

Climate Change: The Early Days

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The extent to which humans are a cause of climate change is subject to much debate, the existence and rapid rate of increase in climate change is not. The following is an explanation of early key international, national and state efforts to regulate climate change.

The International Framework

The United Nations formed the Framework Convention on Climate Change (UNFCCC) in 1992. The UNFCCC is an international environmental treaty seeking to stabilize greenhouse gas concentrations in the atmosphere with the goal of "preventing dangerous anthropogenic interference with Earth's climate system." The UNFCCC intended for industrialized countries to stabilize greenhouse gas emissions (GGE) at 1990 levels by the year 2000. That has not happened.

In 1997, the UNFCCC signing parties formed the Kyoto Protocol, which became effective in 2005 and represents the first international GGE reduction plan. The parties agreed to a non-binding average 5% GGE reduction from 1990 emission levels for developed countries. Failure to comply would result in potential economic sanctions which have not been levied. Kyoto was signed by the United States but never ratified by Congress, thus the U.S. is not subject to it. Kyoto will expire by its own terms in 2012, leaving the question of what will fill its place and whether the United States, China and India will participate in new international GGE reduction commitments.

Federal Legislative Proposals

With the passage of the federal Clean Air Act of 1970 and the creation of the United States Environmental Protection Agency (EPA), development and enforcement of air quality regulations became the law. In 1978 the National Climate Program Act was adopted, in 1987 the Global Climate Protection Act was passed and in 1990 the Global Change Research Act was enacted. But these are only research and policy oriented programs. In 2009, Congress will consider several bills that would impose mandatory GGE reporting requirements and emission limits. The Lieberman-Warner Climate Security Act (S.2191) would require the EPA to establish a GHG registry, from which a cap-and-trade program would be established that would distribute emission allowances on a declining cap from 2012 to 2050. A similar EPA-administered cap-and-trade program would be implemented under the Lieberman-McCain Climate Stewardship and Innovation Act (S.280).

The U.S. Securities and Exchange Commission (SEC) has been asked to develop guidance that requires public corporations to disclose material risks related to climate change. In addition to this petition, the proposed Lieberman-Warner Act, Sanders-Boxer Global Warming Pollution Reduction Act (S.309) and Senator Kerry's Global Warming Reduction



Act (S.485) would each require the SEC to develop GGE emission disclosure rules.

California

The international and federal climate proposals have been less than successful and not enforced. Not surprisingly, there is more action at the state level. In 2006, California enacted the Global Warming Solutions Act (AB 32) requiring GGE to be returned to 1990 levels by 2020, equal to a 30% reduction from 2008 emissions. Even with federal legislation, it is likely that the states will continue to take the lead on GGE and energy efficiency issues.

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