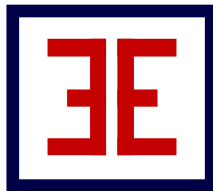


THE ENERGY AND ENVIRONMENTAL SECURITY INITIATIVE



UNIVERSITY OF COLORADO LAW SCHOOL

↻ An Overview of the Climate Action Database ↻

containing

*Recent Policy Proposals and Impact Analyses
Relevant to U.S. Federal Climate Policy*

2007

RECENT POLICY PROPOSALS AND IMPACT ANALYSES RELEVANT TO U.S. FEDERAL CLIMATE POLICY

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I. PROJECT OBJECTIVES

The research objective for the Climate Action Database (CAD) was to compile proposals relating to the issue of climate change. These proposals include documents (and/or proposals embedded in such documents) that call for U.S. federal policy changes with respect to climate change and/or related to renewable energy policy changes that:

1. Are to be implemented by the U.S. President, executive administrative entities, or the U.S. Congress;
2. Are no more than two years old, with certain exceptions;¹
3. Are not directed at international activities or policies, unless such activities or policies are to be implemented by the President or executive administrative entities;
4. Are not directed at a state other than California, or a regional collaboration other than the Regional Greenhouse Gas Initiative (RGGI);
5. Do not deal with management of the federal transportation fleet or federal buildings;
6. Are offered by entities or individuals that meet the EESI evaluative criteria regarding quality, depth, nature, and representation (*see* Section II: Methodology, *infra*, for more details).

The support consists of research and information compilation vis-à-vis:

1. *Federal Legislative Proposals*. Federal legislative proposals (i.e., bills actually introduced) regarding climate stabilization and related energy security and national security actions to be undertaken by the U.S. President, executive administrative entities, or the U.S. Congress;
2. *Proposals*. Non-legislative proposals (i.e., not introduced as bills) regarding climate stabilization and related energy security and national security actions to be undertaken by the U.S. President, executive administrative entities, or the U.S. Congress;
3. *Impact Analyses*. Identification of environmental, fiscal and/or carbon analyses that have been done for such proposed actions;
4. *California and the RGGI*. With respect to California, the project also reviewed Climate Action Team documents to identify recommendations applicable to the federal context. Additionally, the project reviewed documents related to RGGI to identify recommendations applicable to the federal context.

¹ “Two years old” is defined as prepared on or after January 1, 2005.

II. METHODOLOGY

A. GENERAL RESEARCH METHODOLOGY

The following discussion delineates the methodology used to identify and select sources and proposals, extract data, and prepare summaries of proposals. This methodology was generally used for all proposals except proposed federal legislation, which is addressed in a subsequent section, and with some caveats for impact analyses and the California and the RGGI documents.

Initially, a universe of potential sources was identified with attention given to the type of source, making sure that key sources were included but also having as a priority the representation of a broad array of interests and perspectives. The universe includes authors from, but not limited to, academic institutions, non-governmental organizations (NGOs), business and industry, government and the science community. A broad net was cast at this tier of the research process. The research team reviewed and drew potential sources from directories of academic institutions, online research, and sources already compiled or known by the EESI research team. Additionally, throughout the process, “newsmaker” sources were included, i.e. proposals that were getting attention in the press. For example, although we did not include state governors on the list of potential sources, Governor Schweitzer of Montana received significant media attention for his proposal to make the United States energy independent in ten years. This plan, which includes a number of proposals that also reduce greenhouse gas emissions, is documented in this project.

A first level of review was performed on this universe of potential sources. By reviewing the specific scope of work for each source, the research team narrowed the universe to sources that specifically addressed global warming, climate change, renewable energy or a related topic. From this work a master list of sources was identified for in-depth review. The master source list did not remain static throughout the project, as there was a feedback process incorporated into the research methodology for including additional sources identified in later tiers of review.

