



October 24, 2023

Submitted via email to info@rggi.org

Subject Line: RGGI Program Review Comment

On October 29th, 2021, many of the undersigned organizations representing frontline communities in the Commonwealth of Pennsylvania (PA) submitted comments in response to the Regional Greenhouse Gas Initiative Inc.'s (RGGI Inc.) Third Program Review, recommending a number of critical programmatic reforms and enhancements. These comments seek to follow up and expand upon the recommendations outlined in our initial filing.

In April 2022, Pennsylvania promulgated final regulations to authorize participation in the Regional Greenhouse Gas Initiative (RGGI). However, we acknowledge that Pennsylvania has been prohibited from participating in the program due to the Pennsylvania Commonwealth Court's issuance of a preliminary injunction. Nonetheless,

the undersigned provide these comments anticipating Pennsylvania's eventual participation in RGGI.

Our Commonwealth is home to various urban, suburban, and rural communities with significant racial, socioeconomic, and political diversity. The communities we partner with are often in the backyard of industrial polluters, disproportionately and negatively impacted by every stage of power generation.¹ Low income (LI) and Black, Indigenous, and People of Color (BIPOC) communities (used interchangeably with environmental justice - or EJ - communities and frontline communities throughout) have struggled with environmental pollution and concentrated, localized greenhouse gas (GHG) emissions from industry for over a century, leading to detrimental health and economic consequences. However, while the energy industry continues to make billions of dollars of profit off of activities that harm our communities, we have not seen any benefit. Resources necessary to sustain healthy and happy families, such as good jobs, housing, and public transportation, are scarce, and many are living with food insecurity and increasingly high utility bills. These communities are also more vulnerable to severe weather events, like heavy rainfall and flooding, extreme hot and cold temperatures, and increased incidences of tornadoes, hurricanes, and other natural disasters, forcing some to migrate from the place that they have called home for generations.

RGGI, like many other well-intentioned large-scale policy solutions put forward and implemented to address climate change, does not prioritize the needs of frontline communities, and can serve to exacerbate poverty by increasing energy costs. A transition toward decarbonization cannot be just and equitable if it disproportionately harms communities already carrying the heaviest burden of climate change - with the fewest resources to respond.

While our organizations see the clear potential for RGGI to advance important climate goals, our support of the program is conditional. RGGI offers a vital opportunity to address the impacts of climate change, which are disproportionately impacting LI / BIPOC communities - but only if it helps more than it harms. RGGI Inc. and the participating states can do more to listen to, advocate with, and prioritize the needs of

¹ <https://www.theguardian.com/us-news/2023/mar/08/us-air-pollution-people-of-color-census-districts>

frontline communities through the creation of model policies, implementation guidance, development of tools, deployment of resources, and targeted technical assistance. The recommendations that follow provide some potential areas where improvements can be made.

Recommendation 1: Establish strong guidance and an implementable policy framework encouraging states to establish, maintain, resource, and empower Equity Advisory Boards.

In April 2023, RGGI Inc. published its second list of designated Equity Advisory Boards (EABs) within each of its participating states²; however, we have yet to see any concrete examples of when and how RGGI Inc. has intentionally partnered with any entities listed within the document. Therefore, we offer the below recommendations under the assumption that local regional EABs have been established and are properly resourced.

Each state participating in RGGI should have its own Equity Advisory Board and, in turn, should have representation on a regional EAB to ensure coordination and collaboration across the RGGI states. Specifically, we recommend each RGGI state select two representatives from their state-level EAB, at least one of whom is a frontline community member, to participate in a regional EAB. RGGI Inc. should treat the regional EAB as an equal partner and share in building solutions with them. Furthermore, EAB members and their concerns must be adequately considered and incorporated into the RGGI program where possible. To ensure accountability and transparency, RGGI, Inc. should publish minutes and a video recording of all EAB meetings, including state EAB meetings that concern RGGI, on its website. Additionally, RGGI, Inc. should publish in their Program Reviews all recommendations made by EABs for RGGI accompanied by a description of how the EAB's recommendations were implemented or an explanation for why the EAB's recommendations were rejected.

Members of the state and regional EABs should receive compensation for the time and resources necessary to fully participate. It is inequitable to ask members of a frontline community to act as an educator and conduit between RGGI Inc. and their communities

²https://www.rggi.org/sites/default/files/Uploads/Program-Review/2022-EJ/RGGI_State_Equity_Advisory_Boards_Compilation.pdf

without fair compensation for their time and reimbursement for any personal resources necessary to serve as a representative on an EAB. As an additional incentive for RGGI states to establish EABs and encourage participation in the regional EAB, compensation costs should be covered by RGGI Inc. as administrative funding.

