

## CLIMATE CHANGE AND THE LAW - Fall 2008

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### GENERAL COURSE INFORMATION

1. Required Reading Materials:

\* GLOBAL CLIMATE CHANGE AND U.S. LAW, Michael B. Gerrard, ed. (American Bar Association 2007) (“Global Climate Change”)

\* Supplemental readings on course’s MyLaw site (with web links also denoted on syllabus where feasible):

- Assigned readings are under Course Materials.
- Additional optional readings, for your reference, are under Course Links.

2. Classroom Participation: This is an unconventional course, as we are studying law-in-the-making. I expect class to focus heavily on discussion, where we all work together to understand the pieces of law that exist so far, as well as the issues that will or should be addressed as a more coherent and comprehensive body of law develops. I thank you all in advance for participating actively in the discussion.

3. Grading: The final exam will be a take-home exam. The final grade will be 80% final exam and 20% classroom participation.

4. Office Hours:

I am happy to meet with you at any mutually-convenient time. I encourage you to contact me at any time by e-mail at [milipele@wulaw.wustl.edu](mailto:milipele@wulaw.wustl.edu) or by telephone at 935-5837 to set up an appointment. I do not set regular office hours because my Clinic commitments vary from day to day. However, I am often in my office, Room 113, and can meet with you on a drop-in basis if I am free when you drop in.

5. Attendance Policy: I expect you to attend and to be prepared for all classes. I view attendance as your personal responsibility. You are preparing to become professionals and will be fully accountable for your own actions, omissions, and decisions.

6. Web Site: The course has a MyLaw site. It contains the syllabus, handouts, news or discussion items, and web links.

### SYLLABUS OVERVIEW

Part I            Introduction and Background

Part II           Existing Laws and Programs

A. International

- B. Federal
- C. Regional and State
- D. Local
- E. Voluntary Programs

Part III Attempts to Apply/Extend Existing Law to Climate Change

- A. International human rights law
- B. Federal law
  - 1. NEPA
  - 2. Clean Air Act
  - 3. Endangered Species Act
  - 4. Common law
  - 5. Securities law

Part IV: Comprehensive Federal Legislation...?

- A. Pending legislative proposals
- B. Key issues to be resolved
  - 1. Structure of federal program
  - 2. Relationship to international regime
  - 3. Federalism considerations

**Part I: Introduction and Background**

Aug. 27      Overview of Course  
 Overview of Climate Change Science

Reading:

Intergovernmental Panel on Climate Change (IPCC), Climate Change 2007: Synthesis Report, Summary for Policymakers (Fourth Assessment Report)(Nov. 2007), [http://www.ipcc.ch/pdf/assessment-report/ar4/syr/ar4\\_syr\\_spm.pdf](http://www.ipcc.ch/pdf/assessment-report/ar4/syr/ar4_syr_spm.pdf)

Aug. 29      Overview of Policy Options

Reading:

Global Climate Change, Introduction and Overview, pp. 1-25

Optional additional reading: Pacala and Socolow, *Stabilization Wedges: Solving the Climate Problem for the Next 50 Years with Current Technologies*, 305 SCIENCE 968 (Aug. 2004), at <http://carbonsequestration.us/Papers-presentations/htm/Pacala-Socolow-ScienceMag-Aug2004.pdf>.

## Part II: Existing Laws and Programs

Sept. 3 International Law – Kyoto Protocol

Reading:

Global Climate Change, chapter 2 and pages 63-65 of chapter 3  
Kyoto Protocol, [http://unfccc.int/kyoto\\_protocol/items/2830.php](http://unfccc.int/kyoto_protocol/items/2830.php) (skim)

Sept. 5 International Law – Beyond Kyoto

Readings:

Bali Roadmap,

<http://unfccc.int/resource/docs/2007/cop13/eng/06a01.pdf#page=3> (esp. pp. 1-6)

Purvis, “U.S. Global Leadership to Safeguard our Climate, Security, and Economy,” (Better World Campaign, 2008), at

<http://www.betterworldcampaign.org/resources/climatechange-purvis-final-1.pdf>

Sept. 10 1. Federal Law Directly Related to Global Warming  
2. Impacts of International Law on U.S. Business

Reading for Topic 1:

Global Climate Change, chapter 3 (through p. 82, top)

Reading for Topic 2:

Global Climate Change, chapter 4, pages 107-117

Sept. 12 U.S. Regional Initiatives

Reading:

Global Climate Change, chapter 9

Regional Greenhouse Gas Initiative (RGGI) documents:

- Memorandum of Understanding -

[http://www.rggi.org/docs/mou\\_12\\_20\\_05.pdf](http://www.rggi.org/docs/mou_12_20_05.pdf)

- Goals and Guiding Principles - <http://www.rggi.org/goals.htm>

- Program Overview -

[http://www.rggi.org/docs/program\\_summary\\_10\\_07.pdf](http://www.rggi.org/docs/program_summary_10_07.pdf) (skim)

Sept. 17 State Initiatives – Survey

Reading:

Global Climate Change, chapter 10

Sept. 19 State Initiatives – California example

Reading:

Overview of California Agencies' Global Warming Programs -

<http://www.climatechange.ca.gov/index.php>

California Global Warming Solutions Act of 2006 –

[http://www.climatechange.ca.gov/documents/ab\\_32\\_bill\\_20060927\\_chaptered.pdf](http://www.climatechange.ca.gov/documents/ab_32_bill_20060927_chaptered.pdf)

[http://www.climatechange.ca.gov/publications/legislation/ab\\_32\\_bill\\_20060927\\_chaptered.pdf](http://www.climatechange.ca.gov/publications/legislation/ab_32_bill_20060927_chaptered.pdf)

Draft Scoping Plan to Implement Global Warming Solutions Act –

[http://www.arb.ca.gov/cc/scopingplan/document/sp\\_executivesummary\\_draft.pdf](http://www.arb.ca.gov/cc/scopingplan/document/sp_executivesummary_draft.pdf)

California Climate Change Emission Controls – Fact Sheet -

[http://www.arb.ca.gov/cc/factsheets/cc\\_newfs.pdf](http://www.arb.ca.gov/cc/factsheets/cc_newfs.pdf)

California Biennial Report (2006) -

<http://www.energy.ca.gov/2006publications/CEC-500-2006-077/CEC-500-2006-077.PDF>

Sept. 24

Local Initiatives

**Note: Class meets in room 311 on Sept. 24**

Reading:

Global Climate Change, chapter 12

New York's PlaNYC -

<http://www.nyc.gov/html/planyc2030/html/home/home.shtml>

Sept. 26

Voluntary Programs

Reading:

Global Climate Change, chapter 17 and chapter 18 pp. 666-674

Chicago Climate Exchange – see <http://www.chicagoclimatex.com/>

Wall Street's Carbon Principles – <http://carbonprinciples.org/>

Oct. 1

No class – Make up scheduled for October 10 at 3 pm