



Winter/Spring 2016

*A Summary of the Key Activities of the
Sabin Center for Climate Change Law*



COLUMBIA LAW SCHOOL

SABIN CENTER FOR CLIMATE CHANGE LAW

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Since its creation in 2009, the [Sabin Center for Climate Change Law](#) has been known as a center of expertise, providing timely information and resources on key topics and promoting advances in the interrelated fields of climate law, environmental regulation, energy regulation and natural resources law.

The Center’s activities are spearheaded by [Michael Gerrard](#), Faculty Director of the Sabin Center and Andrew Sabin Professor of Professional Practice at Columbia Law School, and [Michael Burger](#), Executive Director of the Sabin Center and Research Scholar and Lecturer-in-Law at Columbia Law School.

The core mission of the Sabin Center is to develop and promulgate legal techniques to address climate change, and to train the next generation of lawyers who will be leaders in the field. The Sabin Center is both a partner to and resource for public interest legal institutions engaged in climate change work. Further, the Center addresses a critical need for the systematic development of legal techniques to fight climate change outside of the realm of litigation, and the compilation and dissemination of information for lawyers in the public, private and NGO sectors.

Summary

The Sabin Center currently focuses its work within seven programmatic areas: The Clean Air Act, Environmental Assessment, Energy Law, Adaptation, Securities and Climate Finance, Natural Resources, and Human Rights. The Center's thought leadership and direct engagement operate at the international, national, state and local levels.

This report presents some of Sabin Center's recent projects, events, publications, and resources and provides web links throughout the report in order to give you access to additional information.



Projects

In the absence of congressional legislation specifically addressing climate change, federal activity is taking place under the authority of existing environmental, energy and natural resources laws. The Sabin Center conducts independent research to produce publications and useful resources; advances new techniques and ideas through direct engagement; and partners with agencies, NGOs and the private sector to promote climate action.

Clean Air Act (CAA)



The Environmental Protection Agency is using its Clean Air Act (CAA) authority to regulate mobile and stationary sources of greenhouse gases (GHGs.) The Sabin Center has been active in both informing and defending EPA's regulations, and in advocating for more ambitious action.

The Clean Power Plan

- **Amicus Brief:** On April 1 the Sabin Center filed an amicus [brief](#) in the D.C. Circuit Court of Appeals on behalf of 54 city and county governments from 28 states, together with the United States Conference of Mayors and the National League of Cities, explaining why the Environmental Protection Agency's Clean Power Plan is critical to the safety and economic security of local communities across the United States.

Section 115: International Air Pollution

- **New Publication:** In January the Sabin Center, together with the Institute for Policy Integrity at NYU and the Emmett Institute on Climate Change and the Environment at UCLA, published a working paper titled "[Legal Pathways to Reducing Greenhouse Gas Emissions under Section 115 of the Clean Air Act.](#)" The paper provides the most extensive analysis to date on EPA's legal authority to utilize Section 115 to create an economy-wide, cross-sectoral approach to regulating GHGs.
- **Briefings and Talks:** Michael Burger and Michael Gerrard have given numerous briefings and talks on the Section 115 paper, including at meetings and events hosted by the U.S. Department of Energy, Environmental Law Institute, Center for American Progress, Center for Climate and Energy Solutions, National Association of Clean Air Agencies, Electric Power Research Institute, International Emissions Trading Association, Georgetown University Law Center, New York State Power Dialog and American Association for the Advancement of Science.

Environment Assessment

The National Environmental Policy Act, and its state and international analogs, provide for the assessment of environmental impacts of proposed projects, plans and programs. The Sabin Center examines legal requirements and practices relating to the analysis of GHG emissions and the impacts of climate change on proposed projects under these statutes.

