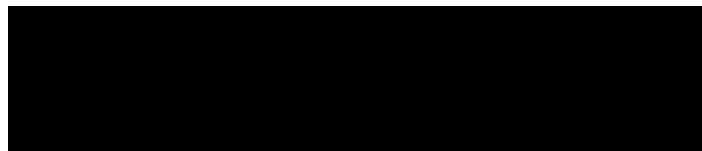


CLIMATE CHANGE IN THE UNITED STATES: ANALYZING AMERICAN MEDIA REPRESENTATION OF
THE ISSUE THROUGH THE LEGAL CHALLENGE BETWEEN CALIFORNIA AND THE TRUMP
ADMINISTRATION

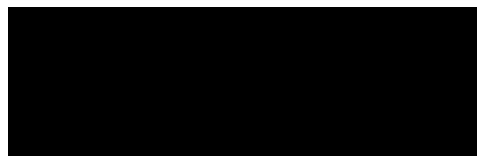
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ABSTRACT

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Title: Climate Change in the United States: Analyzing American Media Representation of the Issue Through the Legal Challenge Between California and the Trump Administration

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Advertising and American media are pivotal forces in driving prevailing cultural norms. Though they are often credited with helping to reinforce negative trends, the influence of media can be utilized to shape public opinion and raise awareness and concern of important issues. One of the most pressing challenges facing the United States – and the world – is climate change. Though climate change is a phenomenon heavily supported by scientific consensus both domestically and internationally, it remains a contested issue within the U.S. among policy makers and in public opinion. The presentation of climate change and its related issues across advertising and media can be understood as partial determinants of the conflicted public attitudes surrounding it.

To exemplify the challenges facing comprehensive coverage of the issue, this thesis describes and analyzes media representation of a current environmental lawsuit, the Trump Administration’s Environmental Protection Agency vs. the state of California. The case centers around California’s bid to uphold vehicle emissions standards that are more stringent than federal guidelines. The results of the case will greatly impact climate change efforts both within the state and across the country. By understanding the background of the case and its current portrayal in the media, we can determine insights and recommendations for how such cases

can be presented moving forward to positively impact American perceptions of both specific climate change mitigation cases and climate change as a whole.

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Introduction

Climate change is an issue that affects everyone on the planet. Scientific data point to the occurrence of climate change that is exacerbated by human activity and that action must be taken to minimize its negative effects.¹ While large percentages of the populations of other developed countries report that climate change is real and needs to be actively addressed, this is not the case in the United States.² Here, surveys suggest that more than 25% of the country denies its existence; and an even smaller portion of Americans consider it an urgent problem that is relevant to their lifetimes.³ One factor that shapes public opinion is the mass media. The goal of this paper, therefore, is to explain the way in which climate change is portrayed in the American media scape by specifically exploring a pending environmental legal dispute that will greatly affect present and future American climate change policy and, it will be argued, American climate change advertising and public opinion.

The case in question involves the legal conflict between President Donald Trump's Administration and the state of California. Before explaining the current conflict, it is first important to understand the past. Under President Barack Obama, the Environmental Protection Agency enacted a national set of emissions regulations, which included increasing fuel economy standards for cars up to 54.5 miles per gallon by model year 2025 in an effort to

¹ Intergovernmental Panel on Climate Change. *Climate Change 2013: The Physical Science Basis. Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change*. Cambridge, UK: Cambridge University Press, 2013. Accessed April 10, 2020.

² Fagan, Moira, and Christine Huang. "A Look at How People around the World View Climate Change." Pew Research Center. Last modified April 18, 2019. Accessed April 13, 2020. <https://www.pewresearch.org/fact-tank/2019/04/18/a-look-at-how-people-around-the-world-view-climate-change/>.

³ Funk, Cary, and Brian Kennedy. "How Americans See Climate Change in 5 Charts." Pew Research Center. Last modified April 19, 2019. Accessed April 13, 2020. <https://www.pewresearch.org/fact-tank/2019/04/19/how-americans-see-climate-change-in-5-charts/>.

minimize the United States' oil consumption by 12 billion barrels.⁴ However, after he took office, President Trump deemed these standards as too strict, and in early August of 2018, his administration announced a joint proposal between the Transportation Department and the Environmental Protection Agency to “create one national standard that is technically feasible and economically practicable” for fuel emission standards for model years 2021 to 2026.⁵ This move nullified California's federal waiver to assert its own, stricter state standards in 2019 and led California to sue the federal government in response.⁶ The state of California vehemently opposes bending its own more stringent standards, and with thirteen other states currently following its stricter policies, the legal ramifications of the conflict between California and the Environmental Protection Agency will have national implications.

This lawsuit serves as a case study to assess the representation and prevailing opinions of climate change issues within contemporary society. Advertising and other forms of persuasive messaging hold considerable power in shaping societal norms and prevailing consumer attitudes, and they can be used to play a significant role in public opinion of climate change. Yet, the continued skepticism surrounding the issue in the United States reveals shortfalls in current coverage of environmental problems.

In order to advance coverage of climate change issues and the prevailing attitudes about its urgency, the current state of advertising and the media with regards to this issue must be

⁴ The White House, *Office of the Press Secretary—Obama Administration Finalizes Historic 54.5 MPG Fuel Efficiency Standards* (August 28, 2012), <https://obamawhitehouse.archives.gov/the-press-office/2012/08/28/obama-administration-finalizes-historic-545-mpg-fuel-efficiency-standard>

⁵ The White House, *Infrastructure and Technology—Make Cars Great Again* (August 2, 2018), <https://www.whitehouse.gov/articles/make-cars-great/>

⁶ "CARB Waiver Timeline." California Air Resources Board. Accessed April 13, 2020. <https://ww2.arb.ca.gov/resources/documents/carb-waiver-timeline>.

understood. By noting the shortcomings and triumphs of environmental representation, persuasive communication can be developed to positively influence the populace to do more than merely understand this legal standoff, but to actively support California's more progressive climate change mitigation position.

A Brief History of American Advertising

American advertising as it is known today reflects dramatic shifts from its initial origins. As is the case for many early cultural aspects of the United States, the foundations of American advertising were deeply-rooted in practices originating from England.⁷ The first American advertisements appeared in the form of pamphlets and signboards. Pamphlets offered detailed explanations of products and services, and were often the more heavily-employed medium. Signboards, frequently used to promote taverns in the colonies, closely resembled the designs utilized in England, featuring symbols and addresses coupled with very brief copy. Though there were no newspaper publications in the early years of the American colonies, general "norms" surrounding these publications can be found in earlier English papers. Eighteenth-century English newspapers often contained advertisement sections, and many publications openly advocated for the continuation of the advertising practice. One example of this is seen in

⁷ "History of Advertising." In *21st Century Communication: A Reference Handbook*, edited by William F. Eadie, 779-787. 21st Century Reference Series. Vol. 2. Thousand Oaks, CA: SAGE Publications, 2009. *Gale eBooks* (accessed February 19, 2020). <https://link-gale-com.ezproxy.lib.utexas.edu/apps/doc/CX3208100109/GVRL?u=txshracd2598&sid=GVRL&xid=7ce4db9c>.

Richard Steele's lifestyle and entertainment newspaper, *The Tatler*. An opinion piece in the published paper discussed the need for advertising:

But to consider this Subject in its most ridiculous Lights, Advertisements are of great Use to the Vulgar: First of all, as they are Instruments of Ambition. A Man that is by no Means big enough for the *Gazette*, may easily creep into the Advertisements . . . A Second Use which this Sort of Writings have been turned to of late Years, has been the Management of Controversy, insomuch that above half the Advertisements one meets with now-a-Days are purely Polem- ical. The Third and last Use of the Writings is, to inform the World where they may be furnished with almost every Thing that is necessary for Life. If a Man has Pains in his Head, Cholicks in his Bowels, or Spots in his Clothes, he may here meet with proper Cures and Remedies. If a Man would recover a Wife or a Horse that is stolen or strayed; if he wants new Sermons, Electuaries, Asses Milk, or any Thing else, either for his Body or his Mind, this is the Place to look for them in.⁸

This piece presents advertising as a tool for the betterment of society, empowering consumers to help themselves. Though American newspapers did not initially openly embrace advertising with such zeal, advertisements were present in American papers since their early conception.⁹ In 1704, the third edition of John Campbell's *Boston News-Letter* – the first American newspaper – featured paid adverts. It contained just three advertisements, two offering rewards for the capture of thieves and one highlighting real estate.¹⁰ Although these

⁸ Richard Steele, William Harison. *The Tatler*, 1710.

http://www.18thcjournals.amdigital.co.uk/contents/document_detail.aspx?documentid=178296.

⁹ *Supra*, note 1.

¹⁰ *Boston News-Letter* (Boston, Massachusetts), no. 3, May 8, 1704: [2]. *Readex: America's Historical Newspapers*. <https://infoweb-newsbank-com.ezproxy.lib.utexas.edu/apps/readex/doc?p=EANX&docref=image/v2:1036CD221971FE08@EANX-1056625409CDC62E@2343561-1056625424C7EE25@1>.

ads appear seemingly utilitarian and mundane, they paved the way for the American advertising sphere to diversify and grow.

Throughout the century and the colonies' struggle for independence, American newspapers continued to develop and expand across major cities.¹¹ In accordance with this media expansion, publications continued to allocate growing portions of their space to advertisers. Concurrently, the advertisers themselves began to promote their own interests in newer and more dynamic ways.¹² One such instance of this is illustrated by Benjamin Franklin, who utilized descriptive language and included illustrations for advertisements featured in his early papers.¹³

On the heels of the United States' independence, newspapers grew exponentially both in terms of their societal influence and sheer number. The young nation experienced a series of dynamic changes: annexing new territories and shifting to united governance by a single Constitution.¹⁴ Understandably, American demand for news-telling publications grew massively. One estimate ascertains that in 1775, there were only 35 American newspapers, but by 1820, there were 532.¹⁵ This meteoric rise positioned newspapers as the single mass-communication medium, inevitably elevating the amount of circulated advertising, and in turn, motivating publishers to develop innovative advertising strategies to pierce the monotony of

¹¹ Nord, David Paul. *Communities of Journalism: A History of American Newspapers and Their Readers*. Urbana: University of Illinois Press, 2006.

¹² *Id.*

¹³ O'Barr, William M. "A Brief History of Advertising in America." *Advertising & Society Review* 11, no. 1 (2010) doi:10.1353/asr.0.0046.

¹⁴ Hendrickson, David C. *Union, Nation, or Empire: The American Debate over International Relations, 1789-1941*. Lawrence: University Press of Kansas, 2009.

¹⁵ Fleming, Thomas. "How It Was in Advertising." In *How It Was in Advertising: 1776-1976*, 5-8. Chicago, IL: Crain Books, 1976.

traditional print ads.¹⁶ Volney B. Palmer, noted historically as the founder of the country's first "advertising agency" as he called it in 1849, pioneered many of the principles and behaviors that still govern agencies today. He offered exclusive deals with desirable publishers, developed advertising plans for clients, and even offered creative input for successful ads.¹⁷

Palmer's work illustrates the transition of advertising from simple descriptions created by independent businesses to strategic, specialized communication. Leading into the 20th century, advertising began to take shape as a legitimate business activity. In 1917, the American Association of Advertising Agencies was created, "bringing agents together for the purpose of exchanging information on advertising agency procedure and organization."¹⁸ During this century, industry norms became more standardized, and the widespread adoption of new technologies created massive opportunity for advertising agencies.¹⁹

The era of the "Roaring '20s" was characterized by excess; America's strong consumer economy coupled with a workforce that held considerable disposable income pushed advertisements to the forefront of newspapers and magazines.²⁰ Household purchases of durable goods skyrocketed, illustrating the rise of American consumerism.²¹ The following decade, the United States economy crumbled, and the national income "fell from \$87.8 billion

¹⁶ *Supra*, note 7.

¹⁷ Holland, Donald R. "Volney B. Palmer, 1799-1864: The Nation's First Advertising Agency Man." *Journalism Monographs* 44, (May 01, 1976): 42. <http://ezproxy.lib.utexas.edu/login?url=https://search-proquest-com.ezproxy.lib.utexas.edu/docview/1297773580?accountid=7118>.

¹⁸ Keeler, Floyd Y., and Albert E. Haase. *The Advertising Agency*. 1927 ed. New York: Garland, 1985.

¹⁹ Kammen, Michael G. *American Culture, American Tastes: Social Change and the 20th Century*. New York: Knopf, 1999.

²⁰ *AdAge Encyclopedia*. Ad Age. Last modified September 15, 2003. Accessed March 7, 2020.

²¹ Olney, Martha L. "Advertising, Consumer Credit, and the "Consumer Durables Revolution" of the 1920s." *The Journal of Economic History* 47, no. 2 (1987): 489-91. doi:10.1017/S0022050700048221.

in 1929 to \$75.7 billion in 1930, before dropping to just \$42.5 billion in 1932.”²² In order to stay afloat during a period marred by a devastating recession, advertisers were forced to engage in “fierce competition and aggressive selling.”²³ As a result, skepticism surrounding the ad industry evolved from “clashing views on economy, society and culture” between advertisers and consumerists.²⁴ While trust in advertisers dwindled, the 1930s marked the beginning of the golden age of radio.²⁵ Americans sought relief from the hardships of the time period, and radio provided just that, catapulting it into the “center of American culture.”²⁶ Popular radio programs offered advertisers a new frontier for their messaging, and despite the country’s economic turmoil, radio broadcasters and advertisers profited immensely. However, the sheer media dominance radio enjoyed came to a halt in 1939 with the introduction of television.²⁷

Consumers were exposed to television on April 30, 1939 when it was featured at the New York World’s Fair. Though consumers were eager to purchase the new technology, World War II pushed television production on hold. When the war ended, Americans held savings that they were eager to spend on the new technology, marking the 1950s as the “first real decade of television.”²⁸

²² Ciment, James. *Encyclopedia of the Great Depression and the New Deal*. Armonk, N.Y.: Sharpe Reference, 2001. Accessed March 7, 2020.

