

ACTION ALERT - Waxman-Markey Bill Locks in Climate Degradation – Please help us defeat this misguided effort and support a better alternative

Dear Friends:

We are asking you to consider writing to Congress in opposition to the Waxman-Markey Climate & Energy Bill (HR 2454), especially the key “cap-and-trade” and “offset” provisions. The bill is gathering steam in Congress and could easily pass this summer (a vote may be held in the House as soon as June 26th). The bill would have huge consequences for our economy and for our ability to fight global warming. In our view, it is fatally flawed. It would lock in an extended period of climate degradation and create an unacceptable risk of catastrophic climate change. It would fleece consumers, while enriching fossil fuel and carbon trading interests, without producing meaningful momentum towards a clean energy economy.

As many of you already know, we are speaking out in our personal capacity only, as parents, citizens, attorneys and a married couple (after ethical clearance from our U.S. EPA ethics officers), but our opinions are based on more than 20-years as environmental enforcement attorneys with U.S. EPA Region IX in San Francisco. Our opinions are also informed by Allan's more than 20 years working on cap-and-trade and emission-offset programs in California, which is the main place emission-offset programs have been tried in the U.S.

It is hard to believe that this problem is brought to us by the new Administration (we are still pro-Obama) and by the Democratic leadership, but based on our experience, we believe the Waxman-Markey bill is completely misguided and a huge threat to our future.

There is a better alternative that would be both cheaper for consumers and vastly more effective at combating climate change. With similar ideas already touted by Sweden, France and China, carbon fees with rebates could become politically feasible if proposed by President Obama. See http://www.carbonfees.org/home/EnvirFinance03_09.pdf

We include a sample letter to Congress below, followed by more information about the problems with the bill and links to other resources.

Thank you! Laurie and Allan (510) 390-4224

To send your own version of the sample letter below to your Congressional representatives, go to www.beavoter.org and enter your zip code; to write to President Obama, go to <http://www.whitehouse.gov/contact/>.

Sample Letter to President/Congress:

Dear President Obama/Congressperson/Senator:

I am writing to express my opposition to the Waxman-Markey bill (HR. 2454), especially its cap-and-trade and offset provisions. The bill provides for 2 billion tons of emissions offsets annually that could be used to meet all required emissions reductions until 2026. The U.S. Government Accountability Office (November 2008, <http://www.gao.gov/products/GAO-09-151>) has confirmed that it is impossible to judge the integrity of offsets (“it is impossible to know with certainty whether any given project is additional.” p.39). As a result, this bill would show progress on paper, while allowing degradation in the environment. It would enrich investors in offsets, fossil-fuel interests, certifiers and traders, without helping us move towards a clean-energy economy. Please help defeat this bill and its cap-and-trade and offset provisions. Energy efficiency standards, smart grid and transmission line studies and green job training are all steps in the right direction. However, there will not be very many "green jobs" unless we have a climate bill that actually corrects the competitive-price advantage that fossil fuels continue to enjoy over clean energy alternatives. Please consider the option of carbon fees with a monthly per capita rebate presented at http://www.carbonfees.org/home/EnvirFinance03_09.pdf (shorter version) and <http://www.carbonfees.org/home/Cap-and-TradeVsCarbonFees.pdf> (longer version). Thank you for your consideration.

Your concerned constituent, [Name, Address, Email]

Additional Information:

Despite the best intentions of some proponents, the Waxman-Markey Climate and Energy bill is a huge giveaway to polluters and offset investors and would lock in years of additional climate degradation by:

1. **Un-provable Offsets:** Until 2026, all requirements to reduce greenhouse gas emission in the U.S. could be met by un-provable offset projects (you preserve an acre of forest in the Amazon (supposedly) while I keep burning coal here in the U.S.).
2. **Cap-and-Trade:** Uses a weak version of the cap-and-trade system that failed to produce meaningful reductions in Europe. Cap-and-trade is a complex system that is subject to manipulation, inaccurate emissions reporting and gaming. Its use in Europe and other programs has proved it is not an efficient way to cut emissions. The cap-and-trade in Waxman-Markey proposes very slow reductions, inconsistent with what the science says we need.
3. **New Coal-Fired Power Plants:** Allows new coal-fired power plants without sequestration for over a decade, at a time when we should be phasing out this huge source of greenhouse gases.
4. **Inadequate Incentives for Clean Energy Investment:** Because the bill does not insure that Clean Energy alternatives will become competitive with fossil fuels within a known time frame, it undermines investment in clean energy and slows the transition we need to make away from fossil fuels.
5. **Huge Giveaways to Powerful Interests:** The bill provides huge benefits to powerful interests, including fossil fuel companies and investors in offsets. These interests will fight hard against any effort to undo this complex and ineffective scheme if the Waxman-Markey bill becomes law.

6. Undermines International Negotiations: Enacting a fatally flawed ineffective bill will undermine our ability to be successful in international negotiations that are necessary to secure emission reductions in the developing world, particularly China and India.

Many of you have asked us, "Isn't it better than nothing?" Our answer is no; the bill would create the appearance of taking action, but lock in an ineffective approach. It would empower the special interests it benefits to fight against measures that would actually help solve the problem.

If you have any questions, we are available to discuss. Please call us at (510) 390-4224 or read our discussion paper proposing a better alternative at <http://www.carbonfees.org/home/Cap-and-TradeVsCarbonFees.pdf>

Links to Additional Resources:

Friends of the Earth-How offsets are like the sub-prime mortgages: <http://www.foe.org/subprime-carbon>.

Friends of the Earth (as part of a coalition with many other environmental organizations) Statement:

<http://www.foe.org/climate-bill-passes-house-committee> [an excerpt]: "The resulting bill reflects the triumph of politics over science, and the triumph of industry influence over the public interest. Regrettably, we cannot support this legislation unless and until it is substantially strengthened. The lives and livelihoods of 7 billion people worldwide will be affected by America's response to the climate crisis. **The response embodied in today's bill is not only inadequate it is counterproductive.**

"As passed through the Energy & Commerce Committee, the American Clean Energy and Security Act sets **targets for reducing pollution that are far weaker than science says is necessary to avoid catastrophic climate change.** The targets are far less ambitious than what is achievable with already existing technology. They are further undermined by massive loopholes that could allow the most polluting industries to avoid real emission reductions until 2027. Rather than provide relief and support to consumers, the bill showers polluting industries with hundreds of billions of dollars in free allowances and direct subsidies that will slow renewable energy development and lock in a new generation of dirty coal-fired power plants. At the same time, the bill would remove the President's authority to address global warming pollution using laws already on the books."

WRI – Summary of the Bill: <http://www.wri.org/stories/2009/04/brief-summary-waxman-markey-discussion-draft> (note: some provisions were weakened between this summary and the current version of the bill)

International Support for Revenue-Neutral Carbon Fees/Taxes:

Sweden: <http://finance.yahoo.com/news/Sweden-to-call-for-CO2-tax-as-apf-15477837.html?.v=1> (June 09)

France: <http://www.grist.org/article/2009-06-11-france-carbon-tax-2011> (June 09)

China: http://www.china.org.cn/environment/policies_announcements/2009-04/22/content_17652059.htm (Apr 09) <http://uk.reuters.com/article/idUKPEK25104720090501> (May09); <http://www.bloomberg.com/apps/news?pid=20601130&sid=aLM4otYnvXHQ> (June 09)