

2019

TRANSCRIPT–KITCHEN TABLES, BOARD ROOMS, AND OTHER POTENTIALLY DISRUPTIVE LOCALES: THE ROLE OF CONSUMER ACTION IN CARBON EMISSION REDUCTION

Elizabeth A. Stanton

Follow this and additional works at: <https://digitalcommons.law.wne.edu/lawreview>

Recommended Citation

Elizabeth A. Stanton, *TRANSCRIPT–KITCHEN TABLES, BOARD ROOMS, AND OTHER POTENTIALLY DISRUPTIVE LOCALES: THE ROLE OF CONSUMER ACTION IN CARBON EMISSION REDUCTION*, 41 W. New Eng. L. Rev. 553 (2019), <https://digitalcommons.law.wne.edu/lawreview/vol41/iss3/7>

This Article is brought to you for free and open access by the Law Review & Student Publications at Digital Commons @ Western New England University School of Law. It has been accepted for inclusion in Western New England Law Review by an authorized editor of Digital Commons @ Western New England University School of Law. For more information, please contact pnewcombe@law.wne.edu.

WESTERN NEW ENGLAND LAW REVIEW

Volume 41

2019

Issue 3

TRANSCRIPT—KITCHEN TABLES, BOARD ROOMS, AND OTHER POTENTIALLY DISRUPTIVE LOCALES: THE ROLE OF CONSUMER ACTION IN CARBON EMISSION REDUCTION

*Elizabeth A. Stanton**

I'm Liz Stanton and I'm the Director of the Applied Economics Clinic. We are a nonprofit consulting group based in the Boston area working primarily on the economics of energy. We also work on environment, consumer equity, and environmental justice issues, and our work is done for clients—typically advocacy groups. So, our clients might be environmental advocates, consumer advocates, or environmental justice groups. Many of the people that work in those advocacy groups are lawyers, so some of the work that we do is expert testimony working on regulatory issues. Sometimes we conduct analysis and produce public reports on our findings. Ultimately, our work includes a variety of things. What I want to talk about is how the work of our clients relates to social disruption—how norms and institutions, or regulations and laws, can be disrupted in response to environmental destruction. This Transcript summarizes a visual presentation given at the *Western New England Law Review* Symposium, titled *Anthropocenic Disruption, Community Resilience and Law*.¹

A couple weeks ago I was driving in my car, listening to NPR (National Public Radio), and heard a story that was about the IPCC (Intergovernmental Panel on Climate Change) report that came out in

* Dr. Stanton is Director and Senior Economist at the Applied Economics Clinic (AEC) in Somerville, Massachusetts. AEC is a nonprofit consulting group providing expert testimony, analysis, modeling, policy briefs, and reports for public interest groups on the topics of energy, environment, consumer protection, and equity while providing on-the-job training to a new generation of technical experts.

1. See Liz Stanton, *Clinic Director Liz Stanton Presents at WNE Law Symposium*, APPLIED ECON. CLINIC (Oct. 26, 2018), <https://aeclinic.org/publicationpages/2019/5/1/clinic-director-liz-stanton-presents-at-wne-law-symposium> [<https://perma.cc/HDD8-63G4>].

October (2018) that provided updates to climate predictions.² The NPR story³—and others, like this CNN one⁴—were talking about the IPCC report and its takeaways, including a lot of dire talk about temperature change and sea level rise and so forth;⁵ but they also talked about solutions, and the solutions that were ringing through in both the NPR piece and in the CNN article were about what you, as a consumer, can do to disrupt climate change.⁶ That’s what I’ll talk about today: the emphasis on consumer actions to affect or diminish emissions, why we focus on that, and to what extent that’s the best place to focus our attention.⁷

Both the NPR story⁸ and the CNN article⁹ ask an expert whether consumers can help to reach our climate goals, and the answer they give is an unequivocal “yes.” If you google around, there are lots of articles about how you, as a consumer, can make a difference to address climate change and reduce emissions.¹⁰ I’m not going to argue that consumers don’t have any effect or can’t play a role in addressing climate change; rather, I wonder about the level of emphasis placed on consumer-driven

2. *Special Report: Global Warming of 1.5°C*, INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE (Oct. 6, 2018), <https://www.ipcc.ch/sr15/> [<https://perma.cc/3YPG-2FTS>] [hereinafter *Special Report*].