During the second level of review, the project team conducted an evaluation of the specific proposals from each source. During this phase, each website on the master list was mined for documents that fell within the initial selection criteria. At this stage, a large number of potential proposals were eliminated when evaluated vis-à-vis three primary and required criteria: (1) prepared in 2005 or thereafter; (2) national in scope; and (3) would be implemented or acted upon by the federal government. For some sources, this evaluation could include the review of a

few pages or documents; however, for many these included the review of approximately 20 documents per source on average. Documents ranged in size from one page to hundreds of pages.

Finally, for documents that were within the initial selection criteria the following additional EESI criteria were used to select a document for the inventory: (1) quality of source; (2) quality of proposal; (3) depth of proposal; (4) representation of particular group or perspective in the inventory. Documents were ranked pursuant to each criterion and included in the inventory based on a balance of all four. For example, if a source had an in-depth proposal meeting the initial research criteria, less detailed or less comprehensive proposals from that source would not be included unless they added something not addressed by the in-depth proposal. On the other hand, proposals that are broad and general or limited in their scope may be included if the source does not have anything more in-depth and/or the perspective of that source has not otherwise been captured in the inventory.

In some cases documents outside of the initial selection criteria were included. Typically this meant including a proposal prepared earlier than 2005. This was done on a very limited basis for documents that are central to the debate—for example, the Report of the National Energy Policy Development Group prepared in May 2001, or proposals that include something substantive and unique.

The team then extracted the key information from each proposal that was identified in the development of the backend system. A summary of each proposal was prepared as part of the inventory. The summaries are intended to provide the end-user with an overview of the full proposal, an indication of the depth of the full proposal, and some key concepts on which policy makers in this area would focus. A more detailed description of the data extracted and contained in the inventory is included in *Sub-Section F* below.

Throughout the research a feedback process was included for identifying and evaluating additional sources, proposals and impact analyses. If, through the initial research process, additional sources were referenced or otherwise identified, these sources were cross-referenced with the master list. Sources not on the original master list were pursued and reviewed through the three tier process. Through this feedback process, a number of additional sources and proposals were researched and entered into the inventory. Furthermore, proposals or groups that were receiving media attention during the period of our work were also pursued in this manner.

The research team began the second tier review, or the in-depth evaluation of proposals and impact analyses by each source, in late January 2007 and the work progressed through the end of March. Therefore, some source sites were mined earlier in the year and some later. It is,

therefore, possible that more recent proposals prepared after review of a site are not included in the inventory. However, the team made every effort to include “newsmaker” items, or proposals that received media attention during the entire span of our work.

B. CALIFORNIA AND THE REGIONAL GREENHOUSE GAS INITIATIVE

In addition to proposals that are national in scope, selected documents were also included from California and the RGGI. Under RGGI, seven Northeast states, (Connecticut, Delaware, Maine, New Hampshire, New Jersey, New York and Vermont), have agreed to propose a cap-and-trade program to reduce carbon dioxide emissions. For RGGI, the team researched the official RGGI site and the key documents describing the Initiative were identified, summarized and included in the database. In addition, the team pursued research independent of the official site and identified several impact analyses of the Initiative.

To date, California has taken the most comprehensive approach to reducing greenhouse gas (GHG) emissions within the United States. In addition, California’s approach can be informative in regard to a national policy for a number of other reasons: (1) California has the eighth largest economy in the world (i.e., the seven entities with larger economies are all countries);² (2) California is the 12th largest source of GHG emissions in the world (i.e., the eleven entities with higher emissions are all countries);³ and (3) California is the only state that is exempt from federal preemption of stricter state standards for emission limits under the Federal Clean Air Act.

California has confronted the issue of reducing GHG emissions on multiple fronts. Although this approach has not been immune to criticism, these programs and initiatives serve as examples of implementation strategies that combine executive action (executive orders and agreements), agency action (reports, studies and rule making), and legislative action in pursuit of a common goal. Although not exhaustive, the research team included in the inventory key documents for many of the central components of California’s global warming policy including, executive orders, agency reports and analyses, legislation regarding California’s Climate Action Plan, statewide GHG emission reduction targets, statewide GHG registry, the Hydrogen

² This figure ranges from sixth to tenth depending on the source. The figure quoted here is reported by Davis, Aaron C., San Diego Union-Tribune, (Jan. 13, 2007) (available at www.signonsandiego.com/uniontrib/20070113/news_1b13eight.html) (referencing U.S. Commerce Department and World Bank figures).

