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Taxing Dirty Luxuries

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TAXING DIRTY LUXURIES

Victoria J. Haneman[†]

ABSTRACT

Dirty luxuries are items that are pleasant or nice to have, not necessities, that absolutely bludgeon the environment. From the merely affluent to the ultra-rich, consumers enjoying dirty luxuries, such as luxury clothing, private jets, superyachts, SUVs, and vacation cruises, drive one of the most polluting types of consumption on the planet. This Article explores the climate costs of dirty luxuries, considers the current and proposed international efforts to address the climate impact of these luxuries, and proposes structures by which these luxuries may be taxed to either reduce consumption or compensate for negative externalities.

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I. INTRODUCTION

Dirty luxuries are items that are pleasant or nice to have, not necessities, that absolutely bludgeon the environment.¹ Russian oligarch Roman Abramovich owns a 162-meter superyacht—complete with two helipads and a swimming pool—that is estimated to produce more

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1. See *infra* Section II; Robust scientific evidence exists to support the idea that human behavior is exacerbating climate change. See *How Do We Know Climate Change is Real?*, NASA, <https://climate.nasa.gov/evidence/> [<https://perma.cc/PA78-WQS7>]; See also Sara Via, *Climate Change is Real: How Do Scientists Know?*, UNIV. OF MD. EXTENSION (Feb. 14, 2023), <https://extension.umd.edu/resource/climate-change-basics-and-evidence> [<https://perma.cc/PA78-WQS7>]; see also *The Reality, Risks, and Response to Climate Change*, THE AM. ASS'N FOR THE ADVANCEMENT OF SCI., <https://whatwewknow.aaas.org/get-the-facts/> [<https://perma.cc/ASQ8-YVQS>].

carbon dioxide in a year than the island nation of Tuvalu.² Luxury cruise ships are essentially floating cities that burn diesel fuel, with Carnival Corporation responsible for producing more sulfur oxides annually than the hundreds of millions of passenger vehicles in all of Europe in 2017.³ The average European produces eight tons of carbon in a year, so it is notable that private jets⁴ emit two tons of carbon every hour⁵ and rank first among the most polluting forms of luxury transportation.⁶ The fashion industry⁷ is responsible for 10% of global carbon emissions and 20% of global wastewater production,⁸ with 85%

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2. Ajit Niranjana, *How Can We Stop the Super-Rich from Polluting the Planet*, DW (Jan. 2, 2023), <https://www.dw.com/en/rich-people-billionaires-emissions/a-64146449> [<https://perma.cc/6XYP-7K2L>].
 3. James Hanson, *Floating Cities and Dirty Secrets: Environmental Impact of Luxury Cruise Ships*, BRIGHT GREEN (June 19, 2019), <https://brightgreen.org/2019/06/19/floating-cities-and-dirty-secrets-environmental-impact-of-luxury-cruise-ships/> [<https://perma.cc/G9RQ-DJ5H>].
 4. Mark Finlay, *The European Airports with the Most Private Jet Flights*, SIMPLE FLYING (Oct. 16, 2023), <https://simpleflying.com/european-airports-most-private-flights/> [<https://perma.cc/L8QE-ZBUQ>]; Kalena Thomhave & Omar Ocampo, *Private Jets are Dirty Luxuries for the Ultra Rich. Let's Tax Them*, IN THESE TIMES (May 9, 2023), <https://inthesetimes.com/article/private-jets-climate-taxes-inequality> [<https://perma.cc/BHN3-K5ES>].
 5. Finlay, *supra* note 4; Luke Savage, *Tax Private Jets into Oblivion*, JACOBIN (May 3, 2023), <https://jacobin.com/2023/05/private-jets-billionaires-taxation-climate-change-emissions-inequality> [<https://perma.cc/H9FN-MTP3>] (“A single, seventeen-minute jaunt by billionaire Kylie Jenner, for example, produces emissions equivalent to one quarter of what the average person produces in a whole year, all to travel a distance Jenner could have driven in only forty minutes.”).
 6. See Joshua Askew, *‘Wasteful Luxury’: Private Jet Pollution More than Doubles in Europe*, EURONEWS.GREEN (Mar. 30, 2023, 6:00), <https://www.euronews.com/green/2023/03/30/wasteful-luxury-private-jet-pollution-more-than-doubles-in-europe> [<https://perma.cc/3RW7-9WRL>].
 7. Stéphane JG Girod, *Luxury is Learning to Deal with the Contradictions of Sustainability*, FORBES (July 1, 2021, 11:06 AM), <https://www.forbes.com/sites/stephanegirod/2021/07/01/luxury-is-learning-to-deal-with-the-contradictions-of-sustainability/?sh=20c10e9c5266> [<https://perma.cc/DQQ4-TGGY>] (“Luxury consumers themselves are part of the problem; there is a gap between what they say and what they do. On the one hand, sustainability-conscious customers are growing in number, whilst on the other there is a growing cohort of customers ordering new clothes online, posing with them for an Instagram post and then shipping it all back. This comes at incredible environmental cost.”).
 8. Sim Sim Wissgott, *Haute Couture in the Midst of a Climate Crisis: Does the Fashion World Care?*, CGTN (Feb. 22, 2020, 23:08), <https://news.cgtn.com/news/2020-02-22/Fashion-vs-climate-Are-luxury-brands-doing-enough-OivPbLBVHa/index.html> [<https://perma.cc/7ZX8-E4FC>] (“Burberry prompted an outcry in 2018 when it announced it had burnt 28.6 million pounds (37 million U.S. dollars) worth of unsold luxury goods,

of textiles then ending up in a landfill or being incinerated.⁹ If the 330 million sports-utility vehicles (SUVs) on global roadways were a country, they would be the sixth most polluting country in the world.¹⁰ From the merely affluent to the ultra-rich, consumers enjoying dirty luxuries, such as luxury clothing, private jets,¹¹ superyachts, SUVs, and vacation cruises, drive one of the most polluting types of consumption on the planet.

This is a crisis that is only gaining traction. Since humanity stepped from the primordial ooze, more than half of human-generated carbon emissions occurred after 1990.¹² Against this background, the United Nations, in 2022, declared that everyone on the planet has a fundamental human right to a clean, healthy, and sustainable environment.¹³ Human rights are interrelated and mutually reinforcing, and regardless of this formal declaration, it makes sense that climate change directly impedes enjoyment of so many human rights—including, among others, the right to food, water, and sanitation.¹⁴ This

including clothing and accessories, so they would not be stolen or sold off cheaply.”).

9. *Id.*; Robin Givhan, *The Troubling Ethics of Fashion in the Age of Climate Change*, WASH. POST (Nov. 18, 2019), <https://www.washingtonpost.com/magazine/2019/11/18/troubling-ethics-fashion-age-climate-change/> [<https://perma.cc/YR97-27DE>] (“Fashion’s job is to goad you into wanting, *needing* more.”).
10. SUVs produce emissions that exceed the combined annual emissions of the UK and Germany. Damian Carrington, *Carbon Emissions from Global SUV Fleet Outweighs that of Most Countries*, THE GUARDIAN (Feb. 28, 2023, 8:37), <https://www.theguardian.com/environment/2023/feb/28/carbon-emissions-global-suv-sport-utility-vehicles-oil-climate> [<https://perma.cc/C5MN-PMPL>].
11. *See, e.g.*, Thomhave & Ocampo, *supra* note 4 (noting that the average private jet owner is a “white male, over the age of 50, with a median net worth of \$190 million.”); *see* Alvia Zuhadmono, *The Dirty Secret Behind the Fashion Industry*, LUXIDERS, https://luxiders.com/the_dirty_secret_behind_fashion_industry/ [<https://perma.cc/N3FL-F5RE>].
12. Genevieve Guenther, *We Need to Talk About the Carbon Footprints of the Rich*, NOEMA (Apr. 19, 2022), <https://www.noemamag.com/we-need-to-talk-about-the-carbon-footprints-of-the-rich/> [<https://perma.cc/T69Q-GG6E>].
13. *In Historic Move, UN Declares Healthy Environment a Human Right*, UN ENV’T PROGRAM (July 28, 2022), <https://www.unep.org/news-and-stories/story/historic-move-un-declares-healthy-environment-human-right> [<https://perma.cc/9M5J-2W8L>].
14. U.N. Office of High Commissioner, OHCHR and Climate Change, <https://www.ohchr.org/en/climate-change> [<https://perma.cc/454E-TU6W>]; Laura Paddison, *How the Rich are Driving Climate Change*, BBC (Oct. 27, 2021, 2:30), <https://www.bbc.com/future/article/20211025-climate-how-to-make-the-rich-pay-for-their-carbon-emissions> [<https://perma.cc/35BG-U98M>] (“Most people in wealthy countries are consuming in ways that are accelerating climate catastrophe. When you take into

important move by the U.N. pushes governments a step further, to think about the ways in which economies must be environmentally sustainable. The concern, of course, is that respecting the environment is a terribly expensive proposition,¹⁵ and taxes implemented to fund these efforts may place downward pressure on economic growth. And while there is no question that climate-related tax policy work is nuanced and complicated, and often country-specific, there is one area of climate-transition taxation that could be addressed in a globally consistent manner: the taxation of dirty luxuries.¹⁶

The ultra-wealthy comprise a climate aristocracy.¹⁷ An Oxfam research report found that the average carbon footprint of 125 billionaires was 3.1 million tons each, or more than a million times the carbon footprint of each individual in the bottom 90% (2.76 tons each).¹⁸ Although the carbon footprint of the ultra-wealthy is largely shaped by investments in high carbon infrastructures,¹⁹ dirty luxuries that include idiosyncratic expenditures “in the name of science,” such as the billionaire space race²⁰ and longevity research to pursue

account the emissions from imported goods, the average person in the UK emits 8.5 tonnes of carbon a year . . . a figure that rises to 14.2 tonnes in Canada, the country with highest emissions among those the institute surveyed. In order to stay within 1.5C of warming, these figures need to come down dramatically 0.7 tonnes per person by 2050.”).

