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# An Overview of This Issue: Sustainable Directions for Domestic Environmental Law

Barbara Boxer

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# AN OVERVIEW OF THIS ISSUE:

## SUSTAINABLE DIRECTIONS FOR DOMESTIC ENVIRONMENTAL LAW

by Senator Barbara Boxer\*

Over the past six years the Environmental Protection Agency, under the guise of the Bush Administration, has rolled back countless environmental regulations that protect the air we breathe, the water we drink, and ensure the very health of our communities. Meanwhile, the rest of the world is moving ahead to address the greatest challenge of our generation—global warming.

Historically, our nation has swiftly responded to scientific consensus to solve major environmental problems. When scientists told us that the reason the Cuyahoga River caught fire in Ohio in 1969 was because toxic pollution was accumulating there, we didn't walk away from the challenge or await further study: we passed the Clean Water Act. When scientists told us why the air had become so polluted we could see it and were choking on it, we didn't walk away from the challenge: we passed the Clean Air Act in 1970. When scientists told us that contaminated tap water was causing widespread waterborne disease and exposing people to cancer, we didn't walk away from the challenge: we passed the Safe Drinking Water Act in 1974. In none of these instances did the federal government ignore the challenge and in every one of these cases we are a better nation for it.

At the moment, there are numerous environmental challenges facing our nation and the entire world; yet none greater than global warming. It is a challenge we should meet with hope and not fear. It is a challenge that will make us stronger as a nation if we meet it head-on. In order to meet the challenge of global warming, we need to cap and eventually reduce our greenhouse gas emissions by at least 80 percent below 1990 levels by 2050. This will require action by all sectors of our economy.

We must become far more energy efficient and cleaner. It is the federal government's role to create incentives for new and green technologies. Electricity providers must look to renewable energy sources like wind and solar power, or capture and sequester their global warming emissions. Our national automobile fleet must become dramatically more efficient. Our industries and buildings must become state-of-the-art energy savers through retrofitting existing stock and incorporating green design in new construction.

America must lead the world in clean technology development and renewable energy. It is essential for our economy's ability to grow and remain internationally competitive. Other countries should become dependent on our clean technologies. It will be these technologies that will free us from our dependencies on foreign energy sources and will enable other economies to achieve development in a carbon-constrained world.

It is also the federal government's role to lead the international community. We will soon become the only industrialized country not to ratify the Kyoto Protocol. If we become reengaged with the international community and take the lead on climate change, other nations like India and China will follow. Combating climate change will also help avoid other environmental disasters like species extinction and prevent global political instability from floods, diseases, mass migration, and conflicts over water, food, and other natural resources. By facing this challenge now, we can maximize our chances of avoiding the most dangerous effects of climate change and capitalize on the tremendous opportunities that lie ahead.

Our country's response to global warming is not only a measurement of international leadership, but also a reflection of our national character. From the National Environmental Policy Act to the very idea of a "cap-and-trade" this country has been a pioneer in environmental policy. The time has come for the United States to reclaim its position as the preeminent world leader in environmental policy—and not just global warming.

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This issue of *Sustainable Development Law & Policy* examines critical domestic issues requiring the attention of environmental policymakers and this Congress. The issue examines the impact a harmonized federal renewable portfolio standard would have on the electricity sector. The issue also looks to the role a renewable portfolio standard should play within the context of a carbon dioxide cap-and-trade regime. This issue also explores the need to move the domestic and international climate discussion toward adaptation policies. Articles also look to

global environmental legal developments to highlight the United States' need to update our chemical management and oceans governance structures. The federal Coastal Zone Management Act is also explored within the context of California's offshore oil drilling battle with the federal government. The need to adequately fulfill the National Environmental Policy Act requirements to examine the impact of increases in oil and gas drilling, or tar sands and oil shale development and other interesting topics are also explored in this issue.