- **New Working Paper:** [Downstream and Upstream Greenhouse Gas Emissions: The Proper Scope of NEPA Review](#), by Michael Burger and Jessica Wentz (forthcoming in *Harvard Environmental Law Review*)
- **New Study:** [Survey of Climate Change Considerations in Federal EISs, 2012-2014](#), by Jessica Wentz, Grant Glovin and Adrian Ang (Feb. 2016)

The Sabin Center also submits comments to federal and state agencies undertaking environmental review:

- **Comments focusing on GHG emissions:**
 - [Comments on the Bureau of Ocean Energy Management \(BOEM\)'s Draft EIS for the Proposed 2017-2022 OCS Oil and Gas Leasing Program](#) (submitted May 2, 2016)
 - [Comments on the U.S. Forest Service \(USFS\)'s Supplemental Draft Environmental Impact Statement for the Proposed Exception to the Colorado Roadless Rule](#) (submitted January 15, 2016)

- **Comments focusing on climate change adaptation:**

[Comments on the Draft EIS for the Greater Moriches Comprehensive Zoning Re-Evaluation Study](#) (submitted March 18, 2016)

[Comments on the Draft EIS for the New Rochelle Comprehensive Plan](#) (submitted March 31, 2016)

- **Comments focusing on both issues:**

[Comments on the Federal Energy Regulatory Commission \(FERC\)'s Draft Guidance Manual for Environmental Report Preparation for Applications Filed Under the Natural Gas Act](#) (submitted February 23, 2016)

Human Rights

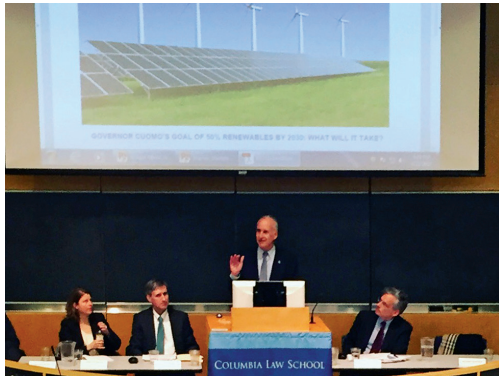
Climate change poses serious risks to human rights for individuals and communities around the world, including the rights to life, health, food and an adequate standard of living. The global response to climate change also poses risks to human rights, as mitigation and adaptation projects threaten to displace or dispossess communities, potentially without adequate participation.

- **New Report:** Michael Burger and Jessica Wentz were the principal authors of [Climate Change and Human Rights](#), published by the UN Environment Programme and launched at the Paris meeting in December.
- **Talks:** Jessica Wentz spoke with the staff of Human Rights Watch on the nexus between human rights and climate change.

Events

From January–May 2016, the Center sponsored or co-sponsored a total of 9 events and conferences.

Highlights



GOVERNOR CUOMO'S GOAL OF 50% RENEWABLES BY 2030: WHAT WILL IT TAKE?

Tuesday, April 12, 2016
6:30-8:30 p.m.

Admission is free but registration is required.
RSVP to [Renewable 2030/Columbia](#)

Columbia Law School
Jerome Greene Hall, Room 104
435 West 116th Street (at Amsterdam Avenue)
New York, New York
NEAREST SUBWAY: 116th Street stop on #1 line.

Governor Andrew Cuomo has taken action to require 50 percent of the state's electricity supply to come from renewable resources like solar, wind, and hydro by 2030. This decarbonization is a central part of the state's efforts to fight climate change. At this event the principal architect of the program will discuss how it will be achieved, followed by commentaries by representatives of important elements of the energy industry and environmental community.

SPEAKERS

- Richard Kauffman**, Chairman of Energy and Finance for New York, Office of NY Gov. Andrew Cuomo
- Sergei Mahnovski**, Director, Utility of the Future team, Consolidated Edison Company
- Anne Reynolds**, Executive Director, Alliance for Clean Energy of New York
- Jackson Morris**, Director Eastern Energy, Natural Resources Defense Council

MODERATOR

Michael B. Gerrard, Andrew Sabin Professor of Professional Practice and Director, Sabin Center for Climate Change Law, Columbia Law School

Program is sponsored by Sabin Center for Climate Change Law and co-sponsored by Center on Global Energy Policy, Columbia Law School Environmental Law Society, SIPA Environmental Coalition, SIPA Energy Association, and the Earth Institute of Columbia University

Richard Kauffman, the Chairman of Energy and Finance of New York from the office of Governor Andrew Cuomo joined by other experts to speak about [Governor Cuomo's Goal of 50% Renewables by 2030](#).



