

**ARTICLE OVERVIEW CHART**

AUTHOR(S)	TITLE	CITATION AND URL	TOPIC	THE BIG IDEA
Arnold, Craig, A. (Tony)	<i>Resilience Justice and Urban Water Planning</i>	52 SETON HALL L. REV. 1399 <a href="https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4167206">https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4167206</a>	Water (safe drinking water)/Governance (environmental justice)	To address the current urban water planning crisis, policymakers, and planners should integrate “resilience justice” into their plans—which focuses on the adaptive capacities and vulnerabilities of marginalized communities—by considering seven questions and implementing a co-governance model whereby local governments partner with residents as “co-policymakers.”
Boyd, William	<i>Climate Liability for Wildfire Emissions from Federal Forests</i>	48 ECOLOGY L.Q. 981 <a href="https://www.ecologylawquarterly.org/wp-content/uploads/2022/06/48.4_Boyd_Internett.pdf">https://www.ecologylawquarterly.org/wp-content/uploads/2022/06/48.4_Boyd_Internett.pdf</a>	Natural Resources (forests)/Climate Change	Congress should adopt legislation that creates a new strict liability regime for greenhouse gas emissions from unintentional wildfires on federal public lands (or “federal facilities”) that requires the federal government to pay the social cost of carbon for these emissions as an automatic budgetary obligation into a dedicated fund for forest restoration.
Coleman, James, W.	<i>State Energy Cartels</i>	42 CARDOZO L. REV. 2233 <a href="http://cardozolawreview.com/wp-content/uploads/2022/01/Website-3_COLEMAN.42.6.8_DONE-.pdf">http://cardozolawreview.com/wp-content/uploads/2022/01/Website-3_COLEMAN.42.6.8_DONE-.pdf</a>	Energy	States should harness the self-interest of private enterprise to achieve climate goals and to end the current endemic, wasteful, and environmentally destructive practice of natural gas “flaring” by creating state energy cartels that would give oil and gas companies an economic incentive to slow production while also protecting consumers.
Curtis, Quinn Fisch, Jill, E. Robertson, Adriana, Z.	<i>Do ESG Mutual Funds Deliver on Their Promises?</i>	120 MICH. L. REV. 393 <a href="https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=3301&amp;&amp;context=faculty_scholarship">https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=3301&amp;&amp;context=faculty_scholarship</a>	Governance (private governance)	A first-of-its-kind empirical study indicates that environmental, social and governance (ESG) mutual funds are consistent with their labeling—they offer investors increased ESG exposure, vote their shares differently from non-ESG funds, are more supportive of ESG principles, and do not increase costs or reduce returns—and regulators such as the Securities Exchange Commission (SEC) and the Department of Labor should adopt a presumption against special regulations for these ESG mutual funds.