²³ McGovern, Charles. *Sold American: Consumption and Citizenship, 1890-1945*. Chapel Hill: University of North Carolina Press, 2006.

²⁴ *Id.*

²⁵ "The Golden Age of Radio." In 1930-1939, edited by Judith S. Baughman, Victor Bondi, Richard Layman, Tandy McConnell, and Vincent Tompkins. Vol. 4 of *American Decades*. Detroit, MI: Gale, 2001. *Gale eBooks* (accessed March 7, 2020). <https://link-gale-com.ezproxy.lib.utexas.edu/apps/doc/CX3468301256/GVRL?u=txshracd2598&sid=GVRL&xid=f2e7c97f>.

²⁶ *Id.*

²⁷ *Id.*

²⁸ Barnouw, Erik. *The Golden Web: A History of Broadcasting in the United States, Volume II. 1933 to 1953*. Vol. 2. New York: Oxford University Press, 1968.

This new era of television coincided with the period of advertising known as the Creative Revolution.²⁹ Beginning in the 1950s and enduring for decades, this age marked a distinctive shift from the prevailing advertising practices of the past.³⁰ Until this epoch, advertisements had been centered around clear enumeration of sales or prices and the utilization of puffery. During the Creative Revolution, these tools lost popularity in favor of compelling features for storytelling: striking visual style, colloquialisms and use of the vernacular, and humor.³¹ In essence, advertisers developed promotional campaigns that sought to directly engage with consumers and respected their intelligence. Advertisements personified the values and personalities of brands themselves, as evidenced by the success of notable campaigns of the era such as Volkswagen's "Think Small."³²

The meteoric rise of the Internet and digital technologies launched the advertising space into a period known as the E-Revolution, lasting from the early 1990s to the start of the twenty-first century.³³ The industry dove head-first into the digital realm, allocating growing portions of ad expenditures towards online efforts across a wide array of devices. Agencies faced increased scrutiny over the success of their work with the introduction of highly-technical advertising

²⁹ Samuel, Lawrence R. "Thinking Smaller: Bill Bernbach and the Creative Revolution in Advertising of the 1950s." *Advertising & Society Review* 13, no. 3 (2012) <https://www.muse.jhu.edu/article/491080>.

³⁰ Reinhard, Keith. "Keith Reinhard - Advertising Today." Lecture. Video. Youtube. Posted by Stan Talks, March 29, 2018. Accessed April 6, 2020. <https://www.youtube.com/watch?v=WlgXU2Z7700&feature=youtu.be>.

³¹ *Supra*, note 23.

³² "1960S Creativity and Breaking the Rules." *Ad Age*, March 28, 2005. Accessed April 7, 2020. <https://adage.com/article/75-years-of-ideas/1960s-creativity-breaking-rules/102704>.

³³ O'Guinn, Thomas C., Chris T. Allen, and Richard J. Semenik. *Advertising and Integrated Brand Promotion*, 5e. 5th ed. Australia: South-Western Cengage Learning, 2009.

metrics.³⁴ To meet client demand for strong results, ads were often developed to be attention-grabbing and interactive, aiming to garner large numbers of consumer impressions.

The sheer proliferation of ads across both new and traditional media platforms propelled advertising into its current age, Consumer Empowerment.³⁵ Modern consumers are exposed to thousands of ads per day,³⁶ resulting in greater difficulty for specific advertisements to fight through the clutter and be effective or well-remembered. Communication professionals are aware of consumer fatigue, and ads are created to be non-intrusive and uniquely targeted towards relevant consumer segments.³⁷ Given the inundation of mass media messaging, advertisers have faced mounting pressure to promote meaningful content that directly relates to the lives and values of the American public.³⁸ This current trend is notable given this paper's exploration of climate change's extreme relevance to American society as a whole.

The history of American advertising is critical in understanding the mechanisms through which persuasive communication operates in society today. The shifts in prevailing advertising practices over time highlight the industry's ability to adapt towards prevailing trends and critical issues; in the United States today, one of the most pressing is climate change. The

³⁴ Woodside, Arch G. "Measuring Advertising Effectiveness In Destination Marketing Strategies." *Journal of Travel Research* 29, no. 2 (October 1990): 3–8. doi:10.1177/004728759002900201.

³⁵ *Supra*, note 27.

³⁶ Story, Louise. "Anywhere the Eye Can See, It's Likely to See an Ad." *The New York Times*, January 15, 2007. Accessed April 8, 2020. <https://www.nytimes.com/2007/01/15/business/media/15everywhere.html>.

³⁷ Shin, Jiwoong, and Jungju Yu. *Targeted Advertising: How Do Consumers Make Inferences?* March 5, 2019. Accessed April 8, 2020. https://www.haas.berkeley.edu/wp-content/uploads/Targeted_advertising__consumer_inference_and_search-42.pdf.

³⁸ Hornikx, Josh, and Daniel J. O'Keefe. "Adapting Consumer Advertising Appeals to Cultural Values: A Meta-Analytic Review of Effects on Persuasiveness and Ad Liking." In *Communication Yearbook 33*, by Christina S. Beck, 38-71. New York: Routledge, 2009.

innerworkings of persuasive communication’s ability to shape attitudes, beliefs, and actions is explored in the subsequent section.

How Paid Media Shapes Cultural Norms and Prevailing Ideas

In order to determine the power and influence of advertising on modern consumers, advertising itself must be defined. There exists a vast array of definitions for the practice, but it can be generally described as a mass-mediated attempt to persuade.³⁹ Within these parameters, the field of advertising enjoys an expansive library of work. However, persuasive communication’s ability to influence public opinion stems from more than its expansive volume.

For advertising professionals, the success of an effort is often measured by its ability to elicit changes in a person’s behaviors, attitudes, or beliefs.⁴⁰ Behavioral change is relatively simple to observe; increases in purchases, sign ups, or clicks within the time frame of an ad campaign can indicate positive responses from consumers. Determining whether consumer attitudes or beliefs are affected – key indicators for guiding behavior – is decidedly more difficult. The internal processing of an advertisement and its subsequent impact on the consumer can be illustrated by the Elaboration Likelihood Model of persuasion.

This model is a dual-process theory addressing the different “routes” of persuasion and the factors by which a stimulus affects attitude change.⁴¹ It asserts that the level of information

³⁹ *Supra*, note 27.

⁴⁰ Haugtvedt, Curtis P., and Joseph R. Priester. "Conceptual and Methodological Issues in Advertising Effectiveness: An Attitude Strength Perspective." In *Measuring Advertising Effectiveness*, by William D. Wells. East Sussex, England: Psychology Press, 2014.

⁴¹ *Id.*

processing – high or low – determines the mental route of the received information and the strength of its impact. The central route is based on the notion of high-involvement processing, where arguments are thoughtfully considered. The peripheral route is based on low-involvement processing, where the presented argument is analyzed via affective associations or mental shortcuts. The route a stimulus follows is determined by relevant factors such as motivation, ability, and opportunity. Notably, the two routes of persuasion elicit different responses. Changes in attitude resulting from the central route are found to be more persistent, resistant, and behavior-predicting than attitude changes resulting from the peripheral route.⁴²

When a consumer interacts with an advertisement, they are viewing a developed product in which every detail – however minute – has been deliberately chosen. Fewer and fewer modern consumers dedicate much attention towards the advertisements that they are served.⁴³ Still, many commonplace metrics for measuring ad processing, such as the Elaboration Likelihood Model detailed above, rely on some form of conscious consumer ad processing. Despite the frustrating reality of waning consumer attentiveness today, research suggests that advertisements remain effective even when the audience is inattentive.⁴⁴ Information that is presented, even when ignored, can be processed at “a nonconscious, preattentive level.”⁴⁵ Ads

⁴² Petty, Richard E., and John T. Cacioppo. "The Elaboration Likelihood Model of Persuasion." *Advances in Experimental Social Psychology* 19. Accessed April 8, 2020.

[http://psych.colorado.edu/~chlo0473/teaching/2017_SU/Petty%20%26%20Cacioppo%20\(1986\)%20Advances.pdf](http://psych.colorado.edu/~chlo0473/teaching/2017_SU/Petty%20%26%20Cacioppo%20(1986)%20Advances.pdf).

⁴³ Sacharin, Ken. *Attention! How to Interrupt, Yell, Whisper, and Touch Consumers*/Ken Sacharin. New York: Wiley, 2001.

⁴⁴ Shapiro, Stewart, Susan E. Heckler, and Deborah J. MacInnis. "Measuring and Assessing the Impact of Preattentive Processing on Ad and Brand Attitudes." In *Measuring Advertising Effectiveness*, by William D. Wells, 27-44. East Sussex, England: Psychology Press, 2014.

⁴⁵ *Id.*

that are processed in this manner can elicit changes in judgement about the viewed information, leading to increased liking for the advertisement or brand, even when consumers cannot recall seeing the ad in question.⁴⁶

As previously discussed, persuasive messaging's ability to influence attitudes is evidenced by the fact that consumers both consciously and unconsciously process new information. The economic consequences of this influence are obvious; America operates under a capitalist system wherein private companies constantly aim to generate increased sales of their offerings.⁴⁷ In addition to its economic effects, advertising's position as a central American institution also has profound implications for American values. David Potter noted this in his work *People of Plenty*:

The most important effects of this powerful institution are not upon the economics of our distributive system; they are upon the values of our society. If the economic effect is to make the purchaser like what he buys, the social effect is, in a parallel but broader sense, to make the individual like what he gets—to enforce already existing attitudes, to diminish the range and variety of choices, and in terms of abundance, to exalt the materialistic virtues of consumption.⁴⁸

Potter highlights the existence of a subtler consequence of advertising's position in society. As products and brands are promoted to boost their sales, the attributes associated with them are elevated as well, often reinforcing existing cultural norms. Advertising, known as

⁴⁶ Janiszewski, Chris. "Preconscious Processing Effects: The Independence of Attitude Formation and Conscious Thought." *Journal of Consumer Research* 15, no. 2 (1988): 199-209. Accessed April 8, 2020. www.jstor.org/stable/2489525.

⁴⁷ Plender, John. *Capitalism Money, Morals and Markets*. New York: Biteback Publishing, 2015.

⁴⁸ Potter, David Morris. *People of Plenty; Economic Abundance and the American Character*. Chicago, 1954.

a groundbreaking and dynamic industry, serves to boost the legitimacy of longstanding societal attitudes.⁴⁹

There are many notable examples of persuasive communication's ability to shape American culture, and many are rooted in the detrimental effects of consumerism. One such instance revolves around the overtly sexual manner with which women are often presented in advertising. Sexual objectification is defined as "the reduction of a woman to her body or parts of her body in a sexualized manner, with the intention of entertaining, pleasing, or appealing to others."⁵⁰ By dehumanizing women in media, advertisers contribute to the harmful gender stereotypes that continue to restrict women's freedom in contemporary society. There is a distinct correlation between media and cultural norms, evidenced by research suggesting that males who view print media ads featuring women as sex objects are more likely to exhibit increased gender role stereotypic and rape myth beliefs. Additionally, they are shown to be more likely to accept interpersonal violence against women.⁵¹

The case described above tangibly illustrates advertising's unique position as both a catalyst and a response to issues facing modern society. As the public has shown increased interest towards the betterment of society and the elevation of important social issues,⁵² it

⁴⁹ Berger, Arthur Asa. *Ads, Fads, and Consumer Culture: Advertising's Impact on American Character and Society*. 4th ed. Lanham: Rowman & Littlefield, 2011.

⁵⁰ Sibley, Stephanie. "Women's Perspectives on Media Content that Sexually Objectifies Women." Order No. 10152124, Chestnut Hill College, 2016. <http://ezproxy.lib.utexas.edu/login?url=https://search-proquest-com.ezproxy.lib.utexas.edu/docview/1835116755?accountid=7118>.

⁵¹ Lanis, Kyra, and Katherine Covell. "Images of Women in Advertisements: Effects on Attitudes Related to Sexual Aggression." *Sex Roles*. Accessed April 8, 2020. <https://doi.org/10.1007/BF01544216>.

⁵² Bhattacharya, C.B., and Sankar Sen. "Doing Better at Doing Good: When, Why, and How Consumers Respond to Corporate Social Initiatives." *California Management Review* 47, no. 1 (October 2004): 9–24. doi:10.2307/41166284.

grows increasingly clear that advertising can utilize its niche position to aid in fostering positive and knowledgeable views of climate change amongst Americans.

Advertising Media Landscape

Despite the efficacy of advertising efforts described in the previous sections, industry professionals must understand the various ways that messaging can be pushed out – and which ways are most relevant for a campaign’s goals. The expansion of the marketing realm has made advertising more diverse and complex than ever before.⁵³ Largely fueled by the growth in accessibility of digital technologies in recent decades,⁵⁴ advertising today consists of various forms of messaging across a wide expanse of media channels.⁵⁵ The term traditional advertising is frequently used to refer to advertising media that existed before the digital era, i.e. television, radio, print, and outdoor.⁵⁶ Historically, huge portions of ad dollars were dedicated to these efforts, but professionals have gradually allocated traditional advertising investments towards newer, more-customizable digital channels.⁵⁷

The digital realm is home to various forms of marketing communication in and of itself. Advertising in the form of display ads, online newspapers and magazines, and video has grown

⁵³ Calder, Bobby J., and Bobby J Calder. *Kellogg on Advertising and Media*. Chichester: Wiley, 2008.

⁵⁴ Rainie, Lee. *Internet, Broadband, and Cell Phone Statistics*. January 5, 2010. Accessed April 8, 2020. <https://www.pewresearch.org/internet/2010/01/05/methodology-88/>.

⁵⁵ Clow, Kenneth E., and Donald. Baack. *Concise Encyclopedia of Advertising* / Kenneth E. Clow, PhD, Donald Baack, PhD. New York: Routledge, 2005.

⁵⁶ Vries, Lisette de, Sonja Gensler, and Peter S.H. Leeflang. "Effects of Traditional Advertising and Social Messages on Brand-Building Metrics and Customer Acquisition." *Journal of Marketing* 81, no. 5 (September 2017):1–15. doi:10.1509/jm.15.0178.

