

CLIMATE CHANGE LAW & POLICY
LAW 6712
SYLLABUS

Time/Location: Monday/Wednesday 1:00pm-2:20pm; Room 304

Course Description: This course covers the principal existing and emerging greenhouse gas (GHG) compliance regimes (international and domestic), with a particular focus on the emissions trading systems (the so-called carbon markets) that have emerged as major components of the early regulatory response to climate change. The overall aim is to give students a broad understanding of the basic design features of these compliance regimes, the fundamental policy choices/decisions that structure them, and key issues involved in implementation. The course begins with several introductory sessions on climate change science, technology, economics and policy. The rest of the course will engage directly with the primary existing and emerging GHG compliance regimes, including the UN Framework Convention on Climate Change (UNFCCC), Kyoto Protocol, and Post-2012 process; the European Union Emissions Trading Scheme (EU ETS) and other emerging GHG compliance systems; and state, regional, and federal efforts to create GHG compliance regimes in the US (including the Regional Greenhouse Gas Initiative (RGGI), California and the Western Climate Initiative, and efforts to regulate GHGs under the Clean Air Act). The course will focus largely on mitigation and the construction of regulatory regimes to reduce greenhouse gas emissions, not because adaptation is unimportant, but because most of the current “law” on climate change is happening in the mitigation context (and because of time limits). Likewise, the course will focus much more on regulation (and the design of regulatory regimes) rather than climate change litigation, although several classes will be devoted to recent climate change litigation in the United States. Finally, the course will not devote much attention to the many important aspects of energy law and regulation that must be part of any comprehensive effort to address climate change – many of which are addressed in the Energy Law & Regulation course.

Reading Materials:

- **Casebook:** Chris Wold et al., CLIMATE CHANGE AND THE LAW (LexisNexis 2009)
- **Supplementary Materials:** Posted on TWEN (including “optional” readings)

Attendance & Class Participation: Students are expected to attend and participate in class. If you will not be able to attend class, please let me know in advance. Class discussion is very important, and you are encouraged to engage regularly in discussion.

Attendance and class participation will be considered in deciding whether to adjust your grade.

Grading: Grades will be based upon a 3-hour exam subject to any adjustment for class participation and/or attendance. Final Exam is Friday May 6 at 8:15am in Room 205.

Disability Issues: If you qualify for accommodations because of a disability, please submit to me a letter from Disability Services in a timely manner so that your needs can be addressed. Disability Services determines accommodations based on documented disabilities. Contact: 303-492-8671, Willard 322, and www.Colorado.EDU/disability_services. If you have any questions about accommodations for a disability, please contact Senior Assistant Dean Whiting Leary (303-492-8259, whiting.leary@colorado.edu).

Religious Observances: Campus policy regarding religious observances requires that faculty make every effort to deal reasonably and fairly with all students who, because of religious obligations, have conflicts with scheduled exams, assignments or required attendance. See full details at http://www.colorado.edu/policies/fac_relig.html. If you need accommodation for religious observances, please let me know in advance.

The Honor Code: Read it, understand it, and follow it. See <http://www.colorado.edu/Law/about/honorcode/index.htm>.

Contact Information: Office # 443 | 303.492.7320 | william.boyd@colorado.edu.

Office Hours: Mondays and Wednesdays 3:00pm to 4:00pm or by appointment.