³ This figure ranges from tenth to twelfth depending on the source. The figure quoted here is from the Union of Concerned Scientist (available at www.ucsusa.org/clean_california/ca-global-warming-impacts.html).

Highway Network and Hydrogen Economy Blueprint Plan, the Bioenergy Action Plan, the Million Solar Roofs Program and various other actions.⁴

C. PROPOSED FEDERAL LEGISLATION

CAD also includes proposed federal legislation that comports with the initial selection criteria. Therefore, CAD includes relevant federal bills introduced in the 109th and 110th Congresses. After identifying the universe of bills with the selected search terms each bill was analyzed to check for relevance, eliminate redundancy, collect the relevant data for the inventory and prepare a summary. For bills with multiple versions, only the bill as it was introduced on the floor of the House or Senate is included in the inventory. If a bill is largely about another topic, but also includes a provision that meets the inventory criteria, the bill summary is limited to referencing and explaining the relevant section. For all other bills, the main provisions of the bill are summarized in full. A small portion of the bills originally identified were eliminated from the inventory because of redundancy or irrelevance.

D. IMPACT ANALYSES

In addition to impact analyses included through the general research methodology described above, we specifically targeted and mined the following sources: (1) the Energy Information Administration within the U.S. Department of Energy, which provides official energy statistics from the U.S. government including forecasts and analyses; (2) the Congressional Research Service (CRS), which is the public policy research arm of the U.S. Congress and as a legislative branch agency within the Library of Congress works exclusively and directly for Members of Congress, their committees and staff; (3) the Congressional Budget Office (CBO), which provides Congress with analyses to aid in economic and budgetary decisions on the programs covered by the federal budget; and (4) the Government Accountability Office (GAO) which is an independent, nonpartisan agency that works for Congress evaluating how well government policies and programs are working, auditing agency operations and investigating allegations of illegal or improper activities.

⁴ This is not intended as an exhaustive study of California's policy proposals as such a study is not in the current scope of our work. For example, California has also implemented a number of other initiatives such as the Sustainable Building Implementation Plan not currently included in the inventory.

E. INTEGRITY CHECK

The team developed a series of standards against which to check the collected information and ensure the integrity of the inventory. A checklist was developed for final verification of the accuracy of the data and consistency of its presentation. Each record in the inventory was checked against this list during the final week of the project and changes or corrections were made as necessary.

F. DATA FIELDS

The following describes the data that was extracted and/or prepared for archival in CAD.

Field Name	Explanation
Name	Title of document or bill number and common name.
Date Produced	Date document was published or date the bill was introduced.
Author	Name of person or entity who wrote or published the document or sponsor of bill.
Author type	<p>Authors fall within 9 types:</p> <ol style="list-style-type: none"> 1. Agency: agency or entity hired by agency; 2. Multi Agency Task Force: more than one agency working together whether or not called “task force”; 3. Academic: a group housed in a university, e.g., institutes, centers, etc., or individuals in such a group; 4. Business/Industry: a business, business association, lobbyist group, or non-profit with largely business membership or interests; 5. Religious: a group that specifically identifies itself as religious; 6. Scientist: a group with only scientist members, including NGOs, associations, etc., and individual scientists; 7. NGO: all other non-profits (excludes academic, business/industry, religious and scientific non-profits) and alliances in which all members are in this category; 8. Alliance or Ad Hoc Working Groups: a temporary alliance, workshop or conference results, or letters or statements with multiple signatories mixing types; 9. Individual: used for magazine articles or books if the author does not fall into another category; if multiple authors and all fall in another category, used the other category; 10. Congressional Member: a member of the U.S. Congress, primarily used as type for sponsor of proposed legislation; 11. Legislative Member (CA): member of California Legislature, primarily used as type for California legislation; and 12. Governor: a Governor of a U.S. state.
Document Type	<p>Documents fall within 5 types:</p> <ol style="list-style-type: none"> 1. Proposed Federal Legislation; 2. Impact Analysis: an impact analysis of a national proposal; 3. Report: any document that is not proposed federal legislation or an impact analysis; this includes documents entitled “report,” fact sheets, magazine articles, books, etc.; 4. California: documents pertaining to California proposals (will also have a subtype); and 5. RGGI: documents pertaining to the RGGI (will also have a subtype).

