A. Introduction

1. Global warming, climate change, reducing greenhouse gas emissions, reducing the carbon footprint, and going green are just some of the buzz words in the news that have captured the attention of lawmakers and policymakers at all levels of government. In Congress, lawmakers have proposed, among other things, mandating standards to reduce greenhouse gas emissions, and governors across the country have announced myriad programs designed to encourage government use of green products, the construction of green buildings, and the offering of a combination of tax incentives and grants for private developers and other members of the public who develop and install various renewable energy products. America Climate Security Act of 2007, S. 2191, 110th Cong. (2007), available at http://thomas.loc.gov/cgi-bin/query/z?c110:S.2191:; Lieber-

2. Local governments are also beginning to pay more attention to the issues. Almost a thousand mayors have signed on to the Climate Protection Agreement, www.usmayors.org/climateprotection/airagreement.htm, agreeing to, among other things, endorse and implement anti-sprawl land use policies and urban forest restoration projects to address climate change issues. Id. Many U.S. cities have joined the ICLEI-Local Governments for Sustainability, an international association that promotes smart planning, sustainable development, and the implementation of initiatives focused on slowing global warming. ICLEI-Climate, www.iclei-usa.org/programs/climate; www.iclei-usa.org/about-iclei/members/member-list. In addition, localities across the country have enacted policies, programs, and regulations aimed at reducing the carbon footprint, and many communities have formally pledged to reduce greenhouse gas emissions.

3. It is initiatives at the local government level that have the greatest potential for most quickly and most efficiently slowing the pace of global warming. This is because local governments are the critical decision-makers in how communities use and conserve key resources. They have begun to incorporate principles and goals of sustainability and carbon reduction into comprehensive land use plans. For example, some of the comprehensive plans call for energy reduction, smart planning to encourage pedestrian transit and decrease dependency on the automobile, introduction of additional mass transit, water conservation principles such as xeriscaping, heat island reduction principles, and urban forest mandates, as well as the introduction of community gardening. In addition, municipalities have enacted laws incorporating into their building and zoning codes green building standards such as the Leadership in Energy and Environmental Design (LEED) standard developed by the United States Green Building Council (USGBC) and the USGBC’s pilot Neighborhood Development (ND) program. LEED Certifiable vs. LEED Certified, www.greenerbuildings.com/blog/2008/03/11/leed-certifiable-vs-leed-certified (last visited June 26, 2008); Santa Monica Green Building Program, http://greenbuildings.santa-monica.org/mainpages/newordinances.html (last visited June 26, 2008); City of Santa Cruz Green Building Program, Standards for Compliance, www.cityofsantacruz.com/mod-

B. Local Climate Change Action Plans

1. Many local governments have followed the lead of the states and have developed local climate action plans. For example, New York City enacted the Climate Change Protection Act with the goal of reducing the city’s operational greenhouse gas emissions by 30 percent of 2006 levels by 2017. City of New York, Local Law No. 55 of 2007, available at http://nylcv.org/node/2737/print. The goal is to be reached through programs set up as part of PlaNYC 2030, and annual city-wide greenhouse gas inventories are to be posted on the city’s website. City of New York, Local Law No. 55 of 2007, available at http://nylcv.org/node/2737/print. Westchester County, New York passed a similar resolution intended to mitigate possible sources of climate change within the county. The law proposes to reduce greenhouse gases to 20 percent below 2005 levels by 2015 and to 80 percent below 2005 levels by 2050. It also calls for the completion of a county-wide inventory of greenhouse gas emissions, the development and implementation of a county-wide climate change action plan, and increased public education and open communication. County of Westchester, Resolution No. 149 of 2008. www.ecode360.com/?custId=WE0640. The Town of New Castle amended its code in 2008 to rename the Solid Waste Advisory Board as the Sustainability Advisory Board. Town of New Castle, Local Law No. 6 of 2008. In addition to its existing duties, the Sustainability Advisory Board is now responsible for developing greenhouse gas reduction targets and recommending programs to meet those goals. It is required to undertake a GHG inventory, to suggest options for increasing energy efficiency and reducing energy use, to encourage the use of alternative energy, to continue monitoring the town’s recycling program, to promote water conservation and efficient use, to develop suggestions for a green building code, to track the effectiveness of land use planning changes at lowering emissions, and to work cooperatively with neighboring government bodies to achieve emissions reductions. Town of New Castle, Local Law No. 6 of 2008. www.ecode360.com/?custId=NE0395.

a. Illustrative local climate action plans of some bigger cities are briefly discussed below to provide an idea of the breadth of and variation in these documents.

