ACCOUNTING FOR EMISSIONS, MISCOUNTING DEMOCRACY: COMMENT ON LEEHI YONA'S *DEMOCRACY IN THE AIR*

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Introduction

Leehi Yona's *Democracy in the Air*[1] offers a compelling, insightful, and timely analysis of a largely overlooked dimension of climate governance: the systematic underreporting of greenhouse gas (GHG) emissions. Using Stockton, California as her case study, Yona powerfully demonstrates how the omission of emissions data from key sectors—aviation, shipping, industrial sources—not only weakens climate accountability but also exacerbates environmental injustices, particularly for vulnerable communities living in the shadow of these emissions.

Her diagnosis is trenchant, well-documented, and ethically motivated. She is absolutely right to bring our attention to how emissions omissions obscure the scale of the problem and allow actors—public and private—to claim progress without delivering it. Her call for more accurate and comprehensive emissions inventories as a path to greater democratic accountability is, in many respects, persuasive.

And yet—this is where my comment begins—I want to challenge the assumptions underlying her proposed solution. Yona places considerable normative and institutional weight on GHG accounting, treating it as a mechanism for reestablishing democratic control over climate governance. But this strikes me as overly optimistic. My critique unfolds in three parts: first, I examine the limits of information-forcing regulation; second, I explore the political economy that drives emissions underreporting; and third, I highlight the structural limitations of democratic governance in confronting the climate crisis.

I. The Limits of Information-Forcing Regulation

At the heart of Yona's solution is the belief that more accurate emissions data will lead to better climate outcomes. The logic is familiar: information begets transparency, transparency fosters accountability, and accountability leads to better governance. But as recent scholarship

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[1] Lehi Yona, *Democracy in the Air*, 34 Cornell J.L. & Pub. Pol'y 411 (2025).

has shown—most notably, Annie Brett's *Rethinking Environmental Disclosure*[2]—this chain of causality is, at best, fragile and contingent.

Environmental law is replete with examples where disclosure requirements have produced reams of data but little behavioral change. The Toxics Release Inventory and the environmental impact statements required under NEPA are designed to shine light on harmful practices. They have increased transparency, yes, but have they significantly curbed pollution? The evidence is weak.[3]

This is not surprising. Information disclosure is not self-executing. It presumes a public ready to act, regulators ready to respond, and political institutions willing to prioritize long-term collective goods over short-term pressures. Yet, in the realm of climate policy, those conditions are rarely met.

Moreover, GHG accounting is not enforcement. It is not regulation. It is not a sanction. It is an informational tool—useful, even essential—but one that depends on other institutions and actors to generate consequences. If a city like Stockton submits a fuller, more honest inventory, what then? There are no automatic penalties, no guarantees of policy change, no federal oversight that ensures those numbers translate into action.

In this sense, Leehi Yona's proposed remedy risks substituting symbolic transparency for structural intervention. Without enforcement mechanisms, disclosure regimes often serve as fig leaves—allowing governments and corporations to say, "We've done our part," while continuing business as usual.

II. THE POLITICAL ECONOMY OF GHG UNDERREPORTING

Let us now turn to the political economy of undercounting. Even if we accept the importance of GHG accounting as a baseline, Leehi Yona's account underplays the strategic incentives that drive omissions in the first place. Local governments like Stockton are not simply negligent; they are often rational actors responding to economic and political pressures.

Consider three such incentives:

First, accurate reporting might subject cities to state or federal climate mandates, pushing them to adopt costly mitigation measures. By underreporting, municipalities preserve regulatory flexibility while appearing to meet climate targets.

Second, emissions-intensive industries—ports, refineries, freight hubs—are economic anchors. They generate jobs, tax revenue, and political capital. Fully reporting emissions from these sectors might trigger higher compliance costs, legal challenges, or reputational backlash, prompting industries to lobby hard against such transparency.

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[2] Annie Brett, *Rethinking Environmental Disclosure*, 112 CAL. L. REV. 1535 (2024).

[3] *Id.*

Third, under systems like California's cap-and-trade program, emissions carry real financial cost. Local governments may therefore strategically exclude or obscure emissions data to shield local businesses from burdens they would otherwise bear.

In short, GHG omissions are not bureaucratic accidents—they are, in many cases, politically rational strategies, embedded in the institutional and economic logic of local governance. Leehi Yona's article critiques these omissions as undemocratic, but we must recognize them as deeply political choices—ones that reflect the complex interplay between regulation, industry, and municipal survival.

This leads to a further question: Is the local government even the right scale at which to intervene? Cities often have neither the fiscal capacity nor the regulatory autonomy to challenge the global supply chains and transnational corporations whose emissions they host. If we are to demand better accounting, should our demands not also be aimed at state and federal authorities who actually possess the regulatory tools to act on that data?

III. THE STRUCTURAL LIMITATIONS OF DEMOCRACY IN CLIMATE GOVERNANCE

Finally—and here I diverge most sharply from Leehi Yona—I want to question her faith in democracy as the solution to emissions underreporting. Leehi Yona argues that more accurate accounting will empower communities and activate political pressure. But what if democracy is not the cure, but part of the problem?

Consider the institutional design of democratic governance:

Election cycles are short. Politicians have incentives to pursue policies with immediate benefits and deferred costs. Climate mitigation, by contrast, is the opposite: short-term cost for long-term gain.

Voters prioritize the economy. Especially in communities like Stockton, with high unemployment and economic precarity, the promise of industrial investment trumps abstract concerns about cumulative emissions.

Democratic responsiveness can produce regulatory caution. Elected officials must balance climate commitments against the electoral risk of alienating key constituencies—workers, business leaders, even state-level allies.

Leehi Yona portrays underaccounting as a technocratic failure, but I would argue that it reflects a deeper democratic impasse: when the demands of environmental justice clash with the imperatives of electoral viability, the latter often wins. This is not a failure of information. It is a failure of political will, institutional structure, and distributive compromise.

Thus, rather than assuming that greater transparency will empower the public to act, we must confront the possibility that the public may not want to act, or at least not in ways that impose real costs.

CONCLUSION: TRANSPARENCY IS NOT ENOUGH

Let me conclude by reiterating that *Democracy in the Air* makes a vital contribution. It exposes an underappreciated blind spot in climate governance and compels us to consider the institutional pathways through which emissions become visible or remain hidden.

But its prescription—more and better GHG accounting—does not confront the political, economic, and structural realities that shape emissions governance. Until we grapple with the limits of information disclosure as a regulatory tool, the strategic incentives that drive local governments to underreport, and the constraints that democracy itself places on long-term climate planning, we risk mistaking transparency for transformation, and diagnosis for cure.

Leehi Yona's work is a starting point. But real climate accountability demands more than better numbers. It requires political imagination, institutional redesign, and the courage to act even when the incentives point the other way.