3. Christopher Joyce, *Climate Report Warns of Extreme Weather, Displacement of Millions Without Action*, NPR: ENV’T (Oct. 8, 2018, 5:40 AM), <https://www.npr.org/2018/10/08/655360909/grim-forecast-from-u-n-on-global-climate-change> [<https://perma.cc/DS2X-9924>].

4. Eliza Mackintosh, *What the New Report on Climate Change Expects from You*, CNN (Oct. 8, 2018, 8:31 PM), <https://www.cnn.com/2018/10/08/world/ipcc-climate-change-consumer-actions-intl/index.html> [<https://perma.cc/X2Q5-UULK>].

5. See Gaby Del Valle, *Can Consumer Choices Ward Off the Worst Effects of Climate Change? An Expert Explains.*, VOX (Oct. 12, 2018, 11:20 AM), <https://www.vox.com/the-goods/2018/10/12/17967738/climate-change-consumer-choices-green-renewable-energy> [<https://perma.cc/FU4C-BLVM>]; Daniel Gross, *After Paris: Trump Doesn’t Want the Government to Do Anything to Fight Climate Change—So It’s on You. Here’s Your Plan.*, SLATE: JUICE (June 2, 2017, 12:16 PM), <https://slate.com/business/2017/06/trump-wont-fight-climate-change-heres-your-plan-to-do-it-instead.html> [<https://perma.cc/7JER-MDMN>].

6. *Climate Change—What You Can Do*, BETTER HEALTH CHANNEL, <https://www.betterhealth.vic.gov.au/health/HealthyLiving/climate-change-what-you-can-do> [<https://perma.cc/H7S7-CFLF>] (last updated Aug. 2011).

7. Elizabeth A. Stanton, Dir. & Senior Economist, Applied Econ. Clinic, Presentation at the Western New England Law Review Symposium: Kitchen Tables, Boardrooms, and Other Potentially Disruptive Locales 3 (Oct. 26, 2018), <https://static1.squarespace.com/static/5936d98f6a4963bcd1ed94d3/t/5cca14b7cf74650001838431/15567474448074/Springfield+26Oct2018-1.pdf> [<https://perma.cc/5PJL-RUSZ>].

8. Joyce, *supra* note 3.

9. Mackintosh, *supra* note 4.

10. See sources cited *supra* notes 5–6 (providing examples of media stories on what consumers can do to fight climate change).

solutions and where we should place the most attention to get the biggest results.¹¹

This narrative about consumer impact on climate change and other environmental problems dates back at least to a book published in 1999 that was widely read at the time. *A Consumer's Guide to Effective Environmental Choices*¹² will ring a bell for a lot of people in this room and beyond; it was influential at the time and has remained so through the years. It sounds like a great thing; let's look at consumers' roles—what actions can you take in your life and in your purchasing that are going to make a difference? But this is an issue that's been bothering me since 1999. Seriously.¹³

In the 1999 book, some environmental issues are presented as being more relevant than others, but climate change was flagged as being of great importance. To be able to say what effect consumers have and how they can make a difference, we need to know where the emissions are coming from. There are some data still up on the EPA's web archive.¹⁴ You'll be glad to know there still is an EPA website: the live (non-archive) version of EPA's website has essentially been scrubbed of any mention of "climate change" and most, although not all, relevant data. EPA is taking the information from a 2014 IPCC report and dividing emissions up by electricity, industry transportation, buildings, and other energy.¹⁵ I work with this kind of data all the time, especially in the United States, and I would divide it up a little bit differently to get at this question: what can consumers do and how can we affect climate change in other ways?¹⁶

Before we answer that question, and before I show you a different way to look at these data, I want to circle back for a moment to the CNN and NPR news stories¹⁷ that discussed the recent report from the IPCC¹⁸ and the actions that consumers can take that were gleaned from that report:

11. See Stanton, *supra* note 7, at 4–5.

12. MICHAEL BROWER & WARREN LEON, *THE CONSUMER'S GUIDE TO EFFECTIVE ENVIRONMENTAL CHOICES: PRACTICAL ADVICE FROM THE UNION OF CONCERNED SCIENTISTS* (1999).