CLIMATE CHANGE – SCIENCE, TECHNOLOGY, ECONOMICS, AND POLICY

1 1/14	<p>THE SCIENCE OF CLIMATE CHANGE – WHAT DO WE KNOW AND HOW DO WE KNOW IT?</p> <ul style="list-style-type: none"> • CASEBOOK, 1-15 • TWEN MATERIALS: <ul style="list-style-type: none"> ○ IPCC, <u>CLIMATE CHANGE 2007, 4TH ASSESSMENT REPORT (AR4) WORKING GROUP 1, SUMMARY FOR POLICYMAKERS (2007) (OPTIONAL)</u> ○ WORLD BANK, <u>TURN DOWN THE HEAT: WHY A 4° C WARMER WORLD MUST BE AVOIDED (2012) (OPTIONAL)</u> • OPTIONAL BOOK <ul style="list-style-type: none"> ○ KERRY EMANUEL, <u>WHAT WE KNOW ABOUT CLIMATE CHANGE, 2ND ED. (2012).</u>
2 1/16	<p>THE SCIENCE OF CLIMATE CHANGE (CONT.) - WHAT DO WE KNOW AND HOW DO WE KNOW IT?</p> <ul style="list-style-type: none"> • TWEN MATERIALS <ul style="list-style-type: none"> ○ PAUL N. EDWARDS, <u>REPRESENTING THE GLOBAL ATMOSPHERE: COMPUTER MODELS, DATA, AND KNOWLEDGE ABOUT CLIMATE CHANGE, IN CHANGING THE ATMOSPHERE: EXPERT KNOWLEDGE AND ENVIRONMENTAL GOVERNANCE (MILLER & EDWARDS EDS. 2001)</u> ○ KEVIN TRENBERTH, <u>MORE KNOWLEDGE, LESS CERTAINTY, 4 NATURE REPORTS: CLIMATE CHANGE 20 (2010)</u>
1/21 - MARTIN LUTHER KING HOLIDAY - NO CLASS	
3 1/23	<p>THE SCIENCE OF CLIMATE CHANGE (CONT.) – PROJECTED IMPACTS & STABILIZATION TARGETS</p> <ul style="list-style-type: none"> • CASEBOOK, 16-47 • TWEN MATERIALS <ul style="list-style-type: none"> ○ J. HANSEN, ET AL., <u>TARGET ATMOSPHERIC CO₂: WHERE SHOULD HUMANITY AIM? (2008) (OPTIONAL)</u> ○ BILL MCKIBBEN, <u>GLOBAL WARMING'S TERRIFYING NEW MATH, ROLLING STONE (2012).</u>
4 1/28	<p>RESPONDING TO CLIMATE CHANGE – MITIGATION</p> <ul style="list-style-type: none"> • CASEBOOK, 49-81 • TWEN MATERIALS: <ul style="list-style-type: none"> ○ L. GOULDER AND B. PIZER, <u>THE ECONOMICS OF CLIMATE CHANGE, RFF DISCUSSION PAPER (2006) (OPTIONAL)</u> ○ W. NORDHAUS, <u>TO TAX OR NOT TO TAX? ALTERNATIVE APPROACHES TO SLOWING GLOBAL</u>

	<p><i>WARMING</i>, 1 <i>REVIEW OF ENVIRONMENTAL ECONOMICS AND POLICY</i> 26 (2007) (OPTIONAL)</p> <ul style="list-style-type: none"> ○ ROBERT STAVINS, <i>ADDRESSING CLIMATE CHANGE WITH A COMPREHENSIVE U.S. CAP & TRADE SYSTEM</i>, 24 <i>OXFORD REVIEW OF ECONOMIC POLICY</i> 298 (2008) (OPTIONAL)
5 1/30	<p>RESPONDING TO CLIMATE CHANGE – MITIGATION (CONT.)</p> <ul style="list-style-type: none"> • CASEBOOK, 82-93 • TWEN MATERIALS <ul style="list-style-type: none"> ○ DAVID ARCHER, <i>CARBON ECONOMICS AND ETHICS</i>, IN <i>THE LONG THAW: HOW HUMANS ARE CHANGING THE NEXT 100,000 YEARS OF EARTH'S CLIMATE</i> (2009) ○ STEVEN DAVIS ET AL., <i>FUTURE CO2 EMISSIONS AND CLIMATE CHANGE FROM EXISTING ENERGY INFRASTRUCTURE</i>, 329 <i>SCIENCE</i> 1330 (2010)
6 2/4	<p>RESPONDING TO CLIMATE CHANGE – ADAPTATION</p> <ul style="list-style-type: none"> • CASEBOOK, 95-119 • TWEN MATERIALS <ul style="list-style-type: none"> ○ ROBERT R. M. VERCHICK, <i>ADAPTATION, ECONOMICS, AND JUSTICE</i>, IN <i>ECONOMIC THOUGHT AND U.S. CLIMATE POLICY</i> (DRIESEN ED., 2010) (OPTIONAL)
7 2/6	<p>RESPONDING TO CLIMATE CHANGE – GEOENGINEERING</p> <ul style="list-style-type: none"> • CASEBOOK, 119-125 • TWEN MATERIALS: THE ROYAL SOCIETY, <i>GEOENGINEERING THE CLIMATE: SCIENCE, GOVERNANCE AND UNCERTAINTY</i> (2009) (SUMMARY AND INTRODUCTION)