The first task for the state and regional EABs should be to define and establish a tiered framework for identifying and prioritizing environmental justice communities. There are many definitions of an *environmental justice area* (EJ area), including some of the federal and state-level definitions cited later in this section. A thorough review of the current definitions in use would be a good first task to begin to draft a definition that serves RGGI participating states well, helping to drive investment into communities experiencing the greatest impact while at the same time ensuring consistency in evaluating the success of RGGI investments to offset those impacts.

EAB members should discuss the components of existing definitions that they like best, and should work to identify the communities missing from the qualifiers utilized in existing definitions. We recommend starting with a simple definition, and then building out tiered qualifications to adequately capture the full spectrum of environmental justice communities. For example, a simple definition for *environmental justice area* might include “a geographic location where the community faces disproportionate or cumulative negative impacts to their built, natural, or social environment.”³ This definition provides some clarity yet retains flexibility for RGGI Inc. to adjust its EJ area identification and mapping. It also provides a foundation for more specific tiers and qualifications to be built out further.

From our perspective, a tiered definition would allow for targeted investment in communities experiencing the highest cumulative impact – while also identifying and advancing appropriately proportional remedies in communities that may have fewer cumulative impacts but nevertheless face heightened environmental burdens.

³ [Joint Comments of Frontline, Environmental, Consumer, Business, Social Service, & Faith-Based Groups](#) on the Pennsylvania Department of Environmental Protection’s Proposed Environmental Justice Policy submitted May 11, 2022

Environmental harm does not end at geographical boundaries like highways or county lines, nor does it fit neatly within Census tracts.

The tiers should include consideration of both environmental pollution and exposure levels (pollution indicators) and relevant socioeconomic factors (population indicators).⁴ Pollution indicators⁵ could include but are not limited to *air quality (ozone, particulate matter, etc.), drinking water quality, lead exposure in children, pesticide usage, toxic release from hazardous waste and solid waste facilities, toxic release from fossil fuel extraction, and traffic density*. Population indicators⁶ could include but are not limited to *poverty; race; age (with particular focus on older individuals and children); educational attainment; ethnicity; health vulnerabilities (including but not limited to asthma, cardiovascular disease, etc.); housing, energy, and utility burdens; and limited English speaking households*. Communities that are exposed to disproportionately high levels of multiple categories of indicators would receive the highest tier of resources, while communities with less proportional exposure to indicators would receive a lower tier of resources. The establishment of a rubric describing tiers and assigning numeric levels of exposure ought to be developed by the EAB, with appropriate consultation and input by subject matter experts, such as public health and environmental scientists, as needed.

We recognize that each state hosts diverse communities with their own unique challenges and priorities. States ought to consult with local communities, including but not limited to community-based nonprofits, social and housing service providers, community-led organizations, elected officials, and interested members of the public to edit indicators for individual state needs. For example, Pennsylvania is a leading producer of natural gas. Pennsylvania's EAB may choose to include a pollution indicator

⁴ <https://oehha.ca.gov/calenviroscreen/indicators>;
<https://www.urban.org/sites/default/files/2022-11/Screening%20for%20Environmental%20Justice-%20A%20Framework%20for%20Comparing%20National%2C%20State%2C%20and%20Local%20Data%20Tools.pdf>

⁵ <https://www.epa.gov/ejscreen/overview-environmental-indicators-ejscreen>;
<https://mappingforej.berkeley.edu/exposure-indicators/>;
<https://mappingforej.berkeley.edu/environmental-effects-indicators/>

⁶ <https://www.epa.gov/ejscreen/overview-socioeconomic-indicators-ejscreen>;
<https://mappingforej.berkeley.edu/socioeconomic-factors-indicators/>;
<https://mappingforej.berkeley.edu/sensitive-populations-indicators/>

for communities within a certain square mile radius of a gas well - a factor that many other RGGI states do not need to take into consideration. Working closely with local communities would help states - and RGGI Inc. - to set effective policies and direct auction proceeds to effectively serve local needs and priorities, and to offset potential impacts of the program.

Recommendation 2: Strongly encourage states to lead and complete equity analyses.