<p>DuVivier, K.K.</p>	<p><i>Preventing Wind Waste</i></p>	<p>71 AM. U. L. REV. 1 <a href="https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3873006">https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3873006</a></p>	<p>Energy</p>	<p>To encourage the development of virtually untapped offshore wind resources, the federal government should promulgate regulations pursuant to the Outer Continental Shelf Lands Act that draw on lessons learned from common law waste and state oil and gas waste statutes, as well as federal oil and gas regulations, to maximize the quantity of recoverable resources and avoid the public and private costs of constructing unnecessary harvesting infrastructure.</p>
<p>Ho, Virginia, H.</p>	<p><i>Modernizing ESG Disclosure</i></p>	<p>2022 U. ILL. L. REV. 277 <a href="https://illinoislawrev.web.illinois.edu/wp-content/uploads/2022/01/Harper-Ho.pdf">https://illinoislawrev.web.illinois.edu/wp-content/uploads/2022/01/Harper-Ho.pdf</a></p>	<p>Governance (private governance)</p>	<p>The SEC should modernize ESG disclosures by adopting a two tiered approach that standardizes reporting by building on existing third party standards and introducing core ESG disclosures on climate-related financial risk, human capital, and related corporate governance matters for all reporting companies (in addition to requiring sector-specific reporting on a comply-or-explain basis)—and Congress should back these measures and consider additional actions such as providing temporary liability exemptions during initial rule implementation.</p>
<p>Klass, Alexandra, B. Macey, Joshua Welton, Shelley Wiseman, Hannah</p>	<p><i>Grid Reliability Through Clean Energy</i></p>	<p>74 STAN. L. REV. 969 <a href="https://review.law.stanford.edu/wp-content/uploads/sites/3/2022/05/Klass-et-al.-74-Stan.-L.-Rev.-969.pdf">https://review.law.stanford.edu/wp-content/uploads/sites/3/2022/05/Klass-et-al.-74-Stan.-L.-Rev.-969.pdf</a></p>	<p>Energy</p>	<p>To achieve the twin aims of reliability and low-carbon energy and shift authority within and among the current regulatory “silos,” nine “broad” and twenty “specific” law and governance reforms should be adopted that address market structure, transmission planning, siting, and financing, reliability regulation, and Regional Transmission Organization governance.</p>
<p>Lin, Albert, C.</p>	<p><i>Making Net Zero Matter</i></p>	<p>79 WASH &amp; LEE L. REV. 679 <a href="https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3921225">https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3921225</a></p>	<p>Climate Change/ Governance (private governance)</p>	<p>To foster achievement of net zero goals adopted by dozens of countries and thousands of businesses: (1) private entities should develop uniform disclosure frameworks and benchmarks to standardize net zero commitments to increase transparency; (2) private enforcement should focus on the use of securities fraud litigation, consumer protection suits, and contracts, including loan agreements; and (3) commitments should set distinct targets for carbon mitigation and removal to deter the use of carbon removal in lieu of mitigation.</p>

<p>Marchant, Gary, E.  Cooper, Zachary  Gough-Stone, Philip</p>	<p><i>Bringing Technological Transparency to Tenebrous Markets: The Case for Using Blockchain to Validate Carbon Credit Trading Markets</i></p>	<p>62 NAT. RESOURCES J. 159  <a href="https://digitalrepository.unm.edu/cgi/viewcontent.cgi?article=4123&amp;&amp;context=nrl">https://digitalrepository.unm.edu/cgi/viewcontent.cgi?article=4123&amp;&amp;context=nrl</a></p>	<p>Climate Change/ Governance (private governance)</p>	<p>Players in the carbon credit markets should be open to experimentation with new blockchain applications and smart contracts should be adopted as an industry standard, because these technologies can address monitoring and transparency shortcomings, such as double counting and fraud, thereby increasing the credibility and veracity of carbon reduction claims.</p>
<p>Pidot, Justin, R.  Peterson, Ezekiel, A.</p>	<p><i>Conservation Rights-Of-Way on Public Lands</i></p>	<p>55 U.C. DAVIS L. REV. 89  <a href="https://lawreview.law.ucdavis.edu/issues/55/1/articles/files/55-1_Pidot_Peterson.pdf">https://lawreview.law.ucdavis.edu/issues/55/1/articles/files/55-1_Pidot_Peterson.pdf</a></p>	<p>Land Use (public lands)</p>	<p>To protect ecological systems and resolve the mismatch between conservation policies and active use, the Bureau of Land Management should issue rights-of-way over public lands under Title V of the Federal Land Management &amp; Policy Act for conservation purposes, including land use planning, facilitating wildlife migration, and authorizing mitigation banks.</p>
<p>Righetti, Tara, K.  Schremmer, Joseph, A.</p>	<p><i>Waste And the Governance of Private and Public Property</i></p>	<p>93 U. COLO. L. REV. 609  <a href="https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3806009">https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3806009</a></p>	<p>Governance (courts)/Waste</p>	<p>Courts should revitalize the common law waste doctrine for purposes of environmental and natural resources management, because it: (1) provides an accepted framework that balances competing common interests in land; (2) provides a legal remedy for emerging environmental issues, such as natural gas venting/flaring and per- and poly-fluoroalkyl substances contamination; and (3) can be quickly and universally adopted in the U.S. judicial system.</p>
<p>Rossi, Jim  Panfil, Michael</p>	<p><i>Climate Resilience and Private Law's Duty to Adapt</i></p>	<p>100 N.C. L. REV. 1135  <a href="https://scholarship.law.unc.edu/cgi/viewcontent.cgi?article=6884&amp;&amp;context=nclr">https://scholarship.law.unc.edu/cgi/viewcontent.cgi?article=6884&amp;&amp;context=nclr</a></p>	<p>Energy/Climate Change</p>	<p>As climate change-induced extreme weather events create new and often foreseeable risks for the energy grid such as service interruptions, courts should extend the traditional utility “duty to serve” and recognize a new, additional “duty to adapt” that includes accounting for changing conditions in utility operations, planning, and investments.</p>