THE INTERNATIONAL CLIMATE REGIME

8 2/11	<p>THE UN FRAMEWORK CONVENTION ON CLIMATE CHANGE (UNFCCC)</p> <ul style="list-style-type: none"> • CASEBOOK, 127-149 (SKIM); 927-46
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9 2/13	THE UN FRAMEWORK CONVENTION ON CLIMATE CHANGE (UNFCCC) (CONT.) <ul style="list-style-type: none"> • CASEBOOK, 149-87
10 2/18	THE KYOTO PROTOCOL <ul style="list-style-type: none"> • CASEBOOK, 189-205 (SKIM); 947-966
11 2/20	The Kyoto Protocol (cont.) <ul style="list-style-type: none"> • Casebook, 205-224; 225-239 • TWEN MATERIALS <ul style="list-style-type: none"> ○ KYOTO PROTOCOL REFERENCE MANUAL (2008) (FOR REFERENCE PURPOSES ONLY)
12 2/25	The Kyoto Protocol (cont.) <ul style="list-style-type: none"> • TWEN MATERIALS <ul style="list-style-type: none"> ○ DONALD MACKENZIE, <i>MAKING THINGS THE SAME: GASES, EMISSIONS RIGHTS, AND THE POLITICS OF CARBON MARKETS</i>, 34 <i>ACCOUNTING, ORGANIZATION, AND SOCIETY</i> 440 (2009) ○ LEGAL ISSUES GUIDEBOOK TO THE CLEAN DEVELOPMENT MECHANISM, CHAPTER 6: CERTIFIED EMISSIONS REDUCTIONS (2004)
13 2/27	THE KYOTO PROTOCOL (CONT.) <ul style="list-style-type: none"> • CASEBOOK, 239-261
14 3/4	LAND USE AND FORESTRY IN THE INTERNATIONAL CLIMATE REGIME <ul style="list-style-type: none"> • CASEBOOK, 271-303
15 3/6	THE POST-KYOTO INTERNATIONAL CLIMATE REGIME <ul style="list-style-type: none"> • CASEBOOK, 335-353 (SKIM) • TWEN MATERIALS <ul style="list-style-type: none"> ○ CASEBOOK SUPPLEMENT TO CH. 9, THE COPENHAGEN ACCORD ○ THE CANCÚN AGREEMENTS (SKIM)

16 3/11	<p>THE POST-KYOTO INTERNATIONAL CLIMATE REGIME (CONT.)</p> <ul style="list-style-type: none"> • TWEN MATERIALS: <ul style="list-style-type: none"> ○ DOHA COP: AGREED OUTCOME PURSUANT TO THE BALI ACTION PLAN (2012); ADVANCING THE DURBAN PLATFORM (2012) ○ DOHA MOP: DOHA AMENDMENT TO KYOTO PROTOCOL (2012) • WILLIAM BOYD, <i>CLIMATE CHANGE FRAGMENTATION, AND THE CHALLENGES OF GLOBAL ENVIRONMENTAL LAW: ELEMENTS OF A POST-COPENHAGEN ASSEMBLAGE</i>, 32 <u>U. PA. J. INT'L L.</u> 457 (2010) PARTS 1 AND 2 (AVAILABLE ON CU LAW FACULTY WEBPAGE)
17 3/13	<p>THE POST-KYOTO INTERNATIONAL CLIMATE REGIME – FOCUS ON REDD+</p> <ul style="list-style-type: none"> • TWEN MATERIALS: <ul style="list-style-type: none"> ○ DURBAN PLATFORM (SECTIONS ON REDD) (2011) ○ DURBAN SBSTA DECISION ON REDD (2011) • WILLIAM BOYD, <i>WAYS OF SEEING IN ENVIRONMENTAL LAW: HOW DEFORESTATION BECAME AN OBJECT OF CLIMATE GOVERNANCE</i>, 37 <u>ECOLOGY LAW QUARTERLY</u> 843 (2010) PARTS III AND IV (AVAILABLE ON CU LAW FACULTY WEBPAGE) • WILLIAM BOYD, <i>CLIMATE CHANGE FRAGMENTATION, AND THE CHALLENGES OF GLOBAL ENVIRONMENTAL LAW: ELEMENTS OF A POST-COPENHAGEN ASSEMBLAGE</i>, 32 <u>U. PA. J. INT'L L.</u> 457 (2010) PARTS 4 & 5 (AVAILABLE ON CU LAW FACULTY WEBPAGE)

