



Linda Maio, District 1

CONSENT CALENDAR
October 11, 2011

To: Honorable Mayor and Members of the City Council
From: Councilmember Linda Maio, District 1, Councilmember Anderson, District 3 and Councilmember Wengraf, District 6
Subject: Strengthening Enforcement of the Clean Air Act to Reduce CO² to Life-Sustaining Levels

RECOMMENDATION

Adopt and send a Resolution to the Environmental Protection Agency (EPA), and President Obama, urging stronger efforts to reduce CO² by increasing enforcement of the Clean Air Act.

BACKGROUND

The Center for Biodiversity is launching a campaign to counter recent assaults on the EPA to weaken its regulatory powers. The Center's campaign includes local government resolutions to the EPA to urge support of a strong effort on the part of the agency to reduce CO² by stepping up its regulatory efforts through The Clean Air Act. Because the Act is under attack from the fossil fuel industry and its allies in Congress a counter effort from local governments is warranted and is a major part of the campaign. The Environmental Protection Agency's implementation of the Act has been too slow and tentative to address the urgency of the challenges we face.

Berkeley can be part of a strong, broadly based response from communities across the country to strengthen the EPA's regulatory efforts. Together, our towns and cities can counter the assault on the EPA and press the agency to ambitiously and rapidly utilize the power of The Act to address the global warming imperative. The Center for Biodiversity's Climate Law Institute is requesting that local city councils pass a resolution in support of the EPA's use of the Clean Air Act to reduce carbon in our atmosphere to no more than *350 parts per million* (see below). For more information: http://www.biologicaldiversity.org/action/toolbox/clean_air_act/city_council_resolution.html

FISCAL IMPACTS OF RECOMMENDATION

None.

CONTACT PERSON

Councilmember Linda Maio District 1 (510) 981-7110

Attachments:
1: Resolution

RESOLUTION NO. ##,###-N.S.

SUPPORTING THE CLEAN AIR ACT AND URGING THE ENVIRONMENTAL PROTECTION AGENCY AND ITS ADMINISTRATOR, LISA P. JACKSON, TO STEP UP ENFORCEMENT OF THE ACT TO REDUCE GREENHOUSE GAS EMISSIONS TO SUSTAINABLE LEVELS

WHEREAS, the decade from 2000 to 2010 was the warmest on record,¹ and 2005 and 2010 tied for the hottest years on record;² and

WHEREAS, the current level of CO² in the atmosphere is approximately 392 parts per million (ppm);³ and

WHEREAS, CO² levels are on the rise, and Dr. James Hansen, a leading climate scientist, advanced, in 2008: "If humanity wishes to preserve a planet similar to that on which civilization developed and to which life on Earth is adapted, paleoclimate evidence and climate change suggest that CO² will need to be reduced from its current 385 ppm to at most 350 ppm";⁴ and

WHEREAS, the current international pledges to address the climate crisis are so weak that they could result in 770 ppm CO² by 2100,⁵ a concentration of CO² incompatible with human life;⁵ and

WHEREAS, 97 percent of scientific experts are convinced that human activity is responsible for climate change⁶ and there is a growing consensus among researchers that reducing atmospheric concentrations of CO² to 350 ppm or below as soon as possible is needed to avoid risking catastrophic and irreversible climate change;⁷ and

WHEREAS, according to the Global Humanitarian Forum, climate change is already responsible each year for around 300,000 deaths; 325 million people are seriously affected; economic losses worldwide have reached U.S. \$125 billion;⁸ and

WHEREAS, extreme weather events are striking with increased frequency in the United States alone, for example:

- * 2005 had the most hurricanes on record since 1851;
- * extraordinary blizzards hit the Northeast during the winter of 2011;
- * intense rainfall and snowmelt forced the Mississippi River to overflow its banks across the Midwest and South in summer 2011, followed by intense heat waves with many cities hitting record-high temperatures;
- * the unprecedented 2011 Texas drought lead the U.S. Department of Agriculture to declare the entire state a natural disaster zone; and

WHEREAS, as floods and changes in snow pack disrupt water supplies, crop growth and yields diminish, threatening food security;⁹ and

WHEREAS, scientists have predicted that loss of habitat and food availability threaten many species;¹⁰ and

WHEREAS, the oceans have become 30 percent more acidic since the industrial revolution due to their uptake of carbon dioxide, thus harming ocean life from shellfish to corals as they struggle to create the shells and skeletal structures needed to survive;¹¹ and

WHEREAS, the world's ice is rapidly melting threatening water supplies, raising sea levels; Arctic summer sea ice is half the area and thickness it was several decades ago, alpine glaciers are in near-global retreat, and the giant Greenland and west Antarctic ice sheets are melting at an accelerating pace;¹² and

WHEREAS, as reported in *Scientific American*, sea level is rising faster along the U.S. East Coast than it has for at least 2,000 years, threatening coastal wildlife and the populations that live within 60 miles of the coast;¹³ and

