



# Chapter 1

## The Climate Change Debate: Is Congress Ready to Take the Heat?

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### Synopsis

<b>§ 1.01.</b>	<b>Background — The Key Pillars of U. S. Climate Change Policy to Date .....</b>	<b>4</b>
<b>§ 1.02.</b>	<b>Drivers for Change in U. S. Climate Policy .....</b>	<b>7</b>
	[1] — Congress .....	7
	[2] — State Initiatives.....	16
	[a] — California .....	16
	[b] — Northeastern States/Regional Greenhouse Gas Initiative (RGGI).....	17
	[c] — Other States/Regions .....	17
	[i] — Arizona .....	17
	[ii] — Florida .....	18
	[iii] — New Mexico .....	18
	[3] — Litigation .....	18
	[a] — Cases Based on EPA’s Authority to Regulate GHGs .....	18
	[i] — <i>Massachusetts v. EPA</i> .....	19
	[ii] — <i>New York v. EPA</i> .....	21
	[b] — Common-law Nuisance Cases .....	21
	[i] — <i>Connecticut v. American Electric Power Co.</i> .....	24
	[ii] — <i>Comer v. Murphy Oil U.S.A.</i> .....	24
	[iii] — <i>California v. General Motors Corp.</i> .....	24
	[c] — Broader Regulatory Challenges .....	25
	[4] — Multinational Businesses .....	25
<b>§ 1.03.</b>	<b>Where Is U. S. Climate Policy Headed?.....</b>	<b>27</b>
	[1] — Timing / Targets .....	28
	[2] — Tools .....	29
	[a] — Cap-and-Trade Programs.....	30
	[b] — Carbon Taxes .....	31

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	[3] — Technology .....	31
	[4] — Trading Program Details .....	32
	[5] — Translocation ( <i>i.e.</i> , Leakage) .....	34
<b>§ 1.04.</b>	<b>Conclusion.....</b>	<b>34</b>

The issue of climate change is, without a doubt, the “hot” environmental topic of the year, and very likely the decade. The change in control of the Congress, state initiatives, litigation, and even the 2008 Presidential Campaign all have changed the dynamics of the debate on climate change. The question is no longer “*if*” Congress will act to pass legislation, but rather “*when*” will it act and “*what*” that legislation look like. In the past six months alone, the Supreme Court has issued a landmark decision holding that carbon dioxide can be regulated as an air pollutant, members of Congress have introduced dozens of climate change bills and held numerous hearings, and the Administration has announced its intention to set standards for new motor vehicles. Whatever ultimately happens, either on Capitol Hill or in the regulatory process, the impacts and opportunities for the coal industry can be significant and are definitely worth monitoring closely.<sup>2</sup>

**§ 1.01. Background — The Key Pillars of U. S. Climate Change Policy to Date.**

To put the latest climate change developments in perspective, this section briefly describes the major components of U.S. Climate Change policy, beginning with the 1992 ratification of an international convention on climate change and including the President’s most recent pronouncements on this global issue.

The 1992 U. N. Framework for the Convention on Climate Change (UNFCCC), which was ratified by the United States, called for voluntary actions by industrialized countries to stabilize their emissions of greenhouse

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<sup>2</sup> A caveat: The climate change debate is evolving rapidly. Numerous developments have occurred since this chapter was first drafted, and will continue to occur between now and the date of publication. For the most part, therefore, this chapter represents a snapshot in time, with that time being early June 2007.