

Impact on buildings

Building foundations in coastal areas will be affected by rising sea levels, which will raise the water table and make water saltier, which will accelerate rusting. Once rust sets in, reinforced concrete can disintegrate.



Droughts

Warmer temperatures enhance evaporation, which reduces surface water and dries out soils and vegetation. This makes periods with low precipitation drier than they would be in cooler conditions.

Warmer winter temperatures are causing less precipitation to fall as snow. Many water management systems rely on spring snowpack melt.

Decreasing snow area also increases surface temperatures, further exacerbating drought.



Droughts

Droughts severely affect the growth of crops in the field.

The lowered water supply especially affects the mining, chemical, paper, wood, and foodstuff industries where the need for water is significantly high.

Droughts increase the likelihood of...



Wildfires

During drought conditions, fuels for wildfire, such as grasses and trees, can dry out and become more flammable. Drought can also increase the probability of ignition and the rate at which fire spreads.

Once a fire starts, warmer temperatures and drier conditions can help it spread and make it harder to put out. Warmer, drier conditions also contribute to the spread of insects that can weaken or kill trees, building up the fuels in a forest.



Wildfires

Wildfires can burn through trees and other vegetation, and without these to stabilize the slopes, rocks can start falling down.

With more fires, there will be a higher frequency of debris flows.



What about renewables?

Renewables produce far less carbon dioxide (CO₂) and other harmful greenhouse gases and pollutants.

The major types include geothermal heat, wind power, solar energy, wave power, biomass and hydropower.



Risks of wind

Wind projects are increasingly situated in remote areas in states that are also more vulnerable to natural hazards like wildfire, hail and tornado.

Wind turbines can be noisy when operating, as a result of both the mechanical operation and the wind vortex that's created when the blades are rotating.

Birds have been killed by flying into spinning turbine blades.



Risks of solar panels

Solar panels have a lifespan of about 20-30 years, and many are reaching the end of their lifespans.

The panels contain many toxic chemicals, which can leach during manufacture, transport or disposal or when they are broken or damaged, contaminating soil or water.



Risks of lithium batteries

Lithium ion batteries can store large amounts of energy and can be recharged many times.

But if the batteries are overcharged or defective or exposed to high temperatures, they can catch fire or explode.



Carbon storage and capture

Pipelines can leak or rupture.

Compressed CO₂ is highly hazardous upon release and can result in the asphyxiation of humans and animals

Underground storage poses additional risks, such as contamination of drinking water and stimulation of seismic activity.



Professional liability – Who's at risk?



Attorneys - “You are all climate lawyers now, whether you want to be or not” – John Kerry

Some of the areas of law impacted by climate change:

Corporate

Banking

Construction

Energy

Bankruptcy

Environmental

Land Use

Immigration

Insurance



What industry groups are saying

2019 ABA resolution: The American Bar Association urges lawyers to engage in pro bono activities to aid efforts to reduce greenhouse gas emissions and adapt to climate change, and **to advise their clients of the risks and opportunities that climate change provides.**

The **International Bar Association** in 2020 urged lawyers, acting in accordance with their professional conduct rules and the rule of law, to consider:

- taking a climate conscious approach to problems encountered in daily legal practice; and
- **advising clients of the potential risks, liability, and reputational damage arising from activity that negatively contributes to the climate crisis**



Climate Conscious Lawyering

“An ordinarily competent, careful lawyer must be aware of climate change issues and impacts, current and changing climate laws and policies, as well as current climate litigation approaches and results as relevant to legal advice; and must use these insights in advising clients.”

David Estrin, Climate Conscious Lawyering

Helpful resource:

<https://chancerylaneproject.org/>



Architects

The American Institute of Architects (AIA):

“The omission of climate risk in prevailing practices, and the omission of explicit standards for climate risk in extant laws and regulations, **are relevant to, but not dispositive of, the legal responsibility** for harm that may result from failure to act reasonably in the face of ascertainable climate risk.”



