

The federal government's interventions in climate policy have been erratic, driven by political polarization and alternating control of the White House. In contrast, state governments have engaged in steady campaigns to reduce carbon emissions. Some people seem to think this has been a recent innovation, but it has now been ongoing for a generation. Here are some the key milestone along the way.

**1983.** Iowa establishes the first Renewable Portfolio Standard (RPS), which requires utilities to obtain a certain percentage of electricity from renewable sources. Similar requirements were then adopted by many other states.

**2006.** California passes Pavley Act, authorizing the Air Resources Board to regulate greenhouse gas emissions from vehicles.

**2006.** California passes AB 32, the Global Warming Solutions Act, resulting in the creation of an ambitious carbon trading system.

**2007.** Supreme Court rules in *Massachusetts v. EPA* that states have standing to litigate climate change issues.

**2009.** RGGI – the Regional Greenhouse Gas Initiative — is launched by Northeastern states, establishing a multi-state carbon trading system covering power plants.

**2011.** Supreme Court rejects Connecticut effort to seek remedies under federal law against utilities for their carbon emissions. The decisions leaves open the possibility of bringing similar claims under state law. The same year, the Bush EPA approves the California's first zero-emission vehicle standard.

**2013.** Ninth Circuit rejects a claim that California's Low Carbon Fuel Standard is an unconstitutional barrier to interstate commerce, setting a broad precedent for upholding state climate policies.

**2017.** The United States Climate Alliance is formed by ten states in response to Trump's withdrawal from the Paris Agreement. Twenty-two states, with over half of the U.S. population and GDP, are currently members.

**2023.** Hawaii Supreme Court rejects effort to dismiss Honolulu lawsuit in state court against oil companies for damages relating to climate change. U.S. Supreme Court ultimately denies review.

**2024.** Vermont passes first Climate Superfund Law, requiring fossil fuel producers

to compensate the state for climate-related damages caused by their carbon emissions. The same year, Vermont becomes the 13<sup>th</sup> state to set a deadline for using 100% renewable power.

**2025.** President Trump issues an executive order entitled “Protecting American Energy from State Overreach.” The order describes state clean energy policies as “burdensome and ideologically motivated ‘climate change’ or energy policies that threaten American energy dominance and our economic and national security.”

The order calls on the Attorney General to take action against these state laws, and she began to file lawsuits almost immediately.



Despite Trump’s attack on the constitutional power of states to adopt their own policies, it seems highly unlikely that he’ll succeed in expunging this basic feature of American federalism. State climate efforts are likely to expand during his second term, just as they did during his first term as President.