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CLIMATE LITIGATION IS EVERYTHING, EVERYWHERE, ALL AT ONCE

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Climate change is reshaping social and natural systems, and that includes the law. Individuals and advocacy groups are increasingly turning toward the courts as the conclusions of climate scientists become more refined and robust, jurisdictions continue to enact laws and regulations related to climate change, and as climate impacts increase in frequency and intensity.

RISING TIDE OF CLIMATE LITIGATION

While media coverage tends to spotlight certain cases—typically claims filed by states and cities against fossil fuel companies or youth plaintiffs against governments—these high-profile lawsuits are merely the tip of the proverbial iceberg.

The universe of climate litigation is much deeper, broader, and more widespread. Below the surface lurk cases of every shape and stripe. From cases about environmental review for renewable energy installations, to permitting challenges over gas-fired power plants used for cryptocurrency mining, to relatively routine but numerous insurance disputes, climate litigation engages virtually every area of law and reaches courtrooms in every corner of the country.

Columbia Law School's Sabin Center for Climate Change Law maintains the definitive public database for climate litigation. Searchable, with filters allowing users to narrow their results by claim, jurisdiction, or year filed, the database catalogues cases where climate science, policy, or law is a material issue of law or fact.[1] Most entries include links to various case documents, including briefs and rulings, offering the public an important window into where, when, and on what grounds climate cases are filed, as well as how they are being resolved.

The number of cases in the database has steadily risen. While climate litigation consisted of just a handful of cases in the early 2000s, since 2019, more than 200 climate cases have been filed each year. The lengthy nature of litigation means that as time goes on, cases accumulate, with many hundreds of these cases currently pending in the United States.

In total, as of early 2025, the database included more than 2,900 climate cases across the world. While more than 60 percent of these cases are in the United States, cases have been filed in more than 55 countries on multiple continents. In the United States, federal courts hear a slightly greater percentage of the cases, but around 45 percent of cases are in the state courts. And while some states have more cases

than others—for instance, California has the largest share of cases of any one state, many brought under the state's environmental review law, the California Environmental Quality Act—it is remarkable that 49 states, along with Puerto Rico and Guam, all have at least one case where climate change features as a central issue.

COMMON TYPES OF CLIMATE LITIGATION

The sheer variety of climate-related cases is perhaps the most striking aspect of climate litigation today. The most common climate cases recorded in the database are those brought under the National Environmental Policy Act[2] and state-equivalent environmental review laws, but plaintiffs have brought a wide variety of cases that include constitutional, statutory, regulatory, and common law claims and legal theories in both state and federal courts. In this way, there is no one template or one type of climate case; rather they involve the same range of issues present in any other category of litigation.

Mitigation Cases

As public and private actors face increasing pressure to reduce emissions, lawsuits often allege that an entity has failed to establish or uphold its pledge to mitigate. Mitigation cases can be based on regulations, constitutional rights, or rights under international treaties and agreements. These cases concern everything from vehicle fuel standards to carbon credit trading. In perhaps an unexpected example from Massachusetts, solar panels clashed with religious freedom after the Bedford Historic Commission denied a Unitarian church's request to install rooftop solar panels. The church-plaintiffs argued that because "respect for the interdependent web of all existence of which we are a part," is a principle of their faith, the denial violated their First Amendment freedom of religion.[3] The Massachusetts trial court rejected that claim but ultimately found that the Commission's denial was arbitrary and outside their authority, ordering the Commission to grant the church's request.

Adaptation

Many other cases relate to climate change adaptation, measures designed to prepare for unavoidable climate impacts, which can implicate zoning and building requirements, among other issues. In one California case, owners of oceanside property in Encinitas challenged the California Coastal Commission's development requirement that a proposed residence be set back 60 to 62 feet from the coastal bluff. In upholding the requirement, the appellate court noted that the Commission's use of erosion rates was reasonably based on estimates of projected sea level rise.[4] Similar cases assessing reconstruction and zoning requirements in coastal or flood-prone areas have been heard in other jurisdictions, including a dispute about permitting restrictions in a flood-prone area going all the way to the Connecticut Supreme Court.[5]

In addition to mitigation and adaptation cases, lawsuits also stem from the physical impacts of climate change, such as drought, wildfires, extreme heat, hurricanes, tropical storms, and changing precipitation patterns.[6] The lines between these categories can be blurry and a single case may involve multiple aspects.

