

The UN NGO COMMITTEE ON SUSTAINABLE DEVELOPMENT

Meeting on July 18<sup>th</sup> 2006

**Climate Change Developments in the United States: Initiatives in the Private Sector**

Chair: Roma Stibravy, Chairperson, UN NGO Committee on Sustainable Development

Speaker:

*Joseph A. Siegel*

Roma Stibravy, Chairperson, introduced the speaker.

Joseph Siegel is a Senior Attorney with the Region 2 office of the United States Environmental Protection Agency where he has worked on air pollution law and policy for nearly 20 years. Since 2000, he has been an adjunct professor at the Pace University School of Law, Center for Environmental Legal Studies, where he teaches a seminar on air pollution, climate change, and emissions trading. He also taught environmental law for 11 years at CUNY Law School at Queens College. Mr. Siegel is a Vice Chair of both the ABA Committee on Sustainability, Ecosystems, and Climate Change, and the ABA Committee on Renewable Energy Resources. He is a frequent lecturer on climate change and other environmental topics and has published numerous articles on matters involving air pollution, the Regional Greenhouse Gas Initiative and other climate change issues, public access to information and prevention of terrorist acts at chemical facilities. He is also a volunteer community mediator with the Westchester Mediation Center.

Presentation Joseph Siegel:

Professor Siegel presented an overview of recent climate change developments. The Earth's surface temperature, carbon dioxide concentrations and sea level are rising and will continue to rise long after emissions are reduced. With icebergs melting, we have little control over what will happen to the oceans unless we take aggressive action soon. 2005 was the warmest year in the century, despite the fact that we were not even experiencing an "El Niño" cycle. Moreover, of the 21 hottest years on record, 20 have been since 1980. As a result, the next 100 years will see a dramatic increase in both precipitation levels and droughts, leading to flooding and other water resource problems.

The response in the United States has been varied and broad, including legislative changes, judicial determinations, executive branch approaches, state responses and private sector responses. While we have no legislation enforcing reduced emissions, various environment and power plant bills have been floating around for years. Unfortunately, many bills do not address all of the issues, and while the Senate has agreed on the need for cap and trade legislation, congress has yet to pass legislation towards reducing emissions.

Various judicial cases have been brought under the Clean Air Act that set precedents. Some advocates of reduced emissions are trying to utilize "Public Nuisance," - a legal theory that comes outside of statutes and decisions by judges, that in this case tries to reduce pollutants by arguing that certain emissions cause harm to the public. We are still awaiting a decision on this case. More familiar to the public, the Endangered

Species Act, which for example warns that the polar bear could be the first mammal species to lose 100% of its habitat to the effects of global warming.

Individual states take initiatives through legislation and the court system. States have acted on carbon pollution from transportation, for example, which is responsible for 27% of US greenhouse gas emissions. California leads the way in pushing a special law, which if it passes would reduce emissions from cars. Many other states hope to follow this law if it passes, which could change the entire way that cars are made in this country. In another example, New York leads the way in pressing for a Regional Greenhouse Gas Initiative. Governor Pataky hopes to partner with other states to establish a cap and trade process to limit emissions in the energy sector. In other efforts, 22 states have set up Renewable Portfolio Standards implementing voluntary commitments.

Mr. Siegel then focused on responses in the private sector, including accounting and reporting services, non-governmental programs, financial sector responses, and partnerships between businesses and the Environmental Protection Agency (EPA). “Hard-nosed business calculations” have led companies to take an interest in climate change. Corporate responses are many and varied. Companies assess climate risk, perform corporate-wide “footprint” tests, set Greenhouse Gas emissions targets, engage stakeholders in the issue, and communicate leadership responsibility in leading industries to be prepared for a “carbon constrained world.” With the realization that voluntary action alone will not work, and due to the strong threat of increasingly volatile weather patterns and subsequent risks resulting from climate change, many companies, from Goldman Sachs to WalMart, promote regulatory solutions for reducing emissions. NGO and non-profit efforts are largely responsible for these actions.

One goal of the private sector is to set up accounting and reporting services, which would harmonize standards and provide for sector specific calculation tools. Organizations such as the World Resources Institute (WRI) and World Business Council on Sustainable Development (WBCSD) have set up Greenhouse Gas protocols and validation techniques. The US Department of Energy has a greenhouse gas registry and the Environmental Protection Agency (EPA) sends “Climate Leaders” to use WRI Protocol in working with companies who volunteer to agree upon step-based programs. Other Federal Executive Branch and private sector voluntary programs develop agreements and partnerships to respond to the issue of climate change.

As can be seen through the above examples, progress is being made. Mr. Siegel highlighted the importance of the responses of the private sector as proof that people realize that it is in their financial best interest to take action.