15. Irina Ivanova, *Buying “Green” is Too Pricey for the Average Consumer*, CBS NEWS (Mar. 12, 2019), <https://www.cbsnews.com/news/buying-green-is-too-pricey-for-the-average-consumer/> [<https://perma.cc/9GGW-75VH>].
16. *See infra* Section II(B).
17. *See generally* Joe Fassler, *The Superyachts of Billionaires are Starting to Look a lot Like Theft*, N.Y. TIMES (Apr. 10, 2023), <https://www.nytimes.com/2023/04/10/opinion/superyachts-private-plane-climate-change.html> [<https://perma.cc/DN6M-LTH8>] (“If we’re serious about avoiding climate chaos, we need to tax, or at the very least shame, these resource-hoarding behemoths out of existence.”).
18. Alex Maitland et al., *Carbon Billionaires*, OXFAM, 1, 3 (2022), https://www.oxfamitalia.org/wp-content/uploads/2022/11/bn-carbon-billionaires-071122-en_EMBARGOED-1.pdf.
19. The wealthiest 10% of those in the U.S. would suffer two-thirds of the losses if fossil fuel use was shut down. Gregor Semieniuk et al., *Potential Pension Fun Losses Should Not Deter High-Income Countries from Bold Climate Action*, 7 JOULE 1383, 1384 (2023) [https://www.cell.com/joule/abstract/S2542-4351\(23\)00220-9](https://www.cell.com/joule/abstract/S2542-4351(23)00220-9); *see* Chelsea Harvey, *Rich Nations Owe \$192 Trillion For Causing Climate Change New Analysis Finds*, SCI. AM. (June 6, 2023), <https://www.scientificamerican.com/article/rich-nations-owe-192-trillion-for-causing-climate-change-new-analysis-finds/> [<https://perma.cc/GF8H-N8ZY>].
20. Jeffrey Kluger, *Billionaires are Racing to Space—and the Climate is Paying the Price*, TIME, <https://time.com/6191846/billionaire-space-race-climate/> [<https://perma.cc/6KQX-XHGC>] (June 28, 2022, 1:37 PM).

immortality,²¹ certainly illustrate how the wealthy consume resources differently than most.

Governments must tackle the complex global problem of catastrophic climate collapse through a balance of regulation and tax consequences.²² To that end, this Article considers the unpopular topic of excise taxes²³ targeting dirty luxuries. The market price for the consumption of these luxuries does not reflect the actual cost of consumption because of negative externalities.²⁴ This type of tax would be designed not to raise revenue or ameliorate a deficit but rather to stigmatize and reduce consumption. This would not be without adverse short-term impacts. If we accept that the consumption of dirty luxuries is a threat to public health, we must also prepare for the inevitability that everyone in the supply chain of dirty luxuries will be impacted by any decline in consumption. Section II of this Article explores the climate costs of so-called dirty luxuries and considers the current and proposed international efforts to address the climate impact of these luxuries. Finally, Section III proposes structures by which these luxuries may be taxed to either reduce consumption or compensate for negative externalities.

II. THE CLIMATE COSTS OF DIRTY LUXURIES

Elon Musk jumps on one of his four private jets, on average, every two days.²⁵ Floyd Mayweather took a ten-minute, fifteen-mile private jet flight in 2022 from Henderson, Nevada to Las Vegas, Nevada.²⁶ The fuel burned by David Geffen's superyacht,²⁷ *Rising Sun*, generates

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21. Adam Gabbatt, *Is Silicon's Valley's Quest for Immortality a Fate Worse Than Death?*, THE GUARDIAN (Feb. 23, 2019, 2:00 EST), <https://www.theguardian.com/technology/2019/feb/22/silicon-valley-immortality-blood-infusion-gene-therapy> [https://perma.cc/VW7B-7HGZ].
 22. A report from the OECD on tax reform shows that there are more environmentally related tax policies in 2020 than in 2019. Cristina Enache, *Countries Eye Environmental Taxation*, TAX FOUND. (Sept. 29, 2020), <https://taxfoundation.org/blog/countries-eye-environmental-taxation/> [https://perma.cc/E35W-VLW9].
 23. *Excise Tax*, TAX FOUND., <https://taxfoundation.org/taxedu/glossary/excise-tax/> [https://perma.cc/6XBZ-KU9G].
 24. *How Americans Pay the Price for Vice with Tax*, FORBES (Nov. 30, 2020, 3:54 PM), <https://www.forbes.com/sites/taxnotes/2020/11/30/how-americans-pay-the-price-for-vice-with-tax/?sh=dd744e4430d3> [https://perma.cc/DA9R-VJCY].
 25. Savage, *supra* note 5.
 26. Farhad Manjoo, *Private Jet Travel is Blooming. And Shameful. And We're All Paying for it.*, N.Y. TIMES (May 5, 2023), <https://www.nytimes.com/2023/05/05/opinion/private-jet-travel-environment.html> [https://perma.cc/B63Y-69SG].
 27. Fassler, *supra* note 17; Eric Spitznagel, *Billionaire Bunkers: How the World's Wealthiest are Paying to Escape Reality*, N.Y. POST,

annual carbon emissions equivalent to 800 times what the average American generates in a year.²⁸ In one month, Dwayne Wade and Gabrielle Union went 489,000 gallons (or 75% of an Olympic sized swimming pool) over the water limitation placed upon their California property because of drought conditions.²⁹ Globally, the wealthiest 10% are responsible for 42% of the carbon footprint related to wearables, as compared to 2% for the bottom 10%.³⁰ To the extent that a crisis driven by the “haves” is very severely impacting the “have nots,” the climate crisis and economic inequality are inextricably intertwined.³¹ And yes,

<https://nypost.com/2022/09/24/how-the-worlds-billionaires-are-paying-to-escape-global-disaster/> [https://perma.cc/Y57Q-A6PP] (Sept. 24, 2022, 5:21 PM ET) (“For billionaires, superyachts are not always just about the boat itself. “The ‘seastanding movement’ . . . is not just about “aquapreneurs” escaping the dry-land apocalypse. It’s also about creating a new ultra-libertarian civilization free from taxes, anti-monopoly regulations, and meddling politicians.”).

28. Fassler, *supra* note 17.
29. They claim this excess was due to a broken pool pump but exceeded the allotment in the following month by 90,000 gallons. Kim Kardashian, Sylvester Stallone, and Kevin Hart also exceeded their allotments. Ethan Freedman, *Dwayne Wade Apologizes After Going Half a Million Gallons Over Water Limit Amid California’s Extreme Drought*, INDEP. (Aug. 24, 2022, 18:13 BST), <https://www.independent.co.uk/climate-change/news/gabrielle-union-dwyane-wade-drought-la-b2151786.html> [https://perma.cc/X5TD-EQ2B].
30. See Davis Roberts, *Why Rich People Use So Much More Energy*, VOX (Mar. 20, 2020, 9:30 AM), <https://www.vox.com/energy-and-environment/2020/3/20/21184814/climate-change-energy-income-inequality> [https://perma.cc/437Y-VVXY]. This contradicts the narrative that the poorest among us are driving unsustainability in the fashion industry through the purchase of “fast fashion” or inexpensive clothing. *Contra What’s Wrong with the Fashion Industry?*, SUSTAIN YOUR STYLE, <https://www.sustainyourstyle.org/en/whats-wrong-with-the-fashion-industry> [https://perma.cc/5DG8-KLXY].
31. *Extreme Carbon Inequality*, OXFAM MEDIA BRIEFING (Dec. 2, 2015), https://www-cdn.oxfam.org/s3fs-public/file_attachments/mb-extreme-carbon-inequality-021215-en.pdf.

the carbon aristocracy³² of the ultra-wealthy is rarely discussed.³³ The carbon footprint of the richest 1% on the planet is estimated to be 175 times that of the poorest 10%.³⁴ Section II first details the climate costs of investment in dirty luxuries and then considers international action being taken to address these costs.

A. Consumption of Dirty Luxuries

Superyachts are an example of those with the greatest means, who can do the most to help the world, engaging in a shameful level of excess that does violence to the environment.³⁵ There are almost 6,000 superyachts, or private floating vessels larger than seventy-eight feet in length, on the high seas.³⁶ These luxury transports often include heated swimming pools, helicopter pads, submarines, and a fleet of jet skis and mini boats.³⁷ It is not uncommon for annual fuel costs to exceed £300,000.³⁸ It is also not uncommon for a superyacht to be accompanied by a support boat and have a surprisingly large standing permanent crew of up to 100 people.³⁹ A 200-foot luxury boat burns 132 gallons of diesel fuel just standing still for an hour.⁴⁰

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32. There are also celebrities who become involved in climate advocacy because they are concerned for the future of their waterfront homes or low-lying private islands in the face of rising sea levels. Rob Lovitt, *Some Private Island Owners Have Climate Change on Their Minds*, NBC NEWS (July 5, 2015, 6:30 AM), <https://www.nbcnews.com/business/real-estate/some-private-island-owners-have-climate-change-their-minds-n385961> [<https://perma.cc/J5FU-8XBS>] (noting that David Copperfield has stated that he is particularly concerned with climate change because he owns Musha Cay and the Islands of Copperfield Bay in the Bahamas: “we have 11 islands here and we’d like to keep it that way.”).
33. Guenther, *supra* note 12 (“The discretionary carbon footprints of the 1% are not only unjust on a symbolic level. They are also quite literally a material cause of the climate crisis.”).
34. *Extreme Carbon Inequality*, *supra* note 31, at 1.
35. See Fassler, *supra* note 17; see also Manjoo, *supra* note 26 (“When the ultra-wealthy get to opt out of a system, they have much less of a stake in improving it.”).
36. Fassler, *supra* note 17.
37. Jon Ungoed-Thomas, *Superyacht Sales Surge Prompts Fresh Calls for Curbs on Their Emissions*, THE GUARDIAN (Jan. 29, 2022, 12:03), <https://www.theguardian.com/environment/2022/jan/29/superyacht-sales-surge-prompts-fresh-calls-for-curbs-on-their-emissions> [<https://perma.cc/2V9Y-46CT>].
38. *Id.*
39. *Id.*
40. Fassler, *supra* note 17.