Consider wildfires. Between prevention strategies and the aftermath of devastating events, wildfires have provoked lawsuits related to land use (such as development in at-risk areas, logging and vegetation practices, and livestock grazing), attribution and accountability (including challenges to insufficient wildfire risk plans and class action securities suits accusing companies of misrepresenting exposure to wildfire risk), occupational safety concerning smoke exposure, endangered species protection, and more. These wildfire-related examples represent just one constellation in the wider universe of litigation that stems from climate change impacts.

LURKING BELOW THE SURFACE: CLIMATE LITIGATION BEYOND THE DATABASE

While you can find all these cases and more on Sabin's database, the story of climate litigation does not end there. The database does not capture "cases

that may have a direct impact on climate change, but do not explicitly raise climate issues."[7] It also does not include litigation with climate change as a motivation, even if the suit is transparently motivated by a desire to address climate change, unless climate-change law, science, or policy is a material issue.[8] The result is that we have an incomplete understanding and, with it, a likely underappreciation of just how consequential climate change is for litigation. In other words, ice of uncertain and unpredictable proportions lurks beneath the surface.

A case in Utah about the Great Salt Lake provides an illustration. The lake, a defining feature of Utah and the American West, has been experiencing diminishing water levels with more frequent drought conditions. A coalition of non-profit environmental groups sued Utah alleging that the state was not doing enough to protect the lake under its public trust responsibilities.[9] The complaint does not focus on climate change, and climate change issues are not material to the case, but climate change is a "secondary contributor" to the lake's declines,[10] meaning the case could be framed as a direct response to a significant climate impact and an attempt to craft a solution in response. Significantly, the case involves the issue of how states can and should manage their natural resources.

Another area of growing concern is insurance. Searching Sabin's database for "insurance" returns only a dozen or so hits, but in the wake of weather and climate events like wildfires, hurricanes, and floods, property owners file insurance claims for damaged assets including cars, houses, or land. The numbers of claims resolved through litigation can be staggering.

For instance, after Hurricane Maria devastated Puerto Rico in 2017, a single judge was responsible for thousands of insurance cases. In *one storm*, the number of insurance cases generated rivals the cumulative number of cases catalogued over the past three decades. A similar inundation of insurance claims followed Hawaii's 2023 Lahaina wildfires, where a $4 billion settlement related to the claims is at stake.[11]

Scientists and insurance companies are both connecting this onslaught of claims to climate change.[12] Insurers have filed their own lawsuits against public officials for failing to properly prepare for or manage climatic impacts,[13] and they have been pulling coverage from climate-risky areas. In 2023 for instance, nonrenewal rates rose 46 percent across all states, with policyholders in Florida and Louisiana seeing the worst of those rates.[14] The overlap between those states and climate hazards is hardly coincidental. As the frequency and intensity of these hazards escalate and more populations are impacted by extreme weather or altered or canceled policies, climate-related insurance cases will only become more common.

It's happening outside courts of general jurisdiction too. Often overlooked, state public utility commissions (PUCs, known in some states as public service commissions) are frequently at the center of decisionmaking around energy permitting, transmission, and how to balance a state's decarbonization goals with affordability and reliability.[15] Some of these consequential decisions about the future of the energy transition happening across the country will not raise climate as a material issue, although their outcome undeniably will affect whether and how fast emissions are reduced.

CONCLUSION

Litigation that directly involves aspects of climate change is growing in volume and scope, as people turn to the courts to prevent and mitigate the effects of climate change. In addition, litigation indirectly related to climate change is similarly growing as the changing climate impacts our energy system, the insurance market, real estate, and more. Far beyond the tip-of-the-iceberg cases on which the media is focused, climate change is already intertwined with the legal landscape in many ways beneath the surface.