<p>Ruhl, J.B. Craig, Robin, Kundis</p>	<p>4°C</p>	<p>106 MINN. L. REV. 191 <a href="https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3806040">https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3806040</a></p>	<p>Climate Change</p>	<p>The scientific evidence indicates that the planet is well on its way to at least 4°C of warming—a scenario that presents categorically different adaptation challenges including large migrations within U.S. boundaries and suggest that a range of anticipatory governance practices to facilitate “redesign adaptation” should be initiated now, beginning with a new national foresight research program.</p>
<p>Stokes, Danielle</p>	<p><i>Renewable Energy Federalism</i></p>	<p>106 MINN. L. REV. 1757 <a href="https://libpubsdss.lib.uconn.edu/minnesotalawreviewprod/wp-content/uploads/2022/07/2-Stokes_MLR.pdf">https://libpubsdss.lib.uconn.edu/minnesotalawreviewprod/wp-content/uploads/2022/07/2-Stokes_MLR.pdf</a></p>	<p>Energy/Climate</p>	<p>To foster consistent and efficient large-scale renewable energy project siting, Congress, in coordination with state and local governments, should establish a collaborative federalism regime that would only limit state and local authority that “impedes” development and that relies on: (1) coordinated federal zoning and planning guidelines that incorporate place-based nuances; and (2) national or regional centralized siting agencies.</p>
<p>Sunstein, Cass, R.</p>	<p><i>Arbitrariness Review and Climate Change</i></p>	<p>170 U. PA. L. REV. 991 <a href="https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=9774&amp;&amp;context=penn_law_review">https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=9774&amp;&amp;context=penn_law_review</a></p>	<p>Climate Change/ Governance (administrative law)</p>	<p>Federal agencies should develop a social cost of greenhouse gas emissions that will withstand an “arbitrariness” judicial review that contains a “procedural (rather than substantive) hard look” not by “backing out” a social cost of carbon from a specific target, but by using: a global number rather than domestic number; a low discount rate of two percent; reasoned justifications for scientific, economic, and equity-related approaches.</p>
<p>Vail, John, P.</p>	<p><i>The Need for A Sustainability Pledge: Fighting Planned Obsolescence</i></p>	<p>13 GEO. WASH. J. ENERGY &amp; ENVTL. L. 1 <a href="https://gwjeel.com/wp-content/uploads/2022/05/JEEL-Vol.-13-Issue-1.pdf">https://gwjeel.com/wp-content/uploads/2022/05/JEEL-Vol.-13-Issue-1.pdf</a></p>	<p>Governance (private governance)</p>	<p>Given that businesses are not “sustainable” if they practice “planned obsolescence,” whereby their products are designed to become prematurely out-of-date to promote consumption of newer products, companies should adopt a Sustainability Pledge that commits to the following: (1) creating durable products that are reusable or repairable; (2) providing information on the repair process and replacement parts; (3) selling products that are disposable in an environmentally friendly manner; (4) introducing new versions of products only if they meaningfully add benefits to consumers; (5) eliminating software in products that would make them less efficient over time; and (6) planning processes to produce their products that have a “net zero impact” on the planet.</p>

