

NEW GREENHOUSE GAS LAW SHOWING STATE APPROACH

While California's Democratic Legislature and Republican Governor Arnold Schwarzenegger have signed off on a measure that would cap man-made greenhouse gas emissions in the state, a similar proposal is unlikely to pop up in Michigan anytime soon observers say, but state officials are in talks with a group working on a registry that would allow businesses to voluntarily submit information on their greenhouse emissions.

Formation of the registry is being worked on by the Lake Michigan Air Directors Consortium, which involves Michigan, Illinois, Indiana, Ohio and Wisconsin.

Department of Environmental Quality spokesperson Bob McCann said officials last met with LADCO in September and are in discussions as to how to best move forward with a voluntary system of some sort.

"The idea of the registry is to provide all of the states a consistent and accurate way to track that data," he said.

However, discussions on Michigan's involvement have not been finalized he said, and at this point anything would be voluntary in nature unlike California's mandated system.

The Michigan Environmental Council supports California's recently signed Global Warming Solutions Act, which would require emissions to be reduced in the state by 25 percent by 2020 (down to 1990 levels essentially), said David Gard, and sees it as a response to what many people in different states view as inaction by the federal government to deal with the issue of global warming.

"(They're saying) if Washington isn't doing anything, we'll move ahead," Mr. Gard said, adding that other states like New Mexico and Arizona are looking at different proposals to help control the amount of greenhouse gases emitted in their states.

California is a leader in terms of working to solve air pollution issues, Mr. Gard said, and in perhaps five to 10 years, the nation could see an adoption of a similar proposal.

"The early movers are the ones who see that they're going to have to do that sooner or later," he said, adding that Michigan's involvement in the registry is a good first step in assessing where the state is at in terms of greenhouse gas emissions.

In signing the legislation, Mr. Schwarzenegger said, "Other countries like India or China, Brazil and Mexico will join us when they see all the great work that we are doing. Also our federal government will follow us - trust me," according to a report from Reuters.

But the political reality of Michigan at this point doesn't lend itself to a move such as California's in the near future, Mr. Gard said.

According to an April 2005 report from the Center for

Sustainable Systems at the University of Michigan, the state's greenhouse gas emissions have increased by 9 percent from 1990 to 2002, mainly because of spiked carbon dioxide emissions from fossil fuel combustion. In 2002, the biggest contributor of overall emissions was attributed to the electricity generation sector, followed by the transportation sector, the report states.

Doug Roberts with the Michigan Chamber of Commerce said that if Michigan were to move toward a California system it would have a terrible effect on the state's economy. Critics of the measure in California warned of a similar response by business and warned that should other states not adopt a comparable approach to greenhouse gas emissions, a meaningful reduction would not be achieved, according to the Reuters report.

In a state that has workers producing automobiles and lighting their houses with coal-fired electrical plants, Mr. Roberts said a mandatory approach is not appropriate and that while he had not heard from the Chamber's members about LADCO, he did not believe in general companies would want to volunteer that kind of information.

Michigan, through the Department of Attorney General, is currently opposing a case before the U.S. Supreme Court involving a group of environmental organizations in Massachusetts that in 1999 demanded the Environmental Protection Agency create tailpipe emission standards for greenhouse gases such as carbon dioxide. The EPA denied their request in 2003 and the case went to court.

While the case was before the federal court of appeals, Michigan filed pleadings and briefs as a supportive party of the EPA's stance along with nine other states. The federal court has ruled that the EPA is only responsible for regulation of emissions that are reasonably anticipated to endanger the public's health, according to the Mackinac Center for Public Policy's report.

The DEQ is neutral on the case and remains so as it goes before the nation's highest court, Mr. McCann said.

Attorney General Mike Cox, in an interview for a publication for the Chamber, said that he intends to file a brief with the U.S. Supreme Court and, should it provide some time for oral arguments to the states, Michigan will give testimony.

A spokesperson for the attorney general could not be reached on Monday to verify if a brief has been filed by the state on that case.

California and 11 other states have joined the case in support of the environmental groups.