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February 17, 2012

The Hon. Michael Froman
National Security Council
The White House
Eisenhower Executive Office Building
Washington, DC 20500

The Hon. Todd Stern
Chief Climate Envoy
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Dear Mr. Froman & Mr. Stern:

We write to express our deep concern over the February 21-22, 2012, meeting in Moscow aimed at undermining the European Union's emissions trading system (EU ETS) for aviation. We propose that the administration encourage countries to comply with the EU ETS while they intensify their work in the International Civil Aviation Organization (ICAO) to achieve a global solution to limiting greenhouse gas emissions from aviation.

As you know, the EU law limiting the emissions of flights landing in and taking off from EU airports only took effect after 14 years of negotiations in the ICAO yielded no global system. While our groups would prefer a multilateral approach to emissions reductions, the EU law is reasonable, balanced, and entirely non-discriminatory.

We believe the law to be consistent with the US position at the Durban climate treaty talks, as it is entirely "symmetrical," applying even-handedly to all flights landing in or departing from EU airports regardless of origin or destination and regardless of the airline's home country. It is flexible, giving airlines multiple compliance options to meet pollution reduction goals. Flights from countries with equivalent programs are exempted altogether. Its consistency with international law has been upheld by Europe's equivalent of America's Supreme Court.

US carriers have fended off regulation in the UN Framework Convention on Climate Change and ICAO for nearly a decade and a half. We hope that Secretary General Raymond Benjamin's new initiative there will bear fruit; however, ICAO's track record does not inspire confidence, especially without the pressure the EU law provides. We wish the EU law had tougher emissions caps, and support the direction of a portion of the revenues raised toward climate finance to aid the world's poorest communities. But the EU law is a start, and it would be a terrible blemish on the administration's climate legacy for it to obstruct this law. The question is: where to price climate risk? In this context, the EU has taken its stand. Where does the US stand?

We urge the Obama administration to lead the world in building on the momentum that the EU ETS has created. The US should work jointly with the EU to craft an effective global agreement in ICAO that will place the vast majority of aviation emissions under a strong cap, utilize high-integrity market-based measures to cut pollution cost-effectively, and direct revenues to provide climate finance to the world's poorest nations. We would welcome the opportunity to talk with you in person about the opportunities we see to advance climate actions in the aviation sector.

Sincerely,

ActionAid USA, Earthjustice, Environmental Defense Fund, Greenpeace USA,
Natural Resources Defense Council, Oxfam America, World Wildlife Fund