13. See Stanton, *supra* note 7, at 5.

14. *Global Greenhouse Gas Emissions Data*, U.S. ENVTL. PROTECTION AGENCY, <https://www.epa.gov/ghgemissions/global-greenhouse-gas-emissions-data> [<https://perma.cc/GA3H-Z2SU>] [hereinafter *Emissions Data*] (showing global greenhouse gas emissions by economic sector).

15. Mackintosh, *supra* note 4.

16. Stanton, *supra* note 7, at 6.

17. See Joyce, *supra* note 3; Mackintosh, *supra* note 4.

18. *Special Report*, *supra* note 2.

changing modes of transportation, changing the types of buildings we live and work in, and changing our diets.¹⁹

The focus on the impact that diet can have on the emissions that cause climate change is another issue that's been bothering me for the last twenty years. The emphasis that's been placed on this issue, the research conducted on this issue over the last couple decades, and the tendency of this issue to come to the forefront during discussions of climate change and ways we can address it. My concern will be immediately apparent to many of you. Who are we asking to change their diets? Where around the world do they live? And how much effect would those changes actually have?

It was prior to 1999 that the idea that climate change as something having to do with livestock in the developing world was brought into the public consciousness²⁰: the false and insidious notion that livestock in India or Africa was the major cause of climate change and that the solution is for people in developing nations to reduce livestock or reduce emissions from livestock. Of course, that's not the way that we approach climate change now, but the narrative still lingers. For example, in news reports of IPCC findings that say that people should consume thirty percent less animal products and that doing so would be an important contribution to reducing carbon emissions.²¹

I have been a vegetarian since before the 1999 book was published, so I'm not arguing with the general benefit of reducing the consumption of meat. I'm arguing with the emphasis that's placed on it as an effective means of disrupting climate change.

I went to look at the IPCC report—I don't know if any of you have read an IPCC report; they're very, very long, and they're built like an onion. The outer layer is what most people see—what's called the Summary for Policymakers.²² Peel back that layer and you get another, more detailed, summary called the Technical Summary. Peel back that layer, and then you get to the actual chapters on each topic, like observed

19. Stanton, *supra* note 7, at 7–8 (providing examples of what consumers can do to lessen their contribution to climate change); *see also* Mackintosh, *supra* note 4 (same).

20. *See* ANIL AGARWAL & SUNITA NARAIN, CTR. FOR SCI. & ENV'T, GLOBAL WARMING IN AN UNEQUAL WORLD 1–2 (2nd prtg. 2003), <http://www.indiaenvironmentportal.org.in/files/GlobalWarming%20Book.pdf> [<https://perma.cc/8KDU-ZVU4>].

21. Stanton, *supra* note 7, at 9; *see also* sources cited *supra* notes 3–4.

22. Myles Allen et al., INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE, *Summary for Policy Makers*, in GLOBAL WARMING OF 1.5°C C2.5 (2018), http://www.uni-frankfurt.de/74505745/IPCC_Report_2018.pdf [<https://perma.cc/H495-YC63>] [hereinafter *Summary for Policy Makers*].

temperature changes or climate change projections.²³ So, I was reading the IPCC report and trying to find where it says people should stop eating meat or eat a lot less meat because the statement seems to lack nuance, to put it mildly. The Summary for Policymakers does say there should be more sustainable land use practices but also points out that these practices could result in socioeconomic issues that might need to be addressed.²⁴

Transitions in global and regional land use are found in all pathways limiting global warming to 1.5°C with no or limited overshoot, but their scale depends on the pursued mitigation portfolio. Model pathways that limit global warming to 1.5°C with no or limited overshoot project the conversion of 0.5–8 million km² of pasture and 0–5 million km² of non-pasture agricultural land for food and feed crops into 1–7 million km² for energy crops and a 1 million km² reduction to 10 million km² increase in forests by 2050 relative to 2010 (*medium confidence*). Land use transitions of similar magnitude can be observed in modelled 2°C pathways (*medium confidence*). Such large transitions pose profound challenges for sustainable management of the various demands on land for human settlements, food, livestock feed, fibre, bioenergy, carbon storage, biodiversity and other ecosystem services (*high confidence*). Mitigation options limiting the demand for land include sustainable intensification of land use practices, ecosystem restoration and changes towards less resource-intensive diets (*high confidence*). The implementation of land-based mitigation options would require overcoming socioeconomic, institutional, technological, financing and environmental barriers that differ across regions (*high confidence*).²⁵

So even in the Summary for Policymakers—the outer-most layer of the onion—we’re getting at least a nod to some socioeconomic issues associated with transitioning land use from pasture and agricultural land to energy crops and forests. If you look deeper into the next layer, the Technical Summary, you can find more about changing diets. The report talks about changes in behavior related to land use, and the social and environmental feasibility of those kinds of changes—how would they work?²⁶

Global and regional land-use and ecosystems transitions and associated changes in behaviour that would be required to limit warming to 1.5°C can enhance future adaptation and land-based agricultural and forestry mitigation potential. Such transitions could, however, carry consequences for livelihoods that depend on

23. *Special Report*, *supra* note 2.

24. Stanton, *supra* note 7, at 10.

25. *Summary for Policy Makers*, *supra* note 22 (footnote omitted).

26. Stanton, *supra* note 7, at 11.

agriculture and natural resources. Alterations of agriculture and forest systems to achieve mitigation goals could affect current ecosystems and their services and potentially threaten food, water and livelihood security. While this could limit the social and environmental feasibility of land-based mitigation options, careful design and implementation could enhance their acceptability and support sustainable development objectives (*medium evidence, medium agreement*).²⁷

I went even deeper into the IPCC report and, in the chapter on strengthening and implementing the global response, it discusses how overall emissions from food systems could be reduced by targeting demand for meat and how the dietary shifts could help to reduce emissions:

There is increasing agreement that overall emissions from food systems could be reduced by targeting the demand for meat and other livestock products, particularly where consumption is higher than suggested by human health guidelines. Adjusting diets to meet nutritional targets could bring large co-benefits, through GHG mitigation and improvements in the overall efficiency of food systems. Dietary shifts could contribute one-fifth of the mitigation needed to hold warming below 2°C, with one-quarter of low-cost options. There, however, remains limited evidence of effective policy interventions to achieve such large-scale shifts in dietary choices, and prevailing trends are for increasing rather than decreasing demand for livestock products at the global scale. How the role of dietary shift could change in 1.5°C-consistent pathways is also not clear.²⁸

The degree to which a change in diet could help address the emissions that cause climate change is something that needs a lot of thought and discussion. I wasn't able to find anything anywhere in the IPCC report that discussed or advocated for a thirty percent reduction in meat production or consumption (which the CNN article reported²⁹). It may well be in there but, if so, it's tricky to find. I can't imagine where CNN got that number from; most news reporting sticks to information from the outermost report layer—the Summary for Policy Makers. This speaks to

27. Myles R. Allen et al., INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE, *Technical Summary*, in GLOBAL WARMING OF 1.5°C 41 (2018) (internal citations omitted), https://www.ipcc.ch/site/assets/uploads/sites/2/2019/02/SR15_TS_High_Res.pdf [<https://perma.cc/9CZC-PKQ6>].

28. Heleen de Coninck et al., INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE, *Strengthening and Implementing the Global Response*, in GLOBAL WARMING OF 1.5°C 327 (2018) (internal citations omitted), https://www.ipcc.ch/site/assets/uploads/sites/2/2019/02/SR15_Chapter4_Low_Res.pdf [<https://perma.cc/J97Z-QP7Y>]; see Stanton, *supra* note 7, at 12.

