

OSB Sustainable Future Section Climate Change Policy Statement

-Approved by the OSB Sustainable Future Section on July 27, 2018

The Sustainable Future Section (SFS) of the Oregon State Bar supports efforts to reduce Oregon's greenhouse gas emissions. While this will require action by all Oregonians, the legal profession is in a unique position to assist in the mitigation of climate change given the profession's expertise in understanding, interpreting, and reviewing the law and its ability to lead by example as citizens who play an integral part in the structure of society.¹

Background

The overwhelming majority of the scientific community in both the United States and in the international community supports the following conclusions:

- a) Human-caused climate change is a scientific fact, and it poses an immediate and significant threat to human health and the environment.
- b) Observed global warming has been largely caused by burning fossil fuels;
- c) The atmosphere and oceans have a finite capacity to sequester carbon and this capacity has likely been exceeded already sed increases in carbon dioxide concentrations; and
- d) Limiting human greenhouse gas emissions is necessary to protect the atmosphere and the life it supports from further damage. (See Appendix A below, which lists key findings of the 5th InterGovernmental Panel on Climate Change Report.)

In 2007, the Oregon Legislature established the following goals for greenhouse gases in Oregon in passing House Bill 3543:²

- by 2010, arrest the growth and begin to reduce greenhouse gas emissions,
- by 2020, reduce greenhouse gas levels 10% below 1990 levels, and
- by 2050, reduce greenhouse gases 75% below 1990 levels.

¹ Oregon State Bar Sustainable Future Section, Climate Change Task Force Report, January 2017, (OSB SFS Task Force Report) pp. 4-5.

² <https://olis.leg.state.or.us/liz/2007R1/Downloads/MeasureDocument/HB3543/Enrolled>

While the 2010 goal was achieved, the Oregon Global Warming Commission recently concluded that Oregon is not currently on pace to meet its 2020 goal.³

Mission

The Oregon State Bar has adopted a bylaw on Sustainability, which is memorialized in its Article 26. The Oregon State Bar also created the Sustainable Future Section (SFS), which is the first section created by a state bar to be devoted exclusively to Sustainability. The SFS Mission Statement supports sustainability within the legal profession through (1) educational programs; (2) examination of the integration of law and sustainability; and; (3) dialogue about the needs and interests of future generations.⁴

The SFS was tasked with and issued the Climate Change Task Force Report in January of 2017.⁵ It recommends actions that Bar members should take as lawyers to address climate change.

The SFS encourages Oregon lawyers to take an active role in expressing support to reduce greenhouse gasses and encourages Oregon lawyers to publicly support the following public statements:

- *A Call to the Bar: Lawyers for Common Sense on Climate Change,*⁶
- *Oregon Lawyers' Statement on Climate Change, October 2, 2017,*⁷ and
- *We Are Still In: Open letter to the international community and parties to the Paris Agreement from U.S. state, local and business leaders,*⁸

Conclusion

Legal mechanisms to reduce greenhouse gas emissions are numerous and may include policy or legislative actions such as a cap and trade system, carbon taxes, energy efficiency measures, or initiatives to stimulate renewable energy development. The

³ Oregon Global Warming Commission, Biennial Report to the Legislature, 2017, p.8;
http://www.keeporegoncool.org/sites/default/files/ogwc-standard-documents/OGWC%202017%20Biennial%20Report%20to%20the%20Legislature_final.pdf

⁴ Website, Oregon State Bar Sustainable Future Section, Mission Statement, <https://sustainablefuture.osbar.org/>

⁵ OSB SFS Task Force Report, note 1, *supra*.

⁶ <http://www.calltothebar.org/petition/>

⁷ Oregon State Bar Bulletin, December 2017, p 27;

<https://www.osbar.org/bulletin/issues/2017/2017December/html5/index.html>

⁸ <https://www.wearstillin.com/cop23> This petition has been signed by leaders of more than 2,500 businesses, including law firms, state and local governments, non-profit organizations and universities in support of the Paris Climate Change Agreement.

Sustainable Future Section does not propose any specific measures because the political and scientific process should guide the selection process. The Sustainable Future Section supports state legislation and regulatory actions by appropriate state and local agencies to achieve greenhouse gas emissions consistent with established state and international goals. We also support voluntary actions by businesses, the nonprofit sector, state and local governments, and individuals to help achieve these goals. We encourage all branches of the Federal Government to assist individual states and regional organizations of states in undertaking actions to achieve greenhouse gas reduction goals. Finally, we urge Congress to pass legislation to help the nation achieve greenhouse gas reductions consistent with international goals.