2. Denver, Colorado

a. Denver’s 2007 climate action plan was prepared by an advisory council through a process that included significant public participation and expert contributions, and it includes a set of recommendations for reducing emissions. www.greenprintdenver.org/docs/greenprint_report.pdf. After finding that the city’s initial goal of reducing emissions by 10 percent of 1990 levels “appears to be attainable,” the plan recommends a second target of reducing emissions to below 1990 levels.
The plan lists 10 specific goals: (1) encourage residents and businesses to adopt energy saving and sustainable practices; (2) incentivize energy conservation through tiered utility rates; (3) create a voluntary travel offset program; (4) lead by example by developing carbon-neutral city buildings and other city programs; (5) enhance recycling programs; (6) adopt mandatory energy efficiency standards for new buildings; (7) increase energy efficiency in existing homes; (8) require the use of “green” concrete; (9) support compact pedestrian and bicycle friendly and transit oriented development; and (10) promote alternative transportation strategies of all types. The climate action plan also contains information about the city’s greenhouse gas inventory, which sought to determine the amount of emissions produced by various sectors of the city, and it lists a number of specific policy recommendations for emissions reductions strategies at the regional, state, and federal levels.

3. Los Angeles, California

a. The Los Angeles 2007 climate action plan, “Green LA,” suggests that “the threat of climate change is really an opportunity to transform Los Angeles into the greenest big city in America—a model of urban sustainability for the 21st century.” [http://environmentla.org/pdf/GreenLA_CAP_2007.pdf](http://environmentla.org/pdf/GreenLA_CAP_2007.pdf). This will be a challenge as the city now emits 0.2 percent of worldwide greenhouse gas emissions—as much as the entire country of Sweden. Id. at 3–4. The city’s greenhouse gas inventory also showed that more than half of its emissions were attributable to cars and trucks, and a third could be traced to municipal operations, including the city-managed power utility. Id. at 3–4. The city’s climate action plan calls for emissions to be reduced to 35 percent below 1990 levels by 2030, and to achieve this goal, additional actions are needed. Id. at 10. As the plan explains:

The city must leverage change in the public and private sectors through land use regulation, building guidelines, and investments in transit. It also has the power to provide leadership, stimulate market demand, model innovative and profitable green businesses, promote private investment, create a business-friendly regulatory environment for green companies, and invest in workforce development programs that speed growth of the green economy while improving the income of residents in disadvantaged communities.

Id. at 5.

b. Some of the actions proposed in Green LA include increasing the city’s renewable energy supply to 35 percent of its capacity by 2020; improving the efficiency of existing non-renewable power plants; enacting private sector green building standards; retrofitting all city buildings to improve efficiency; installing 50 cool roofs annually on city buildings and converting public pools to solar heat; distributing nearly 3 million compact fluorescent light bulbs to city residents; reducing per capita water use by 20 percent; converting most of the city fleet to alternative fuels; making transit more easily accessible, such as by requiring it to be translated into multiple languages; expanding the regional rail system; promoting transit oriented development; encouraging infill; increasing the solid waste diversion rate to 70 percent; improving sustainability at the city’s ports and airports; creating 35 new parks and revitalizing the Los Angeles River; reducing the urban heat island effect by planting one million trees; leveraging city purchasing and regulations to encourage the development of green research and technology; creating workforce training programs for green collar workers; improving emergency preparedness; developing plans to address drought, wildfires, sea level rise, and climate-related health problems; and amending the zoning and building codes to minimize the effects of climate change. Id. at 5–7.