Yesterday, Joe Manchin announced that he couldn't support the Build Back Better reconciliation bill. Unless Biden can somehow coax him back to the negotiating table, that dooms what would have been a major breakthrough in climate policy. Manchin bears responsibility for this deeply regrettable decision. But climate legislation is *hard*, even in more favorable political settings such as California.

Manchin's financial ties to the fossil fuel industry may help explain his resistance. But if we take a step back we have to ask why Manchin is the key vote. The reason is that we have a 50/50 partisan split in the Senate. And the reason for *that* is Democrats did quite a bit worse than expected in 2020 House and Senate races. The best explanation for that political shortfall is that there were a substantial number of people who voted against Trump but wanted a Republican Congress as a counterweight to Democratic progressives.

Meanwhile, there's a revealing — and rather depressing — article in the online journal Grist about the California legislature's refusal to set a binding mid-century carbon emissions target, even though a number of other states have passed net-zero mandates. The effort to pass a California mandate foundered due to opposition from two directions, both centered on important Democratic political allies. The first problem was resistance from fossil fuel interests. Fossil fuel companies, which have political clout given California's oil production, played a role. But more significantly, labor unions opposed the mandate because they feared loss of union jobs associated with the industry.

The second problem was the environmental justice movement. Illustrating the maxim that the perfect is the enemy of the good, they opposed a net-zero requirement that mandated a 90% cut in emissions because it didn't require a 100% cut in emissions, instead allowing use of carbon capture to fill in the other 10%. Since, in their view, the bill did not deliver the maximum possible benefits to their communities, they ignored the expert consensus that 100% wasn't feasible because of hard-to-control agricultural and industrial emissions.

The difficulties of climate politics are no reason to give up. Even if Congress never passes the reconciliation bill, it did pass the earlier infrastructure bill by wide margins. That earlier bill itself is a big step forward in climate policy. And California obviously has passed very aggressive climate legislation, including several new provisions in the last year. Climate legislation is hard, but it's not impossible. Eventually, California seems sure to enact carbon neutrality targets. And despite what seems to be a disheartening setback this year, Congress will ultimately have

to face up to reality. But that looks to be a long and very hard fight.

“Out of the crooked timber of humanity, no straight thing was ever made.” So said Immanuel Kant, in one of his few quotable lines. Just so, for climate law. Yet crooked timber or not, the house still needs to be built. Given the realities of climate change, we have no choice but to continue the fight, regardless of setbacks.