EU ETS & OTHER EMERGING INTERNATIONAL GHG COMPLIANCE REGIMES

18 3/18	<p>THE EUROPEAN UNION EMISSIONS TRADING SCHEME (EU ETS)</p> <ul style="list-style-type: none"> • CASEBOOK, 261-269 • TWEN MATERIALS: <ul style="list-style-type: none"> ○ EUROPEAN COMMISSION, <i>QUESTIONS & ANSWERS ON THE REVISED EU EMISSIONS TRADING SCHEME</i> (2008) ○ EUROPEAN COMMISSION, <i>PROGRESS TOWARDS ACHIEVING THE KYOTO OBJECTIVES</i> (2011)
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19 3/20	<p>THE EUROPEAN UNION EMISSIONS TRADING SCHEME (EU ETS) (CONT.)</p> <ul style="list-style-type: none"> • ADDITIONAL READINGS TO BE ASSIGNED <p>AUSTRALIA, NEW ZEALAND, ETC.</p> <ul style="list-style-type: none"> • READINGS TO BE ASSIGNED (TIME PERMITTING)
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3/25 TO 3/29 - SPRING BREAK – NO CLASS

CLIMATE CHANGE LAW & POLICY IN THE UNITED STATES

20 4/1	<p>BACKGROUND & OVERVIEW OF GHG EMISSIONS IN THE UNITED STATES</p> <ul style="list-style-type: none"> • CASEBOOK, 465-478 (SKIM) <p>CLIMATE CHANGE LITIGATION</p> <ul style="list-style-type: none"> • CASEBOOK, 497-522
21 4/3	<p>CLIMATE CHANGE LITIGATION (CONT.)</p> <ul style="list-style-type: none"> • CASEBOOK, 526-536 • TWEN MATERIALS: <ul style="list-style-type: none"> ○ WOLD ET AL., SUPPLEMENT TO CH. 12 (2011) • CASEBOOK, 783-807 • TWEN MATERIALS: <ul style="list-style-type: none"> ○ WOLD ET AL., SUPPLEMENT TO CH. 16 (2011)
22 4/8	<p>THE REGIONAL GREENHOUSE GAS INITIATIVE (RGGI)</p> <ul style="list-style-type: none"> • CASEBOOK, 830-841 • TWEN MATERIALS: <ul style="list-style-type: none"> ○ RGGI, <u>RGGI FACT SHEET</u> (2009) ○ WILLIAM FUNK, <i>CONSTITUTIONAL IMPLICATIONS OF REGIONAL CO2 CAP-AND-TRADE PROGRAMS: THE NORTHEAST REGIONAL GREENHOUSE GAS INITIATIVE AS A CASE IN POINT</i>, 27 <u>UCLA J. ENVTL. L. & POL'Y</u> 353 (2009).

23 4/10	<p>CALIFORNIA AND THE WESTERN CLIMATE INITIATIVE (WCI)</p> <ul style="list-style-type: none"> • CASEBOOK, 845-849 • TWEN MATERIALS: CALIFORNIA AIR RESOURCES BOARD, CAP-AND-TRADE REGULATIONS (2010 & 2011) (SELECTIONS)
24 4/15	<p>CALIFORNIA AND THE WESTERN CLIMATE INITIATIVE (WCI) (CONT.)</p> <ul style="list-style-type: none"> • TWEN MATERIALS: <ul style="list-style-type: none"> ○ CALIFORNIA REGULATIONS (CONT.) ○ WCI, DESIGN ELEMENTS OF THE WCI REGIONAL CAP-AND-TRADE PROGRAM (2008) (SECTIONS 1 AND 2) ○ ADDITIONAL READINGS TO BE ASSIGNED
25 4/17	<p>FEDERAL REGULATION OF GHG EMISSIONS – THE CLEAN AIR ACT</p> <ul style="list-style-type: none"> • TWEN MATERIALS: <ul style="list-style-type: none"> ○ WOLD ET AL., SUPPLEMENT TO CHAPTER 13, PP. 1-21 (2011)
26 4/22	<p>FEDERAL REGULATION OF GHG EMISSIONS – THE CLEAN AIR ACT (CONT.)</p> <ul style="list-style-type: none"> • TWEN MATERIALS: <ul style="list-style-type: none"> ○ WOLD ET AL., SUPPLEMENT TO CHAPTER 13, PP. 21-52 (2011) ○ COALITION FOR RESPONSIBLE REGULATION V EPA, 84 F.3D 102 (D.C. CIR. 2012) (SELECTIONS)
27 4/24	<p>COURSE WRAP UP</p> <ul style="list-style-type: none"> • TWEN MATERIALS: SHELIA JASANOFF, <i>A NEW CLIMATE FOR SOCIETY</i>, 27 <u>THEORY, CULTURE & SOCIETY</u> 233 (2010)
<p>EXAM REVIEW – DATE/TIME TBA</p>	