
March 10, 2007

Europe Sets Ambitious Limits on Greenhouse Gases, and Challenges Others to Match It

By DAN BILEFSKY

The European Union approved a compromise agreement on Friday that would make Europe the world's leader in the fight against climate change but would also allow some of Europe's most polluting countries to limit their environmental goals.

Issuing a challenge to the United States, China and India to match European ambitions in the battle against global warming, Chancellor Angela Merkel of Germany called on the world to follow the European Union's commitment to reduce greenhouse gas emissions by 20 percent from 1990 levels by the year 2020. She said the bloc's 27 members would commit to a 30 percent reduction if other nations followed suit.

The plan goes beyond the 35-nation Kyoto Protocol, which requires industrial nations to reduce the emission of global-warming gases by an average of 5 percent below 1990 levels by 2012. Major European Union economies had already committed to do better than that, promising to decrease greenhouse gases by 8 percent in that time.

The accord by the European Union -- unveiled after two days of heated negotiations and hailed by President Jacques Chirac of France as "a great moment in European history" -- will require the bloc to derive a fifth of its energy from renewable sources like wind and solar power by 2020. Renewables account for less than 7 percent of the energy mix used by the Europeans.

The bloc will also be required to fuel 10 percent of its cars and trucks on biofuels made from plants by 2020.

Mrs. Merkel said the agreement would help the European Union become a model for the rest of the world. "This text really gives European Union policies a new quality and will establish us as a world pioneer," she said.

She plans to press the issue at a June summit meeting in Germany of the Group of 8 leading industrial nations, to try to push the world's biggest polluters, including the United States, China and India, to tackle climate change.

Prime Minister Tony Blair of Britain, who has struggled to use his influence in Washington to press the Bush administration to be more diligent in fighting global warming, called it a "groundbreaking" deal. "It gives Europe a clear leadership position on this crucial issue facing the world," he said.

Still, the agreement faces daunting challenges to transform lofty ambitions into reality, environment analysts warned. Under pressure from several countries of the former Soviet bloc, which rely heavily on cheap coal and oil for their energy and are reluctant to switch to more costly, environmentally friendly alternatives, the European Union agreed that individual targets would be allowed for each of the 27 members to meet the renewable energy goal.

That means that some of the worst polluters in the fast-growing economies of East Europe will face less stringent targets than their Western European counterparts.

Many of the eight former Communist nations that joined the European Union in May 2004 are far behind the rest of the union in developing renewable energy. Poland, for example, obtains more than 90 percent of its energy for heating from coal.

The European Commission, which drafts legislation for the European Union, will be charged with coming up with individual countries' targets in coordination with those nations.

José Manuel Barroso, the European Commission president, and Mrs. Merkel acknowledged that there would be difficult political and legal wrangling ahead, given that countries would have to approve binding renewable targets set for them by the European Commission.

European Union lawyers still have to draw up the detailed rules specifying how the agreement will be enforced, but the bloc's officials said the ultimate sanction for countries that violated the targets would be prosecution at the European Court of Justice and the imposition of heavy fines.

In a nod to Mr. Chirac, who lobbied hard for the European Union to include nuclear power as a noncarbon energy alternative, the agreement acknowledges the role of nuclear power, saying it will be taken into account when the European Commission determines national renewable energy targets.

That will help France meet its renewable energy goals. The inclusion of nuclear energy as an energy alternative met stiff resistance from Austria, Denmark and Ireland, where nuclear energy is regarded with deep suspicion.

Some European business leaders fear overly ambitious environmental goals could harm European industry.

Environmental groups generally welcomed the deal. But Friends of the Earth, the Brussels-based lobbying group, called the agreement "timid and tentative."

April 3, 2007

THE COURT AND CLIMATE CHANGE; JUSTICES SAY E.P.A. HAS POWER TO ACT ON HARMFUL GASES

By LINDA GREENHOUSE

In one of its most important environmental decisions in years, the Supreme Court ruled on Monday that the Environmental Protection Agency has the authority to regulate heat-trapping gases in automobile emissions. The court further ruled that the agency could not sidestep its authority to regulate the greenhouse gases that contribute to global climate change unless it could provide a scientific basis for its refusal.