State/Regional Subtype	Documents of type California or RGGI will also have a subtype: <ol style="list-style-type: none"> 1. Executive Order: an executive order or executive agreement by the Governor. 2. Impact Analysis: an impact analysis of a California or RGGI proposal. 3. Legislation: legislation enacted in California. 4. Report: all other types of documents pertaining to California or RGGI.
Web URL	The internet URL for the proposal, in most cases it is a link to the document through the author's website; in some cases it is a link through another site or a link to a site through which the document can be accessed.
Short Description	Succinct description of proposal provided for all documents.
Full Description	Included for all proposed federal legislation unless the short description sufficiently describes the bill; optional for other document types.
Additional Resource URLs	The internet URL for a site that provides additional useful information regarding the source or proposal.
Analysis Target	Used only for impact analyses or documents that criticize or explain other proposals; it links to the target proposal in the database.
Additional Resource Files	Copy of resource document that supplements proposal on local storage device in PDF or word format.
Full Text File	Copy of proposal on local storage device in PDF or word format.
Related Documents	Links to other proposals in the database referenced by the document or otherwise related to it.

III. ANALYTICAL OVERVIEW

A. INTRODUCTION

Due to the widely varied nature of the types of documents, analyses and proposals, as well as the similarly varied nature of the sources or authors of the collected documents contained in CAD, it becomes helpful, if not necessary, to provide a brief analysis summarizing the contents of the database. This section is therefore intended to offer a breakdown of the database into its component parts.

As the database is currently structured, documents contained within it are broken down, or categorized, within a number of different fields. The two broadest divisions within the system are Document Type⁵ and Author Type.⁶ There are two additional fields, Congressional Term⁷

⁵ The *Document Type* category is broken down into five separate subcategories, which include: (1) Report; (2) Proposed Federal Legislation (actually introduced); (3) Impact Analyses; (4) RGGI; and (5) California.

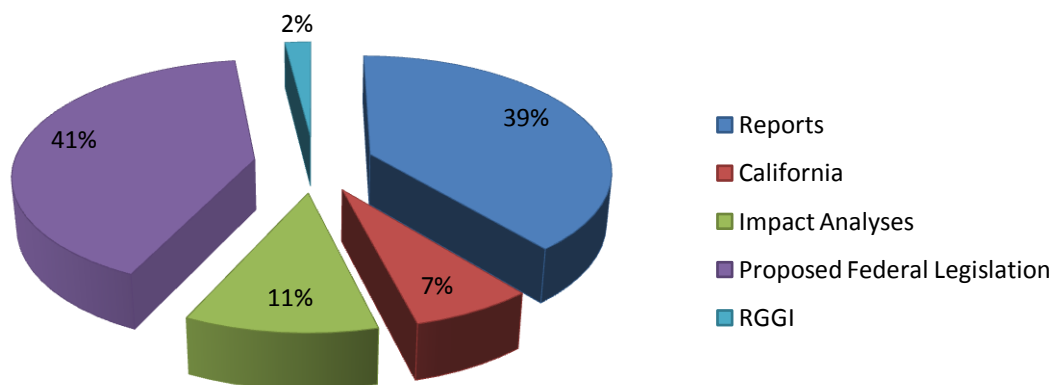
⁶ The *Author Type* category is broken down into twelve subcategories, which include: (1) Academic Institute; (2) Agency; (3) Alliance or Ad-Hoc Working Group; (4) Business/Industry; (5) Congressional Member(s); (6) Governor; (7) Individual; (8) Legislative Member (CA); (9) Multi-Agency Task Force; (10) Non-governmental Organization; (11) Religious; (12) Scientific.

