

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 110 Session of 2007

INTRODUCED BY VITALI, SCAVELLO, BENNINGTON, BISHOP, CALTAGIRONE, CARROLL, COHEN, CURRY, DePASQUALE, FABRIZIO, FRANKEL, FREEMAN, GALLOWAY, GEORGE, GERBER, GERGELY, GIBBONS, GOODMAN, GRUCELA, HARPER, HENNESSEY, JAMES, JOSEPHS, KING, KULA, LEACH, LENTZ, LEVDANSKY, MANDERINO, MANN, McCALL, McGEEHAN, MELIO, MENSCH, MICOZZIE, MUNDY, MURT, MUSTIO, M. O'BRIEN, PARKER, PETRONE, PRESTON, RAMALEY, READSHAW, ROEBUCK, ROSS, RUBLEY, SAMUELSON, SANTONI, SHAPIRO, SIPTROTH, McILVAINE SMITH, STABACK, STURLA, SURRA, TANGRETTI, R. TAYLOR, THOMAS, WALKO, WANSACZ, WATSON, WHEATLEY, YOUNGBLOOD, YUDICHAK, KENNEY, M. SMITH, MOYER, QUINN, MILNE, STEIL, CIVERA, HORNAMAN, RAYMOND, J. TAYLOR, VEREB, BRENNAN, WAGNER, PETRI AND KORTZ, FEBRUARY 1, 2007

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, OCTOBER 29, 2007

AN ACT

1 Providing for a report on potential global warming impacts and
2 economic opportunities for the Commonwealth, for duties of
3 the Department of Environmental Protection, for an inventory
4 of greenhouse gases, for creation of stakeholder process, for
5 a voluntary registry of greenhouse gas emissions and for a
6 climate change action plan.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Short title.

10 This act shall be known and may be cited as the Pennsylvania
11 Greenhouse Gas Reduction Act.

12 Section 2. Definitions.

13 The following words and phrases when used in this act shall
14 have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "Baseline." A level of greenhouse gas emissions against
3 which future emissions are measured.

4 "Carbon sequestration." The long-term storage of carbon or
5 carbon dioxide in forests, soils, oceans or underground in
6 depleted oil and gas reservoirs, coal seams and saline
7 aquifers.

8 "Cobenefits." The economic, social, environmental, public
9 health and other benefits of global warming policies that are
10 independent of any benefits for reducing or mitigating global
11 warming.

12 "Department." The Department of Environmental Protection of
13 the Commonwealth.

14 "Global warming." Any increase in the earth's temperature
15 due, at least in part, to emissions of greenhouse gases
16 associated with human activities, including, but not limited to,
17 the burning of fossil fuels, biomass burning, cement
18 manufacture, agriculture, deforestation and other land-use
19 changes.

20 "Greenhouse gases" or "GHGs." Gases in the earth's
21 atmosphere that absorb and reemit infrared radiation, including
22 carbon dioxide, nitrous oxide, methane, hydrofluorocarbons,
23 perfluorocarbons and chlorofluorocarbons.

24 Section 3. Report on potential global warming impact in and
25 economic opportunities for the Commonwealth.

26 (a) Report required.--The department shall prepare and
27 publish a report on the potential impact of global warming and
28 climate change in this Commonwealth. The report shall identify
29 the following:

30 (1) Scientific predictions regarding changes in

1 temperature and precipitation patterns and amounts in this
2 Commonwealth that could result from global warming.

3 (2) The potential impact of global warming on human
4 health, the economy and the management of economic risk,
5 forests, wildlife, fisheries, recreation, agriculture and
6 tourism in this Commonwealth and any significant
7 uncertainties about the impact of global warming.

8 (3) Economic opportunities for this Commonwealth created
9 by the potential need for alternative sources of energy,
10 climate-related technologies, services and strategies; carbon
11 sequestration technologies; capture and utilization of
12 fugitive greenhouse gas emissions from any source and other
13 mitigation strategies.

14 (4) THE REPORT SHALL FAIRLY REFLECT THE DIVERSITY OF
15 OPINIONS AMONG VARIOUS STAKEHOLDERS. <—

16 (5) EACH ECONOMIC OPPORTUNITY IDENTIFIED SHALL INCLUDE
17 AN ANALYSIS DEMONSTRATING HOW THE OPPORTUNITY MAY POSITIVELY
18 OR NEGATIVELY AFFECT THE ECONOMY OF THIS COMMONWEALTH.

