, this Commonwealth harmed by the event.

10 (2) A person alleging injuries under this subsection
11 shall have standing to bring a civil action under this act.

12 (k) Mediation or arbitration.--An action brought under this
13 section may be resolved by settlement through mediation or
14 arbitration upon written consent of both parties. Mediation or
15 arbitration may not be mandated by the courts of this
16 Commonwealth.

17 (l) Intervention prohibited.--The Commonwealth, a
18 Commonwealth official or a district, county or city attorney may
19 not intervene in an action brought under this section. This
20 subsection does not prohibit a person described by this
21 subsection from filing an amicus curiae brief in the action.

22 (m) Costs and fees.--A court may not award attorney fees or
23 costs to a defendant in an action brought under this section,
24 unless the plaintiff was represented by counsel in the action
25 and plaintiff's counsel is found to be in violation of the rules
26 of professional conduct or civil procedure in this Commonwealth.

27 (n) Acts or omissions.--An action under this section shall
28 not be brought against the Federal Government, the Commonwealth,
29 a political subdivision or an employee of the Federal
30 Government, the Commonwealth or a political subdivision on the

basis of acts or omissions in the course of discharge of
official duties.

Section 5. Offsets to damages and defenses to liability.

(a) Offsets.--All of the following are offsets to damages:

(1) Payments made to a harmed party under a contract of insurance. An insurer has the right to bring a subrogation action against a responsible party for recovery of payments made to a harmed party under a contract of insurance regardless of whether the insured has been made whole.

(2) Evidence that a harmed party fully recovered from a public body for alleged injuries.

(b) Affirmative defense.--The defendant has the burden of proving an affirmative defense under this subsection by a preponderance of the evidence. All of the following are affirmative defenses to an action brought under this act:

(1) Evidence of intentional destruction of property or intentional worsening of damage to reach the amount in controversy threshold.

(2) Evidence of gross negligence by the harmed party.

Section 6. Fee and cost shifting from challenges to enforcement.

(a) Liability for fees.--A person who seeks declaratory or injunctive relief to prevent the Commonwealth, a political subdivision, a governmental entity or public official or a person in this Commonwealth from enforcing any portion of this statute, Pennsylvania Rules of Civil Procedure or any other related law that promotes consumer protection and remedies to injuries from climate disasters, extreme weather attributable to climate change and harms resulting from long-term changes to the climate system, or that represents any litigant seeking relief,

1 is jointly and severally liable to pay the attorney fees and
2 costs of the prevailing party.

3 (b) Prevailing party.--For purposes of this section, a party
4 is considered a prevailing party if a court does either of the
5 following:

6 (1) dismisses any claim or cause of action brought by
7 the party seeking the declaratory or injunctive relief
8 described in subsection (a), regardless of the reason for the
9 dismissal; or

10 (2) enters judgment in favor of the party opposing the
11 declaratory or injunctive relief described in subsection (a),
12 on any claim or cause of action.

13 (c) Time limit for recovery of fees.--Regardless of whether
14 a prevailing party sought to recover attorney fees or costs in
15 the underlying action, a prevailing party under this section may
16 bring a civil action to recover attorney fees and costs against
17 a person that sought declaratory or injunctive relief described
18 under subsection (a) not later than the third anniversary of the
19 date on which, as applicable:

20 (1) The dismissal or judgment described in subsection
21 (b) becomes final upon the conclusion of appellate review.

22 (2) The time for seeking appellate review expires.

23 (d) Defense.--The following are not a defense to an action
24 brought under subsection (c):

25 (1) A prevailing party under this section failed to seek
26 recovery of attorney fees or costs in the underlying action.

27 (2) The court in the underlying action declined to
28 recognize or enforce the requirements of this section.

29 (3) The court in the underlying action held that any
30 provision of this section is invalid, unconstitutional or

preempted by Federal law, notwithstanding the doctrines of issue or claim preclusion.

(e) Not deemed prevailing party.--A person who seeks declaratory or injunctive relief as described in subsection (a) shall not be deemed a prevailing party under this act.

Section 7. Limitations.

This act shall not be construed to:

(1) Authorize the initiation of a cause of action under this act against an entity that is not a responsible party.

(2) Authorize the initiation of a cause of action under this act when the amount in controversy requirements are not met.

(3) Wholly or partly repeal, either expressly or by implication, any other statute that regulates or prohibits any conduct relating to climate disasters, extreme weather attributable to climate change and harms resulting from long-term changes to the climate system.

Section 8. Effects.

(a) Remedies.--The remedies provided in this act are in addition to any other remedy available to a person or the Commonwealth at common law or under statute. This act may not be interpreted to prevent a person or the Commonwealth from pursuing a civil action or any other remedy available at common law or under statute.

(b) Rights, liabilities and remedies.--This act does not:

(1) Relieve the liability of an entity for damages resulting from climate change.

(2) Preempt, displace or restrict any rights or remedies of a person, the Commonwealth, units of local government or tribal government under law relating to a past, present or

1 future allegation of any of the following:

2 (i) Deception concerning the effects of fossil fuels
3 on climate change.

4 (ii) Damage or injury resulting from the role of
5 fossil fuels in contributing to climate change.

6 (iii) Failure to avoid damage or injury related to
7 climate change, including claims for nuisance, trespass,
8 design defect, negligence, failure to warn or deceptive
9 or unfair practices and claims for injunctive,
10 declaratory, monetary or other relief.

11 (c) No preemption or displacement.--This act does not
12 preempt, supersede or displace any State law or local ordinance,
13 regulation, policy or program that:

14 (1) Limits, sets or enforces standards for emissions of
15 greenhouse gases.

16 (2) Monitors, reports or keeps records of emissions of
17 greenhouse gases.

18 (3) Collects revenue through fees or levy taxes.

19 (4) Conducts or supports investigations.

20 Section 9. Severability.

21 The provisions of this act are severable. If any provision of
22 this act or its application to any person or circumstance is
23 held invalid, the invalidity shall not affect other provisions
24 or applications of this act which can be given effect without
25 the invalid provision or application.

26 Section 10. Effective date.

27 This act shall take effect in 60 days.