The 5-to-4 decision was a strong rebuke to the Bush administration, which has maintained that it does not have the right to regulate carbon dioxide and other heat-trapping gases under the Clean Air Act, and that even if it did, it would not use the authority. The ruling does not force the environmental agency to regulate auto emissions, but it would almost certainly face further legal action if it failed to do so.

Writing for the majority, Justice John Paul Stevens said the only way the agency could "avoid taking further action" now was "if it determines that greenhouse gases do not contribute to climate change" or provides a good explanation why it cannot or will not find out whether they do.

Beyond the specific context for this case -- so-called "tailpipe emissions" from cars and trucks, which account for about one-fourth of the country's total emissions of heat-trapping gases -- the decision is likely to have a broader impact on the debate over government efforts to address global warming.

Court cases around the country had been held up to await the decision in this case. Among them is a challenge to the environmental agency's refusal to regulate carbon dioxide emissions from power plants, now pending in the federal appeals court here. Individual states, led by California, are also moving aggressively into what they have seen as a regulatory vacuum.

Justice Stevens, joined by Justices Anthony M. Kennedy, David H. Souter, Ruth Bader Ginsburg and Stephen G. Breyer, said that by providing nothing more than a "laundry list of reasons not to regulate," the environmental agency had defied the Clean Air Act's "clear statutory command." He said a refusal to regulate could be based only on science and "reasoned justification," adding that while the statute left the central determination to the "judgment" of the agency's administrator, "the use of the word 'judgment' is not a roving license to ignore the statutory text."

The court also decided a second Clean Air Act case Monday, adopting a broad reading of the environmental agency's authority over factories and power plants that add capacity or make renovations that increase emissions of air pollutants. In doing so, the court reopened a federal enforcement effort against the Duke Energy Corporation under the Clean Air Act's "new source review" provision. The vote in the second case, *Environmental Defense v. Duke Energy Corp.*, No. 05-848, was 9 to 0.

The two decisions left environmental advocates exultant. Many said they still harbored doubts about the federal agency and predicted that the decision would help push the Democratic-controlled Congress to address the issue.

Even in the nine months since the Supreme Court agreed to hear the first case, *Massachusetts v. Environmental Protection Agency*, No. 05-1120, and accelerating since the elections in November, there has been a growing interest among industry groups in working with environmental organizations on proposals for emissions limits.

Dave McCurdy, president of the Alliance of Automobile Manufacturers, the main industry trade group, said in response to the decision that the alliance "looks forward to working constructively with both Congress and the administration" in addressing the issue. "This decision says that the U.S. Environmental Protection Agency will be part of this process," Mr. McCurdy said.

If the decision sowed widespread claims of victory, it left behind a prominent loser: Chief Justice John G. Roberts Jr., who argued vigorously in a dissenting opinion that the court never should have reached the merits of the case or addressed the question of the agency's legal obligations.

His dissent, which Justices Antonin Scalia, Clarence Thomas and Samuel A. Alito Jr. also signed, focused solely on the issue of legal standing to sue: whether the broad coalition of states, cities and environmental groups that brought the lawsuit against the environmental agency four years ago should have been accepted as plaintiffs in the first place.

This was the issue on which the coalition's lawsuit had appeared most vulnerable, given that in recent years the Supreme Court has steadily raised the barrier to standing, especially in environmental cases. Justice Scalia has long been a leader in that effort, and Chief Justice Roberts made clear that, as his statements and actions in his pre-judicial career indicated, he is fully aboard Justice Scalia's project.

Chief Justice Roberts said the court should not have found that Massachusetts or any of the other plaintiffs had standing. The finding "has caused us to transgress the proper -- and properly limited -- role of the courts in a democratic society," he said, quoting from a 1984 decision. And, quoting from a decision Justice Scalia wrote in 1992, he said, "This court's standing jurisprudence simply recognizes that redress of grievances of the sort at issue here is the function of Congress and the chief executive, not the federal courts."