and State/Regional Subtype,⁸ both of which are effectively dependent upon other document types. Congressional Term is a further specification for documents falling into the “Proposed Federal Legislation” document type, and in some circumstances, for Impact Analyses directly related to specific proposed legislation. State/Regional Subtype offers further specification for documents falling into either the “California” or “RGGI” document types.

B. DOCUMENT TYPES

In creating the database and organizing the results of the research, EESI divided the documents into five broad document types: Reports, Impact Analyses, Proposed Federal Legislation, RGGI-related documents, and California initiatives. The chart below illustrates the substance of the database, listing the relative percentage of the whole database occupied by each document type.

Fig. 1: Percentage Breakdown of Document Types



Proposed Federal Legislation occupies the largest proportion of space within the database, followed closely by Reports. Impact Analyses—some directly related to specific proposed legislation, others aimed at larger, broader concepts—come in at third place, followed by California and RGGI documents, respectively. Each of the broad document types warrant further examination and discussion.

⁷ The relevant Congressional terms here are the 109th and 110th Congresses.

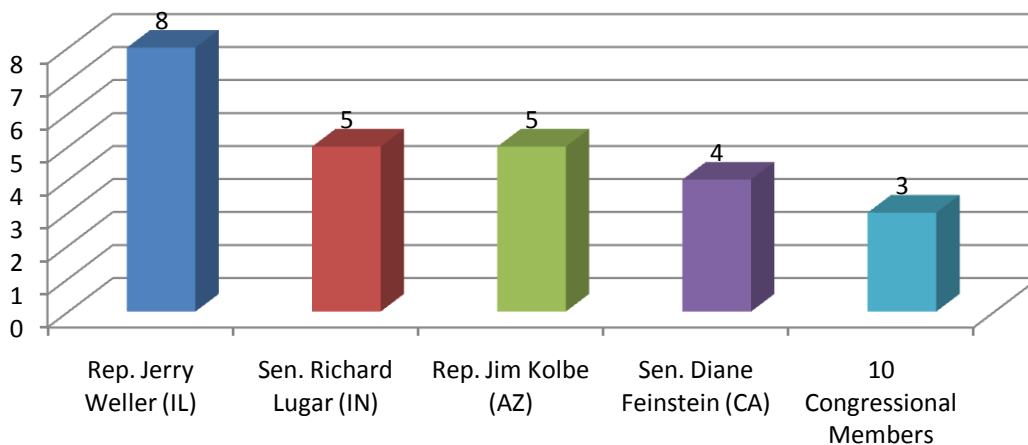
⁸ The State/Regional Subtype category includes: (1) Executive Order; (2) Impact Analysis; (3) Legislation; and (4) Report.

1. Proposed Federal Legislation (actually introduced)

As noted above, Proposed Federal Legislation occupies the largest percentage of documents within the database, coming in just above Reports. For the purposes of this project, the EESI research team looked through proposed legislation within the 109th and 110th Congresses, in keeping with the 2-year time period limitation.

Relevant legislative proposals in the 109th and 110th Congress came from a wide range of legislators, as might be expected. Figure 2 depicts those legislators, from either chamber of Congress, who have been the most active in introducing relevant legislation. Figure 2 shows that within the House of Representatives, Representatives Jerry Waller of Illinois and Jim Kolbe of Arizona have introduced the greatest number of legislative proposals, with eight and five, respectively. In the Senate, Senators Richard Lugar of Indiana and Dianne Feinstein of California have been the most active, with five and four legislative proposals, respectively. There were ten additional members from either House who each introduced three proposals.⁹ It must be noted that this chart does not provide insight on the comprehensiveness or quality of the proposals themselves. Indeed, the strongest proposals may come from elsewhere. Nevertheless, the chart serves to illustrate those members who have shown a particular interest in pushing these important issues in Congress.