⁵⁷ "'The Influence of Social Media Interactions on Consumer-Brand Relationships: A Three-Country Study of Brand Perceptions and Marketing Behaviors,'" *International journal of research in marketing*. 33, no. 1 (2016).

extremely commonplace.⁵⁸ Within the e-commerce setting, search engine marketing and optimization allows companies to boost the visibility of their sites during search inquiries.⁵⁹ Communication efforts via social media posts on platforms such as Facebook, Instagram, and Twitter offer brands the chance to shape their personalities and interact directly with consumers. This form of advertising is viewed as more active than traditional media, allowing consumers a high degree of interactivity both with marketers and other consumers.⁶⁰

Digital advertising's popularity in the industry is also due in part to its enhanced ability for audience segmentation and targeting.⁶¹ Digital media platforms allow advertising professionals to determine the online presence of the audience they are trying to reach and craft communication strategies to reach them on the websites that they frequent. With enhanced understanding of the internet habits of key consumers, marketers can reach targeted consumers who are more likely to respond to their messages positively and elicit desired consumer behavior.⁶²

Issues Facing the Industry

As outlined by the plethora of advertising media channels discussed in the previous section, there is no one-size-fits-all solution to a marketing problem. The overarching goals of

⁵⁸ Johnston, Donald H. *Encyclopedia of International Media and Communications*. Amsterdam: Academic Press, 2003.

⁵⁹ Dou, Wenyu, Kai H. Lim, Chenting Su, Nan Zhou, and Nan Cui. "Brand Positioning Strategy Using Search Engine Marketing." *MIS Quarterly* 34, no. 2 (2010): 261-79. Accessed April 9, 2020. doi:10.2307/20721427.

⁶⁰ Courbet, Didier, Françoise Bernard, Robert-Vincent Joule, Severine Halimi-Falkowicz, and Nicolas Guéguen. "Small Clicks, Great Effects: The Immediate and Delayed Influence of Websites Containing Serious Games on Behavior and Attitude." *International Journal of Advertising* 35, no. 6 (2016). Accessed April 9, 2020 <https://doi.org/10.1080/02650487.2015.1082226>.

⁶¹ Wind, Jerry, and Catharine Findiesen Hays. *Beyond Advertising: Reaching Customers through Every Touchpoint*. Place of publication not identified: John Wiley & Sons, 2016.

⁶² *Id.*

advertisers determine the style of their campaigns and the avenues through which it is disseminated. However, the proliferation of so many advertising channels has led to the development of various issues affecting the visibility and efficacy of advertising efforts.

One problem the industry faces today is the sheer number of ads that consumers are exposed to on a daily basis. In 2015, digital media experts estimated that Americans are exposed to roughly four thousand to ten thousand advertisements every day.⁶³ With such a saturated market, consumers have grown weary of ad clutter, and they often seek to avoid advertisements when possible.⁶⁴

In addition to consumers' distaste for too much advertising exposure, Americans today also hold little trust in advertisers.⁶⁵ A survey in 2017 found that forty-two percent of Americans find brands and companies less truthful than they were twenty years ago.⁶⁶ This statistic, nearly half of the American population, illustrates the pervasiveness of the issue facing the industry. Advertisers today must strike a delicate balance between determining the best media strategy to meet their goals, appealing to a viable target market, and garnering the attention and trust of their audience.

The relevance of these problems is not limited to advertising only as a mechanism for eliciting purchases. If pressing issues such as climate change are to be effectively presented in American media, significant effort must be dedicated towards addressing consumer tiredness

⁶³ Marshall, Ron. "How Many Ads Do You See in a Day?" Red Crow Marketing. Last modified September 10, 2015. Accessed April 13, 2020. <https://www.redcrowmarketing.com/2015/09/10/many-ads-see-one-day/>.

⁶⁴ *Supra*, note 42.

⁶⁵ Pollack, Judan. "Hey, Brands: Almost Half of Americans Don't Find You Honest." Ad Age. Last modified April 3, 2017. Accessed April 13, 2020. <https://adage.com/article/special-report-4as-conference/mccann-survey-finds-half-america-trust-brand/308544>

⁶⁶ *Id.*

and distrust. In order for Americans to actively digest and engage with persuasive climate change efforts – both relating to the legal case discussed in this work and within climate change as a whole – it is imperative that the weaknesses of paid media are understood in tandem with its strengths and efficacy.

Current State of the Industry Regarding Climate Change

At its very core, advertising acts to connect brands with people and people with brands.⁶⁷ The industry's central focus on consumer outreach has landed it in the unique position to shape consumer attitudes. Conversely, in a communications field where image and credibility are critical, advertising must also adapt to reflect prevailing societal issues. One such issue is climate change, where growing international concern has increased consumer desire for environmentally-friendly and sustainable products.⁶⁸

To understand climate change advertising as it currently exists, it is relevant to establish the strength of consumer values in eliciting purchasing behaviors. It is a commonly held notion that consumer purchasing patterns reflect consumer values. Research suggests that there are two variants of consumer values that emerge as determinants of attitudes towards environmental issues: intrinsic and extrinsic values.⁶⁹ Intrinsic values are those that are viewed as “rewarding” such as a sense of community or self-development. Extrinsic values rely on the

⁶⁷ *Supra*, note 24.

⁶⁸ Carlson, Les, Stephen J. Grove, and Norman Kangun. "A Content Analysis of Environmental Advertising Claims: A Matrix Method Approach." *Journal of Advertising* 22, no. 3 (1993): 27-39. Accessed April 10, 2020. www.jstor.org/stable/4188888.

⁶⁹ Grouzet, Frederick, Tim Kasser, Aaron Ahuvia, José Miguel Fernandez Dols, Youngmee Kim, Sing Lau, Richard M. Ryan, Shaun Saunders, Peter Schmuck, and Kennon M. Sheldon. "The Structure of Goal Contents Across 15 Cultures." *Journal of Personality and Social Psychology*, December 2005. Accessed April 9, 2020. https://www.researchgate.net/publication/7419352_The_Structure_of_Goal_Contents_Across_15_Cultures.

perceptions of others, and these include social status and material wealth.⁷⁰ Unsurprisingly, consumers who place greater importance on extrinsic values are less likely to follow sustainable behaviors.⁷¹ One research study showed that American adolescents who strongly endorsed extrinsic values reported being less likely to engage in positive environmental behaviors including recycling and reusing paper.⁷²

These consumer factors set the stage for the portrayal of climate change and related initiatives in advertising. As demand for green products, and thus for green advertising, has continued to rise in recent years, it is important to note advertising's changing portrayals of these products. A study analyzing the content of green ads within a constant print outlet over the course of sixty years found that earlier environmental ads were rooted in intrinsic values. They interacted with consumers on the basis of environmental concern, emphasizing ideals such as conservation. However, modern ads appear to be shifting towards extrinsic appeals, adopting language and tactics frequently utilized for promoting product sales.⁷³ This suggests that effective climate change messaging would better serve to educate the public via language and tactics commonly deployed in brands' product promotion and sales advertising.

⁷⁰ *Id.*

⁷¹ Alexander, Jon, Tom Crompton, and Guy Shrubsole. *Think of Me as Evil? Opening the Ethical Debates in Advertising*. October 2011. Accessed April 9, 2020. <https://valuesandframes.org/wp-content/uploads/2011/07/Think-Of-Me-As-Evil-PIRC-WWF-Oct-2011.pdf>.

⁷² Kasser, Tim. "Frugality, Generosity, and Materialism in Children and Adolescents." In *The Search Institute Series on Developmentally Attentive Community and Society*, by Kristin Anderson Moore and Laura H. Lippman. Vol. 3 of *What Do Children Need to Flourish?: Conceptualizing and Measuring Indicators of Positive Development*. Boston, MA: Springer, 2005.

⁷³ Dande, Rucha. "The Rise of Green Advertising." *Journal of Mass Communication and Journalism*, 2012. <https://doi.org/10.4172/2165-7912.1000133>.

Given the consistent boost in the popularity of sustainable products and companies, brands face pressure to appeal to eco-conscious consumers in their messaging.⁷⁴ The push to reach this growing consumer segment has led to the proliferation of green advertising that is vague, exaggerated, or even untrue. Greenwashing, the practice of presenting false or incomplete information to craft an environmentally conscious public image, has become commonplace in the American market today.⁷⁵ A noteworthy modern example of greenwashing was Ford Motor Company's campaign for its hybrid Escape SUV, "It Isn't Easy Being Green." Despite the messaging of the campaign referencing the automaker as environmentally friendly, Ford's vehicles were found to be the worst emitters of carbon and had the worst fuel efficiency trend of any major car manufacturer.⁷⁶

There are clear negative implications for the continued implementation of corporate greenwashing such as the example above. These ads actively work to mislead consumers, but they also hurt companies that truly do follow environmental practices. Because consumers are driven to mistrust the environmental claims of corporations, scrupulous companies with accurate messaging lose their credibility as sustainable entities.⁷⁷ Furthermore, research shows that consumers who have increased concern for the environment are likely to be more skeptical of green claims in advertisements.⁷⁸ Given that willingness to pay is often the greatest

⁷⁴ Furlow, Nancy E. "Greenwashing in the New Millennium." *Journal of Applied Business and Economics*, 2010. Accessed April 9, 2020. <http://www.m.www.na-businesspress.com/JABE/jabe106/FurlowWeb.pdf>.

⁷⁵ Kim, Eun-Hee, and Thomas P. Lyon. "Greenwash vs. Brownwash: Exaggeration and Undue Modesty in Corporate Sustainability Disclosure." *Organization Science* 26, no. 3 (December 19, 2014). Accessed April 10, 2020. <https://doi.org/10.1287/orsc.2014.0949>.

⁷⁶ Friedman, David, and Don Mackenzie. *Automaker Rankings 2004: The Environmental Performance of Car Companies*. Cambridge, MA: Union of Concerned Scientists, 2004.

⁷⁷ *Supra*, note 60.

⁷⁸ Finisterra do Paço, Armanda Maria, and Rosa Reis. "Factors Affecting Skepticism toward Green Advertising." *Journal of Advertising* 41, no. 4 (2012). <https://doi.org/10.1080/00913367.2012.10672463>.

measure of environmental purchasing behavior, the saturation of greenwashing – which makes many eco-conscious consumers question the legitimacy of brand messaging – adds an additional purchase barrier for sustainable brands.⁷⁹

It is also important to note that the communications industry itself has been subject to greenwashing. A report from the Climate Change Investigation Center found that between 2008 and 2017, the fossil fuel industry invested \$1.4 billion in PR and advertising.⁸⁰ With such a large investment stemming from direct contributors to climate change, agencies stand to lose credibility for their climate change messaging by continuing to work with these clients. Marketing professionals who take on paid work from gas, oil, or coal conglomerates derail the perceived legitimacy of other agencies' who seek to create positive climate change media. The clear disconnect between these two sides of climate change advertising has led to industry-wide action to address the issue. Over 100 creative agencies around the world signed the Creative Climate Disclosure Letter in 2019, pledging to disclose "climate conflicts" by breaking down revenue percentages by industry sector, including high-carbon clients.⁸¹

Present and Future Ramifications of Climate Change

Climate change is a term used by the general public and environmental scientists alike; it can be defined using varying forms of technical language. In the broad sense, and for the

⁷⁹ Moser, Andrea K. "Thinking Green, Buying Green? Drivers of Pro-Environmental Purchasing Behavior." *The Journal of Consumer Marketing* 32, no. 3 (May 2015): 167-75. <https://doi.org/10.1108/JCM-10-2014-1179>.

⁸⁰ "Trade Associations and the Public Relations Industry." Climate Investigations Center. Accessed May 3, 2020. <https://climateinvestigations.org/trade-association-pr-spending/>.

⁸¹ "We Commit to Using Our Power to Inspire Change and Will Disclose Any Climate Conflicts." Creative Climate Disclosure. Accessed May 4, 2020. <https://www.creativeandclimate.com/>.

purposes of this paper, climate change refers to a “‘significant’ change (that is, a change which has important economic, environmental, and/or social effects) in the mean values of a meteorological element (such as temperature or the amount of precipitation) during the course of a certain period of time.”⁸²

By nature of its definition, climate change does not point to any one singular issue. Significant changes in mean temperatures, freshwater access, air quality, sea levels, and natural disasters are just some of the problems that fall under the umbrella of this topic – and they all have devastating effects on human life both within this century and the next.⁸³ Scientists predict that global temperatures will continue to rise across the planet, disproportionately affecting different regions. Heavy precipitation events will increase, droughts and heat waves will become more intense, sea levels will rise, and hurricanes will become stronger and more frequent.⁸⁴

All of these phenomena have the potential to change the manner in which societies function. Changes in precipitation patterns and heat waves will hurt natural ecological processes, threatening the stability of agriculture and leading to food and water shortages.⁸⁵ Sea levels, which are expected to rise between 9-88 cm over the course of the twenty-first

⁸² Maunder, W. John. *Dictionary of Global Climate Change: As a Contribution of the Stockholm Environment Institute to the Second World Climate Conference*. Boston, MA: Springer US, 1992. Accessed April 10, 2020.

⁸³ "The Effects of Climate Change." NASA Global Climate Change. Accessed April 10, 2020. <https://climate.nasa.gov/effects/>.

⁸⁴ *Supra*, note 1.