The Sustainable Future Section furthermore calls on the Oregon State Bar to act consistently with its Bylaw 26 on Sustainability regarding OSB internal operating practices as well as educational and other services to members.

Appendix A

Findings of the 5th Inter Governmental Panel on Climate Change (IPCC) Report*

“Warming of the climate system is unequivocal, and since the 1950s, many of the observed changes are unprecedented over decades to millennia. The atmosphere and ocean have warmed, the amounts of snow and ice have diminished, sea level has risen, and the concentrations of greenhouse gases have increased.” P 4

“Each of the last three decades has been successively warmer at the Earth’s surface than any preceding decade since 1850. In the Northern Hemisphere, 1983–2012 was likely the warmest 30-year period of the last 1400 years (medium confidence).” P 5

“The globally averaged combined land and ocean surface temperature data as calculated by a linear trend, show a warming of 0.85 [0.65 to 1.06] °C³, over the period 1880 to 2012, when multiple independently produced datasets exist. The total increase between the average of the 1850–1900 period and the 2003–2012 period is 0.78 [0.72 to 0.85] °C, based on the single longest dataset available” P 5

“On a global scale, the ocean warming is largest near the surface, and the upper 75 m warmed by 0.11 [0.09 to 0.13] °C per decade over the period 1971 to 2010. Since AR4, instrumental biases in upper-ocean temperature records have been identified and reduced, enhancing confidence in the assessment of change.” P 8

“Over the last two decades, the Greenland and Antarctic ice sheets have been losing mass, glaciers have continued to shrink almost worldwide, and Arctic sea ice and Northern Hemisphere spring snow cover have continued to decrease in extent (high confidence).” P 9

“The average rate of ice loss from glaciers around the world, excluding glaciers on the periphery of the ice sheets, was very likely 226 [91 to 361] Gt yr⁻¹ over the period 1971 to 2009, and very likely 275 [140 to 410] Gt yr⁻¹ over the period 1993 to 2009.” P 9

“The annual mean Arctic sea ice extent decreased over the period 1979 to 2012 with a rate that was *very likely* in the range 3.5 to 4.1% per decade (range of 0.45 to 0.51 million km² per decade), and *very likely* in the range 9.4 to 13.6% per decade (range of 0.73 to 1.07 million km² per decade) for the summer sea ice minimum (perennial sea ice). The average decrease in decadal mean extent of Arctic sea ice has been most rapid in summer

(*high confidence*); the spatial extent has decreased in every season, and in every successive decade since 1979 (*high confidence*) (see Figure SPM.3). There is *medium confidence* from reconstructions that over the past three decades, Arctic summer sea ice retreat was unprecedented and sea surface temperatures were anomalously high in at least the last 1,450 years.” P 9

“The rate of sea level rise since the mid-19th century has been larger than the mean rate during the previous two millennia (*high confidence*). Over the period 1901 to 2010, global mean sea level rose by 0.19 [0.17 to 0.21] m” P 11

“The atmospheric concentrations of carbon dioxide, methane, and nitrous oxide have increased to levels unprecedented in at least the last 800,000 years. Carbon dioxide concentrations have increased by 40% since pre-industrial times, primarily from fossil fuel emissions and secondarily from net land use change emissions. The ocean has absorbed about 30% of the emitted anthropogenic carbon dioxide, causing ocean acidification.” P11

“The atmospheric concentrations of the greenhouse gases carbon dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O) have all increased since 1750 due to human activity. In 2011 the concentrations of these greenhouse gases were 391 ppm¹¹, 1803 ppb, and 324 ppb, and exceeded the pre-industrial levels by about 40%, 150%, and 20%, respectively.” P 11

“Concentrations of CO₂, CH₄, and N₂O now substantially exceed the highest concentrations recorded in ice cores during the past 800,000 years. The mean *to* rates of increase in atmospheric concentrations over the past century are, with very high confidence, unprecedented in the last 22,000 years.” P 11

“Ocean acidification is quantified by decreases in pH¹³. The pH of ocean surface water has decreased by 0.1 since the beginning of the industrial era (*high confidence*), corresponding to a 26% increase in hydrogen ion concentration.” P 12

*IPCC, 2013: Summary for Policymakers, In: *Climate Change 2013: The Physical Science Basis, Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change* [Stocker, T.F., D. Qin, G.-K. Plattner, M. Tignor, S.K. Allen, J. Boschung, A. Nauels, Y. Xia, V. Bex and P.M. Midgley (eds.)]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA.