



Environmental Pillar
OF SOCIAL PARTNERSHIP



Environmental Pillar Response to Climate Change Legislation

June 2010



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Environmental Pillar response to climate legislation.

Climate change remains the defining challenge of our age. The Environmental Pillar shares the National Economic and Social Council's analysis (NESCC Report 117, page xvi.) that "addressing it will have far reaching economic and social effects", that Ireland's greenhouse gas emissions target for 2020, yet to be finalised", "will pose considerable challenges" and, most significantly, that "the move to a low-carbon economy will also create many new economic opportunities."

Ireland and other high-income OECD countries must take responsibility for emissions cuts of 40% by 2020 and aim for a carbon neutral economy by 2050 (net zero emissions) [*Forthcoming separate briefing provides scientific basis for this position*] Climate change legislation puts in place the architecture that Ireland needs to move towards a low carbon economy.

The UK government passed a climate change act into law in autumn 2008. (See: http://www.opsi.gov.uk/acts/acts2008/ukpga_20080027_en_1 - Climate Change Act 2008). An even stronger bill was passed in Scotland last year (See: http://www.opsi.gov.uk/legislation/scotland/acts2009/asp_20090012_en_1 Climate Change (Scotland) Act 2009). In a framework document published in late 2009 (<http://www.environ.ie/en/Publications/Environment/Atmosphere/PublicationsDocuments>), the Irish government has indicated that our own act will draw strongly on the UK and Scottish models.

The environmental pillar welcomes the aim established in this document of following the examples of the legislation passed in London and Edinburgh as templates for best practice in domestic climate policy. A climate change law gives certainty to business, households and governments that a path to emissions reductions will happen.

A strong and effective climate law will ensure a whole of government approach to climate change mitigation that moves away from a silo mentality within departments. The three main planks of climate legislation are targets, carbon budgets and an expert committee on climate change. Legislation is supported by Climate Change Strategies.

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1. Targets

The Fourth assessment report of the Intergovernmental Panel on Climate Change shows that only a narrow window of opportunity exists to address the serious negative effects of climate change. Ireland and other high-income OECD countries must take responsibility for emissions cuts of 40% by 2020 and aim for a carbon neutral economy by 2050 (net zero emissions).

3% average annual reductions until 2020 is dangerously weak as governments and ministers who have not made a 3% in one year can use averaging as an excuse for delay. In order to be effective the Act must have a binding 2020 target. The Environmental Pillar also notes the importance of using the 1990 base year for both the 2020 target and the 2050 target.

In the UK climate legislation, reduction targets are set at 34% by 2020 (42% once a new global agreement has been agreed) and 80% by 2050. In the Scottish legislation the figures are 42% by 2020 and 80% by 2050. (All reductions relative to a 1990 base year).

The Environment Pillar firmly believes that:

- 1) Irish legislation should follow the Scottish example by inscribing into law the ambition for a reduction of national emissions of at least 40%, by 2020 (from 1990 levels);
- 2) Irish legislation should ensure that the vast majority of these reductions will be achieved through purely domestic action;
- 3) Irish legislation should aim to harness Ireland's vast store of potentially-available renewable energy resources to available technologies and human capital, thus simultaneously creating enterprise and employment along with the emissions reductions.

The legislation is a basic building block in empowering all these actions.

A small and carefully-limited place should be kept in the legislation for emissions trading carried out under strict environmental and sustainability standards in order to support international carbon markets and provide opportunities for the export of renewable energy.

The Environment Pillar considers it extremely important that reductions in emissions actually happen in Ireland rather than giving a false appearance of reduction through bought-in offshore credits (offsetting).

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The primary focus of this piece of legislation must be reducing the high levels of emission that we are responsible for as a country.

2. Carbon Budgets

Regular legally binding milestones are essential to driving climate legislation. A carbon budget should be such a milestone. The carbon budgets as they exist now are much more of a look back than a look forward.

The Environmental Pillar is seeking legally binding 5-year carbon budgets that lead convincingly to a 2020 target. Such budgets provide certainty to businesses, households and politicians about where emissions levels will be by a given date.

Annual indicative carbon budgets, similar to existing Departmental fiscal budgets should be laid before the Dail each December. These budgets must be agreed by Cabinet before the responsible minister presents them to the house. The composite (national) annual carbon budget should form the Government's response to the advice of the Climate Change Committee (CCC, see below) and should also be subject to the CCC's scrutiny and evaluation.

When the minister presents the Carbon Budget to the house this should be debated openly by the Dail. During this debate the Minister will be required to report on emissions for the previous year and respond to gaps between targets in the budgets and actual emissions.

3. Mitigation Measures

The Climate Change Bill must ensure that climate change mitigation measures aimed at reducing emissions are not contrary to, and do not in any way undermine environmental protection laws.

