This New York Times article notes why the California Attorney General's race is very important for our state and national environmental and energy policies. As a close observer of that office's work on environmental issues and as a former California deputy attorney general myself, I believe the reporter is surely correct. This race will matter from an environmental perspective. (Co-blogger Dan Farber blogged about this race several months ago, noting that candidate Steve Cooley at the time had articulated no positions on these issues on his website.)

The NY Times article notes the national significance of the Attorney General's initiative to force local governments to take climate change into account in their environmental reviews under CEQA, the state's environmental impact analysis law. It discusses the key role Jerry Brown in particular has played in defending our state's aggressive greenhouse gas reduction laws and in proactively pursuing litigation – such as the AG's lawsuit against a federal agency to attempt to save our local governments' PACE clean energy-financing programs – to push for sound energy and environmental policy.

Actually, the California AG has for years – long before Jerry Brown came to the position – pursued independent environmental cases and initiatives in a variety of disparate areas, including advocating for preservation on federal lands, abatement of lead paint hazards in our buildings, curbing pollution and greenhouse gas emission, and enforcing CEQA and California's Proposition 65. These cases have formed a significant body of the work of the AG's office over time. (My co-blogger Rick Frank supervised the office's work on these matters, as well as similar cases in other areas such as consumer protection and antitrust law, for several years as a senior attorney under former AG Bill Lockyer.)

While the AG has to represent state agencies such as the Air Resources Board, he or she has extremely wide discretion about whether to pursue independent initiatives to protect the state's public health and natural resources. It's clear that, in the past, funding and resource allocation decisions as well as important decisions about what to pursue have varied widely with each successive Attorney General.

Over the past three decades, some Attorney Generals – including Bill Lockyer, for whom I worked there, as well as Brown and John Van De Kamp – have prioritized environmental protection far more than others, such as Dan Lungren and George Deukmejian. In this race, the candidates appear to offer a clear difference in how they will approach environmental protection. As the N.Y. Times article notes, "Cooley makes no reference to the environment on his campaign website and

declined to answer during an Oct. 5 debate whether he supported Proposition 23," and has hinted that he believes that local governments' climate change obligations may harm our economy. Harris, on the other hand, has come forward as a strong supporter of environmental protection.

Some people are cynical about our AG's role in environmental protection, framing it as grandstanding or scoring political points. Once, after I wrote a letter pointing out numerous important flaws in the environmental impact analysis for a housing development in the Inland Empire that would have a devastating impact on wildlife, I even had a city accuse me and the AG's office of working at the behest of a rival developer. (The accusation was baseless; I actually brought the matter to the office's attention because of information I received about the project's impact on wildlife, and my own conclusion that the environmental impact review was dreadfully inadequate.) In my experience, this cynical view is simply wrong. Our deputy AGs work hard to use the law to do what is right for the environment, and have made a big difference over the years when their boss has given them sufficient resources and support. (There are many terrific attorneys there, but one particularly noteworthy example is Ken Alex, who has been a guest blogger here. Ken won the ABA's award for distinguished achievement in environmental law a couple of years ago, and now heads up the office's Environment Section.)

My former colleagues at the AG's office will surely find ways to make the best of the situation one way or the other; they have done great work consistently over the years. But I know this race will have a significant impact on their work.