A large cruise ship can have a carbon footprint larger than 12,000 cars.⁴¹ “Cruise ships produce more carbon dioxide annually on average than any other kind of ship” due to hotel-like amenities being provided on water, including “air conditioning and heated pools.”⁴² These ships are often burning bunker fuel, “which is the dirtiest type of fuel. Bunker fuel puts out lots of black carbon, sulfates and other chemicals . . . [and] [b]lack carbon is the second leading cause of global warming after carbon dioxide.”⁴³ Burning this fuel also compromises air quality on some cruise ships.⁴⁴ The bad behavior of the cruise industry is cast into sharp relief when Carnival, the world’s largest cruise line—plead guilty to felony charges and was fined forty million dollars in 2017 for intentionally dumping oil-contaminated waste.⁴⁵ It was later fined another one million dollars in 2022 by the U.S. Department of Justice for its second violation during a five-year probation.⁴⁶ The damage done by cruise ships is compounded by the fact that many countries refuse to take aggressive action to regulate the cruise industry.⁴⁷

Luxury fashion has been built on a foundation of plastics, natural fur, and animal-sourced leather,⁴⁸ and is now rethinking the

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41. Caroline Palmer, *Cruise Industry Faces Choppy Seas as it Tries to Clean up its Act on the Climate*, REUTERS (July 27, 2022, 12:28 PM), <https://www.reuters.com/business/sustainable-business/cruise-industry-faces-choppy-seas-it-tries-clean-up-its-act-climate-2022-07-27> [<https://perma.cc/EG42-AA85>] (“Everything that cruise ships come into contact with are likely to be harmed along their journey. The air, water, fragile habitats, coastal communities, and wildlife . . .”).
 42. Ed Davey, *Cruise Liners Try to Rewrite Climate Rule Despite Vows*, AP NEWS (June 7, 2022, 6:59 AM), <https://apnews.com/article/politics-caribbean-air-pollution-439aa4e49d8cafbaa922a79652372e8a> [<https://perma.cc/DW64-SGWT>].
 43. Thor Benson, *Care About the Planet? Skip the Cruise for Now*, POPULAR SCI. (June 27, 2022, 10:00 AM), <https://www.popsoci.com/environment/why-cruise-ships-are-bad-for-the-environment/> [<https://perma.cc/MVU2-FCCS>].
 44. *Id.*
 45. Nichola Daunton, *Cruise Ships Hurt the Environment, People and Local Communities—And They Don’t Pay Taxes*, EURONEWS (Sept. 12, 2021, 10:03), <https://www.euronews.com/travel/2021/12/09/cruise-ships-hurt-the-environment-people-and-local-communities-and-they-don-t-pay-taxes> [<https://perma.cc/SCY8-8NMN>].
 46. *Princess Cruise Lines Pleads Guilty to Second Revocation of Probation*, DEP’T OF JUST. (Jan. 11, 2022), <https://www.justice.gov/opa/pr/princess-cruise-lines-pleads-guilty-second-revocation-probation> [<https://perma.cc/RG65-ZMR9>].
 47. Daunton, *supra* note 45.
 48. Armani recently shut down its Angora wool supplies. Ashley R. Cummings, *How and Why Luxury Fashion Brands are Focusing on Sustainable Alternatives*, BANKNOTES (Mar. 20, 2023), <https://hashtag>

sustainability of source materials.⁴⁹ “Luxury fashion is responsible for \$2 billion in greenhouse gas emissions every year.”⁵⁰ It is estimated that one kilogram of fabric generates an average of twenty-three kilograms of greenhouse emissions, and consumers now keep a garment for less than half the time they did fifteen years ago.⁵¹ For the wealthy who are frequently photographed, being a serial outfit repeater is considered verboten.⁵²

Private jets are a form of transportation favored by the uber-wealthy, with the median net worth of a private jet owner coming in at roughly \$190 million.⁵³ Flights on private jets are estimated to be ten times more carbon intensive than commercial flights.⁵⁴ Roughly 40% of flights flown by private jets involve empty planes that are flying simply to get them to the right location for a pickup.⁵⁵ Yet, the popularity of private jets has gained momentum. Since 2020, private jet travel has

paid.com/banknotes/how-and-why-luxury-fashion-brands-are-focusing-on-sustainable-alternatives [https://perma.cc/L3RC-TAJG].

49. *Id.* (“Prada currently uses recycled nylon made from abandoned fishing nets, with an eye on eliminating “virgin” nylon altogether.”).
50. *Id.*
51. *Looking Good can be Extremely Bad for the Planet*, THE ECONOMIST (Apr. 8, 2017), <https://www.economist.com/business/2017/04/08/looking-good-can-be-extremely-bad-for-the-planet> [https://perma.cc/6QEK-SJKQ].
52. See Liana Satenstein, *Confessions of a Serial Outfit Repeater*, VOGUE (Aug. 7, 2019), <https://www.vogue.com/article/confessions-of-an-outfit-repeater-rules-tiffany-haddish-kate-middleton> [https://perma.cc/K4U4-YHCV] (“While celebrities certainly do re-wear pieces, I rarely see anyone on Instagram repeating the same outfit, including heavy-hitting social media moguls like Bella Hadid and Kim Kardashian West. Considering the amount of clothes that they wear—typically pulled by their stylists—I imagine designer duds sprouting from the crevices of their walk-in closets.”).
53. And \$140 million for the owner of a fractional interest in a private jet. Manjoo, *supra* note 26.
54. Irina Ivanova, *Private Flights Have Boomed Since the Pandemic. Are Taxpayers Picking Up the Tab?*, CBS NEWS (May 2, 2023, 7:10 AM), <https://www.cbsnews.com/news/climate-change-private-jets-carbon-emissions-tax/> [https://perma.cc/4783-EYFD].
55. Emine Saner, *Flying Shame: The Scandalous Rise of Private Jets*, THE GUARDIAN (Jan. 26, 2023, 1:00), <https://www.theguardian.com/environment/2023/jan/26/flying-shame-the-scandalous-rise-of-private-jets> [https://perma.cc/LT8S-W49G]; Allyson Chiu, *Celebrities Use Private Jets Excessively. It’s a Climate Nightmare.*, WASH. POST (Aug. 2, 2022, 8:22 PM), <https://www.washingtonpost.com/climate-environment/2022/08/02/taylor-swift-kylie-jenner-private-jet-emissions/> [https://perma.cc/W4CV-TLHS] (“In response to criticism over flights that lasted less than 20 minutes, rapper Drake commented on Instagram, writing, ‘This is just them moving planes to whatever airport they are being stored at for anyone who was interested in the logistics . . . nobody takes that flight.’”).

increased by 20%, and private jet emissions have increased by 23%.⁵⁶ “Roughly one out of every six flights managed by the Federal Aviation Administration (FAA) is a private jet flight.”⁵⁷

With only twelve years until the European Union (EU) ban on gas engines takes effect in 2035, the government in Italy is already looking for ways to exempt supercar luxury brands like Ferrari, Lamborghini, Maserati, and Pagani from the ban.⁵⁸ Ferrari CEO Louis Camilleri has stated that he does not ever see Ferrari being at one hundred percent electric power, “and certainly not in my lifetime will [it] reach even 50 percent.”⁵⁹ Starting in 2035, new cars sold in the European Union must have zero CO₂ emissions⁶⁰—except for boutique carmakers.⁶¹ But, manufacturers like Ferrari are not exempt from the 2035 zero-emission target.⁶²

The rise of the large, hulking SUVs also wreaks climate havoc.⁶³ SUVs were the second largest contributor to global carbon emissions

