

## Environmental group earns reputation for legal fortitude on climate change

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The Center for Biological Diversity is a Tucson based nonprofit organization, which currently has about 220,000 members. CBD has become known for the work it does to protect endangered species through legal action and scientific petitions. The nonprofit has offices in 8 states, in addition to Arizona, and they include Alabama, California, Illinois, Minnesota, Montana, New Mexico, Oregon, and Washington, D.C.

In 2007, the Center protested against actions by the Bush administration to cut sweetheart deals to settle environmental lawsuits out of court, which resulted in drastic cut-backs on the endangered species' habit; like the spotted owl. CBD said there were over 25 such decisions that cut protected habitat by an average of 36% under Bush.

In 2008, CBD sued the Bush administration for implementing regulations to by-pass fully assessed environmental impact reports to basically eviscerate the power of the Endangered Species Act. In 2009, President Obama overturned most of the regulations Bush had in place to block species protection.

On March 30, 2010, the New York times ran a feature article on the Center for Biological Diversity entitled, *Brazen Environmental Upstart Brings Legal Muscle, Nerve to Climate Debate*.

According to the Times article, CBD was started by a philosopher, physician, psychology major and biologist who met while tracking spotted owls, the group eschews both traditional inside-the-Beltway tactics and fringe group approaches. It does not lobby, negotiate or campaign for climate legislation. It rejects showy protests like taking over coal plants or unfurling banners on national monuments.

Instead, the Center relies on a strategy of relentless lawsuits. It is controversial, with critics charging that the tactic clogs up the courts, burdens federal agencies and fails to bring a comprehensive solution. It is also highly successful. The center has won 93 percent of its cases.

"They have convinced courts that agencies have ignored or improperly implemented a whole host of environmental and natural resource management statutes," said Robert Glicksman, a professor of environmental law at George Washington University Law School. "They have taken the initiative to bring these lawsuits. They have done their homework in terms of making convincing claims."

In August, 2009, CBD joined over 300 conservation and environmental groups that sent a letter to the Senate asking for a stronger climate bill. They were ultimately disappointed with the weak bill that had been previously passed in the house.

Currently, legislation being proposed by Senators John Kerry (D-Mass.), Lindsey Graham (R-S.C.) and Joe

Lieberman (I-Conn.) does not fully utilize the Environmental Protection Act to use the Clean Air Act for reducing greenhouse gases. CBD calls that a deal breaker and likely will not support the bill. They condemn other large environmental groups, like the Sierra Club and NRDC, for being willing to support such a fundamentally weakened effort.

"Many of them are so desperate to pass a climate bill that they're willing to tolerate a bad bill," said Kieran Suckling, 45, the center's executive director and founder. "There's a certain giving up that we can actually get something that will work."

During work to protect polar bears, which became officially listed as an endangered species under Bush, with habitat reinforcements under Obama--CBD officials realized they needed a broader legal scope to take on climate change.

"The warming crisis is so dire that we would be completely remiss if we did not use all tools at our disposal," Suckling said. "Through working on the polar bear we came to see that this threat was much bigger, much scarier than the polar bear (situation)."

As a result of the high profile polar bear case, CBD also filed suits to gain protection for other species struggling under a changing climate: the Pacific walrus, seven penguin species, and the American Pika.

Kudos to one of my favorite environmental groups: the Center for Biological Diversity.