⁸⁵ Wheeler, Tim, and Joachim Von Braun. "Climate Change Impacts on Global Food Security." *Science* 341, no. 6145 (August 2, 2013): 508-13. Accessed April 10, 2020. <https://doi.org/10.1126/science.318.5854.1230>.

century, threaten to sink highly-populated coastal areas.⁸⁶ These adverse effects do not impact humans equally, and the bulk of climate change harm is expected to fall on the poor.⁸⁷

The negative economic, social, and demographic, effects of climate change are extremely consequential, and it is relevant to note that they will take hold for many current generations. The emergence of climate change-related crises is expected by the year 2040, in which the atmosphere is expected to warm as much as 2.7 degrees Fahrenheit. At this level, some of the most severe climate consequences can occur.⁸⁸

A Defense of Climate Change Science

The apocalyptic nature of climate change begs the question: How do scientists justify their claims? There is overwhelming consensus among climate scientists that climate change is occurring and that it is extremely likely due to human-induced exacerbation of the greenhouse effect.⁸⁹ The greenhouse effect refers to the warming of the Earth that results from heat trapped in the atmosphere.⁹⁰ Some of the gases known to contribute to this effect are carbon dioxide, methane, and nitrous oxide. Human activities such as the burning of fossil fuels,

⁸⁶ Church, J. A., J. M. Gregory, P. Huybrechts, M. Kuhn, K. Lambeck, P. L. Woodworth, M. T. Nhuan, and D. Qin. "Changes in Sea Level." In *Climate Change 2001: The Scientific Basis: Contribution of Working Group I to the Third Assessment Report of the Intergovernmental Panel*, by J. T. Houghton, Y. Ding, D. J. Griggs, M. Noguer, P. J. Van der Linden, X. Dai, K. Maskell, and C. A. Johnson. Cambridge, 2001. <https://doi.org/10013/epic.15081>.

⁸⁷ MENDELSON, ROBERT, ARIEL DINAR, and LARRY WILLIAMS. "The Distributional Impact of Climate Change on Rich and Poor Countries." *Environment and Development Economics* 11, no. 2 (2006): 159-78. doi:10.1017/S1355770X05002755.

⁸⁸ Intergovernmental Panel on Climate Change. *Global Warming of 1.5 °C*. N.p., 2018. Accessed April 8, 2020. <https://www.ipcc.ch/sr15/>.

⁸⁹ Cook, John, Dana Nuccitelli, Sarah A. Green, Mark Richardson, Bärbel Winkle, Rob Painting, Robert Way, Peter Jacobs, and Andrew Skuce. "Quantifying the Consensus on Anthropogenic Global Warming in the Scientific Literature." *Environmental Research Letters* 11, no. 2 (May 15, 2013). <https://doi.org/10.1088/1748-9326/11/4/048002>.

⁹⁰ Oreskes, Naomi. "The Scientific Consensus on Climate Change." *Science* 306, no. 5702 (December 3, 2004). Accessed April 10, 2020. <https://doi.org/10.1126/science.1103618>.

deforestation, and livestock farming have increased the concentration of these gases over the last century, thus disrupting the Earth's natural greenhouse and trapping atmospheric heat.⁹¹

A commonly-cited contention to this claim is that the Earth undergoes natural climate cycles. However, over the course of millennia, the level of carbon dioxide in the atmosphere remained relatively steady, never surpassing 300 parts per million. Since the start of the Industrial Revolution, carbon dioxide levels have dramatically spiked to a significant level, reaching and surpassing the threshold of 300 parts per million by 1950.⁹² Over the last 150 years alone, modern industrial activities have raised carbon dioxide levels from 280 parts per million to 412 parts per million.⁹³

Perceptions of Climate Change in the United States

Despite the clear scientific backing behind climate change, it still remains subject to widespread doubt and skepticism. Representative surveys of American adults conducted in 2013 reveal that sixty-three percent of Americans believed that global warming is occurring, but this rate was subject to seasonal fluctuations such as unusually cold winters or hot summers. Forty-nine percent of Americans believed that if global warming is occurring, it is directly caused by human activities, and fifty-one percent claim to be "somewhat" or "very worried" about it.⁹⁴ Collections of later surveys revealed similar results, with slight increases in the

⁹¹ "The Causes of Climate Change." NASA Global Climate Change. Accessed April 10, 2020. <https://climate.nasa.gov/effects/>.

⁹² "Climate Change: How Do We Know?" NASA Global Climate Change. Accessed April 10, 2020. <https://climate.nasa.gov/effects/>.

⁹³ *Supra*, note 75.

⁹⁴ Leiserowitz, Anthony and Maibach, Edward W. and Roser-Renouf, Connie and Feinberg, Geoff and Howe, Peter, *Climate Change in the American Mind: Americans' Global Warming Beliefs and Attitudes in April 2013* (April 1, 2013). Available at SSRN: <https://ssrn.com/abstract=2298705> or <http://dx.doi.org/10.2139/ssrn.2298705>

number of Americans who attribute climate change to human activity.⁹⁵ These percentages reflect a noticeable gap between the confidence of scientific experts and prevailing American attitudes. As previously discussed, attitudes serve as strong indicators for behavior, and the polling results suggest that a significant proportion of the country will not be actively motivated to seek out environmental relief initiatives.

Climate change perceptions also reveal notable divides in Americans' opinions based on the key characteristics of age, education level, and political ideology. A 2015 Pew Research Center survey asked respondents if they agreed with the statement "The earth is getting warmer mostly because of human activity."⁹⁶ In regards to age, a trend emerged of agreement with this statement peaking for the youngest age group of eighteen to twenty-nine and continuing to decrease for subsequent older age brackets. In contrast, a positive trend showed increasing support for the statement with increased education levels. The greatest divide amongst respondents appeared in the form of their political affiliation. A large majority of liberals – seventy-six percent – believed in human-induced global warming, whereas only twenty-nine percent of conservatives agreed. Fifty-six percent of moderates supported the statement, suggesting that Americans who identify as less conservative are more likely to believe in global warming.⁹⁷

American perceptions of climate change can also be illustrated by consumer purchasing patterns. Only twenty-two percent of surveyed Americans reported a willingness to pay a ten

⁹⁵ *Science and Technology: Public Attitudes and Understanding*. N.p.: National Science Board, 2018. <https://nsf.gov/statistics/2018/nsb20181/assets/404/science-and-technology-public-attitudes-and-understanding.pdf>.

⁹⁶ "Major Gaps between the Public, Scientists on Key Issues." Pew Research Center. Last modified July 1, 2015. Accessed April 11, 2020. <https://www.pewresearch.org/internet/interactives/public-scientists-opinion-gap/>.

⁹⁷ *Id.*

percent markup on green products.⁹⁸ In contrast, consumers in China and India showed a stronger desire to purchase more-expensive eco products, polling at fifty-five and forty-eight percent, respectively.⁹⁹ The difference in the perceived value of green products across nations suggests that climate change attitudes reflect a country's culture, and thus, its media landscape.

Obstacles to American Media Representation of Climate Change

Societal attitudes surrounding climate change is largely dependent on the manner in which information surrounding it is disseminated to the masses. The growing shift from one-way traditional media outlets to two-way digital communication has altered how people both access and interact with climate change information.¹⁰⁰ With more power to determine what messaging they are exposed to, Americans can largely determine their exposure to climate change news. The expansion of social media has also created increased possibility for users to produce and publicize content, giving nonexperts the opportunity to shape public opinion with misinformation.¹⁰¹

Aside from the manner in which Americans interact with information, prevailing journalistic practices have also hindered effective media portrayal of climate change. The American news media have developed professional standards of objectivity and adversarial

⁹⁸ *Supra*, note 59.

⁹⁹ *Id.*

¹⁰⁰ Boykoff, Maxwell T. *Who Speaks for the Climate?: Making Sense of Media Reporting on Climate Change*. Cambridge: Cambridge Univ. Press, 2013.

¹⁰¹ *Id.*

neutrality¹⁰² which have led to the widespread prioritization of journalistic norms including personalization, dramatization, novelty, authority-order, and balance. American journalism's adherence to these norms, which promote the sharing of contrasting views and prioritization of flashy news, disproportionately perpetuates informationally biased coverage of global warming.¹⁰³

The study of climate change employs scientific language and technical jargon. For the majority of the American public, who are not members of this specialized field, the complexities of environmental lexicon are alienating and fail to resonate with significant impact.¹⁰⁴ Idealistically, uninformed members of the public would actively seek to understand these complexities and seek out climate change information to shape well-informed and relevant opinions on the issue. However, psychological research suggests that more often than not, people rely on their own ideological predispositions or prevailing mass media cues to make decisions. As a result, citizens only utilize the amount of information that is absolutely necessary to form attitudes related to scientific issues.¹⁰⁵

¹⁰² Starr, P. *The Creation of the Media: Political Origins of Modern Communications*. New York, NY: Basic Books, 2004.

¹⁰³ Boykoff, Maxwell T., and Jules M. Boykoff. "Climate Change and Journalistic Norms: A Case-Study of US Mass-Media Coverage." *Geoforum* 38, no. 6 (November 2007). <https://doi.org/10.1016/j.geoforum.2007.01.008>.

¹⁰⁴ *Supra*, note 81.

¹⁰⁵ Scheufele DA, Lewenstein BV. The public and nanotechnology: how citizens make sense of emerging technologies. *Journal of Nanoparticle Research* 2005;7(6):659–67.

Positive Indicators for American Climate Change Media Representation

Despite these barriers to climate change representation across media as a whole, there is positive indication that American news media coverage of the issue is improving.¹⁰⁶ A 2020 Pew Research poll surveying American adults found that environmental protection has risen to a leading priority for public policy. For the first time in decades, roughly the same percentage of Americans stated that environmental protection should be high on the policy agenda (sixty-four percent) as did those who said the economy should be the priority (sixty-seven percent).¹⁰⁷ Though this rapid increase in concern can be partially explained by the trend of citizen's support for environmental spending increasing during Republican administrations and declining under Democratic ones, there have been significant increases in climate change coverage and style.¹⁰⁸

In the year 2019, climate change coverage in the United States is estimated to have increased 138 percent for television and forty-six percent for print.¹⁰⁹ These promising increases in coverage reflect key shifts in the way that some media outlets are shaping climate change news. Reporters have made a conscious effort to frame climate change issues so that they better relate to skeptical viewers. Stories that are pushed involve time-frames relevant to

¹⁰⁶ Yale Climate Connections. Last modified March 10, 2020. Accessed April 11, 2020.

<https://www.yaleclimateconnections.org/2020/03/media-coverage-of-climate-change-in-2019-got-bigger-and-better/>.

¹⁰⁷ "As Economic Concerns Recede, Environmental Protection Rises on the Public's Policy Agenda." Pew Research Center. Last modified February 13, 2020. Accessed April 11, 2020. <https://www.people-press.org/2020/02/13/as-economic-concerns-recede-environmental-protection-rises-on-the-publics-policy-agenda/>.

¹⁰⁸ Johnson, Erik W., and Philip Schwadel. "Political Polarization and Long-Term Change in Public Support for Environmental Spending." *Social Forces* 98, no. 2 (December 2019). <https://doi.org/10.1093/sf/soy124>.

¹⁰⁹ Nacu-Schmidt, Ami, Jennifer Katzung, and Max Boykoff. "Media and Climate Change Observatory Special Issue 2019: A Review of Media Coverage of Climate Change and Global Warming in 2019." *Media and Climate Change Observatory*, January 2020. <https://doi.org/10.25810/fev9-cs67>.

current generations, the economy, and personal autonomy. By focusing on these relatable aspects, coverage of climate change issues has enjoyed a boost across American media¹¹⁰.

Advertising and news media are closely intertwined. In 2014, advertising accounted for sixty-nine percent of all domestic news revenue.¹¹¹ As climate change news coverage continues to increase and positively impact prevailing American climate change attitudes, advertising on these news channels is perfectly positioned to enhance news efforts and reinforce information on climate change and its relevance to audiences across platforms.

This paper seeks to analyze climate change media coverage more specifically through the pending climate change lawsuit between President Trump's Administration and the state of California. In order to understand the current media representation of the case – and how it relates to the general trends of climate change advertising and communication discussed in previous sections – the historical background and legal intricacies of the case must first be understood.

California's History of Air Pollution

For more than half a century, Californians have experienced the direct effects of mass vehicle emissions on their overall quality of life. The very first recognized incidence of “smog” in the state dates back to 1943, when citizens reported visibility for only three blocks and suffered smarting eyes, burning lungs, and nausea.¹¹² The effects of this smog also extended to plants –

¹¹⁰ *Supra*, note 90.

¹¹¹ Holcomb, Jesse, and Amy Mitchell. "Revenue Sources: A Heavy Dependence on Advertising." Pew Research Center. Last modified March 26, 2014. Accessed May 3, 2020. <https://www.journalism.org/2014/03/26/revenue-sources-a-heavy-dependence-on-advertising/>.

¹¹² *History*, California Air Resources Board. Accessed April 10, 2020. <https://ww2.arb.ca.gov/about/history>

reducing and even stopping growth by drastically decreasing rates of photosynthesis.¹¹³ These conditions were found to be intensified in major cities, prompting government agencies to attempt to locate the source of the pollution. The Los Angeles County Air Pollution Control District, formed in 1947, initially blamed the extreme prevalence of smog on a nearby butadiene plant. But, when the plant closed, the city did not experience relief from the smog. Even when power plants and oil refineries in the area were shut down, the pollution endured.¹¹⁴

The discovery of vehicle emissions as the culprit behind California's photochemical smog crisis was discovered by Caltech professor Dr. Arie Haagen-Smit in the early 1950s. While working in a Los Angeles air district laboratory, he discovered that internal combustion engines released substantial amounts of carbon monoxide and unburned hydrocarbons. These molecules reacted with sunlight to form the smog that permeated California's cities.¹¹⁵ Estimates from 1951 found that the inefficiency of engines to fully combust gasoline amounted to losses from tail pipes of 850 tons of hydrocarbons and 5000 tons of carbon monoxide per day.¹¹⁶ This discovery propelled California to enforce stricter regulations for vehicle emissions.

California's Stricter Emissions Standards

To combat the extreme proliferation of air pollution in the state, California implemented pioneering policies to fight smog. In 1966, the state became the first to mandate all new motor

¹¹³ Environmental Protection Agency, ed. *Photochemical Smog - What It Means for Us*. March 2004. Accessed April 10, 2020. file:///Users/meeraaiyer/Downloads/8238_info_photosmog.pdf.

¹¹⁴ California Air Resources Board, *supra* note 3.