19 (6) THE PROJECTED FUTURE ENERGY DEMAND WITHIN THIS
20 COMMONWEALTH.

21 (b) Cooperation.--In preparing the report, the department
22 may consult with Federal and other state agencies, academic
23 institutions and stakeholders.

24 (c) Deadline.--This report shall be completed, published and
25 distributed to the General Assembly and made available to the
26 public in printed form and on the Internet within ~~six~~ 12 months <—
27 of the effective date of this act and shall be revised every
28 three years thereafter.

29 Section 4. Greenhouse gases inventory.

30 (a) Inventory required.--In consultation with stakeholders,

1 the department shall annually create an inventory of GHGs
2 emitted in this Commonwealth by all sources. This inventory
3 shall establish GHG emission trends and the relative
4 contribution of major sectors, including, but not limited to,
5 the transportation, electricity generation, industrial,
6 commercial, mineral and natural resources, agricultural and
7 domestic sectors. THE INVENTORY SHALL ALSO INCLUDE THE EFFECTS ←
8 OF GREENHOUSE GAS SINKS AND OTHER OFFSETS WHICH INCLUDE
9 TECHNOLOGY, TECHNIQUES OR NATURALLY OCCURRING ACTIVITIES OR
10 PHENOMENA THAT DEMONSTRATE THE ABILITY TO SEQUESTER VARIOUS
11 GREENHOUSE GASES. THE DEPARTMENT SHALL ALSO USE AS A BASIS FOR
12 THE INVENTORY RESEARCH, REPORTS AND ANY UPDATED INVENTORY OF
13 GREENHOUSE GASES WITHIN THIS COMMONWEALTH COMPLETED BY THE
14 PENNSYLVANIA STATE UNIVERSITY AND THE PENNSYLVANIA ENVIRONMENTAL
15 COUNCIL AS PART OF ITS CLIMATE CHANGE ROADMAP WORKING GROUP
16 INITIATIVE.

17 (b) Baseline.--The department shall establish a baseline of
18 GHG emissions that it shall use to project future GHG emissions
19 in this Commonwealth in the absence of government intervention.

20 (c) Coordination with action plan.--The inventory and
21 baseline shall be presented to the Governor, GENERAL ASSEMBLY ←
22 and stakeholders every three years as part of the GHG plan of
23 action required under section 7.

24 Section 5. Creation of stakeholder process.

25 (a) Appointment.--Within 30 days of the effective date of
26 this act, the Governor shall appoint stakeholders who shall
27 advise the department about implementation of the provisions of
28 this act. The stakeholders shall be appointed on account of
29 their expertise regarding global warming and climate change
30 issues. Stakeholders shall be chosen from scientific, business

1 and industry, environmental, social, outdoor and sporting,
2 faith-based and labor communities, along with other interested
3 parties.

4 (b) Meetings.--Within 60 days of the effective date of this
5 act, the department shall call the first meeting of the
6 stakeholders and shall establish a schedule for regular meetings
7 with stakeholders about implementation of the provisions of this
8 act.

9 (C) RESIDENCY REQUIREMENT.--ALL MEMBERS OF THE STAKEHOLDER ←
10 GROUP SHALL BE RESIDENTS OF THIS COMMONWEALTH AND SHALL ADVISE
11 THE DEPARTMENT ABOUT IMPLEMENTATION OF THE PROVISIONS OF THIS
12 ACT.

13 (D) COMPOSITION OF STAKEHOLDER GROUP.--THE STAKEHOLDER GROUP
14 SHALL BE COMPOSED OF THE FOLLOWING 23 MEMBERS:

15 (1) THE SECRETARY OF ENVIRONMENTAL PROTECTION.

16 (2) THE CHAIRMAN AND MINORITY CHAIRMAN OF THE
17 ENVIRONMENTAL RESOURCES AND ENERGY COMMITTEE OF THE SENATE.

18 (3) THE CHAIRMAN AND MINORITY CHAIRMAN OF THE
19 ENVIRONMENTAL RESOURCES AND ENERGY COMMITTEE OF THE HOUSE OF
20 REPRESENTATIVES.

21 (4) TWELVE MEMBERS APPOINTED BY THE GOVERNOR WHICH SHALL
22 INCLUDE:

23 (I) FOUR MEMBERS OF THE BUSINESS COMMUNITY.

24 (II) FOUR MEMBERS FROM ENVIRONMENTAL ORGANIZATIONS.