Notes

1 Sabin Center For Climate Change Law, Climate Change Litigation Databases, available at https://climatecasechart.com/.

2 42 U.S.C. § 4321 et seq.

3 See Compl., The First Parish in Bedford v. Historic District Comm'n of Town of Bedford, No. 16-1844 (Mass. Sup. Ct. June 27, 2016), available at https://climatecasechart.com/case/first-parish-in-bedford-unitarian-universalist-v-historic-district-commission-of-town-of-bedford/.

4 Lindstrom v. California Coastal Comm'n, No. D074132 (Cal. Ct. App. 2019), available at https://climatecasechart.com/case/lindstrom-v-california-coastal-commission/.

5 WG Woodmere LLC v. Town of Hempstead, No. 20-CV-03903 (E.D.N.Y. Dec. 1, 2022), available at https://climatecasechart.com/case/wg-woodmere-llc-v-town-of-hempstead/; Mayer-Wittmann v. Zoning Bd. Of Appeals of the City of Stamford, No. SC 19972 (Conn. 2019), available at https://climatecasechart.com/case/mayer-wittmann-v-zoning-board-of-appeals-of-the-city-of-stamford/.

6 Climate Change 2021: The Physical Science Basis. Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change, Summary for Policymakers (2023), available at https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC_AR6_WGI_SPM.pdf (see A.3, stating that "Human-induced climate change is already affecting many weather and climate extremes in every region across the globe").

7 The database acknowledges it may not be comprehensive given the challenges associated with identifying and collecting case information. Sabin Center for Climate Change Law, Climate Change Litigation Databases, About https://climatecasechart.com/about/.

8 Id.

9 Ben Winslow, Great Salt Lake Collaborative, Has Utah Failed to Protect the Great Salt Lake? A Judge Will Decide if Lawsuit Goes Forward, Fox13 Salt Lake City (Sept. 17, 2024), https://www.fox13now.com/news/great-salt-lake-collaborative/has-utah-failed-to-protect-the-great-salt-lake-a-judge-will-decide-if-lawsuit-goes-forward.

10 Benjamin W. Abbott et al., Emergency Measures Needed to Rescue Great Salt Lake From Ongoing Collapse 8 (2023); see also Christopher Flavelle, As the Great Salt Lake Dries Up, Utah Faces an "Environmental Nuclear Bomb," N.Y. Times (June 22, 2023), https://www.nytimes.com/2022/06/07/climate/salt-lake-city-climate-disaster.html.

11 Stewart Yerton, Judge: All Maui Wildfire Insurance Claims Must Be Made Public, Honolulu Civil Beat (Nov. 7, 2024), https://www.civilbeat.org/2024/11/judge-all-maui-wildfire-insurance-claims-must-be-made-public/.

12 See David Keelings & José J. Hernández Ayala, Extreme Rainfall Associated With Hurricane Maria Over Puerto Rico and Its Connections to Climate Variability and Change, 46 Geophysical Rsch. Letters 2964 (2019), https://agupubs.onlinelibrary.wiley.com/doi/full/10.1029/2019GL082077.

13 See, e.g., Illinois Farmers Insurance Co. v. Metropolitan Water Reclamation District of Greater Chicago, No. 14-CV-03251 (N.D. Ill. June 3, 2014) (filing notice to dismiss lawsuit since companies "believe[d] our lawsuit brought important issues to the attention of the respective cities and counties"), available at https://climatecasechart.com/case/illinois-farmers-insurance-co-v-metropolitan-water-reclamation-district-of-greater-chicago/.

14 Mira Rojanasakul & Christopher Flavelle, See Where Home Insurance Policies Were Dropped in Your State, N.Y. Times (Dec. 18, 2024), https://www.nytimes.com/interactive/2024/12/18/climate/insurance-nonrenewal-rates-policies-state-map.html.

15 Brian Martucci, State Utility Regulators Grapple with Load Growth, Reliability and Permitting Amid Energy Transition, Utility Dive (May 17, 2024), https://www.utilitydive.com/news/state-utility-regulators-load-growth-reliability-permitting-cleanpower/716336/.