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56. Kyla Mandel, *Private Jet Owners are Emitting More Carbon and Paying Fewer Taxes than the Rest of Us*, TIME (May 4, 2023, 2:51 PM), <https://time.com/6277202/private-jet-carbon-climate-tax/> [https://perma.cc/2UHN-USBC].
57. *Id.*
58. Humphrey Bwayo, *Supercars, Climate Change, and Why Italy is Not Ready to Play Ball Yet*, AUTO EVOLUTION (Dec. 14, 2021, 9:32 UTC), <https://www.autoevolution.com/news/supercars-climate-change-and-why-italy-is-not-ready-to-play-ball-yet-176446.html> [https://perma.cc/PRS6-CPET].
59. *The Future of Supercars, the Environment and ICE*, KINGSBERG, <https://www.kingsberg.uk/blog/the-future-of-supercars-the-environment-and-ice> [https://perma.cc/73VX-N8YV].
60. *Fit For 55: EU Reaches New Milestone to Make All New Cars And Vans Zero-Emission From 2035*, EUR. COMM’N (Mar. 28, 2023), https://climate.ec.europa.eu/news-your-voice/news/fit-55-eu-reaches-new-milestone-make-all-new-cars-and-vans-zero-emission-2035-2023-03-28_en [https://perma.cc/Z5S9-P3GX]; Kate Abnett, *EU Countries Approve 2035 Phaseout of CO₂-Emitting Cars*, REUTERS (Mar. 29, 2023, 3:14 PM), <https://www.reuters.com/business/autos-transportation/eu-countries-poised-approve-2035-phaseout-co2-emitting-cars-2023-03-28/> [https://perma.cc/PH58-5L9W].
61. Michael Taylor, *Europe’s Tough 2035 CO₂ Laws Give Supercar Makers a Free Pass*, FORBES (Feb. 16, 2023, 7:39 AM), <https://www.forbes.com/sites/michaeltaylor/2023/02/16/europes-tough-2035-co2-laws-give-supercar-makers-a-free-pass/?sh=428c3e8aab79> [https://perma.cc/Y892-RL2C] (“Boutique carmakers (those selling fewer than 1000 vehicles a year in Europe) will be exempted indefinitely from both emissions cuts, provided they can show they are improving their emissions.”).
62. *Id.* (“Car makers selling between 1000 and 10,000 cars in Europe a year, like Ferrari, are exempt from the interim emission cut, but not the 2035 rule.”).
63. Oliver Milman, *How SUVs Conquered the World at the Expense of its Climate*, THE GUARDIAN (Sept. 1, 2020, 3:00), <https://www.theguardian.com>

from 2010 to 2018, outpacing other sectors that include aviation and global shipping.⁶⁴ Annually, SUVs emit roughly the same amount of carbon dioxide as the United Kingdom and the Netherlands combined.⁶⁵ Problematically, SUVs comprised more than 40% of global car sales in 2019.⁶⁶ In the United States, SUVs produce 14% more carbon dioxide than a smaller vehicle.⁶⁷ The larger tires generate more particulate pollution,⁶⁸ and SUVs are more likely to cause pedestrian fatalities.⁶⁹

B. Global Action

Luxury products and their impact on climate change have been a growing concern globally.⁷⁰ Many purveyors of luxury products are starting to embrace sustainable practices, such as responsible mining of raw materials,⁷¹ fair trade practices,⁷² and the reduction of emissions in transportation.⁷³ There seems to be a new appreciation for luxury recycling and upcycling. Innovative approaches to reduce climate impact are being developed and shared.⁷⁴

.com/us-news/2020/sep/01/suv-conquered-america-climate-change-emissions [https://perma.cc/Q4QB-TCDX].

64. *Id.*

65. *Id.*

66. *Id.*

67. *Id.*

68. Elizabeth Kolbert, *Why S.U.V.s are Still a Huge Environmental Problem*, NEW YORKER (Mar. 3, 2023), <https://www.newyorker.com/news/daily-comment/why-suvs-are-still-a-huge-environmental-problem> [https://perma.cc/9KMF-2592].

69. Danny Cunningham, *SUVs are Killing People*, TOWARDS DATA SCI. (Jan. 10, 2023), <https://towardsdatascience.com/suvs-are-killing-people-def6ce08bac3d> [https://perma.cc/HU8E-WB4X] (“Large SUVs and pickup trucks are, unsurprisingly, more likely than smaller cars to injure or kill pedestrians due to their greater weight and taller front ends.”).

70. Gwarlann de Kerviler et al., *Research: How to Position a Luxury Brand as Sustainable*, HARVARD BUS. REV. (Sept. 10, 2021), <https://hbr.org/2021/09/research-how-to-position-a-luxury-brand-as-sustainable> [https://perma.cc/T4HD-CJWA] (“Other studies argue that consumers may even perceive that eco-friendly luxury products carry less status-increasing social capital than non-sustainable luxury products do.”).

71. Cummings, *supra* note 48.

72. Laura L. Kaupke, *4 Ways the Luxury Market is Becoming More Sustainable*, THE ZOE REP. (Apr. 30, 2021), <https://thezoereport.com/fashion/luxury-sustainability-changes> [https://perma.cc/Z76U-CWRL].

73. Liam Goldsworthy, *Making Luxury Goods Sustainable: 3 Challenges and 3 Leaders*, ACRE (Aug. 25, 2020), <https://www.acre.com/blog/2020/08/making-luxury-goods-sustainable-3-challenges-and-3-leaders> [https://perma.cc/Q32N-GFAK].

74. Cummings, *supra* note 48.

Starting in 2026, the Netherlands' largest airport (Schipol) will ban night flights and private jets.⁷⁵ The Hague Airport, nearby in Rotterdam, states that it does not have the capacity to serve as an alternative to Schipol.⁷⁶ A short-haul flight ban in France went into effect on May 23, 2023.⁷⁷ Trips that are shorter than two and a half hours by train may no longer be taken by plane.⁷⁸ Though the bill is historic, it falls short for environmentalists because private jets are not included in the ban.⁷⁹ In addition to this legislation, however, the 2023 Budget bill in France provides for a 70% increase in fuel tax to account for emissions from private jets.⁸⁰ On April 1, 2023, Belgium assessed a new airport tax based on the noise levels that an aircraft produces on departure and arrival, as well as the length of flight and carbon emissions.⁸¹ Irish Senator Lynn Boylan has called for a €3,000 luxury emissions tax to be levied on private jets⁸² leaving Irish airports to “chang[e] the behavior of the wealthy living ‘carbon-intensive’

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75. Sarah Jacob et al., *This Dutch Airport Wants to Ban Private Jets*, TIME (May 3, 2023, 2:30 AM), <https://time.com/6276617/schipol-amsterdam-airport-ban-private-jets/> [<https://perma.cc/C7XC-64RZ>].
 76. *Id.*
 77. Lottie Limb, *It's Official: France Bans Short-Haul Domestic Flights in Favor of Train Travel*, EURONEWS (May 23, 2023, 17:21), <https://www.euronews.com/green/2022/12/02/is-france-banning-private-jets-everything-we-know-from-a-week-of-green-transport-proposals> [<https://perma.cc/7K8Q-TE7Z>].
 78. This will impact trips from Paris to Nantes and Bordeaux. *Id.*
 79. Alex Ledson, *France Legally Bans Short-Haul Flights—Environmentalists Want More*, FORBES (June 4, 2023, 9:55 AM), <https://www.forbes.com/sites/alexledson/2023/06/04/france-legally-bans-short-haul-flights-environmentalists-want-more/?sh=77b39e397467> [<https://perma.cc/4UEU-87YC>].
 80. Alex Ledson, *France Plans 70% ‘Supertax’ on Fuel for Private Jets*, THE LOCAL FRANCE (Apr. 7, 2023, 12:17 CET), <https://www.thelocal.fr/20230407/france-plans-70-supertax-on-fuel-for-private-jets> [<https://perma.cc/P5CX-ZDQH>].
 81. Michael Verdon, *Belgium Will Tax Private Jets to Reduce Noise and Air Pollution*, ROBB REPORT (Dec. 13, 2022), <https://robbreport.com/motors/aviation/belgium-tax-private-jets-1234784736/> [<https://perma.cc/FAN4-ERF7>].
 82. Neha Tandon Sharma, *Outraged By Short Flights of Celebrities and Billionaires—A Senator Has Called for a \$3,000 ‘Luxury Emissions’ Tax on Private Jets Leaving Irish Airports*, LUXURY LAUNCHES (Oct. 11, 2022), https://luxurylaunches.com/other_stuff/irish-private-jet-tax-proposal.php?utm [<https://perma.cc/3CKM-QTY4>]; see Shauna Corr, *Private Jet Use Soaring in Ireland, New Research Shows*, IRISH MIRROR (Mar. 30, 2023, 18:10), <https://www.irishmirror.ie/news/irish-news/private-jet-use-soaring-ireland-29592594> [<https://perma.cc/5X3Q-FYK2>] (“To date, the government’s approach has been about punishing ordinary people while the wealthy are exempt to continue living their carbon-intensive lifestyles”).

lifestyles.”⁸³ Campaign for Better Transport has called for the United Kingdom to institute a new “super rate of tax” (set at ten times the current rate set for domestic and international commercial flights) through a value-added tax⁸⁴ that is imposed every time a flight lands or takes off.⁸⁵

Personal consumption is a thorny issue, with pushback on whether the appropriate focus should be on the individual or the system because it is far easier to focus laws on products than behaviors—meaning, for example, it is easier to ban selling cars without seatbelts than it is to force users to wear seatbelts.⁸⁶ The potential upside of taxes assessed on dirty luxuries is difficult to ignore however.⁸⁷ Yannick Oswald at the University of Leeds, in the United Kingdom, modeled the outcome of eighty-eight countries adopting luxury taxes on the purchase of goods, and found that it would deliver the 75% reduction in emissions needed by 2050 while also having better distributional effects with regard to wealth inequality.⁸⁸ Against this backdrop, Canada enacted the Select Luxury Items Tax Act on September 1, 2022.⁸⁹ This legislation imposes a luxury tax of 10% on the purchase of private jets, yachts,⁹⁰ and luxury