Renewable Energy Sources in the United States—What, Who, and How Much?

FEATURING DISTINGUISHED GUEST SPEAKER



Steven Croley

General Counsel for the U.S. Department of Energy

Thursday, April 21, 2016
12:15-1:00 p.m.
Non-pizza lunch will be served

Columbia Law School
Jerome Greene Hall, Room 103
435 West 116th Street (at Amsterdam Avenue)
New York, New York



Steven Croley, General Counsel for the U.S. Department of Energy



Michael Burger and Michael Gerrard with Susan Biniaz, Lead climate lawyer for the U.S. Department of State on Lessons from the Paris Climate Talks.



[What Effect Will the Transpacific Partnership Have on Domestic and International Climate Change Action?](#)



[COP21 Climate Agreement—What Comes Next?](#)



Sabin Center staff also participated in various national, regional and international events and meetings, including ones organized by the American Bar Association, New York Bar Association, International Bar Association,

New York City Environmental Law Leadership Institute, New York State Power Dialogue, National Association of Environmental Professionals, International Peace Institute, Electric Power Research Institute, West Virginia University Law School, Yale Law School, NYU Law School, Georgetown University Law Center, University of Florida Levin School of Law. On April 6, 2016, Michael Gerrard delivered the annual Garrison Lecture at Pace Law School.



International: In March 2016, Professor Michael B. Gerrard visited Chile and Brazil and spoke at the following venues: Congress of Rio de Janeiro (an event organized by Federal Judges Association of Rio de Janeiro and Brazil Council of Federal Justice); PUCRS University and the Conference of Federal Court of Appeals in Porto Alegre; Fourth Circuit Federal Court of Appeals in Porto Alegre, Brazil; Pontifical Catholic University of Rio Grande do Sul in Porto Alegre, Brazil; Universitarias de Pedagogia da UDC Centro in Foz do Iguacu, Brazil; and the Columbia Global Center in Santiago, Chile.

Media Mentions and Interviews

Sabin Center experts were interviewed and/or quoted directly or mentioned via one of the products produced by the Center in approximately 50 media and news items.

Highlights

- [The Rising Tide, Columbia Law School Magazine](#)
Featuring the Sabin Center's work on climate change and displacement of people in small island nations. It contains quotes from interviews with Michael Gerrard, Michael Burger, and Jessica Wentz.
- [Obama scores triumph with Paris pact, but his environmental agenda faces obstacles at home, Los Angeles Times](#)
Quoting extensively a working paper prepared by Michael Burger and Jessica Wentz on the proper scope of greenhouse gas emissions analysis under NEPA.
- [Cities Speak Up to Save Obama's Clean Power Plan, The Atlantic's City Lab](#)
Featuring the Sabin Center's amicus brief in support of the Environmental Protection Agency's Clean Power Plan, submitted on behalf of a coalition of local government representatives including the National League of Cities, the U.S. Conference of Mayors, and fifty-four cities, counties, and mayors.

- [Pressure on Exxon Over Climate Change Intensifies With New Documents, The New York Times](#)

Quoting Michael Gerrard on the pressure on Exxon Mobil with the release of a new documents suggesting that the industry had knowledge of the impact of the climate change as much as 60 years ago.

- [21 American kids are suing the government for not doing enough about global warming, Mashable](#)

Quoting Michael Gerrard on the U.S. District Court of Oregon denial of motions to dismiss a suit brought by a group of young people who alleged that excessive carbon emissions are threatening their future.

- [An obscure clause in an old law could help regulate US carbon emissions, Public Radio International \(PRI\)](#)

Radio interview with Michael Burger on how Section 115 would be useful to execute plans that would curb green gas emissions.

- [Will a Reconfigured Supreme Court Help Obama's Clean-Power Plan Survive? The Atlantic](#)

Quoting Michael Gerrard on the ruling of the Clean Power Plan.

Read more [Center in News](#).

