

AN ACT CONCERNING CLIMATE CHANGE

OLR Bill Analysis

SB 595 (File 390, as amended by Senate "A")*

AN ACT CONCERNING CLIMATE CHANGE

SUMMARY:

This bill requires (1) the state to set greenhouse gas emission reduction goals as part of a regional effort to reduce such emissions and (2) the Governor's Steering Committee on Climate Change to develop plans to help achieve the goals. It requires the Department of Environmental Protection (DEP) commissioner to (1) report annually on progress in achieving the goals and (2) work to establish a regional greenhouse gas registry and regional reporting system with other states or a regional consortium. It requires certain electric utilities and commercial and industrial sites to annually report their direct smokestack greenhouse gas emissions to the registry.

It also requires the DEP commissioner to:

1. annually consider expanding the universe of those who must report greenhouse gas emissions ("entities") to include additional utilities, commercial and industrial sites, and transportation fleets;
2. annually consider requiring the reporting of additional greenhouse gases, and direct and indirect emissions;
3. provide for the voluntary reporting of greenhouse gas emissions by entities the bill does not require to report;
4. evaluate the feasibility of creating and administering a statewide registry if a regional registry is not developed and implemented; and
5. publish a greenhouse gas emissions inventory every three years.

The commissioner may adopt regulations to implement the bill's greenhouse gas provisions. The bill also requires the Department of Administrative Services (DAS) to promote the use of, and provide information about, environmentally preferable practices that minimize global warming.

*Senate Amendment "A" replaces the original bill, which also required the state to set greenhouse gas emission reduction goals. The amendment emphasizes a regional, rather than statewide, approach to reducing greenhouse gases, modifies various deadlines, requires a triennial, rather than biennial, greenhouse gas inventory, requires the commissioner to annually consider expanding the greenhouse gas registry, eliminates a requirement that state agencies procuring products and services annually submit information about their environmentally preferable products to the DAS, and makes other changes.

EFFECTIVE DATE: October 1, 2004

GREENHOUSE GASES

Under the bill, a greenhouse gas is any chemical or physical substance emitted into the air that the DEP commissioner may reasonably expect to cause, or contribute to, climate change. These include carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

EMISSION REDUCTION GOALS

Under the bill, the state must set a goal of reducing greenhouse gas emissions to help achieve the regional goals of reducing such emissions to (1) 1990 levels by January 1, 2010 and (2) 10% below 1990 levels by January 1, 2020. The bill requires the DEP commissioner to consult with the Conference of New England Governors and Eastern Canadian Premiers to set a long-term deadline for the regional goal of reducing greenhouse gas emissions by 75% to 85% below 2001 levels. If the conference does not set this date by January 1, 2007, the commissioner must set 2050 as the long-term deadline.

Climate Change Action Plans

The bill requires the Governor's Steering Committee on Climate Change to develop, by January 1, 2005, a multi-sector, comprehensive climate change action plan that includes policies and programs needed to reach the state's 2010 and 2020 emissions goals. It requires the committee, by January 1, 2008, to develop

an amended climate change plan for achieving the state's contribution towards achieving the long-term regional goal. The committee must provide the public an opportunity to comment on each plan and must submit them to the Environment Committee.

Progress Report

The DEP commissioner, in collaboration with other state agency commissioners and the steering committee, must report to the Environment Committee by December 1, 2005, and annually thereafter, on (1) progress made in achieving the short- and long-term emission reduction goals and (2) the appropriateness of the climate change action plans in achieving those goals.

GREENHOUSE GAS REGISTRY

The DEP commissioner must work to establish a regional greenhouse gas registry for greenhouse gas emissions and a regional reporting system in conjunction with other states or a regional consortium.

By April 15, 2006, and annually thereafter, owners or operators of any facility (1) with stationary emission sources emitting greenhouse gases and (2) required by Title V of the federal Clean Air Act to report air emissions data to DEP must report its direct stack greenhouse gas emissions to the regional registry. The report must be in a type and format the registry can accommodate.

If a regional registry is not developed and implemented by April 15, 2007, the commissioner must evaluate the feasibility of creating and administering a statewide registry for the collection of greenhouse gas emissions data. However, reporting entities must send the data to a regional registry when one is created. It is not clear to whom entities must report between April 15, 2006 and April 15, 2007 if a regional registry is not then in place.

The commissioner must annually consider expanding the regional greenhouse gas registry to require the reporting by, or of, other (1) facilities or sectors, (2) greenhouse gases, and (3) direct and indirect emissions. Under the bill, direct emissions are emissions from factory stacks, manufacturing processes and vents, and company-owned or -leased motor vehicles. Indirect emissions are those associated with the consumption of purchased electricity, steam, and heating or cooling by buildings, structures, or installations located on an entity's property. The commissioner must include the reasons for his annual decisions on whether to expand the registry in his annual progress reports to the Environment Committee.

By July 1, 2006, the commissioner must provide for the reporting of greenhouse gas emissions to the regional registry by entities and facilities that the bill does not require to report, but which do so voluntarily. The reports must be in a type and format the regional registry can accommodate.

By July 1, 2006, and every three years thereafter, the commissioner must publish a state greenhouse gas emissions inventory including comprehensive estimates of the amount of greenhouse gas emitted in the state for the last three years for which he has data.

ENVIRONMENTALLY PREFERABLE PRACTICES

Under current law, DAS must establish procedures to promote the procurement and use of products and services that have a lesser or reduced negative effect on human health and the environment when compared to competing products. The bill requires it to promote environmentally preferable practices as well.

It requires DAS, by January 1, 2005, and annually thereafter, to develop and maintain information about environmentally preferable practices it procures, in addition to products and services the law already requires, including products, services, and practices that minimize the impact of global warming. The bill eliminates a provision limiting the department to doing so within available appropriations. DAS must monitor the use of environmentally preferable practices, in addition to services and products the law requires, and designate those products, services, or practices that cost the same or less than other, similar products, services, or practices.

BACKGROUND

Global Warming

Many scientists believe global warming is caused when carbon dioxide and other greenhouse gases, produced in large part by the burning of fossil fuels, trap heat in the atmosphere. They believe this will cause a wide range of harmful effects, including hotter summers, more frequent droughts, the melting of polar ice caps and subsequent rise in sea level, impaired air quality, and higher rates of respiratory disease.

Climate Change Action Plan

The Conference of New England Governors and Eastern Canadian Premiers, representing the six New England states and the provinces of New Brunswick, Newfoundland and Labrador, Nova Scotia and Prince Edward Island, issued a Climate Change Action Plan in 2001 that recommended short- and long-term goals to reduce greenhouse gas emissions. The governor subsequently appointed a steering committee to organize a discussion among businesses, nonprofit organizations, state and local government agencies, and academic institutions of ways to reduce greenhouse gas emissions. These "stakeholders" issued their report in January 2004.

Reporting Entities

DEP issues Title V operating permits to power plants and other major sources of air pollution subject to the federal Clean Air Act. Permittees must ensure compliance with pollution control requirements. According to DEP, about 126 facilities report to it under Title V.

Legislative History

On April 6, 21, and 26, the Senate reported the bill (File 390) to the committees on Transportation, Government Administration and Elections, and Legislative Management, respectively. The committees reported it favorably on April 7, 22, and 27, respectively.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute
Yea25Nay2

Transportation Committee

Joint Favorable Report
Yea17Nay6

Government Administration and Elections Committee

Joint Favorable Report
Yea15Nay0

Legislative Management Committee

Joint Favorable Report
Yea15Nay6