

## Washington's 2-level-game

Written by Rodger A Payne

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RODGER A PAYNE, OCT 6 2009

This past weekend, Carol Browner, Director of the White House Office of Energy and Climate Change Policy proclaimed that the Waxman-Markey cap-and-trade climate bill (which passed the House this summer) is not going to become law prior to the upcoming climate negotiations. The NYT :

“Obviously, we’d like to be through the process,” Carol Browner said during an event in Washington hosted by The Atlantic magazine. “But that’s not going to happen. I think we’d all agree the likelihood that you’d have a bill signed by the president on comprehensive energy by the time we go in December is not likely.”

Effectively, this gives the Obama administration some additional flexibility in the Copenhagen negotiations — the U.S. could theoretically offer to accept deeper reductions in greenhouse gas emissions if it is not locked into congressionally-mandated numbers:

Waxman-Markey would mandate a 17 percent reduction in greenhouse gas emissions by 2020 and 83 percent by 2050 from 2005 levels. This is weaker than what the Intergovernmental Panel on Climate Change calls for but a lot better than nothing.

As I’ve noted before, the Kyoto baseline year was 1990 and U.S. emissions have increased roughly 1% annually since that date.

On the other hand, of course, Waxman-Markey could have been politically useful if U.S. officials want to pursue relatively weak emissions reductions at Copenhagen. It would have been difficult to promise greater reductions than those outlined in the law.

Actually, if U.S. officials want to pursue even weaker reductions than outlined in Waxman-Markey, this domestic failing helps. It would have been impossible to favor reductions weaker than those already mandated by Congress.

Essentially, I’m simply noting that the Obama administration is engaged in a “two-level game” with Congress (and other interested domestic political actors) and the international community. Indeed, it has managed to achieve a great deal of flexibility since it also recently announced that the EPA could mandate greenhouse gas emission reductions without new congressional authority. The *LA Times* quoted EPA Administrator Lisa Jackson:

“By using the power and authority of the Clean Air Act, we can begin reducing emissions from the nation’s largest greenhouse gas emitting facilities without placing an undue burden on the businesses that make up the vast majority of our economy,” Jackson said in a statement released by the agency. “This is a common-sense rule that is carefully tailored to apply to only the largest sources — those from sectors responsible for nearly 70% of U.S. greenhouse gas emissions sources.”

The EPA option theoretically allows the administration to make promises that it might be able to implement without broad support in Congress. From that perspective, Browner’s proclamation isn’t necessarily bad news for those hoping to see progress in the Copenhagen process — and a U.S. commitment to reduce emissions.

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We'll simply have to see how the Obama team makes use of this assured flexibility — and what it might mean politically.

Obviously, a successful outcome in Copenhagen will require followup action at the national level. But there's no escaping the two-level game. Many key members of Congress could refuse to approve a tough Copenhagen agreement. Without U.S. ratification, other states might refuse to ratify and/or comply with Copenhagen. That could be a political disaster.

It might also be an environmental disaster for even EPA-mandated emission cuts will likely need to be supplemented by congressional action to support alternative energy sources.

The stakes in both the domestic and international negotiations are high and it will take truly inspired diplomacy and skillful politicking to achieve a desirable overall outcome.

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