Editorial

As this edition of CCLR goes to press we know some things about the direction of climate change policy under the Trump Administration, but much remains uncertain. The United States has withdrawn from the Paris Agreement but a very strong ‘We’re Still In’ movement has emerged through which state and local governments, companies, and universities are committing to meet the US Paris goals. The Trump Administration has pledged to step back from many of the climate initiatives of the Obama Administration, the most notable of which is the Clean Power Plan. Again, states have stepped up. Examples include California extending its greenhouse gas (GHG) cap and trade program, the decision by 13 states and Puerto Rico to join the US Climate Alliance¹ created by Governors Cuomo (New York), Inslee (Washington), and Brown (California) to support state efforts to meet the Paris commitments, and the decision of the Regional Greenhouse Gas Initiative² involving nine Northeastern and Mid-Atlantic states to lower the cap on GHG emissions from power plants in the region. Companies also continue to take steps to lower GHG emissions through a variety of private environmental governance programs including procurement of renewable energy and requiring suppliers to reduce their GHG emissions.

Another very significant concern is the Trump Administration’s proposals to reduce funding for climate research that could restrict both the Federal government’s and other organizations’ abilities to design smart solutions to climate problems whether through mitigation or adaptation. Unfortunately, even states committed to addressing climate change, with the possible exception of California, are unlikely to have the financial and scientific resources needed to conduct the leading edge research on climate mitigation and adaptation issues needed to undergird climate policy development and implementation. This type of research is fundamentally a collective enterprise that should be led by the national government. Finally, the Administration has backed away from international commitments to help less developed countries finance changes needed to mitigate, adapt to, or recover from the impacts of climate change. Contributing to the ability of other countries, especially less developed countries, to cope with climate change is an important element of the concept of ‘Common but Differentiated Responsibility’ which takes into account the United States’ disproportionate emission of GHG.

This situation is complicated by the catastrophic damage caused by hurricanes Henry, Irma, and Maria that were almost certainly causally influenced by climate change, whether resulting from the higher ocean temperatures of Gulf waters or other factors such as a weakened jet stream that may have allowed hurricane Henry to linger over Houston and nearby parts of Texas. Both hurricane Katrina and Sandy raised the level of concern about climate change but these events were not sufficient to quell the voices of climate skeptics. It will be interesting to see whether hurricanes Henry, Irma, and Maria have an impact on

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1 See, <<https://www.usclimatealliance.org>>.

2 See, <<http://www.rggi.org>>.

how the Federal government and state governments think about climate change. Early signs have not been encouraging.

The articles in this special edition of CCLR address several important issues related to the current status of climate change policy in the United States. Bob Perciasepe and his colleagues at the Center for Climate and Energy Solutions (C2ES) discuss how the withdrawal from the Paris Agreement announced by the Trump Administration in June of 2017 has begun to motivate sub-national and non-state actors in the US to strengthen their own commitments. They conclude that the groundswell of non-state and sub-national action and the growth of market-based approaches, facilitated by technology innovation and reduced costs, would allow the Administration to reformulate the United States' Nationally Determined Contribution (NDC) in a way that contributes to addressing issues arising out of changes in the climate.

Robert Glicksman focuses on the future of the Obama Administration's Clean Power Plan. His article discusses the review process the US Environmental Protection Agency has embarked upon, its potential outcome, and the extent to which regulatory policies and market considerations are likely to shape GHG emissions from the US electric power sector in the foreseeable future.

Vicki Arroyo identifies new steps that governors and mayors are taking to move forward on both climate change mitigation and adaptation, and puts these developments in a larger context by describing developments before the Trump election.

Robin Craig focuses on the linkage between oceans and climate change in light of their synergistic interactions on the two largest global commons; the atmosphere and oceans. She argues that climate change mitigation law, as represented internationally by the United Nations Framework Convention on Climate Change and its follow-on agreements, can better reflect nations' broader Common but Differentiated Responsibilities by taking ocean impacts into account—in particular, ocean acidification and to fisheries.

Finally, Charles DiLeva looks at the implications of the Trump Administration's climate policy on climate finance. He notes that the promise of climate finance has been a fundamental challenge within the UNFCCC regime since its inception. He observes that the US Administration's decision to withdraw from the Paris Agreement and to end its commitment to contribute to the Green Climate Fund, halted the momentum that had been building in relation to climate finance targets. His article examines the possible impacts of this decision, including the efforts of other countries and international organizations to address the potential funding gap.

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