Each participating state, in partnership with its Department of Environmental Protection (DEP) or similar state agency charged with overseeing RGGI, should complete an annual equity analysis to measure, assess, and verify the environmental and economic impacts of the Program, as well as the effectiveness of investments, and the demographics of those served both directly and indirectly by RGGI auction proceeds. Such an analysis should be subject to periodic review by the state's EAB and released to the public in its entirety.

An effective equity analysis must include an examination of intersectional environmental, economic, and social impacts. Environmental impacts should include review of data from local air quality monitors, localized impacts from facilities, and other relevant environmental measures. In turn, an analysis of economic impacts should include an assessment of individualized energy burdens of low and moderate income residential customers at various income tiers (e.g. *50/100/150/200/250/300% of the federal poverty level*) and whether RGGI has positively or negatively impacted those energy burdens. These environmental and economic impacts should be analyzed in comparison to programs supported by RGGI proceeds within frontline communities to determine whether investments have done an adequate job of off-setting identified impacts.

RGGI Inc. should publish an analysis framework, including required and recommended standardized metrics and points for evaluation. This framework should be created in close partnership with the regional EAB - and informed by state-level EABs. RGGI states, in partnership with each state's EAB, should perform the necessary required

reporting and analyses, and choose which of the additional recommended metrics they ought to include according to their state's unique communities and geography. This process will ensure that there will be baseline consistent data available from each participating RGGI state, as well as additional data points which may be more relevant to some states than others.

RGGI reinvestment proportions must always be tied directly to the results of the equity analysis. If investments are not doing an adequate enough job of remediating the negative impacts of RGGI implementation, the latter half of the analysis should build out a plan to do so. RGGI Inc., serving as a conduit between the state's EAB, the state's implementing agencies, and other relevant governmental departments, can help to make the remediation plan actionable in a time-sensitive manner.

Recommendation 3: Outline and encourage reinvestment priorities for frontline communities.

RGGI auction proceeds provide a wealth of opportunities to invest in under-resourced and overburdened communities that bear the brunt of the harmful byproducts of energy production and, at the same time, struggle to maintain energy service to their homes. But, not all participating states are using the proceeds for these purposes. RGGI Inc. should champion proposals to invest 100% of auction proceeds in frontline communities to aid a just transition from fossil fuels to renewable energy. Every sector receiving proceeds - industries, small businesses, local governments, nonprofits, communities, and individuals - should be designed to achieve direct benefits to frontline communities. RGGI funds should be used for workforce training and transition, the deployment of grid-scale renewable energy, home improvement and weatherization projects, utility payment assistance, remediation of old industrial sites, emissions detection and reduction, and more to repair the harms endured by environmental justice communities.

As mentioned in Recommendation 2, investments of auction proceeds should be regularly subject to equity analyses to ensure investments yield outcomes consistent with environmental justice priorities. Performance monitoring can take a wide variety of forms and should be discussed by state EABs and the regional EAB. Some suggestions

to review the efficacy of reinvestment proceeds include hosting public input hearings in specific communities served by funded projects, focus groups of community members served by projects, and other forms of community-informed and community-led research. RGGI Inc. can support this monitoring by including language in the Model Rule that requires it, and amplifying the recommendations of its regional EAB to participating states to ensure that the monitoring practices are rooted in community-centered best practices.

Additionally, RGGI Inc., in collaboration with state EABs and frontline voices at public input sessions, should collect and advocate for a plethora of investment categories that would provide tangible benefits to frontline communities. The following reinvestment categories are strongly encouraged:

1. Sustainable workforce opportunities, such as:
 - Job training and transition support⁷, especially in communities impacted by the closure of fossil fuel plants and related facilities;
 - Small business grants; and
 - Technical support programming for local governments to plan their clean energy transition and prevent related worker displacement.
2. Climate-related community participation opportunities, such as:
 - Access to community-determined climate and clean energy planning, decision-making processes, and accountability frameworks; and
 - Funding, education, and resourcing for local businesses to adopt climate adaptive and mitigative practices, designs, and operations.
3. Increasing access to energy efficiency / weatherization services and lowering energy burdens,⁸ such as:
 - Funding for home health and safety improvements (removal of mold, lead, asbestos, etc.) that facilitate comprehensive whole-home energy efficiency programming;
 - Direct utility bill assistance;
 - Building electrification and decarbonization measures;

⁷ <http://civicworks.com/programs/center-sustainable-careers/>

⁸ <https://www.nyserda.ny.gov/All-Programs/EmPower-New-York-Program;>
<https://www.encyvermont.com/about/results>