¹¹⁵ *Id.*

¹¹⁶ A.J. Haagen-Smit, *A Lesson from the Smog Capital of the World*, 67 P.N.A.S. 887, 890 (1970) (discussing the history of air pollution in Los Angeles area).

vehicles come equipped with emission-controlling technologies, creating the first vehicle emissions standards in the country. This legislation was followed by the establishment of The California Air Resources Board (CARB) in 1967 under Governor Ronald Regan, pledging California to a unified approach tackling air pollution. The Board continued to impose stringent vehicle legislation, and created the country's first nitrogen oxides emissions standards in 1971.¹¹⁷

Following California's lead, the United States Congress expanded federal air pollution control under the Air Quality Act of 1967. The Act created interstate air pollution standards and prohibited other jurisdictions from following their own emissions standards instead. However, a provision within the Act allowed California to be granted a preemption waiver to circumvent federal standards and set stricter state limits.¹¹⁸

The waiver provision did more than protect the residents of California. It allowed Congress to treat the state as a case study for the plausibility and efficacy of strict pollution-curbing policies. California positioned itself as a "testing area" for tougher emissions regulations that could potentially be implemented nationally.¹¹⁹

Shortly after the passing of the Air Quality Act, the federal government created the Clean Air Act of 1970. This legislation expanded the authority of its predecessor by authorizing the Environmental Protection Agency to impose National Ambient Air Quality Standards (NAAQS) in an effort to curb rampant air pollution. The provision in the 1967 Act allowing California to be granted a waiver was maintained as Section 209. Detailed in this Section,

¹¹⁷ California Air Resources Board, *supra* note 66.

¹¹⁸ Air Quality Act, 42 U.S.C. § 7543(b) (1967).

¹¹⁹ S. Rep. No. 90-403, at 33 (1967).

California's waiver requests could only be denied if: The claim that the state's standards will meet federal ones was arbitrary, the state did not require different standards for extraordinary conditions, or the state's regulations were in direct conflict with Clean Air Section 202(a), which established national vehicle emission standards.¹²⁰

In 1977, the Act was amended further, expanding "the deference accorded to California."¹²¹ With these amendments, the state was no longer required to have each of its standards be stricter than a specific, comparable federal standard. Instead, waivers could be requested so long as California's standards would be "in the aggregate, at least as protective of public health and welfare as applicable Federal standards."¹²²

Additionally, the 1977 Amendments included Section 177, the "piggyback provision." With this provision, other states were given authorization to adopt California's standards rather than the federal ones so long as they met the minimum federal requirements and California had been granted a waiver to enforce them.¹²³

2008 Waiver Denial and Reversal

The various Amendments to the Clean Air Acts outlined above allowed California to receive every waiver that it requested for vehicle emissions standards for almost fifty years. This record changed when the Environmental Protection Agency under President George W.

¹²⁰ Clean Air Act Amendments of 1970, Pub. L. No. 91-604, 84 Stat.

¹²¹ Ford Motor Co. v. EPA, 606 F.2d 1293, 1303 (D.C. Cir. 1979)

¹²² Clean Air Act Amendments of 1977, Pub. L. 95-95, § 207, 91 Stat. 755 (1977)

¹²³ Clean Air Act Amendments of 1977, 42 U.S.C. § 7507 (1977).

Bush denied California's waiver request to directly regulate vehicle emissions of greenhouse gases.¹²⁴

In December of 2005, the state requested a waiver to set the first standards for limiting carbon dioxide emissions.¹²⁵ The Environmental Protection Agency delayed responding to the request until the culmination of the Supreme Court case *Massachusetts v. EPA*, which sought to establish whether greenhouse gases – including carbon dioxide – were considered air pollutants subject to regulation under the Clean Air Act.¹²⁶ In April of 2007, The Court ruled that greenhouse gases do fall under the Act's definition of an air pollutant, allowing the Environmental Protection Agency to regulate them.¹²⁷ Despite this decision, in December of that year, the Administrator of the Environmental Protection Agency announced that he intended to deny the request.¹²⁸ This decision was formalized on March 6, 2008 when a signed denial of the waiver was formally published following a Senate hearing. Administrator Stephen L. Johnson held that climate change was a global problem – not one unique to California – and thus, did not warrant the state to have its own emission standards. He cited the Bush Administration's passing of the Energy Independence and Security Act as evidence of national efforts to tackle the problem of greenhouse gas emissions and climate change at the federal

¹²⁴ "Clean Air Act: Historical Information on EPA's Process for Reviewing California Waiver Requests and Making Waiver Determinations." U.S. Government Accountability Office. Last modified January 16, 2009. Accessed April 10, 2020. <https://www.gao.gov/products/GAO-09-249R>.

¹²⁵ Witherspoon, Catherine. Letter, "Letter to Stephen L. Johnson, Administrator, USEPA from Catherine Witherspoon, Executive Officer, California Environmental Protection Agency, Air Resources Board," December 21, 2005. Accessed April 10, 2020. <https://www.regulations.gov/document?D=EPA-HQ-OAR-2006-0173-0017>.

¹²⁶ Wehrum, William L. Letter, "Letter from William L. Wehrum, Acting Assistant Administrator, EPA, to Catherine Witherspoon, Executive Officer, California Air Resources Board," February 21, 2007. Accessed April 10, 2020. <https://www.regulations.gov/document?D=EPA-HQ-OAR-2006-0173-0002>.

¹²⁷ *Massachusetts v. EPA*, 549 U.S. 497, 529 (2007).

¹²⁸ U.S. Government Accountability Office, *supra* note 78.

level.¹²⁹ Using this rationale, California did not meet the compelling and extraordinary conditions necessary for the waiver to be granted.¹³⁰

Following the waiver rejection, California challenged the decision in the United States Court of Appeals for the D.C. Circuit later that year.¹³¹ The case never came to fruition because the election of President Barack Obama in November ushered in different management at the Environmental Protection Agency. The Agency voluntarily reconsidered the previous decision,¹³² and in 2009, formally reversed the rejection and awarded California the waiver to set unique greenhouse gas emissions standards for car models 2009 to 2016.¹³³

Revocation of California's 2013 Waiver

In January of 2013, California was granted an additional waiver by the Obama Administration's Environmental Protection Agency. This waiver was requested as part of the state's Advanced Clean Cars Program. The program consists of a "coordinated package"¹³⁴ of regulations to better control pollution by combining control of smog-causing agents and greenhouse gas emissions in an effort to drive development of more environmentally-sound

¹²⁹ Johnson, Stephen. Letter, "Letter from Stephen Johnson, Administrator, U.S. Environmental Protection Agency, to the Honorable Arnold Schwarzenegger, Governor of California," December 19, 2007. Accessed April 3, 2020. <http://www.epa.gov/otaq/climate/20071219-slj.pdf>.

¹³⁰ Oversight of EPA's Decision to Deny the California Waiver, Senate Hearing 110-1235 (2008).

¹³¹ Brief for Petitioner, State of California v. EPA, Nos. 08-1178, 08-1179, and 08-1180 (D.C. Cir. 2008), http://ag.ca.gov/globalwarming/pdf/challenge_to_waiver_denial.pdf.

¹³² California State Motor Vehicle Pollution Control Standards; Greenhouse Gas Regulations; Reconsideration of Previous Denial of a Waiver of Preemption, 74 Fed. Reg. 7040 (Feb. 12, 2009).

¹³³ Notice of Decision Granting a Waiver of Clean Air Act Preemption for California's 2009 and Subsequent Model Year Greenhouse Gas Emission Standards for New Motor Vehicles, 74 Fed. Reg. 32,744, 32,744 (July 8, 2009).

¹³⁴ Notice of Decision Granting a Waiver of Clean Air Act Preemption for California's Advanced Clean Car Program and a Within the Scope Confirmation for California's Zero Emission Vehicle Amendments for 2017 and Earlier Model Years, 78 Fed. Reg. 2112, 2112 (2013).

vehicles.¹³⁵ Specifically, the program creates emissions standards for pollutants that cause smog, emissions standards for greenhouse gases, and a zero-emission vehicle (“ZEV”) plan that is designed to “commercialize battery-electric, plug-in hybrid, and fuel cell technologies, reaching about 15% of new vehicle sales in California in the 2025 time frame.”¹³⁶ The waiver extends California’s ability to control emissions standards for car models between the years of 2015 and 2025.¹³⁷

In granting California’s waiver, the Environmental Protection Agency noted that the regulations within the Advanced Clean Cars Program were “complementary” to the national standards for air quality improvements and were needed to reach common goals.¹³⁸ In fact, the Agency stated that the limits on greenhouse gas emissions detailed in California’s plan were “almost identical in stringency and structure” to federal vehicle emission standards enacted by the Environmental Protection Agency in 2012 for model years 2017 through 2025.¹³⁹ To pass these similar federal standards, the Environmental Protection Agency had agreed to conduct a midterm evaluation by April of 2018 to guarantee that the standards for 2022 through 2025 remained in compliance with the Clean Air Act. Namely, the evaluation would account for changing factors such as fuel prices, projected vehicle mix, and related technology costs.¹⁴⁰

¹³⁵ "Advanced Clean Cars Program." California Air Resources Board. Accessed April 10, 2020. <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-program/about>.

¹³⁶ "EPA Decision to Grant California's Request for Waiver of Preemption for its Advanced Clean Car Program." Environmental Protection Agency. Last modified December 2012. Accessed April 10, 2020. <https://nepis.epa.gov/Exe/ZyPDF.cgi/P100FGS0.PDF?Dockey=P100FGS0.PDF>

¹³⁷ California Air Resources Board, *supra* note 88.

¹³⁸ 78 Fed. Reg. at 2113.

¹³⁹ Environmental Protection Agency, *supra* note 89.

¹⁴⁰ 2017 and Later Model Year Light-Duty Vehicle Greenhouse Gas Emissions and Corporate Average Fuel Economy Standards, 77 Fed. Reg. 62,624, 62,784 (2012).

California also committed to performing a midterm review of its Advanced Clean Cars policies.¹⁴¹

The Environmental Protection Agency conducted its extensive self-assessment with the National Highway Traffic Safety Administration and the California Air Resources Board. In January of 2017, the Agency concluded that the federal greenhouse gas standards enacted in 2012 for model years 2022 to 2025 remained valid and in compliance with the Clean Air Act.¹⁴² This assessment was followed shortly by California's midterm review, which determined that the state greenhouse gas emissions standards and other components of the Advanced Clean Cars Program remained appropriate for vehicle model years 2022 through 2025.¹⁴³

The Environmental Protection Agency's stance on the validity of these regulations reversed with the appointment of President Trump's Agency Administrator, Scott Pruitt. Early into his term, Pruitt announced that he would reconsider the Agency's January conclusion that federal emissions standards until 2025 remained valid.¹⁴⁴ In April of 2018, Pruitt approved a new midterm evaluation, stating that the current emissions standards were no longer appropriate. The agency announced that new standards would be considered for vehicles of model years 2022 to 2025.¹⁴⁵

¹⁴¹ "2017 Midterm Review Report." California Air Resources Board. Accessed April 10, 2020. <https://ww2.arb.ca.gov/resources/documents/2017-midterm-review-report>.

¹⁴² "Final Determination on the Appropriateness of the Model Year 2022-2025 Light-Duty Vehicle Greenhouse Gas Emissions Standards under the Midterm Evaluation." Environmental Protection Agency. Last modified January 2017. Accessed April 10, 2020. <https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockkey=P100QQ91.pdf>.

¹⁴³ "CARB Releases Major Report on the Future of Ultra-Clean and Zero-Emission Vehicles." California Air Resources Board. Last modified January 18, 2017. Accessed April 10, 2020. <https://ww2.arb.ca.gov/news/carb-releases-major-report-future-ultra-clean-and-zero-emission-vehicles>.

¹⁴⁴ Notice of Intention to Reconsider the Final Determination of the Mid-Term Evaluation of Greenhouse Gas Emissions Standards for Model Year 2022–2025 Light Duty Vehicles, 82 Fed. Reg. 14,671, 14,671.

¹⁴⁵ Mid-term Evaluation of Greenhouse Gas Emissions Standards for Model Year 2022-2025 Light-Duty Vehicles, 83 Fed. Reg. 16,077, 16,077.

Just a few months later, Pruitt's position was replaced by Acting Administrator Andrew Wheeler.¹⁴⁶ Wheeler continued with Pruitt's plan, publishing a joint proposal with the National Highway Traffic Safety Administration in August of 2018 to push back federal standards for greenhouse gas emissions of model years 2021 through 2026.¹⁴⁷ The proposed rule, the Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks, would establish a national standard and freeze fuel efficiency requirements at 2020 levels.¹⁴⁸ In addition to this proposal, Wheeler also proposed the revocation of California's 2013 waiver to maintain its own greenhouse gas standards for those model years.¹⁴⁹

Hoping to avoid the uncertainties of a legal dispute and the burden of adhering to two different emissions standards, over a dozen automakers urged President Trump and California governor Gavin Newsom to negotiate a deal for emissions standards in June of 2019.¹⁵⁰ Despite their request, the President announced a formal revocation of California's waiver that September. The state responded by filing suit against the EPA, along with twenty-three other states, in the district court for the District of Columbia.¹⁵¹

Success of California's Waivers

The Environmental Protection Agency's willingness to curb California's authority to autonomously set vehicle emissions standards appears to characterize the success of these

¹⁴⁶ "EPA's Administrator." Environmental Protection Agency. Accessed April 10, 2020. <https://www.epa.gov/aboutepa/epas-acting-administrator>.

¹⁴⁷ 83 C.F.R. § 165 (2018).

