The Role of Litigation in Multi-Level Climate Change Governance
Possibilities for a Lower-Carbon Future?

Presentation by Hari M. Osofsky, University of Minnesota & Jacqueline Peel, University of Melbourne
2013 National Environmental Law Association (NELA) Conference
March 8, 2013
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Map of Talk

I. Climate Change Litigation and Governance

II. The U.S. and Australian Regulatory Contexts

III. Regulatory Pathways through Litigation
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A. Climate Change as a Multidimensional Governance Problem

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The Role of Litigation in Multi-Level Climate Change Governance

I. Climate Change Litigation and Governance

B. Litigation as a Regulatory Approach

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A. United States—The Big Picture and Regulatory Landscape
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II. The U.S. and Australian Regulatory Contexts
A. United States—Role of Litigation

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--Standing

--EPA Authorized To Regulate under Clean Air Act

**AEP v. Connecticut**
--Standing & Political Question

--EPA Clean Air Act Authority Displaces Federal Common Law Public Nuisance Claim

Passenger Cars


Coal Power
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II. The U.S. and Australian Regulatory Contexts

B. Australia – Big Picture and Regulatory Landscape

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Carbon Pricing Mechanism
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II. The U.S. and Australian Regulatory Contexts

B. Australia – Role of Litigation

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Litigation over Adaptation
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III. Regulatory Pathways through Litigation
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Major Climate Change

Dangerous Travel Conditions
Photo by Eric Loring
http://www.itk.ca/environment/climate-change-index.php

Geoengineering


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