25 (III) FOUR MEMBERS FROM THE SCIENTIFIC COMMUNITY OR
26 FROM INSTITUTIONS OF HIGHER EDUCATION WITHIN THIS
27 COMMONWEALTH.

28 (5) THERE SHALL BE APPOINTED SIX AT-LARGE MEMBERS
29 SELECTED FROM THE GENERAL PUBLIC AS FOLLOWS:

30 (I) ONE MEMBER SHALL BE APPOINTED BY THE PRESIDENT

1 PRO TEMPORE OF THE SENATE.

2 (II) ONE MEMBER SHALL BE APPOINTED BY THE MAJORITY
3 LEADER OF THE SENATE.

4 (III) ONE MEMBER SHALL BE APPOINTED BY THE MINORITY
5 LEADER OF THE SENATE.

6 (IV) ONE MEMBER SHALL BE APPOINTED BY THE SPEAKER OF
7 THE HOUSE OF REPRESENTATIVES.

8 (V) ONE AT-LARGE MEMBER SHALL BE APPOINTED BY THE
9 MAJORITY LEADER OF THE HOUSE OF REPRESENTATIVES.

10 (VI) ONE AT-LARGE MEMBER SHALL BE APPOINTED BY THE
11 MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES.

12 (E) CHAIRPERSON.--THE CHAIRPERSON SHALL BE THE SECRETARY OF
13 ENVIRONMENTAL PROTECTION.

14 (F) CONSIDERATION OF ADVICE.--THE DEPARTMENT SHALL OBTAIN
15 AND CONSIDER THE ADVICE OF THE STAKEHOLDER GROUP IN CONNECTION
16 WITH TAKING THE ACTIONS REQUIRED UNDER THIS ACT.

17 Section 6. Voluntary greenhouse gas registry.

18 Within 90 days of the effective date of this act, the
19 department shall create a voluntary greenhouse gas registry
20 through which interested businesses, governments, institutions
21 and other entities can record any reductions in greenhouse gas
22 emissions or any avoided emissions of greenhouse gas emissions
23 that are achieved in the absence of any government regulation.
24 The department shall develop rules and criteria for the
25 operation of the registry and shall create a site on the
26 Internet for the public to examine a current list of registrants
27 and emission reductions and avoidances.

28 Section 7. Climate change action plan.

29 (a) Action plan required.--Within one year from the
30 effective date of this act and every three years thereafter, the

1 department shall, in consultation with the stakeholders, submit
2 to the Governor for approval a climate change action plan that:

3 (1) Identifies GHG emission trends and baselines in this
4 Commonwealth.

5 (2) Evaluates cost-effective strategies for reducing GHG
6 emissions from various sectors in this Commonwealth.

7 (3) Establishes specific reduction targets for overall
8 GHG emissions in this Commonwealth.

9 (4) Identifies costs, benefits and cobenefits of GHG
10 reduction strategies recommended by the GHG action plan.

11 (5) Identifies areas of agreement and disagreement among
12 stakeholders about the GHG action plan.

13 (6) Recommends to the General Assembly legislative
14 changes necessary to implement the GHG action plan.

15 (7) REVIEWS FEDERAL LAW RELATING TO CLIMATE CHANGE AND <—
16 GREENHOUSE GAS EMISSIONS TO DETERMINE THE EFFECT UPON ANY
17 RECOMMENDATIONS CONTAINED IN THE GHG ACTION PLAN. THE REVIEW
18 SHALL DESCRIBE CURRENT FEDERAL LAWS, THEIR IMPACT ON
19 APPLICABLE STATE LAW AND WHERE ANY PLAN RECOMMENDATIONS
20 EXCEED FEDERAL LAW.

21 (b) Approval of Governor.--Within 90 days from receipt of
22 the GHG action plan, the Governor AND GENERAL ASSEMBLY shall <—
23 approve the GHG action plan. In executing his approval, the
24 Governor shall have the option to amend the GHG action plan.

25 UPON THE GOVERNOR'S APPROVAL OF THE GHG ACTION PLAN, THE <—
26 GOVERNOR SHALL SUBMIT THE PLAN TO THE GENERAL ASSEMBLY FOR FINAL
27 APPROVAL.

28 (c) Publication.--The approved GHG action plan shall be
29 ~~published and distributed to the General Assembly and~~ <—
30 available to the public in printed form and on the Internet

- 1 within 30 days of the approval of the plan.
- 2 Section 8. Effective date.
- 3 This act shall take effect July 1, 2008.