29. Mackintosh, *supra* note 4.

how scientific work gets translated into the media and what information gets picked up. It makes sense that media would want to focus on the question of what consumers can do; it's an important way to feel like we can make an impact.³⁰

Let's go back to the emissions data and the best ways to divide it up and look at its component parts.³¹ How can we divide up total emissions to get a better handle on what sort of individual actions have the greatest impact?

I want you to think about a kitchen table and a corporate boardroom to get at the kinds of actions and decision making that are important for climate change mitigation.³² The "kitchen table" represents our individual, consumer decisions:

- **What decisions can be made by individual consumers (under constraints of market availability)?** Vehicle or transportation mode, electric distributor, space heating mode, and efficiency.

You make decisions about what vehicle you own or what kind of transportation mode you use. You can choose to do something besides driving a fossil-fuel vehicle. You could ride a bike or take public transportation if that's available. Those of us with higher incomes, of course, have a greater capacity to choose our mode of transport.

The "boardroom" represents decisions made by businesses, often very large businesses:

- **What decisions are made by (often very large) businesses?** Fuels, vehicles, electric generation fuel, electric source and fuel types sold to consumers, vehicles and heating and cooling sold to consumers.

Businesses make decisions about their vehicle fleets. Businesses make choices about what kind of electricity they buy and what energy sources it comes from. Businesses can make choices about the direct fuels they use. Businesses also sell consumers their electricity and make choices about how that electricity is generated and how much renewable content it has. Businesses make decisions about which fuels are available, how fuels are getting to consumers' homes, and even what kind of heating technologies and vehicles are available for consumers to buy.

Consumers may be able to choose their electric distributor. In Massachusetts, and some other states around the country, you can make choices about your electric distributor. Distributors that buy more

30. See Stanton, *supra* note 7, at 13.

31. See *Emissions Data*, *supra* note 14; see also Stanton, *supra* note 7, at 14.

32. See Stanton, *supra* note 7, at 15.

renewable energy might be available to you. You may be able to make choices about your space heating and the efficiency of your home, especially if you own, rather than rent, your home. And if natural gas is available on your street, you may be able to choose whether or not to use it in your home. Consumers can impact decisions made in the boardroom through their purchasing choices, which can change the way that people in boardrooms think and the actions that they take. Consumer-choice impacts via boardroom decisions have a much longer and more indirect path than kitchen-table decisions.³³ And a lot of our kitchen-table decisions are made within the constraints of what is or is not available to us in the marketplace.³⁴ Not everything we might want to buy is available to us. Some products or services aren't available where we live. Some are simply unaffordable. That availability is largely in the hands of businesses.

I've divided up U.S. emissions into two broad categories representing the kitchen table (residential) and the boardroom (business), each of which is further broken down into electricity emissions, transportation emissions, and direct fuel emissions. "Direct fuels" refer to the fuels that are delivered to and combusted in your home or your business to heat buildings, heat water, and cook—usually natural gas or a liquid fuel that somebody brings to you in a truck. We can also view this data by state.³⁵

An important point to take away from the data is that, in all states, commercial and industrial emissions are a larger share of total emissions than residential emissions, meaning that—to be able to impact emissions that cause climate change—boardroom decisions have greater impact than kitchen table decisions. Put another way, corporate businesses have more control over emissions than families do. It's also true that we all buy some or all of our manufactured goods (and the emissions associated with those

33. *Id.* at 16.

34. *Id.* (featuring a chart that illustrates energy emissions only from the original energy source; non-energy emissions were excluded because there is a lot of controversy about how to count those emissions); see *Electricity: Detailed State Data*, U.S. ENERGY INFO. ADMIN., <https://www.eia.gov/electricity/data/state/> [<https://perma.cc/3PZN-PRFQ>] (re-released Jan. 15, 2019).

