Wrong-headed idea: Global warming labels

The following opinion editorial was authored by WSPA President Catherine Reheis-Boyd and was originally published in the San Francisco Chronicle on December 5, 2014.

One of the underlying tenets of our cherished right to free speech is that everyone is entitled to it — even people with whom we disagree.

It seems fitting — indeed essential — to remember this important principle as the city of Berkeley and the city and county of San Francisco debate whether to compel service station owners in those Bay Area cities to display so-called “climate change labels” on their gas pumps.

While neither city has yet decided what the proposed labels will say, one proposal suggests the following language: “Global Warming Alert! Burning gasoline emits CO2. The City of Berkeley cares about global warming.”

Numerous organizations and notable individuals seem to believe that global climate change can be “fixed” simply by adopting punitive policies and confiscatory taxes on the American oil industry.

They are, of course, wrong on the politics and wrong on the facts. Service station operators and oil companies in the United States are not “causing” global climate to change. Seven billion people who have, or aspire to have, energy-intensive comforts, conveniences and mobility over a
century of unprecedented global industrialization are a much more relevant reason why atmospheric carbon dioxide levels are increasing.

Let me be clear: Our opposition to pump warning labels is not about denying climate change. Frankly, there isn’t much debate about whether the climate is changing. But there is enormous controversy and debate about how best to address the threat of global warming and how we as a global community are going to share in the cost of transitioning to low-carbon energy without causing economic disruption that will only set these efforts back by years.

And that is why forcing businesses to display signs promoting government’s opinions on climate change cannot be justified as “warnings.” They are, in reality, unabashed political advertisements of these cities’ opposition to petroleum-based fuels. They touch on issues that are controversial and fundamentally political in nature. Requiring service stations — or any businesses — to advertise them on behalf of the government is a clear violation of the First Amendment to the Constitution.

Put simply, government cannot force people to promote its policies or ideologies no matter how strongly those views are held or how many people share them.

Every business — from the largest corporation to the smallest individual service station owner — is protected from laws that require them to espouse the government’s point of view on policy issues. They have a right to disagree with the government, they have a right to make their own statements about policy issues, and they have a right to say nothing at all.

I also want to address the often-repeated comparison to warning labels on cigarettes. It is a false comparison and one that is an insult to the working families who rely on their vehicles to get to work, take their kids to school or deliver the products we depend on.

Cigarette warnings have been upheld by the courts as conveying clearly documented, uncontroversial individual health risks. There is little doubt about the direct and immediate health risk to the individual. In contrast, the relative causes and effects of global climate change, and what should be done about it, are matters of significant political controversy and factual uncertainty.

What the politicians in Berkeley and San Francisco seem to miss is that many families and individuals — especially those who live in poorer communities — have limited transportation options, do not always have mass transit options to every destination, and cannot afford hybrid or electric cars.

As we approach 2015, the reality is simple: Gasoline-powered vehicles are still essential to the work, safety and well-being of ordinary, hard-working families and individuals.

It is, of course, ironic that the city of Berkeley — birthplace of the Free Speech Movement 50 years ago — would even consider an ordinance that so clearly treads upon the free speech rights of the men and women who own and operate service stations within its borders. Even some members of Berkeley’s own City Council criticize this proposal as a “feel-good solution looking for a problem” and really being about “making people feel bad.”
Climate change is a complex problem and addressing it requires far more scientific understanding of the complex contributions of different sources and countries, necessary political debate at all levels of government, shared sacrifice, huge costs, and ultimately, global collaboration. Symbolic gestures that trample on fundamental free speech rights are not the answer.

WSPA President Catherine Reheis-Boyd Comments on Senate Bill 350 Announcement

"WSPA and its member companies remain committed to working with Governor Jerry Brown and legislators on climate change and energy policy. Today's announcement was an acknowledgement that California's energy future, economic competitiveness, and environment are inextricably linked.

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