Fig. 2: Top Contributors of Climate Change or Renewable Energy Related Legislation in the 109th and 110th Congresses



⁹ Those members of Congress include: Sen. John Kerry (MA), Sen. Barbara Boxer (CA), Sen. Joe Lieberman (CT), Sen. Chuck Hagel (NE), Sen. Barack Obama (IL), Sen. Gordon Smith (OR), Sen. Ken Salazar (CO), Rep. Jay Inslee (WA), Rep. Judy Biggert (IL), and Rep. Daniel Lipinski (IL).

2. Reports

Reports were nearly as prolific in the database as were legislative proposals, representing 39% of the documents contained in the database. Documents classified as Reports were those in which the author(s) presented significant, tangible proposals aimed at the Federal level. These reports came from a wide variety of author types, as illustrated by Figure 3.

The largest percentage of reports comes from NGOs, representing nearly half of all reports. The remaining half of the reports is fairly evenly divided among Business/Industry Groups, Ad-hoc Working Groups, Scientific Groups, Academic Institutions, and Individuals, with Governmental Agencies¹⁰ and Other¹¹ representing a smaller percentage.

3. Impact Analyses

Impact Analyses make up another important component of the documents in the database. The largest source of documents categorized as Impact Analyses is the CRS, followed by analyses from the Energy Information Administration (EIA) and the Congressional Budget Office (CBO). The GAO comprises a smaller percentage, along with the Department of Energy (DOE) and the Environmental Protection Agency (EPA). A significant percentage of Impact Analyses come from the private sector. These analyses come from NGOs, Academic Institutions, as well as Scientific Organizations.

It should be noted that while many of the documents classified as Impact Analyses are directly related to specific pieces of proposed legislation (and are so noted in the database), many do not correspond with any legislation per se. Rather, these analyses, though quite often requested by members of Congress, deal in more general terms and analyze a broader concept or proposed idea.¹² These broader Analyses can be quite useful insofar as they discuss larger concepts and are not constrained by a focus on specific provisions of a bill.

¹⁰ The reports from Agencies are largely comprised of those authored by the GAO. These GAO reports, besides responding to requests for analysis or information, also included sets of recommendations to follow, and as such are classifiable under our methodology as Reports.

¹¹ The category of “Other” on the chart is comprised of a report by a religious group, testimony of Gov. Schweitzer of Montana before Congress detailing a plan of action, and a report by Sens. Bingaman and Domenici regarding a national greenhouse gas regulatory system.

¹² A useful example of such broader analyses is an analysis by the CBO entitled: “Price versus Caps,” which discusses and compares the benefits of carbon taxes and GHG emissions limits (but does not directly relate to any one piece of legislation).

4. *Regional / State Documents*

Although the primary focus of the research project was on proposals aimed at initiating action on the Federal level, the EESI research team also gathered information on actions taken at the regional level by RGGI, and at the state level by California. These documents are useful in that they offer a sample of initiatives currently in action, which may provide insight and guidance on how a larger program may be carried out at the Federal level.

The State/Regional Subtype category subtypes correspond with the categories among all documents in the system—Proposed (or in this case, possibly enacted) Legislation, Impact Analyses and Reports. Also included are Executive Orders from California.

C. AUTHOR TYPES

The remaining broad category according to which collected and compiled documents are categorized is Author Type. Given that the largest proportion of documents contained in the database comes from pieces of Proposed Federal Legislation,¹³ it is not surprising that Congressional Members comprise the highest percentage amongst all author types, given the obvious fact that legislation is, at least officially, proposed by members of Congress. In comparison, the other document types have a much wider range and variety of author types. Not surprisingly, NGOs are a significant source of documents, as are Agencies.

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¹³ See Figure 1, *supra* (Proposed Federal Legislation comprises 41% of the documents in the database).