

Panelists agree: Climate change is the greatest environmental challenge of our time

By Amy Jasiewicz

Calling climate change the “most damaging threat to the future for our children and grandchildren,” Mindy S. Lubber, president of Ceres, The Coalition for Environmentally Responsible Economies, felt compelled to preface her remarks at the Environmental Law Section’s annual meeting program with her personal perspective on the issue. “This is truly about our kids’ future. We’ve got a big challenge here, it is extraordinary.”

Profound impact

During the January 27 session on climate change risks and responsibilities for corporations, Lubber focused her remarks on the influence corporate shareholders have on the issue, and signals that corporate America is recognizing that climate change, or global warming, has a real impact on their bottom line.

“It is a global, economic, and financial issue that has a profound impact on many industries,” Lubber said. She cited the billions of dollars paid out by insurance companies for damages due to increasingly fre-

quent and severe weather events. Other major areas of concern are the impact on human health, ecosystems, agriculture, and water resources.

Action needed

Ford Motor Co., Exxon Mobil, and Chevron are all companies that have acknowledged the issue, she said. The impetus for their action is shareholders and investors who have pushed companies to assess their impact on climate change, disclose that impact, and begin to minimize carbon dioxide emissions and other damaging toxins.

“We need businesses and investors to act and change because they believe it’s in their best interest,” she said.

Attorneys should advise the companies they work with to assess their climate change risk through a formal, board-level assessment, followed by issuance of a clear and proactive impact statement, she continued.

Litigation

Peter H. Lehner, bureau chief of the state Attorney General’s Environmental Protection Bureau, described the state’s climate

change litigation efforts, which extend well beyond direct action against polluters, he said. The state’s litigation also seeks to: defend the state’s regulatory legislative action; force the federal government to limit and reduce carbon dioxide emissions; and require greater disclosure of climate change risks, Lehner said.

When New York state adopted California’s car emission standards, which will reduce greenhouse gases from new vehicles by 30 percent for the 2016 model year, the auto industry immediately sued New York. “We have told the Governor’s Office that we will defend them and we are confident that we will win,” he said.

Lehner also discussed *National Resources Defense Council, NY, et al v. Spencer Abraham*, in which the U.S. Department of Energy was successfully blocked in its attempt to roll back energy efficient standards for air conditioners. “Just last week the more stringent standard [for air conditioners] went into affect,” said Lehner. “That got our juices flowing.”

New York et al v. Bodman et al seeks to require the Department of

Energy to revise efficiency standards for 22 products, as mandated by the Energy Policy & Conservation Act. It was found that the DOE was six to 13 years behind in issuing new standards for various products. If the suit is successful, a new efficiency standard for toasters would result in an annual savings equal to the amount of energy used by the entire New York residential sector, he said.

“It’s clear that our carbon emissions are destabilizing the planet. No matter what the courts say, that’s clear,” said Lehner.

Lubber and Lehner spoke as part of the section’s half-day program, which provided legal perspectives on climate change. Louis A. Alexander of Albany, state Department of Environmental Conservation, served as program coordinator. Program co-chairs were Antonia Bryson of New York (Urban Environmental Law Center) and J. Kevin Healy of New York (Bryan Cave, LLP). Miriam E. Villani of Uniondale (Farrell Fritz, P.C.) serves as section chair. ♦

The environmental reporter’s canary in the mineshaft

By Dan Kittay

As pending environmental problems loom on the horizon, journalists find it harder to get space in their newspapers to talk about them, said a leading environmental reporter.

“People aren’t educated enough on these issues. It takes more words to explain, but they get less coverage,” said Andrew C. Revkin, the environmental reporter for *The New York Times*.

Revkin spoke at the luncheon of the Environmental Law Section on January 27.

Environmental issues not ‘dramatic’

One of the problems in getting more space to write about environmental issues is that some stories are not considered dramatic enough by editors to warrant extensive coverage, Revkin said. He mentioned a study that showed that if you add up all the drops of gasoline that fall on the ground in a year when cars are filling up at gas stations, they would take up 1.5 times the capacity of the Exxon Valdez, the tanker that spilled oil in 1989.

When Revkin proposed the story to his editor and said it should get prominent placement in the paper, his editor responded, “Isn’t that rather incremental?” The same reasoning is often applied to coverage of global warming issues. “What’s more incremental than global warming?” Revkin asked, while noting that its potential effects on the planet are tremendous.

Environmental stories need more space

In addition to reduced space in the paper, environmental reporters are restricted in that they often must devote some of their space to explaining the background of the issues they cover, since many people do not take the time to learn about them. “A baseball writer doesn’t need to explain the rules in each story. People don’t know the rules of the road for science, so we have to explain them in each article, and we don’t get extra space to do it.” Revkin said it is ironic that “as science becomes more embedded in our lives,” we devote less coverage to it in mainstream media. ♦



Photo by Fred Smith Assoc.

Andrew C. Revkin, longtime environmental reporter for *The New York Times*, said environmental issues aren’t receiving enough news space in publications. He said editors don’t consider such issues “dramatic enough” to warrant extensive coverage. Revkin was the keynote speaker at Environmental Law Section’s luncheon on Jan. 27.