

Implementing Climate Change Policy: Looking Forward to the Hard Part

February 5-6, 2010
Cannon House Office Building
Washington, DC

Co-Sponsors: Columbia Law School, University of Virginia Law School, Vanderbilt University Law School, and the Environmental Law Institute

Friday, February 5, 2010

8:00 – 8:30 am Registration

8:30 – 10:15 am Setting the Stage

Defining the challenge (Michael Gerrard, Columbia Law School)

What's likely to be required of whom when under U.S. climate change legislation? (e.g., rulemakings, studies, agencies, deadlines) What are the key strategic and policy choices likely to be delegated to agencies by the legislation?

Promises and challenges of cap-and-trade (Jonathan Wiener, Duke Law School)

What is the historical experience with cap and trade? What does history tell us about how cap and trade should be conducted?

10:15 – 10:30 am Break

10:30 am – 12:30 pm The Rulemaking Challenge

Rulemakings, resources and delays (Gina McCarthy, U.S. EPA)

How can EPA organize to carry out its potential rulemaking responsibilities? What can the agency do to streamline processes, meet deadlines, and survive court challenges? How would EPA coordinate with other agencies and with OMB?

Consulting the past (E. Donald Elliott, Willkie, Farr & Gallagher)

How have we addressed similar implementation challenges in the past (e.g., Clean Air Act Amendments of 1990)? What does that experience suggest for agency organization, resources, timeliness, litigation?

A view from the Hill (Lorie Schmidt, House Commerce Committee Staff)

What major implementation challenges are Executive Branch agencies likely to face? How does the emerging legislation equip agencies to meet those challenges?

12:30 – 2:00 pm Lunch

2:00 – 3:15 pm State and Local Roles

Integrating states (John Dernbach, Widener Law School)

What roles are likely to be assigned to states, what roles denied them (pre-emption)? What is the future of RGGI, WCI, AB32 and other regional and state initiatives? What is the need for coordinating state and federal policy and how should that be done? What is the need for coordinating among states and how should that be done?

Integrating localities (Patricia Salkin, Albany Law School)

What are the roles for localities (e.g., building codes, land use, transportation) and how will they be affected by the legislation? How will federal and state policy be effectively translated at the local level?

3:15 – 4:30 pm Affecting Individual and Corporate Behavior

Individual/household strategies (Michael Vandenbergh, Vanderbilt University Law School)

What is the legislation likely to do, if anything, to assist individual/household reduction of GHGs? What is the potential for cost-effective individual/household reductions and how can that potential be realized?

Corporations (Daniel Esty, Yale Law School)

How can and should corporations organize themselves to comply and take advantage of opportunities presented? What is the potential for additional cost-effective corporate reductions and how can that potential be realized?

4:30 – 4:45 pm Break

4:45 – 5:45 pm Equity: Accounting for Differential Impacts and Emissions

Economic Impacts (Chad Stone, Center for Budget and Policy Priorities)

What will be the impacts on of the legislation on disadvantaged groups? How can adverse impacts be limited?

Emissions Reductions (Sheila Foster, Fordham Law School)

Will the legislation address the concerns of the environmental justice community about cap and trade? What's the role of disadvantaged groups in the implementation process?

6:00 – 7:30 Reception

Saturday, February 6, 2010

8:30 – 9:50 am Markets and Offsets: Making the Core Machinery Work

Cap and trade (Dirk Forrister, Natsource) How can an effective carbon market be created and maintained under the legislation? What are the effects of borrowing, banking, offsets, etc. on obtaining scheduled reductions? Controlling market volatility? Will the availability of 2 billion tons of offsets every year keep the legislation from achieving its reduction goals?

Offsets (Michael Wara, Stanford Law School)

How will the machinery for reviewing, approving and tracking offsets work? How will critical features be assured, such as additionality, permanence?

Agriculture/Forestry (Christopher Carr, Vinson & Elkins)

What are the likely effects of legislation on emissions/sequestration in ag/forestry sector? How should sinks be monitored, accounted for?

9:50 am – 11:05 am Sectors: Managing the Transition

Fossil fuel and renewables (Suedeen Kelly, Federal Energy Regulatory Commission)

How is legislation likely to affect traditional fossil fuel markets – coal, oil, natural gas? How can price signals (through cap and trade), standard setting, and technological research and innovation work together? What can be done in implementation to facilitate transformation of these markets? How will legislation affect development of markets for renewables? How can price signals, standard setting, and technological research and innovation work together? What can be done in implementation to facilitate emergence of these markets?

Manufacturing and Transportation (Roger Martella, Sidley)

How is legislation likely to affect these segments of the economy? What standards or other constraints might apply to their operations or products? What are the implications for innovation, growth, structural change, etc. in each?

Building Sector (Edward Mazria, Architecture 2030)

What is the role of the building sector in achieving emissions reduction goals? How would legislation change current practices and long-term prospects for the building sector?

11:05 – 11:20 am Break

11:20 am – 12:35 pm Connecting Internationally

Encouraging wider participation among nations (Jennifer Haverkamp, Environmental Defense Fund)

Will legislation likely increase pressure for meaningful participation by developing countries? What does U.S. legislation suggest about appropriate apportionment of responsibility for global reductions in GHGs? What adjustments might be necessary in order to accommodate an emerging international regime?

Integrating the U.S. cap-and-trade system with the international system (Kyle Danish, VanNess Feldman)

How will domestic use of international offset credits affect systems for creating, certifying, and enforcing such credits? What potential does the availability of international offset credits offer for technology transfer?

Challenges for international trade (Steve Charnovitz, George Washington University Law School)

Will the legislation violate international trade principles? How can implementation minimize trade concerns while addressing competitiveness concerns?

12:35 – 1:00 pm Finale

Putting Climate Change Policy in Context (Jonathan Cannon, University of Virginia School of Law)

Will emissions reductions be adequate to meet announced policy goals? If not, what other sources are likely to be targeted, what other measures adopted for existing sources? What are the mechanisms for monitoring, evaluation and adjustment of domestic climate policy?