VOICE
voice of Irish concern for the environment
9 Upper Mount Street, Dublin 2

Dear Sir/Madam,

VOICE has compiled the following observations in response to the Department of the Environment Heritage and Local Government (DoEHLG) Consultation on the Climate Change Response Bill 2010.

1. Introduction

According to the Intergovernmental Panel on Climate Change, a panel of over 1,300 scientists, human activity, specifically the burning of fossil fuels, has led to increased concentrations of greenhouse gases (i.e., carbon dioxide, methane, nitrous oxide, and tropospheric ozone) in the atmosphere. Concentrations are expected to reach levels of 540 to 970 ppm by 2100 compared to 280 ppm in the pre-industrial era, which will cause an estimated temperature rise of 2.5 to 10 degrees Fahrenheit over the next century. As a result of rising temperatures, glaciers will retreat and sea level will increase .09 to .88 meters. [1]

Some of the effects of climate change are already evident. Sea ice is melting at an accelerated rate, extreme weather occurs more frequently, including stronger and more damaging storms, heat waves, droughts, floods, fires and hurricanes. High latitudes will see an increase in precipitation while subtropical land regions will see a decrease. Many areas, such as Western US, the Middle East, and many parts of Africa will suffer from water shortages.

Health problems such as heat stress, poor air quality, and waterborne disease will become more common. Rising sea levels will cause changing landscape and coastal damage. In fact, insurance costs will rise significantly to cover rising sea levels, extreme weather, and poor health. Other economic costs include severe yield losses of various crops (i.e., rice, maize, and potatoes) due to temperature increases and severe weather.

The stabilisation of greenhouse gas emission at near-current levels will not be sufficient to stabilise the levels of greenhouse gases in the atmosphere and therefore irreversible damage cannot be avoided bur can be mitigated against.[2] As a result, a reduction in emissions is vital to slow the onset of the aforementioned negative impacts and to allow time for adaptation measures to be carried out.

Government policy must address this pressing issue and ensure that Ireland meets its international obligations. While VOICE welcomes the publication of this *Climate Change Response Bill 2010*, the bill is needs to be strengthened in a number of areas to ensure Ireland passes a strong piece of domestic climate change legislation in line and ensure the proper legal framework is in place.

[1] http://www.ipcc.ch/ipccreports/tar/vol4/pdf/spm.pdf
[2] http://www.ipcc.ch/publications_and_data/ar4/wg2/en/spmsspm-d.html

2. Climate Change Legislation Review

Climate legislation is necessary to guarantee that sufficient efforts will be taken at domestic level to reduce greenhouse gas emissions. Currently, Ireland's level of per capita emissions is one of the highest in Europe. Countries such as England, France, Germany, Scotland, and even Brazil already have climate change legislation in place and Ireland must ensure that it does not lag behind these countries, especially since it has the European Union commitments to meet.

Contrary to media reports, the targets proposed for Ireland's Climate Change Response Bill do not extend beyond current EU regulations. Current EU policy states that countries must reduce their overall emissions 20% below 1990 levels by 2020. Under the "effort sharing decision", Ireland must cut its emissions in the non-Emissions Trading Scheme (ETS) sector by 20%.[3] In addition, the amount of permits allowed under ETS are set to be cut to 21% less that 2005 levels in 2020, thus representing a further emissions reduction obligation on Irish industries. When all targets are compared and considered, it is evident that the targets in the Climate Change Response Bill are, in fact, on par those of the EU.[4] Moreover, the aforementioned EU targets are legally binding which means that Ireland will have face legal action if these targets are not met. Therefore it is crucial that Ireland works proactively to meet these goals, and a crucial step in this process is the passing of its own legislation.

With oil price increasing above $100 a barrel and more expensive energy costs, climate change legislation will help Ireland become not only environmentally sustainable, but economically as well. Furthermore, jobs in green energy and other environmental sectors continue to grow despite the recession. A study in the United States found that the number of green jobs grew about 2.5 times faster than the rest of its job economy, indicating that an investment in green practices in Ireland could create much-needed jobs.[5] A climate policy set in law will encourage foreign investment by providing the private sector with the political and regulatory certainty required to make significant investments in Ireland's green economy.