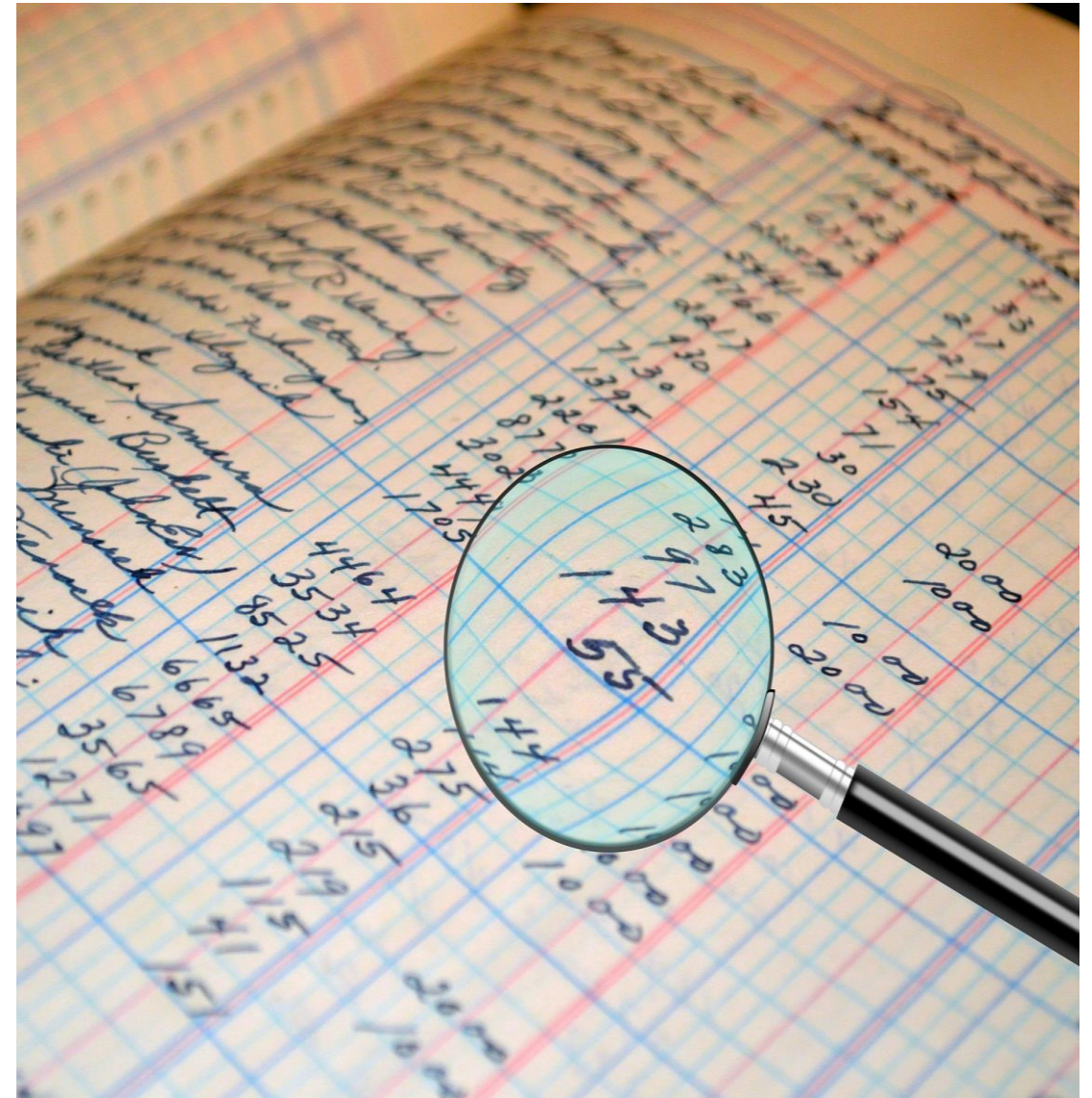
Auditors

Global accounting and auditing standard-setters have clarified that material climate-related risks should not be ignored in accounts or in audits.

Many investors have requested that companies and their auditors consider material climate risks in forthcoming financial statements.

Proposed SEC disclosure rules will impose additional requirements on auditors.

But many auditors are still being trained on how to thoroughly assess climate information.



Auditors

According to a recent study of companies that includes some of the largest polluters, more than 70% of the companies, alongside most of their external auditors, are not fully accounting for climate-related risks in financial statements.

80% of auditors provided no indication of whether or how they had considered material climate-related matters, such as the impact of emissions reduction targets, changes to regulations, or declining demand for company products, in their



Of possible interest to arbitrators

ICC COMMISSION REPORT Resolving Climate Change Related Disputes through Arbitration and ADR

<https://iccwbo.org/content/uploads/sites/3/2019/11/icc-arbitration-adr-commission-report-on-resolving-climate-change-related-disputes-English-version.pdf?msclkid=3b139af1cf0211ecb01053d8526fa9c8>

International Arbitration vis-à-vis Climate Change: Initiatives by Arbitration Sector to Curb Global Warming

<https://www.scconline.com/blog/post/2021/06/16/arbitration-sector/?msclkid=b972a656cf0211ec9cf7b12cd3d9ca3b>

