

Is Fossil Fuel Running on Empty? The Implications of Climate Change Mitigation

IN SHORT

The Situation: Proposed resolutions in Congress and an injunction request in a Ninth Circuit case both seek significant reductions in fossil fuel use throughout the economy.

The Result: In the near term, it is easy to predict that restrictions on the use of fossil fuel will not be adopted into federal law through legislative or judicial action. But these developments are a harbinger of more serious efforts that could be on the horizon.

Looking Ahead: The potential impact on business operations of a substantial, federally mandated reduction in fossil fuel use varies from company to company. It would be an existential threat to some and perhaps a catalyst for growth to others. In either case, the possibility cannot be ignored in business, political, and legal planning efforts.

The Green New Deal resolutions introduced in Congress earlier this year, combined with a recent injunction motion in a climate change case pending in the Ninth Circuit, crystallize the holy grail for those who approach climate change as an existential threat to their communities. Previously, they were content to seek incremental measures, such as reducing or eliminating coal-fired power generation, increasing motor vehicle fuel efficiency requirements, and encouraging investments in mass transit and electric vehicles.

Now, they are openly seeking the wholesale elimination of fossil fuels from large sections of the economy. It is easy to predict that this approach will not be adopted into federal law through legislative or judicial action in the near term. But it is a harbinger of serious efforts to achieve these outcomes that could be on the horizon. The potential impact on business operations of a successful effort to reduce fossil fuel use significantly varies from company to company. It would be an existential threat to some and perhaps a catalyst to growth for others. In either case, the possibility cannot be ignored in business, political, and legal planning efforts.

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THREE KEY TAKEAWAYS

1. Recent developments in climate change policy, such as the introduction of Green New Deal resolutions in Congress last month and a request for an injunction against federal fossil fuel project approvals, would have been unthinkable 12 years ago when the Supreme Court decided that greenhouse gases could be regulated under the Clean Air Act.
2. Those who approach climate change as an existential threat to their communities are now seeking the wholesale elimination of fossil fuels from large sections of the economy in court and in Congress.



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3. It is easy to predict that these efforts will not be successful in the near term, but serious efforts to achieve these outcomes could be on the horizon and cannot be ignored in business, political, and legal planning efforts.

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