The creation of a legally-binding policy will ensure that reduction targets are met and that the efforts are distributed across all sectors rather than leaving the burden on the ETS sector and the fuels currently covered by the carbon tax[6]. With reference to the agriculture sector, VOICE must highlight that recent claims that the Irish cattle herd would be reduced by 40% if this Bill is implemented are based on a deeply flawed Teagasc research. This analysis assumes that the agricultural sector would be obliged to reduce its emissions by 30% borne largely by the beef and dairy herd. Such sector-specific reduction obligations are not outlined in this legislation as the proposed Bill specifically leaves such decisions to the cabinet. VOICE supports efforts to share the burden of emissions reduction across all sectors of the economy while taking into consideration the most economically efficient solutions, which may vary between sectors.

[3] http://ec.europa.eu/clima/policies/package/index_en.htm

[4] The target in the Bill is to get gross Irish emissions down to 52.5 MT in 2020; the EU package translates to gross Irish emissions in 2020 of 52.4 MT.

[5] http://www.pewtrusts.org/news_room_detail.aspx?id=53254

[6] Kerosene, Marked Gas Oil, Liquid Petroleum Gas (LPG), Fuel Oil and Natural Gas.

3. Recommendations for the Climate Change Response Bill 2010

Stronger Targets

The targets listed in the Climate Change Response Bill are weak, but acceptable. The Bill calls for a reduction of 2.5% annually, yet the Government's Framework Document from December 2009 committed to 3% as did the cross-party Bill produced by the Joint Oireachtas Committee on Climate Change. As stated earlier, the targets within this Bill are lower than the European Union's targets.

In relation to baseline years, EU reduction targets and those of many other countries with climate legislation are based on 1990 levels. For the Climate Change Response Bill, VOICE would prefer a 1990 target in line with international best practice.

The targets within this Bill are not justiciable, meaning they cannot be considered or ruled on by a court. This makes them significantly weaker and more difficult to enforce.

VOICE welcomes the focus on domestic action in reducing carbon emissions in the Bill. A key aim of Ireland's domestic climate change legislation should be that Ireland takes responsibility for its own emissions.

Implement Carbon Budgets

The Climate Change Response Bill's first target is not until 2020. This is too far in the future to hold the next government responsible. Legally binding 5-year carbon budgets are necessary to ensure that the government is constantly reducing emissions, rather than leaving the issue for the next administration to take care of. With 2020 as the closest target within the Bill, the government could continue with high annual emissions until 2019 before implementing drastic action to meet what is effectively an emissions target for one specific year, i.e. 2020.

Carbon budgets would set an emissions allowance for a 5-year period that the country could not exceed, just as a fiscal budget limits how much money the government can spend in a given period. Rather than having a target for a single year in the future as the proposed targets would provide, a budget captures the total emissions over the five year period, thus keeping the government accountable for all emissions throughout. In this way, each administration would be incentivised to take action. By having target dates of only 2020, 2030, and 2050, the current Bill means that most future governments would not face any emissions reduction targets.

Ensure the Independence of the Expert Advisory Board

VOICE welcomes a fully independent Expert Advisory Board (EAB) but has some concerns with the formation and functioning of the EAB as set out in the current bill.

The Government must be obliged to make the EAB's annual report public within a reasonable timeframe of its completion. The report represents important information that should be in the public domain and therefore needs to be published no later than one calendar week after it is received by the Government. Such a requirement is in accordance with the Aarhus Convention that requires governments to make environmental data accessible to the public.

And finally, in relation to the composition of the EAB, VOICE considers that there are not enough members. The Bill only calls for five to seven members, but with some of the seats already delegated, this will not be enough to ensure that the EAB is fit for purpose. VOICE would prefer that the EAB has nine members, in line with the UK's Committee on Climate Change. VOICE will accept the EPA and SEAI *ex officio* members of the board but strongly objects to a seat for Teagasc, particularly in light of the flawed research outlined above. The board should be made up of 9 independent advisors, experts in their field and drawn from climate science and mitigation policy.