

# LEGAL PATHWAYS TO DEEP DECARBONIZATION:

# PRO BONO IMPLEMENTATION PROJECT

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# Translating DDPP into Legal Action – *Legal Pathways to Deep Decarbonization in the United States*

Examples of legal actions/recommendations from the Gerrard/Dernbach book include:

- “**States** should ensure that each energy customer may purchase clean energy from local energy providers through its own or the provider’s distribution system.”
- “**States** should consider adopting legislation and programs that encourage the use of energy-efficient appliances and equipment through tax policy, financial incentives, labeling programs and financing policies.”
- “**States** should adopt legislation banning food waste in landfills, using Vermont’s Universal Recycling Law as a model.
- “**Cities** should adopt and fully enforce city building energy-efficiency codes (unless preempted by state laws).”

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- “**Local governments** should adopt and implement specific strategies that target increased uptake of more energy-efficient home equipment technologies, including green leases and improved life-cycle cost information for retailers and householders.”
- “**Local governments** should provide incentives for planned communities to install direct heating infrastructure in newly build or remodeled mixed-use zones so that residential construction could take advantage of waste heat.”
- “**Companies** with high shipping volumes (e.g., Walmart, IKEA, NIKE) could impose supply chain requirements, such as only moving their goods on ships that meet a certain efficiency standard, use low-carbon fuel, or slow steam.”

# Converting the Legal Actions/Recommendations into Model Legal Documents

- The next essential step toward deep decarbonization in the United States involves translating the legal actions/recommendations into **model legal documents for use and adoption by legislators and other policymakers.**
  - These would include, model legislation, regulations, best practices, standard operating procedures, model lease provisions, private party agreements, and the like.

Each draft of a model law is peer reviewed before it is finally approved for final use by the Project.

# Converting the Legal Actions/Recommendations into Model Legal Documents

- As a further step, the Project has **established a website** that serves as a central location for the model documents and allows access by policymakers and other potential users. The website launched in April 2020:  
[www.lpdd.org](http://www.lpdd.org)
- A final step is reaching out to policymakers **to ensure demand** and use of the model legal documents

# Model Document Preparation

(1) Assess, select & prioritize recommendations:

- consult with authors where appropriate



(2) Prepare template for each recommendation:

- template is a short (1-2 pages) document that summarizes: (a) recommendation, (b) type of legal document to be drafted (i.e. local ordinance, state law, amendment to existing law) & (c) other relevant information



(3) Draft Model Legal Document

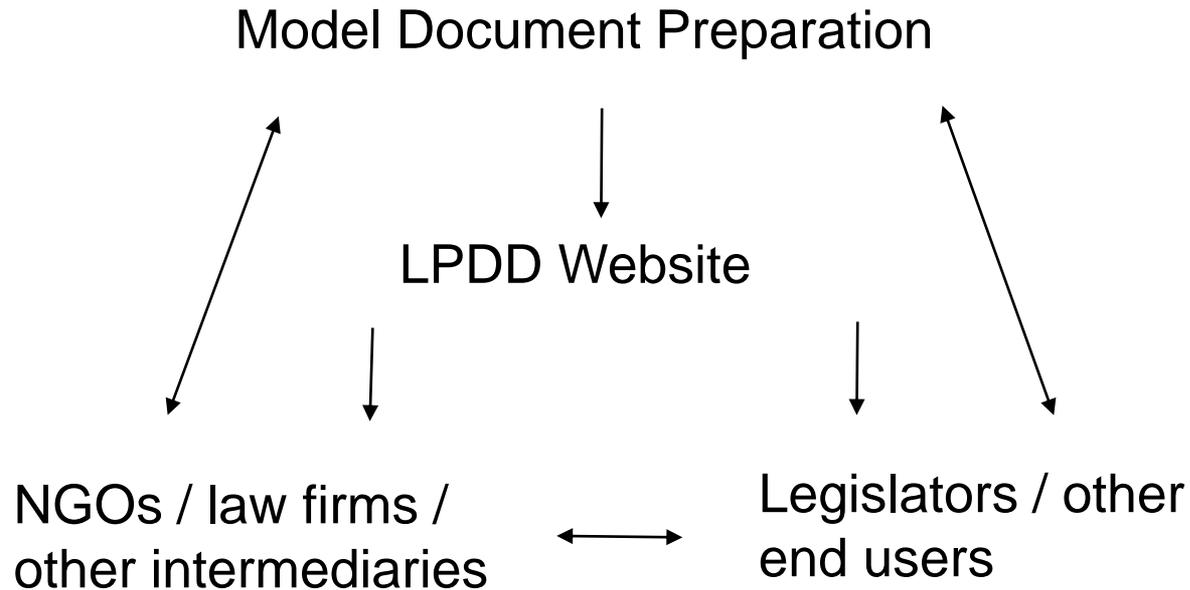


(4) Final Model Legal Document is Peer Reviewed



(5) Model Legal Document posted to LPDD Website

## Demand from/Outreach to Policymakers



## Participation to Date

- To date more than **two dozen law firms** and a number of **individual attorneys, law professors and retired judges** are participating in the Project on a pro bono basis.
- We currently have nearly 40 model laws that have been drafted, peer reviewed and available on the LPDD website.

# How can you participate?

## **Law Firms can:**

- **Take responsibility** for a chapter/topic, select and prioritize recommendations and draft model legal documents

**Take responsibility for drafting model legal document(s) for one or more recommendations in a chapter**

Most (but not all) Participating Firms have agreed to take responsibility for recommendations from a chapter of the book. However, a number of chapters/recommendations remain available.

- **Peer review** model laws
- Firms that have relationships/contacts with statehouses or other legislatures can **assist in outreach to policymakers.**

## How can you participate?

### **Individual attorneys, in-house counsel, law professors can:**

- **Draft** (or oversee the drafting of) **model legal documents**
- **Peer review** final model legal documents
- Those with relationships/contacts in statehouses or other legislatures can assist in **outreach to policymakers**

## How can you participate?

### **NGOs/Civil Society/Others can:**

- Work in same role as law firms and individual attorneys
- Assist in **outreach to policymakers:**
  - **Providing model documents to policymakers**
  - **Providing feedback** on types of legal documents policymakers may be seeking

# To participate, or explore participating, contact:

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