

Testimony of Donald A. Brown

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Pennsylvania DEP Hearing On EPA Regulations Under the Federal Clean Air Act

My name is Donald A. Brown. I am Scholar In Residence and Professor of Law At Widener University School of Law. I am also a part-time Professor at Nanjing University, in Nanjing China in their program on Climate Change. I have been working on climate change issues for almost 30 years including a stint at EPA's Office of International Environmental Policy where I was program manager for United Nation's Organizations in which position I negotiated climate change issues at the UN on behalf of the United States. For a while during the Ridge Administration I had staff lead for Pa DER on climate issues in regard to what other US northeastern states were doing in the program now referred to as REGGI. I have spoken on or worked on climate issues in over 30 countries. I was a contributing author to the recent report of the Intergovernmental Panel on Climate Change. I am currently working on a research project which is a joint project between Widener University School of Law and the University of Auckland School of Law in New Zealand which is looking at how climate change policies are being debated and justified in 30 countries around the world. I also taught the science, ethics, and policy of climate change for six years at Penn State University. I currently teach international environmental law and human rights law at Widener.

I. Four Features of Climate Change That Scream for Recognition as Seeing It as A Moral Issue.

DER must recognize that the problem of human-induced climate change has four features that make it different than any other environmental problem than has been previously on the DER agenda. Climate change must be understood to be at its core a problem of international ethics, justice and morality in ways that have profound concrete significance for state policy.

The first unique feature is climate change is a problem in which high ghg emitting nations and citizens are putting tens of millions of poor nations and peoples at great risk. These poor people have done little to cause the problem.

Second, climate change harms are not a mere inconveniences; for millions of vulnerable people around the world climate impacts are devastating and catastrophic. Climate change is already harming poor vulnerable people around the world and threatens tens of millions more particularly in some places including the Sahel and Horn of Africa which are losing large amounts of arable land in droughts, in South East Asia as major glacier fed rivers including the Brahmaputra and Ganges are drying ups as glaciers disappear, in Small Island States where hundreds of thousands of people live in countries that may disappear as sea level rises, and in many other places where immense human suffering is being experienced from killer floods, storms, and droughts. These are not all future problems; they are current realities and the

mainstream science is predicting dire consequences for many parts of the world in the years ahead.

Third many of those who are most vulnerable can't do anything to protect themselves including petitioning their own governments for protection. For these people their best hope is that high emitting governments and people will respond to their ethical obligations to not harm them.

Fourth, because the world is rapidly running out of time to prevent potentially catastrophic warming, the most contentious issue in the international climate negotiations is what is each nation's fair share of safe global emissions. In this regard all of the nations in the world have agreed to try and limit warming to 2⁰C and the Intergovernmental Panel on Climate Change has calculated that for the world to have a 66% chance of limiting the warming to 2⁰ C, the world only has 271 gigatons (gt) C left to be divided among all nations. Because the global community is currently emitting ghg at levels above 10 gtC per year, the world will run out of emissions that it may emit in 27 years to stay within the safe carbon budget. If the world warms more than 2⁰C, not only will hundreds of millions of people likely experience very harsh climate impacts, the probabilities that the Earth will experience rapid non-linear warming increases dramatically. And so governments around the world must limit their ghg emissions to their fair share of safe global emissions where fairness is understood to be a matter of distributive justice.

II. The Practical Significance For Policy Of Climate Change Being A Moral Issue.

A major practical significance for policy of climate change being a moral issue is that no government can think clearly about most climate change policy issues until it thinks clearly about what ethics and justice requires of it. For instance any national or state ghg reduction target is implicitly a position on two ethical issues.

The first is any target is implicitly a position on what atmospheric ghg stabilization goal the target is seeking to achieve. What the atmospheric ghg stabilization goal should be is at its core an ethical matter because by taking a position on an atmospheric concentration goal a government is taking a position on how much catastrophic harm they are allowing their ghg emissions to inflict on others.

Secondly any target reduction amount is implicitly a position on that government's fair share of safe global emissions.

Because Pennsylvania has less than 0.2 percent of the world population but approximately 1 per cent of global ghg emissions, and per capita emissions of almost 20 tons per capita compared to the rest of the world which is emitting at approximately 5 tons per capita on average, a strong case can be made that any Pennsylvania ghg reduction target should be more ambitious than emissions reduction levels required of most other countries to prevent dangerous climate change. Because there is now an emerging consensus that developed nations need to reduce their emissions by between 25% and 40% by 2020 to have a reasonable chance of limiting warming to 2⁰ C Pennsylvania needs to seek to achieve this amount of emissions reductions at minimum by 2020.