October 18, 2022

Governor Gavin Newsom  
1021 O Street, Suite 9000  
Sacramento, CA 95814  
Leg.unit@gov.ca.gov

The Honorable Anthony Rendon, Assembly Speaker  
1021 O Street, Suite 8330  
Sacramento, CA 95814  
Assemblymember.rendon@assembly.ca.gov

The Honorable Toni Atkins, Senate pro Tempore  
1021 O Street, Suite 8518  
Sacramento, CA 95814  
senator.atkins@senate.ca.gov

Re: Calling a Special Session of The Legislature To Establish A Refiner Windfall Profit Cap

Dear Governor Newsom, Assembly Speaker Rendon, and Senate pro Tempore Atkins,

Consumer Watchdog and our allies in the fight for a fossil free California support Governor Newsom’s call for lawmakers to pass a windfall profit tax on the five biggest refiners in the state in a special session. We thank Governor Newsom for rightly standing up for Californians who are being taken advantage at the gas pump by a cartel of oil refiners who are making windfall profits at their expense.
As you know, California gas prices at the pump have reached stratospheric levels approaching $7 a gallon in some places. Only the legislature can answer the Governor’s call with a windfall profits tax that takes back the unreasonable profits oil refiners have been making off Californians’ pain at the pump.

Consumer Watchdog research shows that the “gouge gap” between the average price per gallon at the pump in California and what consumers pay in the rest of the United States is approaching $3. This is not all a function of pent-up demand from the pandemic, the war in Ukraine, and OPEC decisions. It's a consequence of five big oil refiners in California who make 97% of the gasoline and have intentionally restricted supply to artificially drive-up prices. Thus, a windfall profit tax is sorely needed to bring California gas prices under control.

In the second quarter of 2022, California’s five biggest refiners—Chevron, Marathon, PBF Energy Phillips 66 and Valero—raked in $26 billion in profits, virtually doubling profits from the year before. In June, California’s gouge gap with U.S prices was $1.25 per gallon and today it is more than twice that. Second quarter 2022 profits reported by the refiners for the Western region were three to ten times higher than they were the same quarter of 2021. They were also higher than in any other region reported. Read a review of investor profit reports here.

At the end of the month, when these refiners begin issuing third quarter results, we expect to see still greater profits because production costs have not risen. The oil industry claims that the gouge gap is due to California’s environmental taxes and fees, but that simply is not true. As Consumer Watchdog’s report, Taxing Oil Refiners’ Windfall Profits: How To Get Back What Californians Overpay At The Pump, explains, those taxes and fees make up at most 69 cents per gallon of gas:

Added CA Costs From Environmental Regulation And Taxes

Added state taxes = 25 cents
(Average state tax is 29 cents/ CA taxes are 54 cents)
Low carbon fuel standard = 16 cents
Cap and trade = 26 cents
Underground storage = 2 cents

Difference = 69 cents

Other countries, particularly throughout Europe, have not been shy about imposing windfall profit taxes on energy companies to raise billions of dollars to help society’s most vulnerable, as our report documents. It is time for California to do the same.
Now that the California Oil Refinery Cost Disclosure Act, SB 1322 (Allen) is law, refiners will start reporting their profits per gallon of gas monthly in 2023. It's time to take back unreasonable levels of profits.

Legislative leaders must now follow through with a sensible and straightforward law to tax the unconscionable profits that refiners are reaping, not because of any ingenuity or hard work on their part, but because they are able to take advantage of hard-working consumers simply by gouging.

We stand ready to support you on the path to building a future beyond fossil fuels for California.

Sincerely,

Liza Tucker
Consumer Advocate
Consumer Watchdog

Chirag Gunvantbhai Bhakta
California Director
Food & Water Watch
Food & Water Action

Collin Rees
Senior Campaigner
Oil Change International & Oil Change U.S.

