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Fr. Sean McDonagh: Political background on the Copenhagen climate change conference

Sean McDonagh | Dec. 11, 2009 NCR Today

Columban missionary Fr. Sean McDonagh sent this report from Copenhangen on some of the political background of the U.N. climate conference:

"With more than 190 countries gathered here for this extremely important conference on climate change political decisions, taken either here in Copenhagen or elsewhere, are never far from the surface. The most significant change at this year?s conference, is the somewhat new tone adopted by the U.S. negotiators.

During the presidency of George W. Bush, the U.S negotiators were either supporting climate sceptics, or obstructing progress in every way possible. This has changed significantly with the election of President Barack Obama. While the president is convinced of the importance of tackling climate change at a global level, getting a new treaty through the U.S. Senate is still a mammoth task.

This is why the announcement by Lisa Jackson, the administrator of the U. S. Environmental Protection Agency (EPA), that greenhouse gas emission will be subject to federal regulations under the Clean Air Act, drew positive comments here on Dec. 9th 2009. It will allow the U.S. administration to limit greenhouse gases, even if Congress does not pass a climate bill. The Bush administration was opposed to using the Clean Air Act to regulate carbon emissions.

In May 2006, in a case Massachusetts v EPA, prominent scientists challenged this interpretation of the Clean Air Act. They pointed out that the Clean Air Act states that the head of the EPA ?shall? regulate new vehicles ?which in his/her judgement cause or contribute to air pollution which may be reasonable anticipated to endanger public health or welfare.? Historically the EPA had decided not to regulate greenhouse gases from the transport sector under the Act. The reason they gave, which reflected the Bush Administration?s own position on climate change, was that there was still uncertainty about climate change. The EPA argued that carbon dioxide emissions lay outside the remit of the Clean Air Act.

Lawyers for Massachusetts and 11 other states, including California and New York, disagreed and fought a battle through the courts. In 2001, the States lost by 2 to 1 in the U.S. Court of Appeals. The plaintiffs decided to appeal the decision to the Supreme Court, citing as grounds for their action that the EPA never applied the right standard, which is ?endangerment?. The appeal pointed out that the Court of Appeal cherry picked all the uncertainties in the National Academy of Sciences Report on climate change. In 2007, in a spectacular victory, the Supreme Court ruled that greenhouse gases should be included in the Clean Air Act.

Ms Jackson rejected the idea, which was being promoted by Republicans and some corporations, that the Clean Air Act had not been properly debated in public. She pointed out that the legislation had been available for public scrutiny since March 2009, and that 400,000 public submissions had been made. She is still calling for comprehensive climate change legislation in the U.S. Congress. According to her, ?we need legislation desperately. The Clean Air Act allows us to do what it does best, make reasonable cost effective regulations.?

The two approaches are designed to work in tandem.

While there was praise for Ms. Jackson, there was condemnation for the approach of the lead U.S. climate negotiator, Todd Stern. He shows little understanding of the historic carbon debt which underpinned the development and affluence of the U.S. and Europe for the past 200 years. Reverting to the position of former president George W. Bush, he wants everyone to take equal pain. On arrival in Copenhagen he said, ?Emissions are emissions. You just got to do the math. If you care about the science, and we do, there I no way to solve the problem by giving the major developing countries a pass.?

This remark is aimed at China and India, since both countries have increased their emissions in recent years. China is now the largest emitter of CO2 but its per capita emissions are only one-third of the U.S. Furthermore, historically their emissions have been very low and a substantial proportion of the population still live in poverty. The 4th Assessment Report of the Intergovernmental Panel on Climate Change (IPCC) highlighted the need for economically rich countries (unfortunately, the COP documents continue to use archaic and misleading terms such as ?developed, developing? and ?least developed countries.?), to reduce emissions by 25 to 40 percent by 2020. They also call on ?developing? countries such as China and India not to follow a business-as-usual model of development. China is attempting to fast-track non-carbon sources of energy, but China and India want the rich countries to jump first before making firm pledges. It has still all to play out here in Copenhagen."

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