Publications

The Sabin Center produces papers, surveys and other legal resources, and its members edit and co-author books with climate law and energy experts from around the globe. In addition, the Center publishes the Climate Law Blog, and maintains a growing presence on social media, which now includes nearly 4200 Twitter followers and 1000 Facebook “friends” (as of May 3). The Center has also recently joined LinkedIn in order to increase its visibility and share information with various professional subscribers, and will soon begin publishing the Climate Law Blog on Medium.

Highlights

- [Climate litigation scores successes in the Netherlands and Pakistan](#), by Michael B. Gerrard (*ABA Trends*)
- [Effect of the Paris Climate Agreement on U.S. Businesses](#), by Michael B. Gerrard and Edward McTiernan (*New York Law Journal*)
- [Upstream and Downstream Greenhouse Gas Emissions from Fossil Fueled Production and Transportation: New Working Paper Examines Scope of Federal Analysis Required Under NEPA](#), by Michael Burger and Jessica Wentz (forthcoming, *Harvard Environmental Law Review*)
- [HUD Doesn't Need New Legislative Authority to Better Integrate Climate Change Resilience into Its Disaster Recovery Program](#), by Justin Gundlach & Channing Jones (*Environmental Law Reporter*)

David Sive Visiting Scholars

The Sabin Center, supported by the David Sive Memorial Fund, hosted two visiting scholars in the 2015–2016 academic year. This spring we published working papers produced by each during their visit.



[Sea-Level Rise and Changing Times for Florida's Local Governments](#),

by Professor David Markell



[Ontario's Climate Change Mitigation and Low Carbon Economy Act: Pious Aspirations or New Dawn?](#),

by Dr. Damilola S. Olawuyi

Highlights from our Climate Law Blog

[Our Children’s Trust Suit Against US Government Surmounts Litigation Hurdle](#),

by Michael Gerrard

[Cities Across the U.S. Support Clean Power Plan in Amicus Brief](#), by Michael Burger and Justin Gundlach

[BOEM Ignores Downstream Emissions and Social Cost of Carbon in EIS for Outer Continental Shelf Leasing Program](#), by Jessica Wentz

[Attributing Weather Events to Climate Change—the National Academies of Science Weighs In](#), by Justin Gundlach

Website



Sabin Center for Climate Change Law

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Sabin Center for Climate Change Law

The Sabin Center develops legal techniques to fight climate change, trains students and lawyers in their use, and provides up-to-date resources on key topics in climate law and regulation.

The Sabin Center’s website organizes and links to a wide range of materials including judicial and legal resources and databases such as the [Litigation charts](#) and the [Climate Change Laws of the World](#).

The website is now recognized as the leading source of continually updated climate change legal information in the world, and it is followed by lawyers and policymakers.

Earth Institute

The Sabin Center is a member center of the Earth Institute at Columbia University, and frequently collaborates with Earth Institute scientists on cutting edge interdisciplinary research.

Campus Sustainability and Climate Action:

Michael Gerrard was appointed the Chair of the Earth Institute Faculty in July 2015. Since then, he has taken a leadership role in the campus-wide Sustainability Initiative, serving on the Senior Advisory Committee and co-chairing three public forums about the initiative at the Morningside Campus, Medical Center, and Lamont Campus. Our climate law fellow Justin Gundlach is also involved in the Sustainability Initiative, serving on the Greenhouse Gas and Energy Focus Team. In addition, the Sabin Center has helped to facilitate the campus-wide debate on fossil fuel divestment. We hosted two public forums to discuss this topic, and Michael Gerrard authored and signed a [“letter from members of the Earth Institute faculty.”](#)

America’s Waters Project: This National Science Foundation-funded project, led by Dr. Upmanu Lall, Director of the Columbia Water Center, brings together a wide range of disciplines to comprehensively model water availability, use, and the factors that influence both water demand and supply in the continental United States. The model being developed will serve as a valuable education tool, and to inform decision-making, including water-relevant policy development. Adam Schempp, a visiting associate research scholar at the Sabin Center and director of the Environmental Law Institute’s Western Waters Program is helping to incorporate legal data into the model and to advise on the model’s structure.

Who We Are



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