Woody Hastings
Fossil Fuel Phase Out Manager
The Climate Center

Matt Nelson
Executive Director
Presente

Teresa Bui
State Climate Policy Director
Pacific Environment

Caroline Henderson
Senior California Climate Campaigner
Greenpeace USA

Barbara Sattler
Leadership Council Member
California Nurses for Environmental Health and Justice

Edith Thacher
Chapter Lead, Sacramento Chapter
Citizens' Climate Lobby

Ilonka Zlatar
Climate Justice Organizer
Oil and Gas Action Network

Shauna Smith
Coordinator
Therapists for Social Responsibility

Harry Wang, MD
President
Physicians for Social Responsibility
Sacramento

Robert M. Gould, MD
President
San Francisco Bay Physicians for Social Responsibility

Shannon Smith
Executive Director
FracTracker Alliance

Heidi Harmon
Senior Public Affairs Director
Let’s Green CA!

Dan Ress
Staff Attorney
Center on Race, Poverty & the Environment
Laura Neish  
Executive Director  
350 Bay Area

Jason Pfieifle  
Senior Campaigner  
Center For Biological Diversity Action Fund

Beth Novak Milliken  
President & CEO  
Spottwoode Estate Vineyard & Winery

Allan W. Moskowitz  
Certified Financial Planner  
Transformative Wealth Management, LLC

Rachel Altman  
Administrator  
Santa Barbara Standing Rock Coalition

Marily Woodhouse  
Director  
Battle Creek Alliance & Defiance Canyon  
Raptor Rescue

Kevin D. Hamilton, RRT  
Co-Founder & Co-Director  
Central California Asthma Collaborative

David Swanson  
Campaign Coordinator, RootsAction  
Executive Director, WorldBeyondWar.org

Betsy Taylor  
Executive Director  
Livelihoods Knowledge Exchange Network

Wendy Ring, MD, MPH  
Climate 911

Haley Ehlers  
Associate Executive Director  
Climate First: Replacing Oil & Gas

Barbara Rhine  
Co-Chair Legislative Working Group  
1000 Grandmothers for Future Generations

Ramona Cornell du Houx  
Communications Director  
Elected Officials to Protect America

Brigitta Van Der Raay  
Chair, Climate Reality Project  
Santa Barbara Chapter

Arnold Sowell, Jr.  
Executive Director  
NextGen California

Lisabeth Ryder  
Co-Chair  
Center for Environmentally Recycled Building Alternatives

Joseph W. Smith  
Owner/Manager/Founder  
Let's Go Farm

Gary Hughes  
Americas Program Coordinator  
Biofuelwatch

Bill Allayaud  
CA Director of Gov't Affairs  
Environmental Working Group

Jack Eidt  
Co-Founder  
SoCal 350 Climate Action

Carla Grady  
Administrator  
Transition Sebastopol
Sarah Adina Smith
Director
Friend of a Friend, LLC

Sherry Lear
Organizer
350 South Bay Los Angeles

Jessica Craven
Steering Committee Co-Chair
Feminists in Action Los Angeles

Alex Masci
Coordinator
CA Youth Vs Big Oil

Alan Weiner
Chapter Lead
350 Conejo/San Fernando Valley

Jan Dietrick
Policy Team Lead
350 Ventura County Climate Hub

Faith Myhra
Protect Playa Now

Paula Seales
Organizer
Santa Cruz Climate Action Network

Nayamin Martinez
Director
Central California Environmental Justice Network

Michael Stocker
Director
Ocean Conservation Research

Janet Cox
Interim Chair
Climate Action California

Michael Rochmes
Steering Committee Member
350 Southland Legislative Alliance

Jennifer Tanner
Indivisible CA Green Team

Jacqueline Steuer
Co-Chair
Earth Care Alliance

Katherine DaSilvaJain, Leadership Team Member
North and South California Chapters
Elders Climate Action

Shoshanna Wechsler
Coordinator
Sunflower Alliance