



WINTERBOTHAM DARBY

LIVESTOCK AND CLIMATE CHANGE: IS THERE A PLACE FOR REGULATION?

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INTRODUCTION

- Livestock and Climate Change: the Debate
- A Place for Regulation?
 - (i) “Command and Control”
 - (ii) Steering Production Decisions
 - (iii) Labelling, Standards and Consumers

The Debate

FAO, *Livestock's Long Shadow: Environmental Issues and Options* (FAO, Rome, 2006) xxi (finding that livestock alone contributes 18 per cent of all GHG emissions measured in CO₂ equivalent)

But see also P.J. Gerber *et al*, *Tackling Climate Change Through Livestock* (FAO, Rome, 2013) 14 (finding instead a proportion of 14.5 per cent)

The Debate

“The animal commodities contributing most of the sector’s GHG emissions are beef and cattle milk, contributing 41 and 20 percent of the sector’s emissions respectively.

Methane from rumination plays an important role.

Pig meat and poultry meat and eggs contribute respectively 9 percent and 8 percent to the sector’s emissions”: Gerber *et al*, 14

The Debate

- IPCC, *Working Group III Contribution to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change* (in particular, Chapter 11, Agriculture, Forestry and Other Land Use (AFOLU)) (2014)
- IPCC Special Report, *Global Warming of 1.5°C* (2018)
- IPCC Special Report, *Climate Change and Land* (2019)

The Debate

Contrast:

M. E. Pitesky, K. R. Stackhouse and F. M. Mitloehner, 'Clearing the Air: Livestock's Contribution to Climate Change', (2009) 103 *Advances in Agronomy* 1; and

T. Garnett *et al*, *Grazed and Confused?* (Food Climate Research Network, Oxford, 2017)

The Debate

Some factors to consider:

- Global Atmospheric Lifetime of methane (understood to be around 12 years);
- relative lifespan of cattle reared intensively and on grass;
- extent of carbon sequestration;
- viable alternative production options for livestock farmers; and
- delivery of adequate protein for diet

A Place for Regulation?

“Command and Control”

- Could limits be imposed on stocking density (as earlier imposed, eg, in respect of CAP beef special premiums and suckler cow premiums: Article 4g of Regulation (EEC) 805/68 of the Council, as amended by Council Regulation (EEC) 2066/92)?

A Place for Regulation?

“Command and Control”

- New Good Agricultural and Environmental Condition proposed by ENVI Committee in the context of the current CAP reforms:
“[n]o exceedance of a limit of 0.7 livestock units per hectare on agricultural land”
(https://www.europarl.europa.eu/doceo/document/ENVI-AD-630523_EN.pdf)

A Place for Regulation?

Steering Production Decisions

- Voluntary Coupled Support is currently available for, *inter alia*, the livestock sector: Articles 52-55 of Regulation (EU) 1307/2013 (but there has been little uptake in the United Kingdom: thus, in 2018, such support was limited to Scotland, with £7m paid in respect of upland sheep and £40m in respect of suckler beef)

A Place for Regulation?

Steering Production Decisions

- In the future, could coupled support be restricted to crops contributing to plant-based diets, on the basis of their environmental and health credentials?
- But how far would this fit with WTO rules: see *United States – Upland Cotton*

A Place for Regulation?

Steering Production Decisions

Post-Brexit funding under the “Animal Health and Welfare Pathway”: public benefits are expected to accrue “as livestock keepers continue to take action to help slow the spread of anti-microbial resistance and reduce the intensity of greenhouse gas emissions from livestock”: DEFRA, *Farming for the Future - Policy and Progress Update*, February 2020, 18

A Place for Regulation?

Labelling, Standards and Consumers

- Private initiatives such as “Pasture for Life”
- Public standards: under Clause 35 of the Agriculture Bill 2019-20 the Secretary of State may by regulations make provision about marketing standards, with it being expressly provided that the regulations may cover “the type of farming and production method”: Clause 35(2)(g)

A Place for Regulation?

Labelling, Standards and Consumers

- Consideration may again need to be given to WTO rules which have the capacity to apply where labelling or standards regimes are introduced which involve, *inter alia*, central government bodies, local government bodies and non-governmental bodies

A Place for Regulation?

Labelling, Standards and Consumers

- These WTO rules would not, however, seem to preclude “eco-friendly” labelling: eg, for technical regulations laid down by central government bodies, the protection of the environment is a “legitimate objective”: TBT Agreement, Article 2:2
- See now also *US — Tuna II (Mexico)* (on dolphin-safe labels)