- Public education on energy efficiency opportunities;
 - Pilot programs to streamline assistance or test innovative program design; and
 - Other opportunities not covered by existing programs.
4. Sustainable agriculture support, such as:
- Rewarding soil carbon sequestration; and
 - Funding for renewables projects, such as the installation of solar panels on unused farmland.
5. Improving green spaces, such as:
- Recreational walking paths and trails;
 - Brownfield redevelopment;
 - Urban green spaces; and
 - Forestry programs.
6. Investing in sustainable community development, such as:
- Electric public transportation projects focused on mass transit and municipal fleets;
 - Local, grid-scale solar, wind, geothermal, and other renewable energy projects;
 - Housing security, resiliency, and protection from neighborhood displacement;
 - Air quality monitoring, data collection, and analysis;
 - Public university programming;
 - Water infrastructure improvements;
 - Green infrastructure improvements;
 - Public amenities, like community ownership of renewable distributed energy; and
 - Increased subsidies for local governments to fund public infrastructure such as schools and libraries which may be needed to fill gaps left by decreased fossil fuel impact fees during the transition to renewable energy.

Funding should be further prioritized for programs that are administered by local, community-based organizations and minority-owned businesses. It is also important to underline that reinvestment funding should never supplant existing funding in established programs. There are many programs that seek to accomplish similar goals to the types of programs listed above that are underfunded and have long waitlists for services. RGGI Inc. should encourage states to use RGGI proceeds to strengthen existing programs that serve their communities well, as well as braid programs together to serve families holistically.

Recommendation 4: Improve public participation practices.

RGGI Inc. must encourage public participation in both its Program Review and within the states that have elected to participate in RGGI to build trust with EJ communities and prioritize their needs. First, RGGI, Inc. should develop a plain-language style guide for its public-facing materials and reports. The plain-language style guide must establish a set reading level and consistent terminology and definitions. A miniscule percentage of the general population has working knowledge about something as technically complicated as a cap-and-trade program. It is important that all public-facing releases meet consistent readability standards to ensure that anyone who wishes to engage in the RGGI public participation process can do so without a master's degree in energy policy.

One simple way that RGGI Inc. can take a temperature reading of the public's understanding of RGGI is by hosting a RGGI focus group. Some questions that could be used to improve public participation practices include:

- Have you heard of RGGI? If so, how would you define it in a few sentences?
- How do you believe RGGI has impacted your day-to-day life, if at all?
- Do you have a positive or negative opinion of RGGI? Why or why not?
- What priorities do you have for RGGI reinvestment proceeds in your community?
- What questions do you have about RGGI?

Additionally, there should be a page on RGGI, Inc.'s website to house all public

involvement initiatives, including a calendar of upcoming public meetings, community notifications, community educational materials, and other relevant matters. These steps can help establish norms for participation and build trust in local communities.

RGGI, Inc. should also recognize that public input meetings scheduled during the 9 AM - 5 PM workday are not accessible to many members of the public. There should be several dates and times for public meetings during the program review process so that community members may choose the date and time that works best for them to participate. Furthermore, the comment periods that RGGI Inc. has hosted in the past are too short for many under-resourced and overburdened environmental justice organizations to meaningfully participate. We ask that all future public input periods be lengthened to allow at least 60 days to allow more voices - especially those representing communities disproportionately impacted by climate change - to participate fully.

Additionally, the dates and times must be advertised further than RGGI Inc.'s email newsletter listserv. Advertisements on social media in RGGI states may be an effective way to reach more community members, as well as print ads and postings on community boards. RGGI Inc. should provide outreach tools to the states so that they can promote engagement opportunities across state-level networks. The meetings should also provide accessibility options such as translation and interpretation services and screen captioning so that everyone who wishes to participate can do so.

RGGI Inc. can be a leader to its participating states by establishing these public meeting “best practices” and improving pre-existing public participation practices to encourage states to implement the same suggestions above and increase public participation in developing individual states’ RGGI programs and reinvestment priorities as well.⁹

RGGI Inc. and its participating states must work hard in the coming years to build trust with the public. Communities are fatigued with being asked to give feedback - while not receiving a meaningful response. If RGGI Inc. can more broadly advertise public comment periods, develop plain language educational resources, and hold public input

⁹ The Environmental Protection Agency's [graphic](#), which shows what the robust spectrum of public participation actually looks like, may be used to help determine best practices.

hearings at more accessible times, the public will be more engaged. Be transparent about common themes heard throughout the comment period and if and how RGGI Inc. or other entities plan to address issues raised. RGGI has the ability to both address climate change and meaningfully improve the lives of communities - but only if the public's concerns are adequately heard and resolved.

