

# *Fordham Environmental Law Review*

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*Volume 17, Number 2*

2006

*Article 4*

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## Welcoming Remarks

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## WELCOMING REMARKS<sup>1</sup>

MS. RICHMAN:<sup>2</sup> Good morning on this first day of Spring. Welcome to Fordham and welcome to our Symposium, “Reducing Greenhouse Gases: State Initiatives and Market-Based Solutions.” Fordham’s *Environmental Law Review* is particularly honored to be hosting this remarkable array of distinguished attorneys, legal scholars, policymakers, and one world-renowned economist.

A century ago, few people could predict that humans were capable of altering the planet’s atmosphere and that they would have to face the complex challenge of how to reduce both the threat and the adverse consequences of climate change. The program that you are about to be part of will defy that illustrious Mark Twain quote: “Everyone talks about the weather, but nobody does anything about it.”

On that note, I would like to introduce the Editor-in-Chief of the *Review*, Scott Selig.

MR. SELIG:<sup>3</sup> Thank you, Carol. Welcome again, everybody, and thank you for coming. The topic that we will be discussing today is current and rapidly revolving. Just this past Friday, the Court of Appeals for the D.C. Circuit delivered a major ruling in favor of the states that are challenging EPA regulations regarding power plants.<sup>4</sup> As it so happens, one our panelists this morning, Mr. Snyder, argued this case before the judges on behalf of New York State.

Last Thursday, the National Research Council<sup>5</sup> released a report concluding that California’s stricter auto emission standards were “scientifically valid and necessary,” and recommended that the EPA

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1. The symposium was hosted at Fordham University School of Law on March 20, 2006. It has been edited to remove minor cadences of speech that appear awkward in writing and to identify significant sources when referred to by the speakers.

2. Carol Richman was the Senior Symposium Editor of the 2005 – 2006 Editorial Board of The Fordham Environmental Law Review.

3. Scott Selig was the Editor-in-Chief of the 2005 – 2006 Editorial Board of The Fordham Environmental Law Review.

4. *See generally*, *New York v. U.S. Env’tl. Prot. Agency*, 443 F.3d 880 (D.C. Cir. 2006).

5. For more information, see National Research Council of America, <http://www.naturalresourcescouncil.org/> (last visited Oct. 1, 2006).

not be given the power to stop states from setting such stricter standards.<sup>6</sup>

These events help underscore the importance of the issues that will be discussed today and the shifting legal landscape regarding these topics. I'd like to ask Dean Diller to make a few remarks. And again, I want to extend our welcome and thanks.

MR. DILLER:<sup>7</sup> I want to welcome you on behalf of Fordham Law School. No topic could be more important than this. It is a somewhat counterintuitive topic to me, because no subject could be more global than the issue of climate change. It seems to cry out for a response on the national — and, indeed, the international — level.

In part, today's topic, "State Initiatives and Market-Based Solutions," is a result of the abdication of the federal government, our own federal government, in dealing with the problem of climate change. What has happened is that a remarkable range of initiatives at the state level have come forward in place of federal action.

The law professor in me can't help noting that this is really part of a huge change in federal/state relationships. Since the Progressive Era and the New Deal, the pattern has been that the federal government is out in front on key social and environmental issues and the states lag behind. What we are witnessing is really a sea change in that relationship. It is in some ways an exciting change, which brings promise and holds capabilities that we would not have realized but for the course of events that led it to happen.

Enjoy the day. I hope your discussions and conversations are fruitful. Thank you.

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6. COMM. ON STATE PRACTICES IN SETTING MOBILE SOURCE EMISSIONS STANDARDS, NAT'L RESEARCH COUNCIL, STATE AND FEDERAL STANDARDS FOR MOBILE SOURCE EMISSIONS (2006), available at <http://newton.nap.edu/catalog/11586.html> (last visited Oct. 1, 2006).

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