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83. Sharma, *supra* note 82.
84. See *Campaign for Better Transport*, CAMPAIGN FOR BETTER TRANSPORT, <https://bettertransport.org.uk/> [<https://perma.cc/UT77-GMZW>]; see also Ruud De Mooij & Artur Swistak, *Value-Added Tax Continues to Expand*, IMF (Mar. 2022), <https://imf.org/en/Publications/fandd/issues/2022/03/b2b-value-added-tax-continues-to-expand> [<https://perma.cc/QTX3-UBAD>].
85. Christopher Carey, *Charity Calls for Private Jet ‘Super Tax’ to Fund UK Public Transport*, CITIES TODAY (Jan. 9, 2023), <https://cities-today.com/charity-calls-for-private-jet-super-tax-to-fund-uk-public-transport/> [<https://perma.cc/Y32Z-CXJA>].
86. Paddison, *supra* note 14.
87. Cell Press, *Carbon Taxes that Focus on Luxury Consumption are Fairer than Those that Tax All Emissions Equally*, SCI. DAILY (July 11, 2023), <https://sciencedaily.com/releases/2023/07/230711133113.htm> [<https://perma.cc/P7J4-P8B5>] (“A new analysis suggests taxing luxury carbon emissions at a higher rate instead; if all 88 countries analyzed in this study adopted the luxury-focused policy, this would achieve 75% of the emissions reduction needed to reach the Paris Agreement’s goal of limiting climate change to well below 2°C by 2050.”).
88. Madeleine Cuff, *Carbon Tax on Luxuries is Fairer Way to Cut Emissions, Finds Analysis*, NEWS SCIENTIST (July 11, 2023), <https://www.newscientist.com/article/2381923-carbon-tax-on-luxuries-is-fairerway-to-cut-emissions-finds-analysis/> [<https://perma.cc/C8KZ-3SKP>].
89. Lisa Gordon, *Canadian Aircraft Dealers, Manufacturers Say the Luxury Tax is Impacting Sales*, SKIES (June 30, 2023), <https://skiesmag.com/features/canadian-aircraft-dealers-manufacturers-luxury-tax-impacting-sales/> [<https://perma.cc/WQG6-FQV2>].
90. *Id.* The National Marine Manufacturers Association Canada estimates that this tax will lead to \$90.5 million in lost vehicle sales. Eric Colby, *Luxury Tax Impacts Boat Sales*, TRADE ONLY (Mar. 21, 2022), <https://>

cars.⁹¹ It applies to personal aircrafts sold with less than forty seats, vehicles with less than ten seats, and boats for leisure, sporting, and recreational use.⁹² If a plane is used 90% or more of the time for business, it is tax-exempt.⁹³

The city of Los Angeles implemented a mansion tax in 2023 (Measure ULA), which imposes a 5.5% transfer tax on real estate transactions above ten million dollars.⁹⁴ Although it did not brand its new regulatory penalty as a luxury tax, Washington D.C. is adopting a system that is effective in 2024 where owners of vehicles weighing over six thousand pounds will pay an annual \$500 fee.⁹⁵

III. STRUCTURES FOR POTENTIAL CHANGE

According to officials in the Biden administration, one ton of carbon has a societal cost of \$51. This means that the social cost of Taylor Swift's air travel in 2022 exceeds \$400,000.⁹⁶ The less tangible cost, however, is death: it is estimated that every 4,434 metric tons of carbon produced beyond 2020 levels will cause one person to die prematurely from climate change through extreme temperatures, floods, storms, and food shortages.⁹⁷ Section III considers the two-step process necessary to tax environmentally toxic luxuries: first, tax incentives for the purchase or use of the luxury need to be curtailed; and second, excise taxes should be leveraged to communicate social messaging and implicitly promote environmentally friendly alternatives. The practical challenge to both parts of this two-step process is that those with the greatest political power have arranged our tax system in such a way that the

www.tradeonlytoday.com/industry-news/luxury-tax-impacts-boat-sales
[<https://perma.cc/L65C-MCBG>].

91. Mandel, *supra* note 56.

92. On airplanes, the tax applies to planes valued at \$100,000 or more. Gordon, *supra* note 89.

93. *Id.*

94. Hadley Meares, *The Mansion Tax Effect: Luxury Home Sales Stall in Los Angeles*, THE HOLLYWOOD REP. (July 15, 2023, 9:30 AM), <https://www.hollywoodreporter.com/lifestyle/real-estate/mansion-tax-luxury-home-sales-los-angeles-1235535477/> [<https://perma.cc/F8U2-A276>].

95. Kolbert, *supra* note 68.

96. Leslie Finlay, *Here's How Bad Taylor Swift's and Other Celebs' Private Jet Emissions Really are for the Environment*, BUZZFEED (Aug. 16, 2022, 10:53 AM), <https://www.buzzfeednews.com/article/lesliefinlay/how-celebrity-private-jet-emissions-affect-environment> [<https://perma.cc/J8DT-TN3X>].

97. *Id.*

consumption of some dirty luxuries by the wealthy is implicitly encouraged.⁹⁸

Many tax experts loathe the commonly used expression “tax loophole” because there is no such thing as a tax loophole. Either a taxpayer is evading taxes by not paying an amount that is otherwise owed, or a taxpayer is abiding by the law and applying provisions of the Internal Revenue Code that legally reduces their tax liability.⁹⁹

There are, in fact, many ways by which taxpayers are rewarded by “loopholes” for the consumption of dirty luxuries under the Code in the United States. The Tax Cuts and Jobs Act of 2017 allowed those who use jets primarily for business purposes to immediately deduct 100% of the cost of the jet.¹⁰⁰ Further, although one out of every six flights managed by the FAA involves a private jet, only 2% of the revenue raised to fund the FAA is sourced from private jets.¹⁰¹ For a commercial passenger, the FAA is funded through 7.5% ticket fees plus facility fees (up to \$4.50), whereas private fliers only pay a surcharge per gallon on private jet fuel (roughly \$0.22).¹⁰² The use of a corporate jet for business purposes is generally deductible, but personal use is not.¹⁰³ Personal travel on the private jet will be treated as a fringe benefit, and the cost of the personal travel will be taxed as income to the employee. Generally, the jet owner will use the Standard Industry Fare Level tables to calculate this amount. These tables establish a valuation that is far less than the operating cost of the jet—and more closely approximates the cost of a first-class airline ticket.¹⁰⁴

This valuation structure must be revisited. The ultra-wealthy should also not be permitted to charter their own yachts to themselves

98. See generally Noam Scheiber & Patricia Cohen, *For the Wealthiest, a Private Tax System that Saves Them Billions*, N.Y. TIMES (Dec. 29, 2015), <https://nytimes.com/2015/12/30/business/economy/for-the-wealthiest-private-tax-system-saves-them-billions.html> [https://perma.cc/HLM7-GBXR].

99. See National Referral Network, *Dispelling the Myth: Why There’s No Such Thing as a Tax Loophole*, MEDIUM (Nov. 10, 2023), <https://medium.com/@nationalreferralnetwork/dispelling-the-myth-why-theres-no-such-thing-as-a-tax-loophole-75cfd1746461> [https://perma.cc/53JG-UZAF]; see also Heather M. Field, *A Taxonomy for Tax Loopholes*, 55 HOUS. L. REV. 545, 547 (2018).

100. *2017 Tax Cuts and Jobs Act*, NAT’L BUS. AVIATION ASS’N, <https://nbaa.org/flight-department-administration/tax-issues/federal-taxes/2017-tax-cuts-jobs-act/> [https://perma.cc/X7VQ-PM4Z].

101. Mandel, *supra* note 56.

102. *Id.*

103. DELOITTE, PRIVATE AIRCRAFT: FLYING PRIVATE MAKES SENSE FOR THOSE WITH THE RIGHT INFORMATION, 8–9 (2021), <https://www2.deloitte.com/content/dam/Deloitte/us/Documents/Tax/us-tax-deloitte-private-aircraft.pdf>.

104. *Id.* at 9.

and take business deductions generated by an alleged charter business.¹⁰⁵ Further, under Section 179 of the Internal Revenue Code, business owners using a vehicle at least 50% of the time for business may avail themselves of special tax deduction rules with the purchase of a new SUV weighing more than six thousand pounds.¹⁰⁶

Eliminating provisions that incentivize the consumption of dirty luxuries is a good start but is not in itself the means to an end. An important second step is the leveraging of the tax system to disincentivize consumption of dirty luxuries. Potential taxes include carbon taxes (taxing carbon emissions during production and use),¹⁰⁷ plastic tax (tax on single-use plastic),¹⁰⁸ agricultural emissions tax,¹⁰⁹ high pollution tax (tax items that contribute to air pollution),¹¹⁰ excessive packaging tax (tax on items with non-recyclable packaging),¹¹¹ mining and extraction tax (tax environmentally damaging extraction

