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## Earth to Congress

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### THE EDITORS

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If that plucky, animated, singing scrap of paper from Schoolhouse Rock!--"(I'm Just a) Bill"--were around today, he'd be begging us to keep him out of the Senate. That's where good ideas go to get their teeth knocked out, to get fattened with pork and disfigured with loopholes, coming out the other end as Frankenstein versions of the initiatives they once were. We're left asking, Is this creature something we can live with and improve over time, as was the case with healthcare reform? Or is the result so hopelessly compromised that it ought never see the light of day?

Unfortunately, when it comes to climate change legislation, all signs are pointing to system failure. Congress urgently needs to pass a comprehensive climate bill, but the current Senate proposal, spearheaded by senators Kerry, Lieberman and Graham, threatens to do more harm than good. It is not only inadequate to the task of curbing climate change; it could curtail the power of the EPA and state governments to regulate greenhouse gases--the best avenues for action in the face of Congress's failures.

The cap-and-trade bill that Obama originally proposed was by no means perfect. It did not even try to meet the target of reducing greenhouse

gas emissions by 25 percent below 1990 levels by 2020, what the UN's Intergovernmental Panel on Climate Change says is minimally necessary from industrialized nations to avoid a chain-reaction climate catastrophe. But it did include a key mechanism that environmentalists regard as essential for cap and trade to work effectively: it would have auctioned off 100 percent of carbon credits, rather than giving them away, thereby raising funds that could be used to offset the burden of higher energy prices on low- and middle-income families and be invested in renewable energy.

By the time the 1,427-page Waxman-Markey bill squeaked through the House last June, however, those crucial elements of the Obama proposal had been eviscerated. Waxman-Markey would sell only 15 percent of carbon credits at an initial auction, with the rest doled out to polluters, free. Waxman-Markey also includes other concessions to the fossil fuel industry--most alarming, stripping the EPA of much of its regulatory power over greenhouse gases (see Christian Parenti, "The Case for EPA Action [1]," in this issue).

The outlook in the Senate is, if anything, worse. At this writing, its final details have not been released, but from early reports it appears that the Kerry-Lieberman-Graham bill would keep and extend the

worst aspects of Waxman-Markey: inadequate emissions-reduction targets (only 3 percent below 1990 levels by 2020), too many free permits and too many allowances for carbon offsets, which are of dubious value in fighting climate change (see Heather Rogers, "Offset Buyers Beware [2]," in this issue).

Kerry-Lieberman-Graham would bypass an economywide cap-and-trade system, opting instead for a bundle of separate energy bills that would slowly phase in emissions reductions sector by sector. Some of these pieces of legislation may pass; others may fail; all are ripe for gaming by corporate lobbies. Kerry-Lieberman-Graham would also skew subsidies in the wrong direction, throwing billions at "clean coal" technologies, nuclear power plants and offshore drilling, a questionable gambit favored by the Obama administration to garner support from Republicans and representatives from oil-, gas- and coal-producing states.

Perhaps most troubling, Kerry-Lieberman-Graham would not only gut the EPA of its regulatory power but could also pre-empt regulations on greenhouse gases from states and municipalities. This would undo the considerable progress made by states like California--which have pioneered emissions reductions for automobiles, and regional cap-and-trade systems--and thwart the

efforts of cities and towns to require developers and businesses to adopt clean energy technologies.

In the face of such maneuvers, some green groups, like Bill McKibben's 350.org, are pushing instead for the CLEAR Act, written by senators Maria Cantwell and Susan Collins. The CLEAR Act's cap-and-dividend system, which works by capping CO<sub>2</sub>-producing fossil fuels at the source or point of import, is an elegant idea; but its mandatory emissions targets are weaker than what's needed. It covers only CO<sub>2</sub> (not all greenhouse gases), and one of its prime virtues--that it's just forty pages long!--means that it leaves a

lot of vital details out of the picture. Still, it doesn't pre-empt the EPA or state regulations, and its leanness means that it's not laden with pork and industrial giveaways.

Between the two, the CLEAR Act is preferable, on the grounds that it would do less harm and possibly as much or more good. But let's be very clear: our legislative process--which allows parochial short-term interests and massive corporate lobbies to undermine the long-term common interests--has proven shockingly inadequate to the monumental task before us: the preservation of the conditions of life for much of the human species. For that we will

need action on more than just the Congressional front. The vigorous grassroots movement to halt the construction of new coal-fired plants--which Robert S. Eshelman profiles in "Cracking Big Coal [3]," in this issue--offers a model of what determined, savvy activists can accomplish in the absence of national leadership. But we also need action from the executive branch, from states, cities, businesses and citizens. As it stands, the Kerry-Lieberman-Graham bill would vitiate many of these forums while strengthening the position of the nuclear, natural gas and coal industries. For that reason, we regretfully urge its defeat.