¹⁴⁸ *Id.*

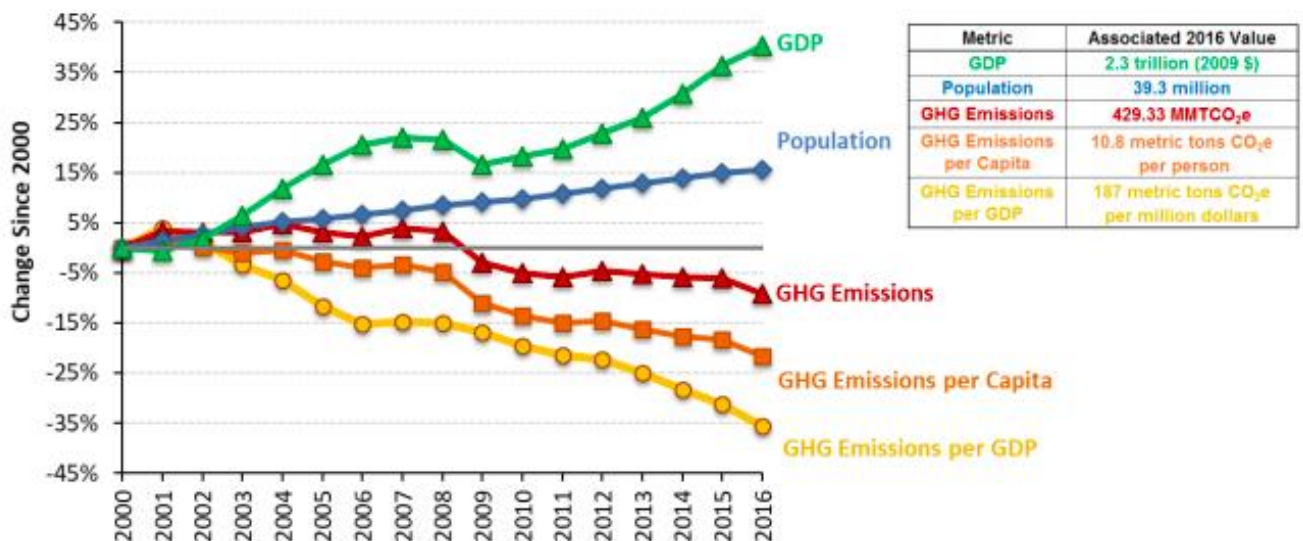
¹⁴⁹ Revocation Proposal, 83 Fed. Reg. 42,986, 43,240 (proposed Aug. 24, 2018).

¹⁵⁰ *Supra*, note 6.

¹⁵¹ *Id.*

waivers as negligible. However, the state has seen significant observable and measurable success in reducing air pollution as a result of California’s aggressive emissions policies despite a growing population and increasing GDP.¹⁵² California’s greenhouse gas emissions have continued along a decreasing trend, keeping the state on target to meet its 2020 climate targets.¹⁵³

California GHG Emissions Changes Over Time



Source: California Air Resources Board

Figure 1. Change in California GDP, population, and GHG emissions since 2000.

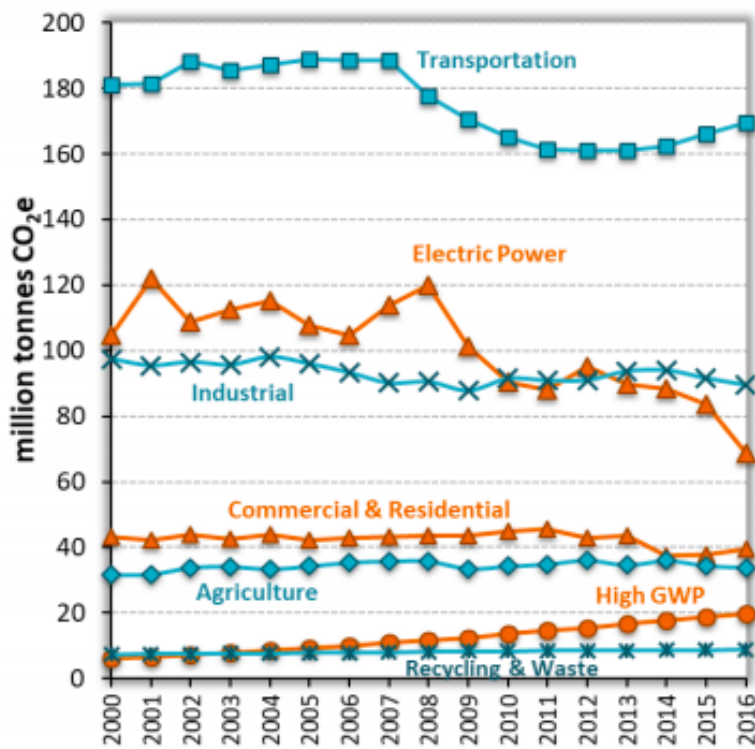
¹⁵² "California Greenhouse Gas Emissions for 2000 to 2017." California Air Resources Board. Last modified 2019. Accessed April 10, 2020.

https://www.arb.ca.gov/cc/inventory/pubs/reports/2000_2016/ghg_inventory_trends_00-16.pdf.

¹⁵³ *Id.*

More specifically, California’s vehicle emissions policies have helped to decrease greenhouse gas emissions arising from the transportation sector¹⁵⁴. This economic sector remains the biggest perpetrator of air pollution in the state, comprising over a quarter of California’s total greenhouse gas inventory in 2016 alone.¹⁵⁵ In order to drastically decrease air pollution, California must slow the vehicle emissions from this sector, underscoring the significance of the state’s successful waiver policies.

California Emission Trends by Sector



Source: California Air Resources Board

Figure 2. Breakdown of changes in emissions by sector between 2000 and 2016.

¹⁵⁴ *Id.*

¹⁵⁵ *Id.*

National Implications of EPA Revoking Waiver & Automaker Response

If the Environmental Protection Agency successfully wins the case to maintain the legality of revoking California's 2013 waiver, the rest of the nation, and not merely California, would be affected. Currently, thirteen other states and the District of Columbia follow California's emission standards¹⁵⁶ under Section 177 of the Clean Air Act.¹⁵⁷ These states have developed into a powerful coalition, responsible for over one-third of the new car market in the country.¹⁵⁸ With such a significant portion of national sales dependent on adherence to California standards, auto manufacturers have been unable to ignore the state's influence over the industry. In accordance with Trump's proposed federal emissions rollbacks, there are two vastly different emissions standards that auto manufacturers must adhere to: the stringent California regulations and the weaker, federal ones. The disparity between the two sets of emissions standards has proven costly for automakers, with the absence of one national standard "diffusing resources to meet different rules within the United States."¹⁵⁹

Though prominent players in the auto industry have expressed desire for one, comprehensive national standard to adhere to,¹⁶⁰ many still oppose the Trump Administration's

¹⁵⁶ "States Adopting California's Clean Cars Standards." Maryland Department of the Environment. Accessed April 10, 2020. <https://mde.maryland.gov/programs/air/mobilesources/pages/states.aspx>.

¹⁵⁷ Clean Air Act Amendments of 1977, *supra*, note 77.

¹⁵⁸ "California Moves to Ensure Vehicles Meet Existing State Greenhouse Gas Emissions Standards." California Air Resources Board. Last modified August 7, 2018. Accessed April 10, 2020. <https://ww2.arb.ca.gov/news/california-moves-ensure-vehicles-meet-existing-state-greenhouse-gas-emissions-standards-0>.

¹⁵⁹ Barra, Mary. "Keeping Our Commitment to an All-Electric Future." General Motors. Last modified May 8, 2018. Accessed April 10, 2020. <https://www.linkedin.com/pulse/keeping-our-commitment-all-electric-future-mary-barra/>.

¹⁶⁰ Bainwol, Mitch. "Update on the Corporate Average Fuel Economy Program (CAFE) and Greenhouse Gas Emissions Standards for Motor Vehicles." The Alliance of Automobile Manufacturers. Last modified December 12, 2017. Accessed April 10, 2020. <https://docs.house.gov/meetings/IF/IF18/20171212/106715/HHRG-115-IF18-Wstate-BainwolM-20171212.pdf>.

determination to drastically rollback emission standards.¹⁶¹ Take, for instance, General Motors. In 2017, the auto manufacturer affirmed its belief that “climate change is real,” and that the company must recognize the role of the transportation sector in exacerbating its effects.¹⁶² In comments filed to the Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks,¹⁶³ the automaker proposed a National Zero Emissions Vehicle (NZEV) program¹⁶⁴ similar to the zero-emission vehicle sales mandate within California’s Advanced Clean Cars Program.¹⁶⁵ General Motors’ advocacy for such an aggressive emissions goal akin to California legislation emphasizes the auto industry’s willingness to work with higher fuel economy standards, even if the Trump Administration deems them to be “no longer appropriate.”¹⁶⁶

General Motors is not alone in its outspoken opposition to President Trump’s attempt to limit California’s air-regulation autonomy. Honda, one of the most heavily-investing auto manufacturers in the country,¹⁶⁷ also published comments to the aforementioned Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks. In its response, Honda maintained the need for steadily-increasing mileage standards, but also urged the federal government to avoid legal conflict with California over the

¹⁶¹ "General Motors Calls for National Zero Emissions Vehicle (NZEV) Program." General Motors. Last modified October 26, 2018. Accessed April 10, 2020. <https://media.gm.com/media/us/en/socratv/home.detail.html/content/Pages/news/us/en/2018/oct/1026-emissions.html>.

¹⁶² General Motors, *supra* note 111.

¹⁶³ Federal Register, *supra* note 101.

¹⁶⁴ General Motors, *supra* note 113.

¹⁶⁵ California Air Resources board, *supra* note 89.

¹⁶⁶ Federal Register, *supra* note 101.

¹⁶⁷ "Honda In America." Honda. Accessed April 10, 2020. <https://hondainamerica.com/>.

legality of its stricter state regulations.¹⁶⁸ The company cited the unpredictability and uncertainty of years of litigation and pushed for the state and federal government to reach a joint Federal-California “One National Program” that satisfies both environmentalists and economists alike.¹⁶⁹

Beyond these public statements, four major auto manufacturers – Ford Motor Company, American Honda Motor Company, BMW of North America, and Volkswagen Group of America – have appeared to side with California, signing an agreement with the state in 2019 to adhere to stricter automobile emissions than the federal ones proposed by the Trump administration.¹⁷⁰ The agreement resembles the standards enacted under the Obama administration, with slightly-less aggressive goals, and it notably details the adoption of a single, national program so that new vehicles sold across the country adhere to the terms negotiated with California.¹⁷¹ In response to this, the Justice Department launched a formal investigation into the four manufacturers to determine whether their deal violated federal anti-trust laws.¹⁷² The investigation was dropped less than a year later.¹⁷³

¹⁶⁸ "American Honda Motor Co., Inc. Comments on The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021–2026 Passenger Cars and Light Trucks." Honda Motor Company. Last modified October 25, 2018. Accessed April 10, 2020. https://hondainamerica.com/wp-content/uploads/NHTSA-2018-0067_EPA-HQ-OAR-2018-0283-Honda-Comment.pdf.

¹⁶⁹*Id.*

¹⁷⁰ "California and Major Automakers Reach Groundbreaking Framework Agreement on Clean Emission Standards." California Air Resources Board. Last modified July 25, 2019. Accessed April 12, 2020. <https://ww2.arb.ca.gov/news/california-and-major-automakers-reach-groundbreaking-framework-agreement-clean-emission>.

¹⁷¹ "Terms for Light-Duty Greenhouse Gas Emissions Standards." News release. July 22, 2019. Accessed April 12, 2020. <https://ww2.arb.ca.gov/sites/default/files/2019-07/Auto%20Terms%20Signed.pdf>.

¹⁷² Booker, Brakkton, and Jennifer Ludden. "Trump Administration Challenges California And Automakers On Fuel Economy." NPR. Last modified September 6, 2019. Accessed April 12, 2020. <https://www.npr.org/2019/09/06/758388036/trump-administration-challenges-california-and-automakers-on-fuel-economy>.

¹⁷³ Kendall, Brent, and Timothy Puko. "Justice Department Drops Antitrust Probe of Auto Makers Involved in California Emissions Deal." Wall Street Journal. Last modified February 7, 2020. Accessed April 12, 2020. <https://www.wsj.com/articles/justice-department-drops-antitrust-probe-of-auto-makers-involved-in-california-emissions-deal-11581114207>.

Present Need for Stricter California Standards

A commonly-employed rationale as to why California’s preemption waivers should be revoked centers around the idea that climate change is a global problem, not one unique to the state.¹⁷⁴ This reasoning has led lawmakers to question if California meets the “extraordinary conditions” that first spurred the state into acting against air pollution over fifty years ago.¹⁷⁵ While California has made great strides in improving its air quality¹⁷⁶, it still struggles with smog and air pollution. This is exemplified in the American Lung Association’s 2018 “State of the Air” report, which found that eleven of the twenty-five American cities with the worst ozone pollution were located in California.¹⁷⁷ This high statistic does not reflect a state with firm control over its air pollution, but the Association credits the Clean Air Act and “California’s groundbreaking vehicle emission and fuel standards” for gradually improving air quality.¹⁷⁸ Given that air pollution contributes to thousands of premature deaths every year in California, the American Lung Association even urged the state to expand upon its regulations, citing concerns for public health.¹⁷⁹

The state’s smog and ozone pollution are further exacerbated by the increasing prevalence of forest fires. Climate change has helped to create “ideal wildfire conditions” in California as it develops an increasingly warm and dry climate.¹⁸⁰ As a result of the long-term

¹⁷⁴ U.S. Environmental Protection Agency *supra* note 83.

¹⁷⁵ California Air Resources Board, *supra* note 66.

¹⁷⁶ California Air Resources Board *supra* note 104.

¹⁷⁷ "American Lung Association, State of the Air Report – California Overview." American Lung Association. Accessed April 10, 2020. https://www.lung.org/local-content/california/documents/state-of-the-air/2018/sota-2018_ca-overview.pdf.

