

In preparing to teach a course on climate law, I was really struck by how broad and rich the field has become. Back in the day, it was nearly all international law, but nowadays there's a huge amount of U.S. domestic law.

Most people, even those who work on the field, tend to focus on just a few elements.

Cinnamon Carlarne and I have written a book that tries to give an overview of the whole subject, including U.S. and international law. I can't do that in the confines of the blog post, but an outline should give you a sense of just the wide sweep of U.S. climate policy. Here goes:

I. Cross-cutting

- A. Administrative law questions, including the major questions doctrine.
- B. Standing based on climate impacts
- C. Social Cost of Carbon
- D. Co-benefits
- E. Climate science
- F. Climate justice

II. EPA regulation of greenhouse gas emissions under the Clean Air Act (CAA)

- A. Standards for carbon and methane emissions from new sources
Permitting requirements for carbon emissions from new stationary sources of major sources of existing pollutants.
- B. Standards for existing stationary carbon sources (focused on power plants to date).
- C. Standards for emissions from new vehicles.
- D. Vehicle biofuels requirements.

III. Climate change under other federal statutes.

- A. Climate change as substantial impact requiring discussion in environmental impact statement.
- B. Climate change as reason for threatened or endangered status under Endangered Species Act.
- C. SEC rules on disclosure of climate-related risks.

IV. Federal energy policy

- A. Investment and incentives for clean technologies under the Inflation Reduction Act.
- B. Energy efficiency standards for new appliances and lighting sources.
- C. Nuclear power regulation
- D. Federal Energy Regulatory Commission rules bearing on electricity transmission
- E. FERC rules for wholesale markets that impact renewable energy.
- F. FERC pipeline regulation (natural gas and hydrogen).

G. Rules relating to renewable and fossil fuel development on public lands and offshore.

V. State climate and energy policy

- A. Renewable portfolio standards.
- B. Cap-and-trade systems
- C. California authority to regulate new vehicles
- D. Electric vehicle and biofuel policies
- E. Transportation planning and land use policies
- F. Litigation against carbon emitters and fossil fuel producers
- G. Federalism limits on states (dormant commerce clause, preemption)

VI. Adaptation

- A. Coastal areas and flood plains
- B. Drought
- C. Heat waves and wildfires
- D. Biodiversity and ecosystems
- E. Other impacts (health, agriculture, etc.)
- F. Takings issues

VII. Geo-engineering

- A. Carbon capture and sequestration (biological or otherwise)
- B. Solar radiation management

If I've missed something you think is really important to US climate policy, I guess that only goes to prove my point about the breadth and depth of the field.