

The Warming Is Global but the Legislating, in the U.S., Is All Local

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WASHINGTON, Oct. 28— Motivated by environmental and economic concerns, states have become the driving force in efforts to combat global warming even as mandatory programs on the federal level have largely stalled.

At least half of the states are addressing global warming, whether through legislation, lawsuits against the Bush administration or programs initiated by governors.

In the last three years, state legislatures have passed at least 29 bills, usually with bipartisan support. The most contentious is California's 2002 law to set strict limits for new cars on emissions of carbon dioxide, the gas that scientists say has the greatest role in global warming.

While few of the state laws will have as much impact as California's, they are not merely symbolic. In addition to caps on emissions of gases like carbon dioxide that can cause the atmosphere to heat up like a greenhouse, they include registries to track such emissions, efforts to diversify fuel sources and the use of crops to capture carbon dioxide by taking it out of the atmosphere and into the ground.

Aside from their practical effects, supporters say, these efforts will put pressure on Congress and the administration to enact federal legislation, if only to bring order to a patchwork of state laws.

States are moving ahead in large part to fill the vacuum that has been left by the federal government, said David Danner, the energy adviser for Gov. Gary Locke of Washington.

"We hope to see the problem addressed at the federal level," Mr. Danner said, "but we're not waiting around."

There are some initiatives in Congress, but for the moment even their backers acknowledge that they are doomed, given strong opposition from industry, the Bush administration -- which favors voluntary controls -- and most Congressional Republicans.

This week, the Senate is scheduled to vote on a proposal to create a national regulatory structure for carbon dioxide. This would be the first vote for either house on a measure to restrict the gas.

The proposal's primary sponsors, Senator John McCain, Republican of Arizona, and Senator Joseph I. Lieberman, Democrat of Connecticut, see it mainly as a way to force senators to take a position on the issue, given the measure's slim prospects.

States are acting partly because of predictions that global warming could damage local economies by harming agriculture, eroding shorelines and hurting tourism.

"We're already seeing things which may be linked to global warming here in the state," Mr. Danner said. "We have low snowpack, increased forest fire danger."

Environmental groups and officials in state governments say that energy initiatives are easier to move forward on the local level because they span constituencies -- industrial and

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service sectors, Democrat and Republican, urban and rural.

While the coal, oil and automobile industries have big lobbies in Washington, the industry presence is diluted on the state level. Environmental groups say this was crucial to winning a legislative battle over automobile emissions in California, where the automobile industry did not have a long history of large campaign donations and instead had to rely on a six-month advertising campaign to make its case.

Local businesses are also interested in policy decisions because of concerns about long-term energy costs, said Christopher James, director of air planning and standards for the Connecticut Department of Environmental Protection. As a result, environmental groups are shifting their efforts to focus outside Washington.

Five years ago the assumption was that the climate treaty known as the Kyoto Protocol was the only effort in town, said Rhys Roth, the executive director of Climate Solutions, which works on global warming issues in the Pacific Northwest states. But since President Bush rejected the Kyoto pact in 2001, local groups have been emerging on the regional, state and municipal levels.

The Climate Action Network, a worldwide conglomeration of nongovernment organizations working on global warming, doubled its membership of state and local groups in the last two years.

The burst of activity is not limited to the states with a traditional environmental bent.

At least 15 states, including Texas and Nevada, are forcing their state electric utilities to diversify beyond coal and oil to energy sources like wind and solar power.

Even rural states are linking their agricultural practices to global warming. Nebraska, Oklahoma and Wyoming have all passed initiatives in anticipation of future greenhouse-gas emission trading, hoping they can capitalize on their forests and crops to capture carbon dioxide during photosynthesis.

Cities are also adopting new energy policies. San Franciscans approved a \$100 million bond initiative in 2001 to pay for solar panels for municipal buildings, including the San Francisco convention center.

The rising level of state activity is causing concern among those who oppose carbon dioxide regulation.

"I believe the states are being used to force a federal mandate," said Sandy Liddy Bourne, who does research on global warming for the American Legislative Exchange Council, a group contending that carbon dioxide should not be regulated because it is not a pollutant. "Rarely do you see so many bills in one subject area introduced across the country."

The council started tracking state legislation, which they call son-of-Kyoto bills, weekly after they noticed a significant rise in greenhouse-gas-related legislation two years ago. This year, the council says, 24 states have introduced 90 bills that would build frameworks for regulating carbon dioxide. Sixty-six such bills were introduced in all of 2001 and 2002.

Some of the activity has graduated to a regional level. Last summer, Gov. George E. Pataki of New York invited 10 Northeastern states to set up a regional trading network where power plants could buy and sell carbon dioxide credits in an effort to lower overall emissions. In 2001, six New England states entered into an agreement with Canadian provinces to cap overall emissions by 2010. Last month, California, Washington and Oregon announced that they would start looking at shared strategies to address global warming.

To be sure, some states have decided not to embrace policies to combat global warming. Six -- Alabama, Illinois, Kentucky, Oklahoma, West Virginia and Wyoming -- have explicitly passed laws against any mandatory reductions in greenhouse gas emissions.

"My concern," said Ms. Bourne, "is that members of industry and environment groups will go to the federal government to say: 'There is a patchwork quilt of greenhouse-gas

regulations across the country. We cannot deal with the 50 monkeys. We must have one 800-pound gorilla. Please give us a federal mandate.' " Indeed, some environmentalists say this is precisely their strategy.

States developed their own air toxics pollution programs in the 1980's, which resulted in different regulations and standards across the country. Industry groups, including the American Chemistry Council, eventually lobbied Congress for federal standards, which were incorporated into the 1990 Clean Air Act amendments.

A number of states are trying to compel the federal government to move sooner rather than later. On Thursday, 12 states, including New York, with its Republican governor, and three cities sued the Environmental Protection Agency for its recent decision not to regulate greenhouse-gas pollutants under the Clean Air Act, a reversal of the agency's previous stance under the Clinton administration.

"Global warming cannot be solely addressed at the state level," said Tom Reilly, the Massachusetts attorney general. "It's a problem that requires a federal approach."

Photo: Workers installed solar panels atop the San Francisco convention center in August, a result of a new California energy initiative. (Photo by Peter DaSilva for The New York Times) Chart/Map: "Fighting Global Warming" States' programs to reduce heat-trapping gases as of September. California is the only state that regulates vehicle emissions. Map of the United States highlighting the states that have instituted the following programs: Mandatory energy diversification Goals toward energy diversification Regulation of power plant emissions Programs to remove carbon from the air using agricultural methods (Source by American Legislative Exchange Council)

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