<p>Washburn, Kevin, K.</p>	<p><i>Facilitating Tribal Co-Management of Federal Public Lands</i></p>	<p>2022 WIS. L. REV. 263 <a href="https://wlr.law.wisc.edu/wp-content/uploads/sites/1263/2022/04/14-Washburn-Camera-Ready.pdf">https://wlr.law.wisc.edu/wp-content/uploads/sites/1263/2022/04/14-Washburn-Camera-Ready.pdf</a></p>	<p>Land Use (public lands)/Governance (tribes)</p>	<p>To foster expanded tribal co-management of federal public lands, seven policy recommendations for future contracting agreements should be adopted by the federal executive and legislative branches: (1) the appropriation of modest planning grants; (2) compensation-based incentives for federal land managers to enter contracts; (3) tribal consultations prior to release of federal project contracting lists; (4) expanded scopes for existing contracts between tribes and federal land management agencies; (5) longer term contracts with tribes; (6) increased Intergovernmental Personnel Act agreements between federal and tribal programs; and (7) greater congressional oversight.</p>
<p>Wright, Claire</p>	<p><i>Combatting Climate Change Through Conservation Easements</i></p>	<p>23 MINN. J.L. SCI. &amp; TECH. 175 <a href="https://scholarship.law.umn.edu/cgi/viewcontent.cgi?article=1511&amp;&amp;context=mjlst">https://scholarship.law.umn.edu/cgi/viewcontent.cgi?article=1511&amp;&amp;context=mjlst</a></p>	<p>Climate Change/Land Use</p>	<p>The U.S. government should modify the Internal Revenue Code to allow owners of fossil fuel resources to take a credit on their federal tax return for the entire value of their operations in exchange for granting a conservation easement that would prohibit future exploitation of those resources.</p>
<p>Zevin, Avi Walsh, Sam Gundlach, Justin Carey, Isabel</p>	<p><i>Building a New Grid without New Legislation: A Path to Revitalizing Federal Transmission Authorities</i></p>	<p>48 ECOLOGY L.Q. 169 <a href="https://www.ecologylawquarterly.org/wp-content/uploads/2021/09/48.1_Zevin_Interne_t.pdf">https://www.ecologylawquarterly.org/wp-content/uploads/2021/09/48.1_Zevin_Interne_t.pdf</a></p>	<p>Energy</p>	<p>Rather than relying on Congress to pass new legislation to proliferate long-distance, high-voltage transmission lines that are needed for effective decarbonization efforts, the Federal Energy Regulatory Commission and the Department of Energy should rely on available authorities under the Federal Power Act and the Energy Policy Act to pursue twenty recommended policy actions which provide significant control to federal agencies to reduce obstacles to transmission, designate transmission corridors, permit transmission projects, enter into partnership projects between the U.S. Department of Energy and private developers, and explore Power Market Administration transmission projects.</p>

<p>Ziaja, Sonya</p>	<p><i>How Algorithm-Assisted Decision Making is Influencing Environmental Law and Climate Adaptation</i></p>	<p>48 ECOLOGY L.Q. 899 <a href="https://scholarworks.law.ubalt.edu/cgi/viewcontent.cgi?article=2171&amp;&amp;context=all_fac">https://scholarworks.law.ubalt.edu/cgi/viewcontent.cgi?article=2171&amp;&amp;context=all_fac</a></p>	<p>Governance (administrative law)/Climate Change</p>	<p>To assess the existence of bias and hidden values in algorithm-based decision tools that are increasingly used in the development and implementation of environmental law and regulation, advocates and legal practitioners should employ a six-part framework consisting of a series of concrete interrogatives that assess how effectively an algorithm and its design process address issues of uncertainty, transparency, and stakeholder collaboration.</p>
---------------------	--	--	---	---