WHEREAS, for four decades, the Clean Air Act has protected the air we breathe through a comprehensive and successful system of regulatory oversight that saves lives and creates substantial economic benefits;¹⁴ and

WHEREAS, the Clean Air Act, has improved air quality in this country significantly since 1970, while enabling major growth both in our economy and industrial production; and

WHEREAS, the Clean Air Act has produced economic benefits valued at \$2 trillion or 30 times the cost of regulation; and

WHEREAS, between 1970 and 1990, the six main pollutants covered by the Clean Air Act (particulate matter and ground-level ozone, carbon monoxide, lead, sulfur and nitrogen oxides (the acid gases that cause acid rain) were reduced by between 47 percent and 93 percent, and airborne lead was virtually eliminated;¹⁵ and

WHEREAS, the U.S. Supreme Court ruled in *Massachusetts vs. EPA* (2007) that greenhouse gases are "air pollutants" as defined by the Clean Air Act and the Environmental Protection Agency has the authority to regulate them; and

WHEREAS, the Clean Air Act can work immediately to curb greenhouse gas emissions without new climate legislation or in conjunction with new climate legislation; and

WHEREAS, the City of Berkeley is a recognized leader in the fight against climate change, having taken substantial steps in reducing greenhouse gas emissions on the local level.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that climate change is accelerating and the longer we wait to act, the more we place at risk the health of current and future generations, and plant and animal life and thus, we do hereby urge the administrator of the Environmental Protection Agency, Lisa P. Jackson, and President Barack Obama, to move swiftly to fully employ and enforce the Clean Air Act to reduce U.S. greenhouse gas emissions to a sustainable level for current and future generations.

¹ http://www.nasa.gov/home/hqnews/2010/jan/HQ_10-017_Warmest_temps.html

² http://www.noaanews.noaa.gov/stories2011/20110112_globalstats.html

³ <http://co2now.org/>

⁴ <http://arxiv.org/abs/0804.1126>

⁵ <http://e360.yale.edu/content/feature.msp?id=2222>

⁶ <http://content.usatoday.com/communities/sciencefair/post/2010/06/scientists-overwhelmingly-believe-in-man-made-climate-change/1>

⁷ See, Rockstrom, J., W. Steffen, K. Noone, A. Persson, F. S. Chapin, E. F. Lambin, T. M. Lenton, M. Scheffer, C. Folke, H. J. Schellnhuber, B. Nykvist, C. A. deWit, T. Hughes, S. van der Leeuw, H. Rodhe, S. Sorlin, P. K. Snyder, R. Costanza, U. Svedin, M. Falkenmark, L. Karlberg, R. W. Corell, V. J. Fabry, J. Hansen, B. Walker, D. Liverman, K. Richardson, P. Crutzen, and J. A. Foley. 2009. A safe operating space for humanity. *Nature* 461:472-475 and Hansen, J., M. Sato, P. Kharecha, D. Beerling, V. Masson-Delmotte, M. Pagani, M. Raymo, D. L. Royer, and J. C. Zachos. 2008. Target atmospheric CO₂: Where should humanity aim? *Open Atmospheric Science Journal* 2:217-231.

⁸ www.eird.org/publicaciones/humanimpactreport.pdf

⁹ <http://www.sciencedaily.com/releases/2011/02/110221101319.htm>

¹⁰ <http://www.sciencedaily.com/releases/2011/07/110711151457.htm>

¹¹ <http://www.sciencedaily.com/releases/2008/05/080521105251.htm>

¹² <http://www.guardian.co.uk/environment/2011/jul/11/arctic-ice-free>;

http://www.biologicaldiversity.org/species/mammals/polar_bear/fact_sheet.html;

http://www.biologicaldiversity.org/species/mammals/Pacific_walrus/index.html;

<http://www.aph.gov.au/library/pubs/climatechange/theClimate/glaciers.htm>

¹³ <http://www.scientificamerican.com/article.cfm?id=warming-accelerates-us-east-coast-sea-level>

¹⁴ For Clean Air Act facts, see:

http://www.biologicaldiversity.org/programs/climate_law_institute/global_warming_litigation/clean_air_act/pdfs/CleanAirActWorks_032011.pdf and <http://www.epa.gov/air/sect812/>; "The Benefits and Costs of the Clean Air Act, 1970 to 1990," "The Benefits and Costs of the Clean Air Act, 1990 to 2010".

¹⁵ For Clean Air Act facts, see:

http://www.biologicaldiversity.org/programs/climate_law_institute/global_warming_litigation/clean_air_act/pdfs/CleanAirActWorks_032011.pdf and <http://www.epa.gov/air/sect812/>; "The Benefits and Costs of the Clean Air Act, 1970 to 1990," "The Benefits and Costs of the Clean Air Act, 1990 to 2010".