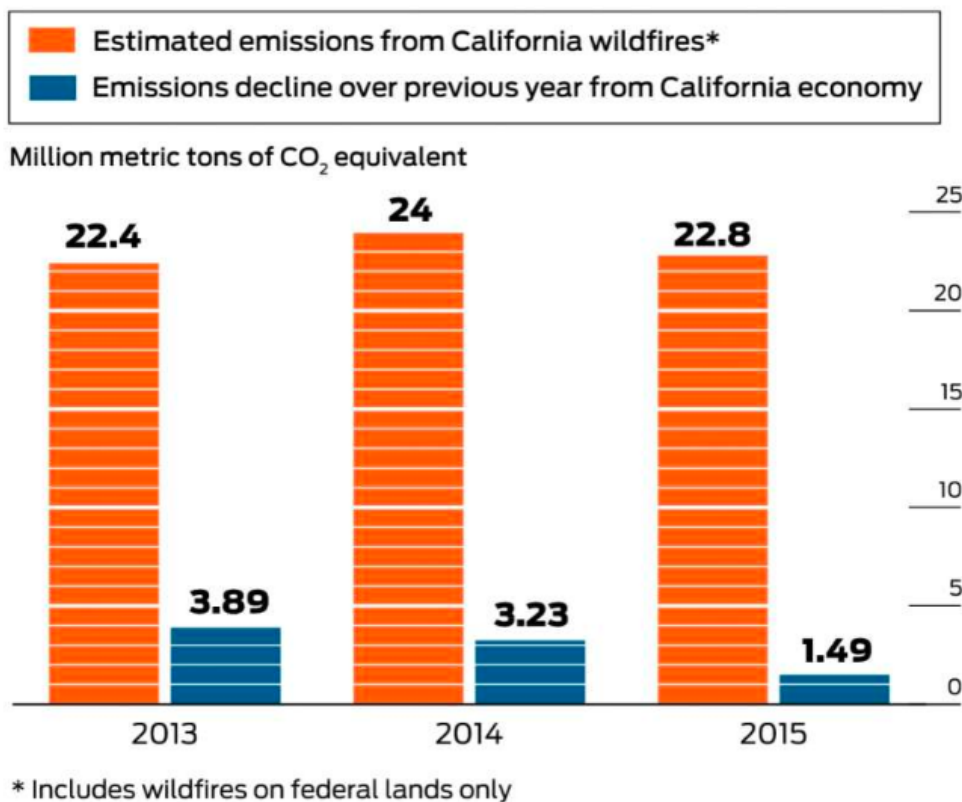
¹⁷⁸ *Id.*

¹⁷⁹ *Id.*

¹⁸⁰ "Assessing the U.S. Climate in July 2018." National Centers for Environmental Information. Last modified August 8, 2018. Accessed April 10, 2020. <https://www.ncei.noaa.gov/news/national-climate-201807>.

warming trends, wildfires have grown in both strength and duration,¹⁸¹ releasing mass amounts of greenhouse gasses – most often carbon dioxide – into the atmosphere. These fires directly threaten the state’s emissions goals, releasing more greenhouse gasses into the atmosphere than can be successfully reduced through emission regulations.¹⁸²

Estimated Wildfire Emissions



Sources: California Air Resources Board, U.S. Forest Service

Figure 4. Estimated CO₂ emitted by fires compared to CO₂ reduced through regulation.

¹⁸¹ "Impacts of Climate Change in California Significant and Increasingly Stark, New Report Says." California Environmental Protection Agency. Last modified May 9, 2018. Accessed April 10, 2020.

¹⁸² "California Greenhouse Gas Emission Inventory Program." California Air Resources Board. Accessed April 10, 2020. <https://www.arb.ca.gov/cc/inventory/inventory.htm>.

A state report found that, if greenhouse gas emissions continue to rise, California would experience increased frequency of wildfires in addition to a 77% increase in the average area burned.¹⁸³ This is alarming, as California finds itself trapped in a vicious cycle: climate change increases the prevalence of forest fires, and these in turn emit greenhouse gasses that worsen climate change, which continues to amplify the destruction of the fires. By definition, climate change is a global problem, but the devastating role it plays in worsening air quality is especially relevant in California.

California's Legal Support for Upholding its Waiver

California has strong legal justification for upholding its 2013 waiver. Section 209 of the Clean Air Act is responsible for granting California the ability to set its own standards.¹⁸⁴ In Section 209(a), states are expressly prohibited from setting their own emissions standards for new vehicles,¹⁸⁵ while Section 209(b) describes the conditions with which the Administrator of the Environmental Protection Agency can waive this prohibition for California.¹⁸⁶ The clear criteria for granting the waiver are explicitly outlined, but there is no substantial procedure for revoking a waiver. The lack of detail in this area sharply contrasts with other provisions within the Clean Air Act that grant federal bodies the power to entrust authority to states. A notable example of this is Title V of the Clean Air Act. This section allows the Environmental Protection

¹⁸³ "California's Fourth Climate Change Assessment." State of California. Accessed April 10, 2020. <http://www.climateassessment.ca.gov/state/overview/#wildfire>.

¹⁸⁴ Clean Air Act Amendments of 1970, *supra* note 74.

¹⁸⁵ 42 U.S.C. § 7543(a).

¹⁸⁶ *Id.* at 7543(b).

Agency to delegate permit-issuing programs to states regulating major air pollutants.¹⁸⁷ The statute details specific procedures on how and when the Agency can withdraw this delegated authority, stating that the Agency can take control of an already-approved state program only if the Administrator determines that the state “is not adequately administering and enforcing” the Clean Air Act and only after the state is granted an eighteen month grace period to rectify its program.¹⁸⁸ The disparity between the specific revocation proceedings outlined in Title V and the clear absence of any revocation criteria in Section 209 does not suggest that Congress intended to grant the Environmental Protection Agency the ability to revoke the 2013 waiver.

In addition to the absence of language detailing its revocation, California’s waiver also has legal precedence to be upheld because of the state’s reliance on it. In the federal case *American Methyl Corporation v. EPA*, court opinion was established warning against inferring implicit revocation powers from statutory silence when it would distort the waiver recipient’s “legitimate expectations.”¹⁸⁹ This case centered around a waiver awarded to a private company to market a fuel blend in accordance with Section 211(f) of the Clean Air Act, which, similarly to section 209, was silent on revocation.¹⁹⁰ The Environmental Protection Agency attempted to revoke the waiver two years after it was granted, but the D.C. Circuit expressed an “unwillingness to wrest a standardless and open-ended revocation authority from a silent statute.”¹⁹¹ This refusal stemmed from motivation to protect the reliance interests of the party granted the waiver, so that they “know what is expected of them.”¹⁹² California’s waiver is

¹⁸⁷ 42 U.S.C. § 7661a(d)(1).

¹⁸⁸ *Id.* § 7661a(i)(1), (4).

¹⁸⁹ *American Methyl Corporation v. EPA*, 749 F.2d 826, 839 (D.C. Circuit 1984).

¹⁹⁰ *Id.* at 828-30, 834.

¹⁹¹ *Id.* at 836-37.

¹⁹² *Id.* at 839-40.

relevant to this precedent because the state has an appropriate expectation that the Environmental Protection agency will not attempt to revoke its Section 209 preemption waiver, just as the fuel manufacturer in *American Methyl Corp. v. EPA* had an appropriate expectation that the Agency would not attempt to revoke its waivers under Section 211(f). This expectation has shaped the state's advancement of plans in accordance to both federal and state laws.

There are many instances of California's waiver directly affecting state policy. In the original granting of the 2013 waiver, the Environmental Protection Agency stated that the regulations within California's Advanced Clean Cars Program were "essential" to the long-term plans for the state.¹⁹³ The state relied on the standards set forth by its waiver in planning state policies. This is exemplified in the California Air Resources Board's release of a Mobile Source Strategy Report in May of 2016. The report illustrated that the Advanced Clean Cars Program's standards enacted under the 2013 waiver "are projected to decrease" light-duty vehicles' nitrogen oxides emissions by "nearly 80 percent from 2015 to 2031 in the South Coast Air Basin," a goal that cannot be met under national air standards alone.¹⁹⁴ Furthermore, in its 2017 review of the Advanced Clean Cars regulations, the California Air Resources Board described the regulations as an "integral part in [the Board's] Scoping Plan to achieve the [greenhouse gas] reduction goals that were established through California legislation and Executive Orders."¹⁹⁵ Essentially, California continues to be dependent on the validity of the

¹⁹³78 Fed. Reg. at 2131

¹⁹⁴ "Mobile Source Strategy." California Air Resources Board. Last modified May 2016. Accessed April 10, 2020. <https://ww3.arb.ca.gov/planning/sip/2016sip/2016mobsrsrc.pdf>.

¹⁹⁵ "California's Advanced Clean Cars Midterm Review." California Environmental Protection Agency. Last modified 2017. Accessed April 10, 2020.

Environmental Protection Agency’s 2013 waiver to meet its targets under both the Clean Air Act and its own state mandates. If the Agency were allowed to withdraw the waiver, California will likely be unable to establish alternative strategies consistent with its future goals.

Trump Administration’s Legal Support for Revoking California’s Waiver

Though there is expansive legal support for upholding California’s 2013 waiver, the Environmental Protection Agency outlined its case for withdrawing it in its revocation proposal:

1. The National Highway Traffic Safety Administration suggests that California’s greenhouse gas and zero-emission vehicle regulations are preempted by the Energy Policy Conservation Act, and if this is confirmed, the regulations will be unable to “be afforded a valid waiver of preemption” in compliance with the Clean Air Act;¹⁹⁶
2. The Agency does not find that California needs greenhouse gas and zero-emission vehicle regulations to meet compelling and extraordinary conditions;¹⁹⁷
3. California’s greenhouse gas and zero-emission vehicle regulations are not technologically achievable, and thus do not comply with Section 202(a) of the Clean Air Act.¹⁹⁸

Firstly, the Environmental Protection Agency cites the National Highway Traffic Safety Administration’s proposal that California’s state regulations are preempted by the Energy Policy Conservation Act.¹⁹⁹ This Act allows the Department of Transportation to standardize corporate

¹⁹⁶ Revocation Proposal, *supra* note 103.

¹⁹⁷ *Id.*

¹⁹⁸ *Id.*

¹⁹⁹ *Id.*

fuel economy standards and bars individual states from setting their own similar standards.²⁰⁰ If this proposal is confirmed, the Agency holds that the Act's preemption justifies revoking the waiver. This reasoning is flawed because it rests on the finding of a separate agency in regards to the preemption of a separate statute. This has little relevancy to the waiver granted under the Clean Air Act, as the D.C. Circuit has noted that the Environmental Protection Agency may only refer to Section 209(b) when determining whether a waiver request can be granted or denied.²⁰¹ Given that Section 209(b) makes no reference to the Energy Policy Conservation Act, it is not feasible that the Agency can utilize it as grounds to deny a waiver. This rationale has even been recognized by the Environmental Protection Agency in previous waiver decisions.²⁰²

The second justification that the Agency employs for revoking the waiver is that "California does not need its GHG and ZEV standards to meet compelling and extraordinary conditions." Even if this statement were found to be valid, it would fail to justify revoking a waiver, instead serving as grounds to deny a waiver request in the first place.²⁰³ The guidelines for denying a waiver cannot be assumed to be interchangeable with revoking an already-issued one, as Section 209(b)(1) of the Clean Air Act states that no waiver "shall be granted" if its outlined conditions are not met.²⁰⁴ The language of this section indicates that the Agency Administrator would make decisions based on these factors before the waiver is officially

²⁰⁰ "California, CAFE Standards, and the Energy Policy and Conservation Act." Harvard Environmental Law Program. Last modified June 18, 2018. Accessed April 10, 2020. <http://environment.law.harvard.edu/2018/06/california-cafe-standards-energy-policy-conservation-act/>.

²⁰¹ *Motor & Equipment Manufacturers Association v. Nichols*, 142 F.3d 449, 462–63 (D.C. Circuit 1998).

²⁰² Notice of Decision Granting a Waiver of Clean Air Act Preemption for California's Advanced Clean Car Program and a Within the Scope Confirmation for California's Zero Emission Vehicle Amendments for 2017 and Earlier Model Years, *supra* note 88.

²⁰³ 42 U.S.C. § 7543(b)(1).

²⁰⁴ *Id.*

approved. Therefore, there is no authority on the relevance of these factors in revoking a waiver after it has already been granted.

The Environmental Protection Agency also states that the zero-emission vehicle regulations that California has enacted under its Advanced Clean Cars Program²⁰⁵ are grounds for waiver revocation because Section 209(b)(1)(C) of the Clean Air Act has been understood to allow the Agency to deny California's waiver if "there is inadequate lead time to permit the development of technology necessary to meet those requirements."²⁰⁶ As discussed in the preceding passage, even if this claim were found to be true, the Environmental Protection Agency could only employ this reasoning to deny a waiver request, not to revoke one that has already been issued. Still, even if the Agency were able to revoke the waiver based on this claim, it would be unable to do so because the claim itself is not credible. In granting the 2013 waiver request, the Environmental Protection Agency determined that "the technical information presented in this record [by California] clearly indicates that [California's] requirements are feasible."²⁰⁷ This finding was followed by a midterm evaluation conducted with the National Highway Traffic Safety Administration and the California Air Resources Board, which found that federal greenhouse gas standards, nearly identical to California's, remained feasible.²⁰⁸ In addition, fuel-efficient technology has continued to become increasingly common

²⁰⁵ California Air Resources Board, *supra* note 89.

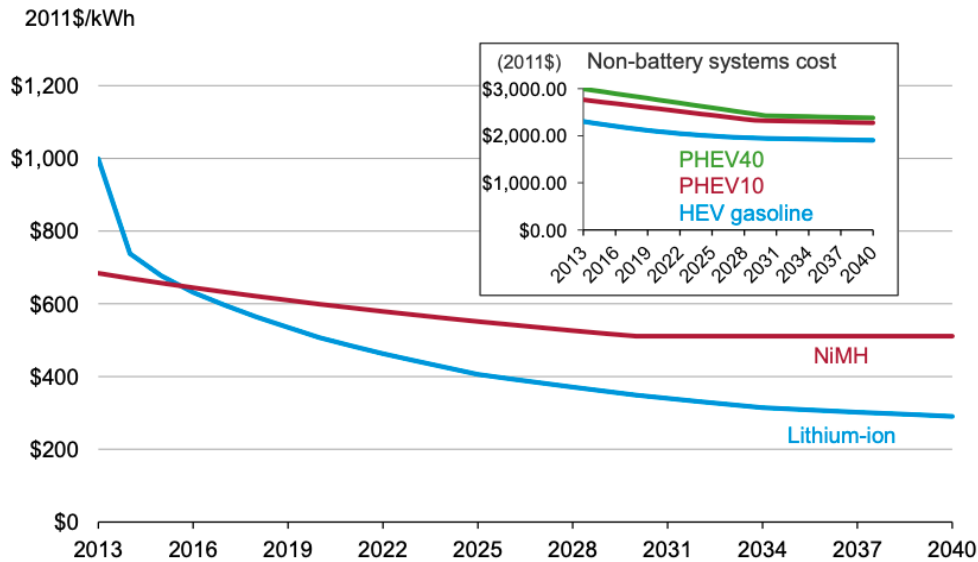
²⁰⁶ Revocation Proposal, *supra* note 103 at 43,250.