Chief Justice Roberts complained that "today's decision recalls the previous high-water mark of diluted standing requirements," a 1973 decision known as the *Scrap* case. That was an environmental case that the Supreme Court allowed to proceed on a definition of standing so generous as to be all but unthinkable today. "Today's decision is *Scrap* for a new generation," the chief justice said, not intending the comparison as a compliment.

The majority addressed the standing question by noting that it was only necessary for one of the many plaintiffs to meet the three-part definition of standing: that it had suffered a "concrete and particularized injury," that the injury was "fairly traceable to the defendant" and that a favorable decision would be likely to "redress that injury."

Massachusetts, one of the 12 state plaintiffs, met the test, Justice Stevens said, because it had made a case that global warming was raising the sea level along its coast, presenting the state with a "risk of catastrophic harm" that "would be reduced to some extent" if the government undertook the regulation the state sought.

In addition, Justice Stevens said, Massachusetts was due special deference in its claim to standing because of its status as a sovereign state. This new twist on the court's standing doctrine may have been an essential tactic in winning the vote of Justice Kennedy, a leader in the court's federalism revolution of

recent years. Justice Stevens, a dissenter from the court's states' rights rulings and a master of court strategy, in effect managed to use federalism as a sword rather than a shield.

Following its discussion of standing, the majority made short work of the agency's threshold argument that the Clean Air Act simply did not authorize it to regulate heat-trapping gases because carbon dioxide and the other gases were not "air pollutants" within the meaning of the law.

"The statutory text forecloses E.P.A.'s reading," Justice Stevens said, adding that "greenhouse gases fit well within the Clean Air Act's capacious definition of air pollutant."

The justices in the majority also indicated that they were persuaded by the existing evidence of the impact of automobile emissions on the environment.

The agency itself "does not dispute the existence of a causal connection between man-made gas emissions and global warming," Justice Stevens noted, adding that "judged by any standard, U.S. motor-vehicle emissions make a meaningful contribution to greenhouse gas concentrations."

Justice Scalia wrote a dissenting opinion, signed by the other three dissenters, disputing the majority's statutory analysis.

The decision overturned a 2005 ruling by the federal appeals court here.

April 15, 2007

Global Warming Called Security Threat

By [ANDREW C. REVKIN](#) and [TIMOTHY WILLIAMS](#)

For the second time in a month, private consultants to the government are warning that human-driven warming of the climate poses risks to the national security of the United States.

A report, scheduled to be published on Monday but distributed to some reporters yesterday, said issues usually associated with the environment — like rising ocean levels, droughts and violent weather caused by [global warming](#) — were also national security concerns.

“Unlike the problems that we are used to dealing with, these will come upon us extremely slowly, but come they will, and they will be grinding and inexorable,” Richard J. Truly, a retired United States Navy vice admiral and former [NASA](#) administrator, said in the report.

The effects of global warming, the study said, could lead to large-scale migrations, increased border tensions, the spread of disease and conflicts over food and water. All could lead to direct involvement by the United States military.

The report recommends that climate change be integrated into the nation’s security strategies and says the United States “should commit to a stronger national and international role to help stabilize climate changes at levels that will avoid significant disruption to global security and stability.”

The report, called “National Security and the Threat of Climate Change,” was commissioned by the Center for Naval Analyses, a government-financed research group, and written by a group of retired generals and admirals called the Military Advisory Board.

In March, a [report](#) from the Global Business Network, which advises intelligence agencies and the Pentagon on occasion, concluded, among other things, that rising seas and more powerful storms could eventually generate unrest as crowded regions like Bangladesh’s sinking delta become less habitable.

One of the authors of the report, Peter Schwartz, a consultant who studies climate risks and other trends for the Defense Department and other clients, said the climate system, jogged by a century-long buildup of heat-trapping gases, was likely to rock between extremes that could wreak havoc in poor countries with fragile societies.