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105. Paul Kiel, *How Harlan Crow Slashed His Tax Bill by Taking Clarence Thomas on Superyacht Cruises*, PROPUBLICA (July 17, 2023, 5:00 AM), <https://www.propublica.org/article/harlan-crow-slashed-tax-bill-clarence-thomas-superyacht> [https://perma.cc/5CEH-DZA7].
106. The weight of the vehicle may be found on the manufacturer's label on the inside of the door. Generally, though, a list of vehicles that qualify includes the Cadillac Escalade, Ford Expedition, Dodge Durango, and the Land Rover Discovery. *Vehicles Over 6,000 Pounds*, TAX PLAN.: TAX BLOG, <https://taxplanning.com/single-post/vehicles-over-6-000-pounds> [https://perma.cc/X7WN-USUX].
107. Aimée Dushime, *Addressing Climate Change Through Carbon Taxes*, WORLD ECON. F. (June 16, 2021), <https://weforum.org/agenda/2021/06/addressing-climate-change-through-carbon-taxes/> [https://perma.cc/K2ZP-GTZV].
108. *Taxes on Single-Use Plastics*, ORG. FOR ECON. COOP. AND DEV., <https://www.oecd.org/stories/ocean/taxes-on-single-use-plastics-186a058b/> [https://perma.cc/D6DK-TAT6] (June 4, 2020) (“The application of taxes to single-use plastic items can help to increase the price of such items, and therefore drive demand away from such items and result in substitution.”).
109. *See, e.g.*, Christian Edwards, *New Zealand Wants to Tax Farmers for Their Cows' Burps and Farts*, CNN (Oct. 11, 2022, 11:49 AM EDT), <https://www.cnn.com/2022/10/11/asia/new-zealand-farmers-cow-sheep-burps-climate-intl-scn/index.html> [https://perma.cc/BS6C-9BSC].
110. Ted Gayer, *Pricing Pollution*, BROOKINGS (Jan. 5, 2011), <https://www.brookings.edu/articles/pricing-pollution/> [https://perma.cc/GK59-G8DE] (“As a general matter, however, a pollution tax is more appealing than a cap-and-trade system.”).
111. Daniel Ball, *UK Plastics Packaging Tax Generates Over €135 Million Since April-Government Under Pressure to Reinvest*, INTERPLAS INSIGHTS (Dec. 20, 2022, 14:48), <https://interplasinsights.com/plastics-environment-news/latest-circular-economy-plastics-recycling-news/uk-plastics-tax-generates-over-%C2%A3135-million-since-april/> [https://perma.cc/7TZ8-YHH4].

processes),¹¹² and wildlife exploitation tax (tax on products that exploit wildlife, such as animal fur).¹¹³

Of course, there is the option of utilizing a sin tax, though such a suggestion will most certainly be met with vitriol and ire, even in a harmless thought piece. Taxes on legal goods or activities that are nonetheless regarded as socially undesirable are called “sin taxes.”¹¹⁴ These taxes are well grounded in historical precedent, with Alexander Hamilton proposing a tax on whiskey in 1790.¹¹⁵ Examples of legal but stigmatized activities have historically included (or currently include) consumption of alcohol, tobacco, marijuana, and soda;¹¹⁶ gambling; and use of sexual services.¹¹⁷ Federal excise taxes currently tax cigarettes by the unit, tobacco by weight, gasoline by gallon, and alcohol by

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112. Michael Smith, *Finland Proposes New Taxes on the Mining and Extraction Industry*, TAX NOTES (Sept. 28, 2022), <https://taxnotes.com/tax-notes-international/energy-taxation/finland-proposes-new-taxes-mining-and-extraction-industry/2022/10/03/7f6f3> [https://perma.cc/YQ3A-HVYN].
113. *See, e.g.*, MINN. STAT. § 295.60 (2002) (repealed 2008) (illustrating the imposition of tax on luxury animal products that exploit wildlife, such as fur clothing).
114. Bruce G. Carruthers, *The Semantics of Sin Tax: Politics, Morality, and Fiscal Imposition*, 84 FORDHAM L. REV. 2565, 2565–66 (2016).
115. This proposal from Hamilton ultimately led to the Whiskey Rebellion. Daniel P. Smith, *Can We Tax Unhealthy Habits Away?*, USC TODAY (Mar. 13, 2020), <https://news.usc.edu/trojan-family/do-sin-taxes-works-usc-experts-in-policy-health-economics-explain/> [https://perma.cc/MF7R-MRZ3].
116. *See Soda Taxes*, URBAN INST., <https://urban.org/policy-centers/cross-center-initiatives/state-and-local-finance-initiative/state-and-local-backgrounders/soda-taxes> [https://perma.cc/5U7E-9Q9B] (discussing six municipalities that impose a sin tax on soda.); *See Cigarette and Vaping Taxes*, URBAN INST., <https://urban.org/policy-centers/cross-center-initiatives/state-and-local-finance-initiative/state-and-local-backgrounders/cigarette-and-vaping-taxes> [https://perma.cc/G5UL-BUMV]; *see Cannabis Taxes*, URBAN INST., <https://urban.org/policy-centers/cross-center-initiatives/state-and-local-finance-initiative/state-and-local-backgrounders/marijuana-taxes> [https://perma.cc/BA96-8QGR]; João Mauricio Castaldelli-Mai et al., *Tobacco Smoking: From ‘Glamour’ to ‘Stigma’*. *A Comprehensive Review*, 70 PSYCH. & CLINICAL NEUROSCIENCE 24, 24 (Oct. 9, 2015) (discussing tobacco’s past association with luxury and glamour and its subsequent transformation into a mass consumption industrialized product); Kaloyan Ivanov, *High Times: The Evolution of the Stigma on Marijuana and Attempts to Tears it Down*, 13 EUKARYON 61, 61 (2017)(discussing the changing societal perception of marijuana);
117. Carruthers, *supra* note 114; Barbara G. Brents & Katherine Hausbeck, *State-Sanctioned Sex: Negotiating Formal and Informal Regulatory Practices in Nevada Brothels*, 44 SOCIO. PERSP. 307, 312–14 (2001) (discussing Nevada’s sanctions on legalized prostitution).

volume.¹¹⁸ It is estimated that the United States collects almost one hundred billion dollars annually from state and federal taxes imposed on gambling, alcohol, and tobacco.¹¹⁹ A number of states impose unusual sin taxes, including Utah's colloquial "sex tax" of 10% on adult entertainment, Minnesota's "fur tax" of 6.5% on any apparel made of animal fur, Maryland's "flush tax" for residents generating wastewater, Illinois's "candy tax" on sugary food items that do not contain flour, and Arkansas's "tattoo tax" of 6% on tattoos and body piercings.¹²⁰ The thought is that when consumption of a legal good entails social costs that are not reflected in the price of the good, the imposition of a tax can help correct for negative externalities.¹²¹

Imposing a sin tax on some dirty luxuries is believed to be politically problematic because of historical precedent. In November 1990, Congress enacted a luxury tax that was signed by President George H.W. Bush.¹²² The tax was a 10% surcharge on boats over \$100,000,¹²³ cars over \$30,000,¹²⁴ and furs and jewelry over \$10,000.¹²⁵ Aircrafts costing more than \$250,000 and not used at least 80% of the time for business were also subject to the tax.¹²⁶ Most of the luxury tax

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118. Tax Notes Staff, *How Americans Pay the Price for Vice with Tax*, FORBES (Nov. 30, 2020, 3:54 PM EST), <https://forbes.com/sites/taxnotes/2020/11/30/how-americans-pay-the-price-for-vice-with-tax/?sh=4304ddf3430d> [<https://perma.cc/Z2KK-TSQQ>].
119. Franklin Liu, *Sin Taxes: Have Governments Gone Too Far in Their Efforts to Monetize Morality?*, 59 BOS. COLL. L. REV. 763, 771 (2018).
120. *Top 10 Strangest State Taxes*, U.S. NEWS & WORLD REPORT (Apr. 4, 2012, 9:00 AM), <https://money.usnews.com/money/blogs/my-money/2012/04/04/top-10-strangest-state-taxes> [<https://perma.cc/C58J-GZH5>].
121. Carruthers, *supra* note 114, at 2567.
122. Alan Reynolds, *The 1990 Bush "Tax Increase" Reduced Taxes*, CATO INST. (Dec. 10, 2018, 5:00 PM), <https://www.cato.org/blog/1990-bush-tax-increase-reduced-taxes> [<https://perma.cc/7C9N-RXG9>]; *see* Omnibus Budget Reconciliation Act of 1990, H.R. 5835, 101st Cong. § 13221 (1990); *see also* Elda DiRe, *Luxury Tax*, THE CPA J. (Oct. 1991), <http://archives.cpajournal.com/old/11583345.htm> [<https://perma.cc/DD6H-ZQ2H>].
123. James K. Glassman, *How to Sink an Industry and Not Soak the Rich*, WASH. POST (July 16, 1993), <https://www.washingtonpost.com/archive/business/1993/07/16/how-to-sink-an-industry-and-not-soak-the-rich/08ea5310-4a4b-4674-ab88-fad8c42cf55b/> [<https://perma.cc/JMH2-98AS>] ("Just open the current issue of *Power and Motoryacht*, a sort of nautical-porn magazine filled with color photos of gorgeous boats. Check out the ad for a sensuous 90-foot Broward with three "oversized staterooms," including one with "his and her bath with Jacuzzi." The yacht costs \$2,995,000, but, thanks to the current luxury tax that kicks in at \$100,000, you have to fork over another \$289,500.").
124. TAX POLICY & ADMIN., GAO/GGD-92-9, LUXURY EXCISE TAX AND ESTIMATED EFFECTS (1992).
125. DiRe, *supra* note 122.
126. *Id.*; Glassman, *supra* note 123.

was repealed in 1993 because the taxes destroyed more revenue than was generated.¹²⁷ As one would expect, the sin tax impacted consumption. Within eight months of the law taking effect, Viking Yachts was forced to lay off all but 68 of its 1,400 employees.¹²⁸ What went wrong with the 10% tax? The tax had a serious impact on several industries, and all the while, the wealthy purchased foreign-made items not covered by the tax or used items that could be refurbished.¹²⁹ In fact, the 1991 luxury tax debacle was used as an excuse to scuttle President Obama's call for a luxury tax on private jets in 2011.¹³⁰

