

I can't let this one pass unremarked. Seth Jaffe, writing in the Boston law firm Foley Hoag's "Law and the Environment" blog, uses Portland Oregon's recent release of an updated [draft Climate Action Plan](#) as an [occasion to criticize](#) not only Portland (one of the few cities I actually like) but the whole concept of local climate planning and regulation. Jaffe sees local climate action as "a heavy thumb on the side of the scale arguing for comprehensive federal legislation." Despite conceding that some local climate measures "may be beneficial," Jaffe argues that "many . . . will be inefficient, contradictory, or both." He recognizes that the bills passed by the House and under consideration in the Senate would not preempt local action. It appears that he would prefer preemption, but at a minimum he wants quick federal action so that this silly idea of local climate planning will stop spreading.

Jaffe is flat wrong. Of course we need national climate legislation, but federal law should support and encourage local climate action, not try to squelch it.

Local communities took up the challenge of dealing with climate change long before the federal government did. Indeed, grassroots enthusiasm for climate action at the local level has been an important part of the political progress in the US toward federal legislation. Portland was [reportedly the first U.S. city](#) to act, adopting a CO2 reduction strategy in 1993, followed by a local climate action plan in 2001. In 2005, as the Kyoto Protocol took effect without U.S. participation, the US Conference of Mayors adopted a [Climate Protection Agreement](#) calling for federal and state action but also pledging local efforts to reduce emissions. Today, [more than 1000 mayors representing nearly 87 million Americans](#) have signed the agreement. The Conference of Mayors has created a [Climate Protection Center](#) to facilitate the exchange of information and highlight models of "best practices."

Local governments are essential partners in emission reduction (and adaptation) efforts. The federal government is capable of regulating industrial emissions, although even there it has needed state partners to implement the national regulatory schemes of the Clean Air and Clean Water Acts. But controlling industrial emissions alone won't solve the climate problem. Roughly a third of the nation's carbon emissions are directly attributable to individual decisions about electricity use, personal transportation, and the like.

Those decisions are difficult to change by legislative fiat, in part because they respond to the infrastructure of local communities. Local governments are peculiarly well positioned to understand local variation in sources of GHG emissions and the susceptibility of those emissions to control measure. And given their traditional primacy in land use regulation, they are often the only entity capable of dealing with the emissions encouraged by sprawling development. Leaving them out of the equation would repeat the mistakes of the Clean Air and Clean Water Acts, which have done a terrific job of controlling industrial

pollution but left other important contributors like vehicle miles driven and diffuse run-off essentially untouched.

Cities are also major consumers of energy, operating fleets of vehicles, installing street lighting, and pumping drinking water and wastewater. They can use their market power to encourage the development and spread of energy-efficient technologies like LED traffic signals and high-efficiency cars.

Finally, local governments are politically responsive to their constituents. If the people of Portland don't want their government to work to reduce greenhouse gas emissions, it won't. But there is no reason for Portland residents to object. Quite the contrary. The measures Portland proposes are not intrusive or heavy-handed. They are common-sense measures designed to reduce the city's direct carbon footprint and help concerned citizens reduce their individual footprints. Portland's plan, and others like it across the country, will save the city and its residents money by reducing energy consumption while at the same time making the community more livable.

So let's congratulate Portland for its work on climate planning, and let's make sure that federal legislation includes measures to encourage and fund this sort of local initiative.