²⁰⁷ 78 Federal Register *supra* note 92 at 2138.

²⁰⁸ Environmental Protection Agency, *supra* note 96.

and accessible, with the rapidly-decreasing cost of electric vehicle battery production projected to make electric vehicles more affordable for consumers in the future.²⁰⁹

Electric Vehicle Battery Cost Forecast



Source: U.S. Energy Information Administration

Figure 3. Projections of battery cost and non-battery cost decline over time.

Representation of this Case in News Media

The consistent back-and-forth challenges between California and the federal government regarding this case have generated considerable news coverage of this legal dispute. Given the extreme partisan division of climate change,²¹⁰ the portrayal of this case –

²⁰⁹ Maples, John. "Vehicle Choice Modeling and Projections for the Annual Energy Outlook." U.S. Energy Information Administration. Last modified January 25, 2013. Accessed April 10, 2020. <https://www.eia.gov/outlooks/aeo/workinggroup/transportation/evworkshop/pdf/maples.pdf>.

²¹⁰ *Supra*, note 91.

through its language and the amount of coverage awarded to either side of the dispute – has largely been determined by the position or editorial slant of the media outlets themselves. Editorial slant refers to the “quantity and tone of a newspaper’s candidate coverage as influenced by its editorial position.”²¹¹ For this case, research reveals that the “slant” of media’s coverage of the issue deeply falls under party affiliation divides.

To understand the differences in coverage of the case, it is important to distinguish the manner in which climate change news is reported by conservative and liberal media. Conservative media is more likely to utilize characteristics that dismiss the effects of climate change and their validity, while liberal media outlets tend to emphasize the realities of the issue.²¹²

One example of this difference in coverage style is apparent in a comparison of the titles of two articles about this case. The first, from Fox News, a conservative-leaning publication,²¹³ titled an article concerning Trump’s legal battle with California “Trump Thanks Automakers for Backing Him in Tussle over California Emissions Rule.”²¹⁴ The language used in the title appears to minimize the gravitas of the legal dispute between the administration and California, referencing it as only a minor tussle. The naming, which shifts focus on the car manufacturers who did not sign the voluntary deal with the state, also reinforces the notion

²¹¹ James N. Druckman and Michael Parkin, "The Impact of Media Bias: How Editorial Slant Affects Voters," *The Journal of Politics* 67, no. 4 (November 2005): 1030-1049. <https://doi.org/10.1111/j.1468-2508.2005.00349.x>

²¹² Vu, Hong Tien. "Partisan Media and Their Climate Change Agenda-Setting Effects on Partisan Publics: Examining the Compelling Arguments Concept in the Age of Polarization." PhD diss., The University of Texas at Austin, 2015. Accessed April 12, 2020. <https://repositories.lib.utexas.edu/bitstream/handle/2152/33273/VU-DISSERTATION-2015.pdf>.

²¹³ Gramlich, John. "5 Facts About Fox News." Pew Research Center. Last modified April 8, 2020. Accessed April 12, 2020. <https://www.pewresearch.org/fact-tank/2020/04/08/five-facts-about-fox-news/>.

²¹⁴ Conner, Paul. "Trump Thanks Automakers for Backing Him in Tussle over California Emissions Rule." *Fox Business*. Last modified October 30, 2019. Accessed April 12, 2020. <https://www.foxbusiness.com/lifestyle/trump-thanks-automakers-california-emissions-rule>.

that Trump has considerable support for his position given that he has multiple companies “backing” him. Additionally, in accordance with the trends of climate change representation in conservative media, the title also centers focus on President Trump and his success, devaluing the climate change issue at the heart of the legal dispute.

In contrast, the issue is framed significantly differently in liberal-leaning publication *The Nation*.²¹⁵ An article covering the case was titled “California Is Fighting Trump for Clean Air.”²¹⁶ In this example, the language of the article presents the case as a dispute of David and Goliath proportions, where California is challenging the President’s decision for the noble cause of providing “clean air.” Referring to the climate change issue at hand as “clean air” also exemplifies the tendency of liberal media outlets to present climate change news by its real-world consequences.

Presentation of the Case Across Digital Media

American public opinion about this legal case and the conflict at the center of it reflects the overarching trends of advertising and communication discussed in previous sections. The rise of digital platforms has allowed consumers to expose themselves to media that confirms their own prevailing opinions, especially concerning issues as polarizing as climate change.²¹⁷ Digital media portrayal of the case can be assessed through key players’ own messaging across social media platforms, namely, President Trump and the office of the Governor of California.

²¹⁵ "About Us and Contact." *The Nation*. Accessed April 12, 2020. <https://www.thenation.com/about-us-and-contact/>.

²¹⁶ Abramsky, Sasha. "California Is Fighting Trump for Clean Air." *The Nation*. Last modified March 30, 2020. Accessed April 12, 2020. <https://www.thenation.com/article/environment/california-trump-clean-air/>.

²¹⁷ *Supra*, note 84.

In his announcement to formally revoke California's emissions waiver, Trump stated that the move would result in "far less expensive cars for the consumer, while at the same time making the cars substantially SAFER."²¹⁸ The emphasis placed on consumer safety and economic benefit presents the Trump administration's position as one of concern for the material well-being of consumers. By framing his position as one of representing their interests, Trump shifts his presentation of the conflict away from the issue of climate change itself.

The opposing stance, embodied by California's response to Trump's statement, paints the case as an issue of public health. The office of the Governor stated, "Clean car waivers protect public health. Period. 29,000 premature deaths are avoided each year because of CA's air and climate regulations. If our clean car waivers are revoked, it would have devastating consequences for Californians."²¹⁹ The serious language utilized in this messaging underscores the notion that California's stricter standards act as the defense against the deadly consequences of Trump's emissions plan. The state's response is succinct and straightforward, placing emphasis on the real-world consequences of the revocation and portraying Trump's opposition as not just irritating, but deadly.

Both Trump and California communicated their stances on the legal dispute in a firm manner. Their hardline stances exemplify the notion that there is no room for middle ground when Americans form their opinions as to the legality of California's position.

²¹⁸ Trump, Donald J. "The Trump Administration is revoking California's Federal Waiver on emissions." Twitter. September 18, 2019, 10:19 AM. <https://twitter.com/realDonaldTrump/status/1174342163141812224>.

²¹⁹ Office of the Governor of California. "Clean car waivers protect public health." Twitter. September 18, 2019, 11:51 AM. <https://twitter.com/CAgovernor/status/1174365410856058880>.

Reflections of the Case Within Broader Climate Change Media Coverage

Analysis of climate change media in previous sections revealed that there are significant barriers towards American media coverage of climate change issues. The current trend of media consumption drives consumers to expose themselves to climate change sources that mirror their prevailing views. This, coupled with the fact that climate change in America is divided heavily along partisan lines, uncovers significant holes in the attention that the legal case between Trump and the state of California has received. Given the fact that California is considered a force of the “resistance” against the Trump Administration,²²⁰ Americans are likely to favor the position of their party; liberals are more likely support California while conservatives will support Trump’s EPA.

The coverage of this specific case embodies the issues facing climate change coverage as a whole. Despite the fact that local government holds significantly larger approval ratings for Americans than the federal government,²²¹ there is considerable coverage of the Trump Administration’s emission regulations. Furthermore, many of the news articles covering the dispute frame it as a fight between the liberal stronghold of California and the voice of “forgotten Americans.”²²² The lack of singular focus on the climate change issue at hand only

²²⁰ Strom, Kathryn J., and Adrian D. Martin. "Thinking with Theory in an Era of Trump." *Issues in Teacher Education* 26, no. 3 (2017). Accessed April 13, 2020. <https://eric.ed.gov/?id=EJ1157176>.

²²¹ Doherty, Carrol. "Key Findings on Americans' Views of the U.S. Political System and Democracy." Pew Research Center. Last modified April 26, 2018. Accessed April 13, 2020. <https://www.pewresearch.org/fact-tank/2018/04/26/key-findings-on-americans-views-of-the-u-s-political-system-and-democracy/>.

²²² "President Donald J. Trump Is Ensuring That Forgotten Americans Are Forgotten No More." The White House. Last modified December 16, 2019. Accessed April 13, 2020. <https://www.whitehouse.gov/briefings-statements/president-donald-j-trump-ensuring-forgotten-americans-forgotten-no/>.

further weakens climate change's presence in the American media cycle and fails to properly inform the public of the issue at hand.

Recommendations for Advertising and News Coverage of The Case

The question arises: how can the American media help to shape favorable American opinions for California's legal challenge? The solution must be aimed to directly target the current limitations of both advertising and climate change media.

For persuasive communication, it is important to note the high degree of consumer fatigue²²³ and skepticism towards greenwashing.²²⁴ Communicators must address these issues through carefully-planned messaging that aims to inform and does not promote any brand or agency. Presenting California's emissions standards with easily-digestible facts that present climate change as a relevant consumer issue will help to push media through the clutter of daily messaging. Scientific jargon and references to environmental degradation for future generations can potentially alienate conservative or older audiences.²²⁵ The existing trend of consumer preference for environmental messaging that relates more to extrinsic values instead of nature underscores the need for familiar, ad-centric messaging techniques.²²⁶ These techniques include avoiding totalitarian language and hard, partisan lines to also fight the pre-conceived ideas held by members of the general public.

²²³ *Supra*, note 42.

²²⁴ *Supra*, note 78.

²²⁵ *Supra*, note 96.

²²⁶ *Supra*, note 73.

News coverage of the case must also avoid prevailing obstacles. Titles should focus on the issue at the heart of this case, climate change, and reference its direct effects on the wellbeing of current generations. Direct comparisons of the economic and health consequences of both Trump and California's proposed emission plans should be clear and informative. In addition, the willingness of car manufacturers and outside corporations to publicly support California's initiatives should be made clear. Emphasizing their support further legitimizes the credibility and feasibility of the state's ambitious climate change agenda, and directly refutes Trump's claim that it is not fair to consumers or manufacturers.

Perhaps most importantly, news media and advertisers must remain consistent in their portrayals of the case.²²⁷ This legal dispute embodies many of the hurdles negatively impacting public opinion of climate change: it presents a partisan struggle between a progressive state and a conservative presidential administration, involves understanding of highly-specific scientific and legal jargon, and affects the range of products available to consumers. However, this is a case that will determine climate change policy and opinions nationwide. By focusing on concise, factual, and steadfast portrayals of the case, news media and advertisers can frame the legal challenge as one rooted in the determination of the future health and values of all Americans.

²²⁷ Crain, Rance. "Though Ad Rules are Changing, You Still Have to be Consistent." Ad Age. Last modified May 1, 2006. Accessed May 3, 2020. <https://adage.com/article/rance-crain/ad-rules-changing-consistent/108932>.

Conclusion

Public opinion and societal norms continue to be largely influenced by advertising and the American media. The power of persuasive messaging can be utilized to help convert concern for pressing issues into a societal value. Consumers – whether conscious of it or not – absorb much of the messaging to which they are exposed. In a society where people are constantly inundated with information, smart and strategic communication can help to shape the prevailing attitudes, and thus the later behaviors, of the public.

One of the most concerning issues facing the world today is climate change. The scientific theory that the Earth is experiencing rapid and unsustainable changes to its natural atmospheric conditions is supported by nearly one hundred percent of climate scientists today. There is little debate that it is occurring, human activity has and continues to exacerbate it, and that we must act now to combat its negative consequences. However, in the United States, climate change remains a hotly-contested issue, and a large portion of Americans express doubt in both its legitimacy and its potential ramifications on human life.

To better understand why this uniquely American problem exists, research into the media landscape of the country revealed that consumers have grown increasingly skeptical of the information exposed to them. The growth of the sheer number of ads Americans are exposed to on a daily basis, coupled with the rise of phenomena such as corporate greenwashing has created a consumer culture that largely doubts sources not deemed to be trustworthy. This has helped to direct consumers towards digital platforms, where they often expose themselves to media that reconfirms their own personal ideologies. Thus, Americans

who are already highly-concerned about climate change are exposed to the issue more often and in a more pressing way than those who do not deem it a major problem.

The divide between the believers and nonbelievers can be personified by a currently pending legal case between the Trump Administration and the state of California. For decades, California has utilized a federal waiver to enact stricter emissions guidelines for vehicles than the ones set by the federal government. However, in 2019 the Environmental Protection Agency under President Trump formally revoked the state's waiver – most-recently issued in 2013 – proposing that the country should adhere to a single national standard that applies to every state.

Despite the federal government's revocation, the waiver should be upheld. California has struggled with a long history of emission-related pollution, leading the state to establish pioneering emission regulations that shaped the development of the Clean Air Act. Through specific provisions within this Act, the state has spent decades utilizing granted preemption waivers to set its own emissions regulations and policies. The past waivers have provided tangible results supporting their efficacy in reducing air pollution, highlighting the value in California's ability to further its emission goals. There is neither legal precedent nor legal support for the Environmental Protection Agency to revoke the already-approved 2013 waiver, but even so, its revocation would have national ramifications. The coalition of states currently following California's stringent emissions standards comprise over a third of the national market, leading many prominent auto manufacturers to advocate for national standards that more closely align with California's policies. Furthermore, the state still has a present need for setting stricter vehicle emissions standards. The transportation sector remains the main

contributor of greenhouse gasses, which continue to worsen California's air quality and accelerate the effects of climate change

The results of the case have national ramifications, and Americans should be exposed to coverage of the issue that accurately and effectively conveys the importance of the issue.

Representation of climate change in American media has historically been low, and despite recent increases in coverage, the topic remains highly politicized and subject to the weaknesses of prevailing journalistic norms. To glean coverage that is appropriate in both its media share and style, strategic advertising and news media tactics must be utilized.

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