A criticism of sin taxes, generally, is that they are regressive—a sin tax is assessed without regard to the taxpayer's income. Although the direct incidence of a sin tax on a dirty luxury is not necessarily regressive, a sin tax comes with overlapping burdens that complicate a welfare analysis, as the indirect consequence of the tax would be a reduction in consumption that would likely impact lower-paid employees in manufacturing chains. Another argument against sin taxes is the inevitable, unintended consequence that cannot always be accurately captured in studies on effectiveness.¹³¹ For example, a tax on sugary drinks in Philadelphia reduced the sale of these drinks within the city but generated a noticeable increase in the sale of the drinks only six miles outside of the city.¹³² Others criticize sin taxes as a “legislative cash grab” that is grounded in the hypocrisy of “don't drink, smoke or gamble, but we would appreciate if some of you do, because we need the money.”¹³³

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127. Albert B. Crenshaw, *Luxury Tax on Cars Comes to an End*, WASH. POST (Jan. 1, 2003), <https://washingtonpost.com/archive/business/2003/01/01/luxury-tax-on-cars-comes-to-an-end/3994385d-7dd0-4603-bec0-dbac5cb32b7d/> [https://perma.cc/8CGQ-WYJ2]; Alan Reynolds, *Budget Blunders of 1990 Are No Blueprint for 2011*, CATO INST. (Nov. 11, 2011), <https://cato.org/commentary/budget-blunders-1990-are-no-blueprint-2011> [https://perma.cc/A3KD-86VP] (“The Luxury Tax[] . . . destroyed far more revenue as a result of lost wages and profits in the boating and aircraft industries than could possibly be raised by these excise taxes.”).
128. Walter Williams, *Luxury Tax Idea Reveals Poor Thinking*, COLUM. DAILY TRIB. (Aug. 16, 2011, 12:01 AM CT), <https://www.columbiatribune.com/story/opinion/columns/2011/08/16/luxury-tax-idea-reveals-poor/21438121007/> [https://perma.cc/D3YY-XA58].
129. Glassman, *supra* note 122; Reynolds, *supra* note 125.
130. Williams, *supra* note 128.
131. See Stephan Seiler, *Do “Sin Taxes” Really Lead to Healthier Behaviour*, IMPERIAL COLL. BUS. SCHOOL (Dec. 2, 2020), <https://imperial.ac.uk/business-school/ib-knowledge/health/do-sin-taxes-really-lead-healthier-behaviour> [https://perma.cc/BU8C-T3YS].
132. *Id.*
133. Smith, *supra* note 112; Andrea Noble, *Sin Taxes Not a Reliable Source of Revenue, Report Says*, ROUTE FIFTY (Oct. 8, 2019), <https://www.route-fifty.com/finance/2019/10/sin-taxes-not-reliable-source-revenue-report-says/160465/> [https://perma.cc/MTB9-6MHV] (“On one hand, the

With a tax where the underlying goal is to generate revenue, governments rely on the fact that demand is not always elastic, and consumers will continue to purchase the good or service.¹³⁴ Conversely, a well-designed tax meant to reduce consumption will, unsurprisingly, *reduce consumption*—the tax makes the good or service more expensive for the consumer, which may decrease demand for the good or service.¹³⁵ The consumer will choose to consume less, or alternatively, will consume some portion of the negative externalities attendant to use.¹³⁶ If consumption of a targeted good or activity decreases, the societal and long-term benefits of the sin tax must outweigh the negative outcomes attendant to decreased consumption, which can be seen when a sin tax decreases consumption, population health outcomes generally improve, and government revenue increases.¹³⁷

A commitment to sustainability requires that political taboos be sidelined so that conversations may be had about the appropriateness of sin taxes on dirty luxuries. Although demonizing luxury is not a solution, a tax on unsustainable luxury is about more than mere resource extraction.¹³⁸ It is about allocating costs of unsustainable, wasteful behavior, implicitly establishing societal norms, and catalyzing processes of creative destruction¹³⁹ that may produce sustainable luxury. Sin taxes can be swiftly and extraordinarily effective. In one recent university study, the current population of Australia stands to

government imposes taxes on these products and activities but at the same they want to reduce consumption . . . These two goals are often conflicting . . . Is the goal to punish that activity or to generate revenue?”).

134. Liu, *supra* note 119, at 764-65.

135. *Id.*

136. *See, e.g.*, CAMPAIGN FOR TOBACCO FREE KIDS, TAXATION AND PRICE: COUNTERING INDUSTRY ARGUMENTS (2020), https://assets.tobaccofreekids.org/global/pdfs/en/TAX_countering_industry_claims_en.pdf (discussing federal excise taxes on tobacco, how tobacco taxes impact jobs related to tobacco growing and manufacture, and how reduced tobacco consumption benefits society at large).

137. Aurelio Miracolo et al., *Sin Taxes and Their Effect on Consumption, Revenue Generation and Health Improvement: A Systemic Literature Review in Latin America*, 36 HEALTH, POL'Y & PLAN. 790, 790-91 (2021).

138. *See* Saner, *supra* note 55 (“Bernard Arnault, the chief executive of the luxury group LVMH, sold his private plane to avoid scrutiny. ‘The result now is that no one can see where I go, because I rent planes when I use private planes.’”).

139. *See generally* David Adler, *Schumpeter’s Theory of Creative Destruction*, CARNEGIE MELLON UNIV. (Sep. 30, 2019), <https://www.cmu.edu/epp/irle/irle-blog-pages/schumpeters-theory-of-creative-destruction.html> [<https://perma.cc/G3AJ-WAFW>].

save \$176.6 million because of a national 20% tax on sugary drinks, with more than 1.3 million decayed teeth averted.¹⁴⁰

Sin taxes have not yet been leveraged to address luxurious, climate-threatening consumption. However, “mansion” taxes, taken separately, are being imposed on climate-threatening consumption and luxury purchases. For example, the “mansion” tax became effective in Los Angeles on April 1, 2023.¹⁴¹ The tax adds a 4% transfer tax for sales over five million dollars and 5.5% for sales of homes above ten million dollars.¹⁴² Few people consider Los Angeles’s new “mansion” tax to be a sin tax. Yet, to the extent that costly luxury housing impacts affordability and homelessness, and resource extraction is being earmarked for spending related to affordability and homelessness, there is no question that it is a luxury tax that falls under the umbrella of sin tax. “Mansion” taxes are now also being contemplated in Chicago¹⁴³ and San Diego.¹⁴⁴ Regarding climate-threatening consumption, the carbon footprint of a vegan is 75% smaller than a meat eater.¹⁴⁵ The global livestock industry causes 15% of all greenhouse gas in the world, and a study of a potential levy (20% on dairy, 8.5% on chicken, and 40% on beef) would save half a million lives a year.¹⁴⁶ These types of

140. *Sugary Drinks Tax Could Prevent Decay and Increase Health Equity: Study*, MONASH UNIV. (July 25, 2023), <https://www.monash.edu/news/articles/sugary-drinks-tax-could-prevent-decay-and-increase-health-equity-study> [<https://perma.cc/9U4C-ACE5>].

141. Meares, *supra* note 94.

142. Some cities, such as Beverly Hills and Malibu, are not subject to the tax—which may skew investment towards those areas. The payment of the tax falls upon the seller. *Id.*

143. Alex Nitkin, *As Chicago Considers a ‘Mansion Tax’, Evanston and LA Show Potential Paths Forward*, NEXT CITY (Aug. 23, 2023), <https://nextcity.org/urbanist-news/as-chicago-considers-a-mansion-tax-evanston-and-la-show-potential-paths-for> [<https://perma.cc/H7JK-E7CP>] (“The ‘Bring Chicago Home’ measure, an effort to end homelessness, would raise real estate transfer taxes on properties over \$1 million.”)

144. Mark Powell, *Guest Commentary: Proposed San Diego ‘Mansion Tax’ Would Unfairly Affect La Jolla Property Owners*, LA JOLLA LIGHT (Aug. 22, 2023, 1:00 PM PT), <https://www.lajollalight.com/news/opinion/story/2023-08-22/guest-commentary-proposed-san-diego-mansion-tax-would-unfairly-affect-la-jolla-property-owners> [<https://perma.cc/C79K-VP86>] (criticizing the proposed tax because 90% of the homes in La Jolla would be subject to the tax).

145. Cara Buckley, *Save the Planet, Put Down That Hamburger*, N.Y. TIMES, <https://nytimes.com/2023/07/21/climate/diet-vegan-meat-emissions.html> [<https://perma.cc/8BDH-LY9V>] (Sept. 15, 2021).

146. Perhaps revenue from these levies could then be used to subsidize healthier meal choices. Damian Carrington, *Meat Tax ‘Inevitable’ to Beat Climate and Health Crises, Says Report*, THE GUARDIAN (Dec. 11, 2017, 6:55 EST), <https://theguardian.com/environment/2017/dec/11/meat->

targeted sin taxes may, in fact, prove to be far more politically palatable than a general wealth tax.¹⁴⁷

It is often said that the devil is in the details, or in this case, in the design of the sin tax on dirty luxuries.¹⁴⁸ The tax must strike a balance between discouraging environmentally harmful choices and ensuring affordability and accessibility for essential products. By way of example, an excise tax on dirty luxuries must be specifically tailored to the class of private planes and watercraft that should be taxed. Recreational pilots flying planes valued at less than one million dollars and recreational boaters in watercrafts less than forty feet in length are not the focus of a sin tax on dirty luxuries. Further, too high of a sin tax will cause consumers to take action to render the targeted good or activity invisible to the state to avoid the tax.¹⁴⁹ Although the wealthy are less cost-sensitive,¹⁵⁰ fresh taxes often drive tax avoidance behavior until the tax is internalized¹⁵¹—in this case, likely driving the wealthy consumer to try to circumvent the tax through purchasing abroad or consuming on the resale market—both of which are behaviors that can be accounted for in tax design.