Recommendation 5: Close loopholes that permit facilities with multiple small combustion turbines to avoid reducing overall emissions.

There are a number of Program-specific changes outside of EAB leadership and reinvestment recommendations that can also make a marked difference in frontline community health and well-being. For example, as it exists, the RGGI Model Rule's compliance threshold contains a loophole that prevents the participation of some electric generation facilities. The loophole allows facilities consisting of multiple combustion turbines that individually do not meet the 25 megawatt (MW) threshold that triggers compliance with RGGI to avoid paying for their emissions. Thus, we recommend that RGGI, Inc. update the Model Rule and require compliance for facilities with multiple, smaller combustion turbines that, when combined, meet or exceed the 25 MW compliance threshold. This will lower overall emissions and generate additional revenue to be invested in frontline communities necessary to support a just energy transition.

Additionally, closing the loophole will prevent future operators from building new power plants to fit within the loophole and avoid RGGI compliance. Future operators could opt to build multiple smaller units so that they do not meet the 25 MW compliance threshold instead of larger plants that have to comply.

Recommendation 6: Expand qualifying polluters and reject false solutions.

Despite RGGI having been implemented within many Northeastern states, emissions from power plants are rising.¹⁰ Even though the overarching goal of RGGI is to reduce these emissions, some key power-generating emitters are categorically excluded from the program. RGGI, Inc. must oppose all types of false solutions to receive program

¹⁰ <https://www.eenews.net/articles/rising-power-plant-emissions-threaten-new-england-climate-goals/>

benefits. This means definitively excluding biomass, refuse-derived fuel (RDF), and trash incineration (often referred to as “waste-to-energy” or WTE), and placing restrictions on RGGI states using revenue from auction proceeds to support further development of these facilities throughout the region.

Additionally, we recognize that requiring all fossil-fuel fired power plants to come into compliance with RGGI at the same time would likely cause significant rate increases for utility customers. To prevent this result, RGGI, Inc. should encourage member states to monitor all power-generation emissions and utility rates to wrap all fossil fuel generators into the program in a way that is equitable for consumers. Requiring the greatest emitters, no matter their fuel, to comply with RGGI as soon as possible, and requiring lower emitters to comply over time, may be the best option to equitably accomplish this task.

Recommendation 7: Eliminate offsets in order to drive real emission reductions.

Carbon offsets prevent low income households, communities overburdened by pollution, and other impacted communities from receiving their fair share of the benefits of the RGGI program, including reductions in conventional air pollutants and the investment of auction proceeds to provide direct benefits to those communities. Most offsets bought to negate carbon emissions do not reduce emissions locally; instead, offsets reduce emissions where it is cheapest and easiest to do so. Thus, carbon offsets as a compliance option undermine localized emissions reductions and transitions to renewable energy and must be eliminated as a compliance option in the RGGI mechanism.

If RGGI Inc. is to allow regulated entities to purchase offsets, such offsets should be directly tied to the communities where the regulated entity pollutes. One specific recommendation that may work as a feasible solution for Pennsylvania in particular is to allow regulated entities to adopt abandoned or orphaned oil and gas wells from the state. After adoption, the regulated entities could remediate and plug such wells - delivering a real, tangible benefit to local communities while reducing air pollution - a primary objective of the RGGI program.

RGGI Inc. should auction all emissions allowances consistent with a *polluter pays* principle. However, to drive further reductions in carbon emissions, RGGI, Inc. could also establish a voluntary renewables set-aside such as the one in California's cap-and-trade program. Under California's program, a certain number of allowances are available to be retired every year by the voluntary purchase of renewable energy. The purchase of renewable energy "must directly cause allowances to be retired to credibly claim a reduction in GHG emissions." The allowances for the carbon reduction must be retired so another emitter cannot buy them and negate the reduction.

A just transition toward decarbonization requires policy that is radically inclusive of the needs of frontline communities and seeks solutions advocated for and created by those experiencing the most harmful impacts of climate change. We are grateful for the opportunity to engage with RGGI Inc. and look forward to future communication and collaboration to uplift the needs of environmental justice communities across the East Coast.

Respectfully submitted,

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