

Taking the Lead

States collaborate on climate issues

Global warming: A problem that requires the cooperation of the world to solve

Action at the state level and collaboration between states is still an important part of the solution — even though measures taken at the different levels of government involved can conflict with each other.

Speakers at the “Combating Climate Change on the Regional Level: West Coast Policy and Litigation” symposium at the UO School of Law on Oct. 19 addressed these issues. The *Journal of Environmental Law and Litigation*, which UO law students produce, and the Bowerman Center for Environmental Law sponsored the symposium.

State Sen. Brad Avakian (D-Beaverton), one of the symposium’s keynote speakers, said Oregon’s government has a historical record of acting for the betterment of society, as in the 1967 Beaches Bill and the 1971 Bottle Bill.

“We lost that in the last couple of decades, but the last legislative session was a turning point,” Avakian said. “It was the beginning of a cultural shift back.”

Accomplishments of the 2007 legislative session Avakian noted include expanding the Bottle Bill; requiring recycling of consumer electronics; and the Oregon Renewable Energy Act, which mandates that 25 percent of Oregon’s energy will be renewable by 2025.

The level of thought toward climate change in the Pacific Northwest is unique, and so are the Northwest’s challenges for reducing greenhouse gas emissions. The Northwest does not have the number of methane-producing cattle that the agricultural Midwest does, and it also benefits from hydroelectric power. Therefore, the Northwest has a greater share of its emissions coming from transportation than the U.S. does as a whole, said Spencer Reeder of the Washington State Department of Ecology, and transportation emissions are harder to reduce than other types of emissions.

In a panel discussion on climate change legislation in Oregon, Washington and California, Bill Drumheller, senior policy analyst with the Oregon Department of Energy, said which state is ahead changes day to day. But overall, the relationship is more cooperative than competitive. In September 2003, the West Coast Governors Global Warming Initiative was formed among Oregon, Washington and California.

Currently, the major collaboration involving Western states is the Western Climate Initiative (WCI). As described on the WCI website, the collaboration among the governors of Arizona, California, New Mexico, Oregon and Washington was launched in February 2007 to meet regional challenges raised by climate change. Since then, Utah and the Canadian provinces of British Columbia and Manitoba have joined WCI. Reeder described Utah’s joining as a “watershed” event in bringing the global warming issue beyond traditional party lines, given

that Utah currently has a Republican governor and legislature.

Four more U.S. states, three Canadian provinces and Sonora, Mexico, are also listed as observers of the WCI.

In an August 2007 statement, the WCI said it aimed to reduce regional greenhouse emissions to 15 percent below 2005 levels by 2020. This is consistent with and does not replace the partners’ existing goals. The WCI intends to design a market-based mechanism to help achieve that goal by August 2008.

All current WCI partners are also part of The Climate Registry, which seeks to develop and manage a common greenhouse gas reporting system. The Climate Registry, incorporated in March 2007, now includes 39 U.S. states, three Native American tribes, and the District of Columbia, plus Sonora, Mexico, and the Canadian provinces of British Columbia and Manitoba. It’ll be quicker to list which U.S. states are *not* in The Climate Registry: Alaska, Arkansas, Indiana, Kentucky, Louisiana, Mississippi, Nebraska, North Dakota, South Dakota, Texas and West Virginia.

Dan Galpern, a staff attorney at the Eugene-based Western Environmental Law Center, noted that the WCI could potentially be challenged by the “compacts clause” (Article 1, Section 10) in the U.S. Constitution. This clause says, “No State shall, without the Consent of Congress ... enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.”

States enter the WCI voluntarily and leave at will, which Galpern said would make it less likely for the WCI to run into trouble with the compacts clause. While the federal Congress has the power to regulate interstate commerce, the Constitution doesn’t say that states can’t regulate interstate commerce.

Compacts between states and other countries, which arise now that the WCI incorporates Canadian provinces, are more vulnerable. Galpern said the risk is “moderate and worth running” in exchange for the opportunity to do something about climate change.

Meanwhile, states are challenging the federal government over climate change issues as well. California plans to sue the federal EPA to allow states to regulate greenhouse gas emissions from sources such as vehicle tailpipes. The suit was originally going to be filed last week, but it was delayed because of the California wildfires, according to an AP report. California AG Jerry Brown and Governor Arnold Schwarzenegger notified the EPA in late April that they intended to do this, and Reeder, discussing the anticipated lawsuit at the symposium, said that the state of Washington formally joined California in the lawsuit on Oct. 18. Connecticut and Pennsylvania are also plaintiffs in the suit. If the suit is successful, the plaintiffs and eight other states, including Oregon, will enforce California’s stricter emissions limits on car-makers.

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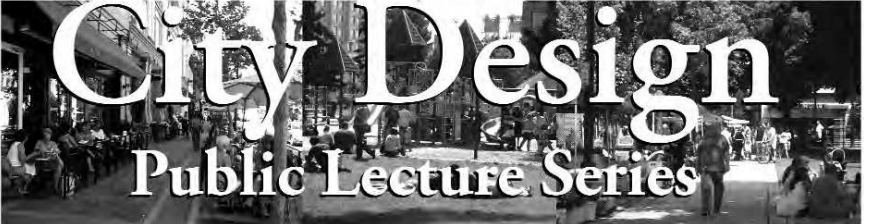
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Presented by The University of Oregon School of Architecture and Allied Arts.
 All lectures are free and open to the public. Free parking is available - if needed, please use 10th Street to access the parking lot directly behind the Baker Center. For more information, please call 541-346-1999.