Importantly, the imposition of any tax on dirty luxuries must be almost absurdly transparent. As a general matter, for a sin tax to be effective, it must be completely transparent and visible to the consumer, which means that the retailer must display the before and after impact

tax-inevitable-to-beat-climate-and-health-crises-says-report
[<https://perma.cc/44RJ-N36G>].

147. See Laurence Kotlikoff, *Soak the ‘Filthy Rich’ By Taxing Their Consumption, Not Their Wealth*, THE HILL (Feb. 7, 2019, 7:00 AM ET), <https://thehill.com/opinion/finance/428819-soak-the-filthy-rich-by-taxing-their-consumption-not-their-wealth/> [<https://perma.cc/32D3-W8S6>] (“We need a lot more revenue, especially from the filthy, irresponsible rich. The method is easy. Tax the consumption of the rich, not their wealth”).
148. By way of example, point of sale may be the appropriate time to tax yachts and large vehicles, but an excise tax on activity may be more appropriate for private jets. Philippe Benoit, *A Luxury Carbon Tax to Address Climate Change and Inequality: Not All Carbon is Created Equal*, ETHICS & INT’L AFFAIRS (Mar. 11, 2020), <https://ethicsandinternationalaffairs.org/online-exclusives/a-luxury-carbon-tax-to-address-climate-change-and-inequality-not-all-carbon-is-created-equal> [<https://perma.cc/GF4T-2TBF>].
149. Carruthers, *supra* note 114, at 2568.
150. Angela Mae, *Vacations Only the Rich Can Afford*, GO BANKING RATES (Sep. 24, 2023), <https://gobankingrates.com/money/wealth/vacations-only-the-rich-can-afford/> [<https://perma.cc/JTB5-LY2W>].
151. Chris Edwards, *Taxing Wealth and Capital Income*, CATO INST. (Aug. 1, 2019), <https://cato.org/tax-budget-bulletin/taxing-wealth-capital-income> [<https://perma.cc/Q9DV-JPUU>].

on the cost of the tax.¹⁵² In this case, however, the tax must be leveraged as a messaging device to communicate collective or public meanings.¹⁵³ An important goal of the tax is one of social engineering: to carry meaning that may have social impact.¹⁵⁴ Shifting behavior to meaningfully address climate change requires a staggering commitment to shift engrained behaviors and habits, which has arguably not happened at the rate needed to forestall climate disaster.¹⁵⁵

IV. CONCLUSION

As between climate denial and climate hypocrisy, which is the greater threat to our planet? Environmentalist Leonardo DiCaprio has been vocal about combatting climate change but is regularly called out on social media for his many vacation photos on a superyacht.¹⁵⁶ Bill Gates acknowledges the high environmental cost of his private jet travel,¹⁵⁷ but believes that he more than compensates for these costs

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152. Martin Daks, *Sin Taxes Work Best When They're Put on a Price Tag*, CHI. BOOTH REV. (Dec. 9, 2022), <https://www.chicagobooth.edu/review/sin-taxes-work-best-when-theyre-put-price-tag> [<https://perma.cc/6CZY-LE9F>].
153. Carruthers, *supra* note 114, at 2568.
154. ROBERT W. MCGEE, TAXATION AND SOCIAL ENGINEERING, *in* THE PHILOSOPHY OF TAXATION AND PUBLIC FINANCE 83 (2004).
155. Felix Mormann, *Climate Choice Architecture*, 64 BOS. COLL. L. REV. 1, 3 (2023) (“Successful climate change mitigation and adaptation require behavioral change at an unprecedented scale. From downsizing our vehicles and their engines, to doing our laundry at night, to reducing the meat content in our diets, the climate crisis calls for the rethinking of deeply engrained personal habits.”).
156. Isha Sharma, *Environmentalist Leonardo Dicaprio Labelled ‘Eco Hypocrite’ for His Vacation on CO2-Emitting Super Yacht*, INDIA TIMES <https://indiatimes.com/entertainment/celebs/leonardo-dicaprio-called-eco-hypocrite-for-superyacht-558972.html> [<https://perma.cc/74T5-JYX8>] (Jan. 10, 2022, 18:30); Jordan Hoffman, *Leonardo DiCaprio Enjoys Memorial Day Weekend on a Superyacht off Sardinia with Bikini-Clad Pal*, VANITY FAIR (May 29, 2023), <https://vanityfair.com/style/2023/05/leonardo-dicaprio-enjoys-memorial-day-weekend-on-a-superyacht> [<https://perma.cc/6NYV-GWKY>]; Denette Wilford, *Eco Warrior Leonardo DiCaprio Takes Helicopter From Yacht to Dinner*, TORONTO SUN (July 10, 2023), <https://torontosun.com/entertainment/celebrity/eco-warrior-leonardo-dicaprio-takes-helicopter-from-yacht-to-dinner> [perma.cc/J7WY-MUU9]; Elena Gorgan, *Eco-Warrior Leonardo DiCaprio is Back for Another Vacation on the \$150m Superyacht Vava II*, AUTOEVOLUTION (June 20, 2023, 8:13), <https://autoevolution.com/news/eco-warrior-leo-dicaprio-is-back-for-another-vacation-on-the-150m-superyacht-vava-ii-216780.html> [<https://perma.cc/94PX-NT38>].
157. Collin Anderson, *National Geographic Says Climate Change Is ‘Greatest Threat to Human Health.’ It Also Flies Billionaires Around the World on its Private Jet*, THE WASH. FREE BEACON (June 12, 2023), <https://freebeacon.com/energy/national-geographic-says-climate-change-is-greatest->

through carbon offsets.¹⁵⁸ National Geographic has recognized climate change as the “greatest threat to human health in recorded history,” but also flies the ultra-wealthy on \$100,000 private “expeditions” on a specially outfitted Boeing 757.¹⁵⁹ European Council President Charles Michel flew private for 72 of 112 official trips, including all trips to United Nations climate talks.¹⁶⁰ Even climate advocates cannot be trusted to sacrifice dirty luxuries for the greater good.¹⁶¹

Since 2020, private jet travel has increased by 20%, and private jet emissions have increased by 23%.¹⁶² The number of superyachts sold increased 77% from 2020 to 2021.¹⁶³ The SUV market in the United States is projected to grow at a compounded annual growth rate of 6.6% from 2022 to 2027.¹⁶⁴ The purchases of private islands have surged in the past few years.¹⁶⁵ The wealthy enjoy their lifestyles of absurd indulgences and governments need to tackle the complex global problem of catastrophic climate collapse through a balance of regulations and

threat-to-human-health-it-also-flies-billionaires-around-the-world-on-its-private-jet/ [https://perma.cc/DJV5-MSUF] (“[Bill Gates] defended his private jet travel, saying he is not a “hypocrite” because he pays for carbon offsets, a controversial practice in which you spend money to counteract your own actions, such as by funding solar panels to replace fossil fuel use elsewhere.”).

158. *Id.*

159. *Id.*

160. Giovanna Coi et al., *EU Chiefs Flew to UN Climate Talks in Private Jet*, POLITICO (Mar. 28, 2023, 2:49 PM CET), <https://www.politico.eu/article/eu-presidents-charles-michel-ursula-von-der-leyen-private-jet-climate-talks/> [https://perma.cc/QJM4-8594].

161. See Justin Worland, *Why You Should Care About Celebrities’ Climate Hypocrisy*, TIME (Aug. 30, 2022, 2:49 PM EDT), <https://time.com/6209448/california-drought-celebrities-climate-hypocrisy/> [https://perma.cc/J9JS-YAH7] (noting some of the reasons that environmental groups try to garner celebrity endorsements are because the behavior of the rich and famous shape norms for the general public and that carbon consumption through dirty luxuries is not slowing).

162. Mandel, *supra* note 56.

163. Sevon Pendleton, *World’s Super Rich Drive 77% Surge in Superyacht Sales Last Year*, BLOOMBERG (Feb. 1, 2022, 8:00 AM EST), <https://www.bloomberg.com/news/articles/2022-02-01/superyacht-sales-jumped-77-last-year-as-inventories-shrank> [https://perma.cc/JY6J-CWWB].

164. *The SUV Market is Projected to Grow From 885.8 Billion in 2022 to USD 1,221.7 Billion in 2027, at a CAGR of 6.6%*, YAHOO FIN. (Oct. 20, 2022), <https://finance.yahoo.com/news/suv-market-projected-grow-usd-105500777.html> [https://perma.cc/2UN5-LFP3].

165. Steve Kupferman, *Buying a Private Island has Become the Latest Property Craze*, FIN. POST (Mar. 5, 2021), <https://financialpost.com/personal-finance/high-net-worth/buying-a-private-island-has-become-the-latest-property-craze> [https://perma.cc/8RR4-3UXJ] (“I’ve sold more islands sight unseen than I ever have before.”).

taxes.¹⁶⁶ A commitment to sustainability requires that the politically taboo sin tax be explored to disrupt the consumption of dirty luxuries.¹⁶⁷

166. A report from the OECD on tax reform shows that there are more environmentally related tax policies in 2020 than in 2019. Cristina Enache, *Countries Eye Environmental Taxation*, TAX FOUND. (Sept. 29, 2020), <https://taxfoundation.org/blog/countries-eye-environmental-taxation/> [<https://perma.cc/TX7M-QKNR>].

167. See W.Z., *Do “Sin Taxes” Work?*, THE ECONOMIST (Aug. 10, 2018), <https://www.economist.com/the-economist-explains/2018/08/10/do-sin-taxes-work> [<https://perma.cc/3GD2-SW63>] (“[E]conomists have found that in general, a 1% increase in the price of tobacco or alcohol in America leads to a 0.5% decline in sales.”).

