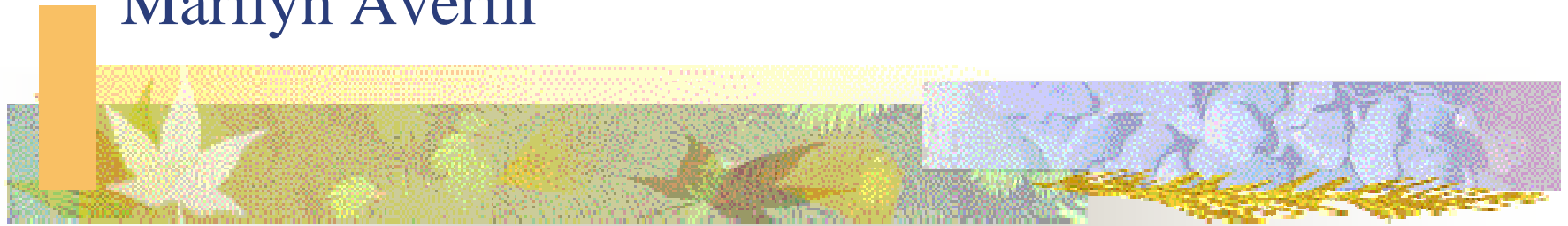


Climate Litigation: Law, Science, Policy, Ethics

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A Communication Tool

- Educate the public
- Encourage public debate
- Stimulate political advocacy and action



Intersection of Law, Science, Policy

- Jasanoff: law and science co-produce policy
- Clarify existing law
 - Governmental authority
 - Governmental responsibility
- Require implementation of law
- Encourage corporate change



Law and Science

- Credibility
- Legitimacy
- Saliency



Climate Science Consumer

- Courts use climate science
- May not be taken into consideration
- Difficult to anticipate demands
 - Depends on needs of litigants
 - Many different legal theories



Democracy and Participation

- Sax: “a means of access for the ordinary citizen to the process of governmental decision-making”
- Others: removes environmental decisions from elected officials
- Role of Congress



Ethical Dimensions

- Who should be held responsible?
- How can responsibility be allocated?
- Who should be compensated?



SPARC Links

- Shaping climate policy
- Management of uncertainty
- Consumers of climate science
- Perceptions of climate science
- Strength of causal inferences

Questions?





Massachusetts v. U.S. EPA

- Issue:
 - Whether the Clean Air Act gives EPA the authority to regulate greenhouse gas emissions from motor vehicles, and, if so, whether EPA should regulate such emissions.



Massachusetts v. U.S. EPA

- Science needed:
 - General science linking GHGs to climate change
 - Likely effects of climate change on public health and welfare



Massachusetts v. U.S. EPA

- Significance of outcome:
 - Authority of U.S. government to regulate GHGs under current law;
 - Whether EPA can and should take action now, or must wait for clearer direction from Congress



Friends of the Earth v. Watson

- Issue:
 - Whether federal agencies must consider climate effects when conducting environmental reviews under the National Environmental Policy Act



Friends of the Earth v. Watson

- Science needed:
 - General understanding of the link between human activities and climate change



Friends of the Earth v. Watson

- Significance of outcome:
 - Makes climate a routine component of environmental reviews
 - Likely to extend to all U.S. federal agencies



Connecticut v. American Electric Power

- Issue:
 - Whether major power companies constitute a public nuisance under U.S. tort law



Connecticut v. American Electric Power

- Science needed:
 - Link between power plant emissions and effects on human welfare, including health, economic, and other values
 - Attribution of climate change to specific causes, both natural and human
 - Indication that change in power plant emissions can make a difference



Connecticut v. American Electric Power

- Significance of outcome:
 - Highlights impacts
 - Establishes responsibility
 - Allocates costs



Inuit Circumpolar Conference

- Issue:
 - Whether the United States has violated the rights of the Inuit people affected by global climate change



Inuit Circumpolar Conference

- Science needed:
 - Link between climate change and observed environmental effects, such as melting of permafrost and sea ice
 - Relative attribution of climate change to specific causes, both natural and human
 - Specific harm suffered by Inuit resulting from climate change



Inuit Circumpolar Conference

- Significance of outcome
 - Links climate change to real human problems
 - Considers ethical issues such as responsibility of nations to people beyond their borders
 - Identification of winners and losers in climate change