

**Climate Change Law – Spring 2021– Richards**

**Honor Code Examination Certification:** I hereby certify that I will not give or accept help from another person in connection with this exam and that I will follow the rules of the examination. I will report any cheating by others that I am aware of, even if I'm not certain whether it violates the rules, so that it may be appropriately investigated. I also certify that I will destroy and not retain any electronic or hard copy of the exam after uploading my exam. I will not keep, share, or otherwise distribute the examination questions.

I understand that some students may have exams delayed for personal reasons, so I will not share or discuss the details of this examination with any other student, regardless whether enrolled in the course, until the exam period has ended. If my own exam is delayed, I confirm that I have not sought information about the content of the exam in any way prior to taking it.

I understand that violations of the examination rules are subject to the Law Center Code of Student Professional Responsibility and other LSU policies relating to academic integrity. I further understand that in addition to any sanction imposed by the Law Center, such violations may be separately reportable to the state bar committee on character and fitness of any state in which I hope to practice.

Uploading my exam constitutes my confirmation that I have complied with the foregoing requirements, and will continue to comply throughout the examination period.

**Contents of Exam: This exam has two parts, consisting of a multiple-choice section, and an essay section.**

You have 4 hours to complete this exam. You must complete the exam in the examination software. **Use the multiple-choice question option in the software.** It is open materials as specified in the general exam policy.

**Written Question – 30% (you can do this after you finish the multiple-choice questions)**

You have been hired by the Biden White House to help staff the new office of climate change regulatory strategy. You are assigned to the group working on what can be done within existing statutes. This will likely be the most important group, at least for the next 2 years, because it is unlikely that any significant amendments to the CAA can be passed with the 50/50 split in the Senate.

You have been asked to draft a memo of up to **1250 words in total**, divided into two sections. First, what are the problems with regulating GHGs in the general economy under the CAA as currently written? There is another working group looking at mobile source (tailpipe) emission, so do not discuss mobile source emissions in either section of this memo. Using the cases and materials we have read, what are the legal issues that you expect the courts and persons to raise when challenging any regs that are promulgated? Are any of these insurmountable? Are the critics correct that GHGs do not fit under the CAA once you move from tailpipe emissions to the general economy?

Second, what is your proposed regulatory strategy? What will you target? What regs will you need? Assume modest levels of staff increases, but do not assume you will have unlimited resources for regulation. Assume that most of the red states will fight the EPA every step of the way. If you identified insurmountable problems in part one, what is the most minimal change in the CAA that will fix it?

Be concise and reference cases and statutes to support your analysis, using brief abbreviations. Do not waste time or words on Bluebook cites. I will only read the first 1250 words if you go over the word limit.