35. Stanton, *supra* note 7, at 17 (visualizing the share of total energy emissions by state that originate in the commercial and industrial sectors versus the residential sector); see also *Electricity: State Electricity Profiles*, U.S. ENERGY INFO. ADMIN. (Jan. 17, 2017), <https://www.eia.gov/electricity/state/archive/2015/> [<https://perma.cc/W4FB-BH6R>] (showing CO₂ energy emissions by sector and state for 2015). Because this source shows percentages, the cited graph does not allow a comparison of total emissions for each state as a whole or on a per capita basis. Massachusetts has the third-highest residential share of total energy emissions of any U.S. state, in large part because manufacturing is a smaller part of the economy relative to other states. Stanton, *supra* note 7, at 17.

goods) from other states or countries, so those commercial and industrial activities end up counted in other states' emissions.³⁶

Now that we've looked at kitchen table decisions and boardroom decisions, I want to introduce a third category that doesn't fit neatly into the kitchen-table/boardroom framework but is vitally important because it is how many decisions that impact greenhouse gas emissions are actually made. And, fits in with the kind of decision-making that this audience of law students and professionals interacts with a lot—the regulatory space³⁷:

- **What decisions are made by state utility commissions, state legislatures (as they impact on commissions), and other regulatory bodies?** Fuel availability, electric generation fuels and emissions, energy efficiency, and other demand-side mandates.

Regulatory bodies have a strong influence over decisions regarding the energy sector where monopolies dominate, and consumer influence is weak. Laws regarding electric generation, fuels, and emissions are passed by state legislatures, which are then overseen by regulatory bodies. For example, many energy decisions are made by state utility commissions, and other regulatory bodies are also involved in decisions about what kinds of fuels are going to be available to households and businesses.³⁸

A lot of decisions made at your kitchen table are based on what's available to you. A lot of decisions made in corporate boardrooms require permission from state or federal regulatory bodies, and this is especially true of decisions related to the production and distribution of electricity and natural gas. Sometimes, as I've discussed, consumers can exercise influence on the decisions made in boardrooms through their purchasing power. The regulatory space is another important venue for households—and advocacy groups representing consumers—to join together to influence public decision-making and make a difference.³⁹

36. See Stanton, *supra* note 7, at 18–19.

37. *Id.* at 20.

38. *Id.* at 21.

39. See *id.* (visualizing emissions sources controlled by the regulatory space via graphical representations). The pink area of the chart in the presentation represents emission sources largely controlled by the regulatory space in the United States. The data provided by this chart includes residential and commercial electric use, as well as residential and commercial direct fuel use—which is also highly regulated—with the exception of fuels delivered by truck to homes and businesses. New England fuel companies deliver at greater rates than many other companies in other parts of the country. The pink area does not include transportation emissions—though there is certainly regulatory action related to transportation, it takes a very different form than regulation of energy, due to the preponderance of energy monopolies and state commissions tasked with governing these monopolies. See *CO₂ Emissions from Fossil Fuel Combustion*, U.S. ENVTL. PROTECTION AGENCY, <https://www.epa.gov/sites/production/>

So, how can consumers make a difference in addressing climate change? Of course, there are actions that may be available for some, but not all individuals to take—such as reducing or eliminating their meat consumption or choosing a different car. But the regulatory space impacts the largest share of our energy choices and our emissions, and opens up pathways for collective action to impact corporate actions at the largest scale. And this, I hope, is a different way of thinking about how household decisions are made than where we began.⁴⁰

When we say “consumers,” we are really talking about families and individuals. But only if we don’t reduce them to being just consumers. Right? It’s an important distinction: we call people “consumers,” but mean families and individuals.

Families and individuals can get involved in advocacy. Families and individuals can get involved by joining together with others to affect the regulatory space. Families and individuals can intervene in regulatory processes. Families and individuals can engage in other ways to bring attention to important issues and change the minds of regulators, legislators, and other elected officials. Over time, regulatory interventions, and other campaigns by individuals, families, and advocacy groups can, and have had, an enormous impact on decision-making relevant to climate, environment, and energy in the United States.

files/2017-09/documents/co2ffc_2015.pdf [https://perma.cc/5ZRC-US8S] (providing CO₂ energy emissions by sector from 1990–2016).

40. See Stanton, *supra* note 7, at 22.