

Final Paris Points

The 26 to 28% percent reduction commitment by the previous administration is an effective baseline for action under the Paris Agreement: The US Nationally Determined Contribution (NDC) characterized the commitments as the first step in a “long range, collective effort to transition to a low-carbon global economy as rapidly as possible.”

- The US NDC makes clear that the goal is to reach a “deep, economy-wide emission reduction of 80% or more by 2050.”
- “Ratcheting Up” Provision: Paris Agreement parties are required to submit a new commitment every five years starting in 2020 reflective of the “ratcheting up” provision that requires commitments to be more ambitious than the previous submission. There is no provision that allows for reduced commitments.

The Green Climate Fund is intimately connected to the Paris Agreement: The Paris Agreement does not explicitly refer to the GCF for one strategic reason – to avoid the U.S. Senate. Yet, the Agreement is structured to include the GCF by referencing the overarching “Convention”.

- As one international consultant firm explained in February 2016: “The reason both quantitative targets are missing from the actual Agreement is a pragmatic one – in doing so the COP has enabled the US President to adopt the Agreement as ‘sole-executive agreement’ under US law, without the requirement for the US Senate to approve.”¹
- The relationship is captured in Article 9.8 of the Agreement, which recognizes that “the Financial Mechanism of the Convention, **including its operating entities**, shall serve as the financial mechanism of this Agreement.”
- The Green Climate Fund is one of the main operating entities under the United Nations Convention on Climate Change, which is the overarching treaty ratified by US in 1992.

Paris Agreement creates legal exposure and an obligation to regulate: Staying in Paris leaves in place a mechanism by which environmentalists and Obama’s activist judges could compel the EPA to put in place a future Clean Power Plan or worse.

- Even if the US NDC commitment is reduced, it still compels regulatory action covering top greenhouse gas (GHG) emitters in this country. The Clean Power Plan was step one and covered power plants. Environmentalists hoped to use the Clean Power Plan as a template for action covering refineries, chemical plants, cement plants and every industrial sector in the U.S.
- Further, environmentalists hope to use the Paris Agreement to trigger Section 115 of the Clean Air Act. The architects of the Cap and Trade legislation that failed in Congress created a “Pitch Document” laying out their plan.
- Prior to the elections environmentalists and democrats were candid about the Paris Agreement and Section 115:

¹ Climate Focus, “Green Climate Fund and the Paris Agreement, February 2016, available at: [[HYPERLINK "http://www.climatefocus.com/sites/default/files/GCF%20and%20Paris%20Brief%202016.new_.pdf" \]](http://www.climatefocus.com/sites/default/files/GCF%20and%20Paris%20Brief%202016.new_.pdf)]

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- Former Sierra Club General Counsel in June 2016: "It is the silver bullet de jour of the enviros, and they are dead serious about this."

This is not an either or situation – Getting out of Paris allows us to renegotiate a better deal: Getting out of Paris does not limit future conversations with the same international parties about a better deal or approach to climate. We will still have a seat at the table.

- The U.S. is the best in the world at balancing sound stewardship of our environment with economic growth and job creation.
- Carbon dioxide emissions are to pre-1994 levels and we lead the world in energy extraction innovations as apparent by the natural gas boom.
- Paris to Pittsburgh - Americans should not apologize for its successes, but continue to advance and share them with the rest of the world.