“Just look at Somalia in the early 1990s,” Mr. Schwartz said. “You had disruption driven by drought, leading to the collapse of a society, humanitarian relief efforts, and then disastrous U.S. military intervention. That event is prototypical of the future.”

“Picture that in Central America or the Caribbean, which are just as likely,” he said. “This is not distant, this is now. And we need to be preparing.”

Other recent studies have shown that drought and scant water have already fueled civil conflicts in global hot spots like Afghanistan, Nepal, and Sudan, according to several recent studies.

This bodes ill, given projections that human-driven warming is likely to make some of the world's driest, poorest places drier still, experts said.

"The evidence is fairly clear that sharp downward deviations from normal rainfall in fragile societies elevate the risk of major conflict," said Marc Levy of the Earth Institute at [Columbia University](#), which recently published a study on the relationship between climate and civil war.

Given that climate models project drops in rainfall in such places in a warming world, Mr. Levy said, "It seems irresponsible not to take into account the possibility that a world with climate change will be a more violent world when making judgments about how tolerable such a world might be."

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April 18, 2007

U.N. Council Hits Impasse Over Debate on Warming

By REUTERS

UNITED NATIONS, April 17 (Reuters) — Britain and China faced off on Tuesday in the first United Nations Security Council debate on climate change, with Britain pushing the issue and China saying the 15-member body had no competence to deal with it.

The British foreign secretary, Margaret Beckett, who presided over the meeting, argued that the potential for climate change to cause wars made it an issue for the Security Council, the most powerful United Nations body, but one that has a mandate to deal only with international peace and security.

“Our responsibility in this Council is to maintain international peace and security, including the prevention of conflict,” said Ms. Beckett, whose country holds the current Council presidency. “An unstable climate will exacerbate some of the core drivers of conflict, such as migratory pressures and competition for resources.”

She noted that President Yoweri Museveni of Uganda, whose economy depends on hydropower from a reservoir depleted by drought, had called climate change “an act of aggression by the rich against the poor.”

“He is one of the first leaders to see this problem in security terms,” she said. “He will not be the last.” She called the debate “a groundbreaking day in the history of the Security Council.”

But China’s deputy ambassador, Liu Zhenmin, was blunt in rejecting the session. His nation’s economy is growing fast and still depends heavily on coal and other fossil fuels that scientists say are contributing to climate change.

“The developing countries believe that the Security Council has neither the professional competence in handling climate change, nor is it the right decision-making place for extensive participation leading up to widely acceptable proposals,” he said.

Russia, China, Qatar, Indonesia and South Africa, among others, also said the Security Council was not the place to take concrete action, though no resolution is expected.

Pakistan argued against the debate on behalf of 130 developing nations, with many saying the Council was encroaching on more democratic bodies, like the 192-member United Nations General Assembly.

Other developing nations, like Peru and Panama and small island states, among the most threatened by climate change, agreed with Britain. So did Secretary General Ban Ki-moon. “Projected changes in the earth’s climate are thus not only an environmental concern,” Mr. Ban said. “And, as the Council points up today, issues of energy and climate change can have implications for peace and security.”

The United States, the world’s largest emitter of greenhouse gases that spur climate change, opposes

mandatory caps on emissions but has instead pushed alternative fuels and energy efficiency.

The acting American ambassador, Alejandro D. Wolff, said the issue must be dealt with in a way that does not effect economic growth and development.

Most industrial nations, including the [European Union](#), agreed with Britain. As did Papua New Guinea, head of the Pacific small island states, which fear they may disappear under rising oceans levels as the earth warms up.

“The dangers that the small island states and their populations face are no less serious than those nations threatened by guns and bombs,” Ambassador Robert Guba Aisi of Papua New Guinea told the Council.

Italy’s deputy foreign minister, Vittorio Craxi, said members should support Mr. Ban’s effort to create a new United Nations Environmental Organization to coordinate action on climate change.

“It is clear that climate change can pose threats to national security,” said Ambassador Kenzo Oshima of Japan. “In the foreseeable future climate change may well create conditions or induce circumstances that could precipitate or aggravate international conflicts.”

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