The Environmental Pillar has particular concerns with regard to the location of wind farm developments in or adjacent to areas protected under the EU Bird or Habitats Directives or on undisturbed peatlands. Likewise, the conversion of forests, grassland and peatlands into areas of intensive biofuel cultivation is a significant concern in terms of species loss and the loss of natural carbon sinks. Biodiversity and the ecosystem services that it provides, play an important role in regulating climate. Therefore, to preserve the ability of ecosystems to continue to function as carbon sinks and to avoid further biodiversity loss, it is extremely important that steps are taken to ensure that mitigation measures do not negatively affect ecosystem services or undermine nature protection laws.

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4. The Climate Change Committee

The Environmental Pillar supports the UK model of a national, independent climate change committee to provide advice to the government on cutting emissions.

The committee should be composed of at least six independent experts in their field, covering the areas of climate science, forward-looking economics and mitigation policy.

The committee needs to be independent and transparent in all its dealings.

It should issue its advice to Government before the carbon budget in December, once provisional figures are available from the EPA detailing Ireland's emissions performance for the previous year.

The composition and work of the Committee should be public-oriented, and its proceedings, hearings, and advice easily accessible to the public. Public scrutability will ensure accountability and credibility and should improve compliance.

5. Climate Change Adaptation

The Climate Change Adaptation Framework and upcoming Adaptation Strategy must seriously consider ecosystem services-based approaches as adaptation measures. The role of ecosystems in buffering the effect of climate change impacts has already been recognised on the international policy level. The Convention on Biological Diversity's Ad Hoc Technical Expert Group on Biodiversity and Climate Change has concluded that the role of biodiversity and associated ecosystem services should be recognised through the adoption of ecosystem-based adaptation management measures. Such approaches can deliver multiple benefits for biodiversity and society, including improved flood control, enhanced carbon sequestration and storage, and support for local livelihoods (CBD, 2009).

Similarly, the Commission's 2009 White Paper 'Adapting to climate change: Towards a European framework for action' (EC, 2009), specifically calls for efforts to increase the resilience of biodiversity and ecosystems, in order to act as a 'buffer' to climate change impacts such as increased flooding. The White Paper lists concrete ideas for action such as climate-proofing river basin management plans (RBMP) and exploring ways to boost ecosystem water storage capacity.

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As with mitigation measures, it is important that the Act sets a clear mechanism in place, to ensure that the proposed adaptation measures do not contravene or undermine environmental protection laws allowing further ecosystem degradation or biodiversity loss.

6. National Climate Change Strategies

The Climate Change strategies should be used to support the legally binding five yearly carbon budgets. When the UK government published its first 5-year carbon budget it also published a plan called Building A Low Carbon Economy.

The Environmental Pillar supports plans to put the new strategies on a statutory footing and envisages them as running from 2011-15 and then from 2016-20.

Ireland's last two climate change strategies proposed many measures that were never implemented.

Future targets must be on a statutory footing and backed by five year legally binding carbon budgets.

7. Aviation and shipping

Emissions from international aviation and shipping are much too large to ignore. A framework to reduce emissions that doesn't include aviation and shipping is like a diet that allows cake and crisps. The UK Climate Change act stipulates that the UK Government must regulate to include international aviation and shipping emissions in UK carbon budgets by 2012 or explain why not. The act also instructs the Secretary of State to take account of these emissions when UK budgets are set. The sale of bunker fuels from Ireland can be used as a reflection of fuel used by flights departing from Ireland.

8. Loopholes

The strategy of successive Irish Governments for complying with our obligations under Kyoto has been to do very little and then purchase credits from the CDM (Clean Development Mechanism) to offset our failure to meet our reduction targets.

It is essential that the targets in the climate legislation must be almost entirely domestic reduction targets. The Environmental Pillar looks to have this explicitly

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stated in the Act. An Act that simply means buying more credits would be pointless. Ireland must change its infrastructure in this country in such a way as to reduce emissions from internal sources of pollution. Leaving the decision about offsets to the Climate Change Committee rather than putting it explicitly into the Act is not sufficient.

The EU Emissions Trading Scheme must not be used by the government as an opportunity to insert a loophole in Irish law. We must not leave out large single point sources of pollution such as the Moneypoint coal fired power station and cement factories just because they are covered by the European Emissions Trading Scheme (ETS). This legislation is a framework act that sets targets and ensures that they are met. The budgets and targets must include the entire carbon footprint of the country. The reduction targets can then be met by whatever form is most suitable, whether that be taxation, regulation or trading.

Conclusion

Well designed legislation on climate change will not only ensure compliance with international regulations but will protect biodiversity and natural carbon sinks, give certainty to the business community, ensure public support and provide long term economic opportunity in the move to a low carbon economy.

If firm measures are not put in place at this stage it is inevitable that the legislation will have to be revisited, that there will be severe national economic consequences and that it will be even more difficult to win public support for necessary measures in the future.

Whilst this document was developed through the processes of the Environmental Pillar it does not necessarily represent the policies of all its members.

Contact information:

Michael Ewing, Social Partnership Coordinator.
Postal Address: Environmental Pillar of Social Partnership. Tullyval, Knockvicar, Boyle, Co Roscommon
Telephone: 071 9667373 Mobile: 00353 (0)86 8672153
Email: michael@environmentalpillar.ie

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