

# NORTHEAST ENVIRONMENTAL JUSTICE AND CLIMATE JUSTICE REGIONWIDE STAKEHOLDER COMMENTS TO RGGI

October 6th, 2017

Andrew J. McKeon  
Executive Director  
RGGI, Inc.  
90 Church Street  
New York, NY 10007  
info@rggi.org

Mr. McKeon:

We the undersigned represent environmental justice, climate justice, and ally organizations located in and working with communities throughout the Regional Greenhouse Gas Initiative (RGGI) participating states. On September 25-26, 2017 while RGGI, Inc. held its stakeholder webinar/meeting, 45 stakeholders representing 22 organizations from the states of Massachusetts, Connecticut, Maryland, New Jersey, and New York were meeting to assess the state of Energy Democracy and Environmental Justice/Climate Justice (EJ/CJ) policies in the northeast region.

RGGI's cap-and-trade scheme does not guarantee greenhouse gas (GHG) emissions and co-pollutant reductions in environmental justice communities, including communities of color, indigenous communities, and low-income communities that have historically been disproportionately affected by the siting of power plants and other polluting infrastructure. Furthermore, RGGI's market-based strategies have failed to be the main driver of emission reductions in the region due to a strategy that is not aligned with more aggressive economy-wide GHG reductions targets.

We urge RGGI Inc. to make the following modifications to the draft RGGI Model Rule:

## **Tie the Cap to Statewide Climate Goals.**

The first RGGI cap was arbitrary, and it failed to drive the necessary emissions reductions to match the urgency of the climate crisis. Currently, the proposed cap implementation timeline for RGGI is not as aggressive as some individual state targets such as Massachusetts' and New York's commitment to reduce GHG emissions 80 percent by 2050. Across the RGGI states, other programs and regulations, like the Renewable Portfolio Standards (RPS) or Renewable Energy Standards (RES), can contribute to an individual state's GHG emissions reduction. RGGI should account for the planned shifts in the energy mix and expected emissions reductions such as including the outcomes of existing state RPS and RES into the analysis for the cap in order to push additional emissions reductions. It is also important to determine emissions reduced as a result of RGGI versus other regulatory interventions. Highlighting this discrepancy is recent data from the California Air Resources Board identifying that only approximately 20 percent of

California's GHG reductions have resulted from the cap-and-trade program, while 80 percent of the reductions are a result of other regulatory interventions.

### **Equity Analysis and Cumulative Burdens.**

RGGI should collect and make publicly available spatially-explicit data that identifies where emissions reductions are happening, so that communities throughout the RGGI states can identify if emissions reductions are taking place locally. Based on a [recent study](#) of California's cap-and-trade system, we find that overall emissions reductions do not necessarily result in localized reductions, particularly in environmentally overburdened communities. While RGGI is distinct from California's system, this study demonstrates the need for analyses of how RGGI is impacting greenhouse gas and co-pollutant emissions in EJ/CJ communities throughout all the participating states. Therefore, RGGI should conduct an ongoing equity analysis and report on the distribution of emissions reductions, including a cumulative burden analysis that considers the proximity of multiple power plants, including facilities below the 25 megawatt threshold. RGGI should then take into consideration any findings of disproportionate burden and emissions on specific communities in decision-making procedures so that states can target disproportionately impacted communities for local emissions reductions.

### **No Loopholes and Lower Threshold.**

The RGGI Model Rule is currently only applicable to generators with a capacity equal to or greater than 25 megawatts. However, in the case of New York (and potentially other states), the New York City Environmental Justice Alliance, UPROSE, and allies uncovered regulatory language that has provided a loophole for facilities comprised of multiple combustion turbines that individually do not meet the 25 megawatt threshold. The new RGGI Model Rule must also capture these facilities by closing this unconscionable legal loophole and ensuring these facilities are in compliance. To address this and other concerns, the RGGI Model Rule should lower the threshold to regulate a wider range of polluting facilities.

### **No Biomass, Combustion, or Waste-to-Energy.**

According to the Climate Justice Alliance's *Our Power Plan* [report](#) written as a response to the federal Clean Power Plan, "Incentivizing any form of combustion energy, whether it be coal, gas, trash, or biomass, raises serious concerns about increased public health impacts, especially for communities already overburdened by such industrial pollution." Additionally, Energy Justice Network's [research](#) showed that biomass units and other waste incineration options are more carbon intensive than coal, and produce a host of other toxic and criteria air pollutants that disproportionately affect low-income people and people of color. The RGGI Model Rule does not definitively exclude biomass, refuse derived fuel (RDF), and trash incineration (often referred to as waste-to-energy or WTE) as renewable energy, and there are no restrictions on RGGI states using auction proceeds revenue to support these facilities throughout the region. The RGGI Model Rule should be re-written to expressly exclude biomass, combustion, and WTE from its definition of renewable energy and RGGI should exclude these projects from funding from auction proceeds.

### **Eliminate Offsets.**

We urge that offsets be eliminated as a compliance option, as it undermines localized emissions reductions and transitions to renewable energy. While RGGI limits offsets to 3.3% of a facility's

allowance submission and only permits a narrow range of offset project types, we still strongly believe that a precedent should not be set for offsets to be permissible under any circumstances. Offsets make it permissible for large polluters to continue shifting environmental burdens to nearby communities that are primarily low-income and people of color. Offsets have been identified as a key contributor to pollution hotspots in environmental justice communities in other cap-and-trade schemes. For example, the recent study of California's cap-and-trade system referenced above demonstrated that larger emitters - those of particular environmental health concern - were the most likely to use offset projects to meet their obligations under the cap-and-trade program. As such, RGGI should prioritize localized and in-state emission reductions.

**Accessible Materials and Meetings.**

Through RGGI Inc., the participating states should make all materials, data, and reports easily accessible to the general public, and materials should be provided in multiple languages. RGGI Inc. should hold community learning meetings in addition to open stakeholder meetings held at accessible locations, particularly for those in highly impacted communities.

We, the undersigned, will continue to engage in the regional RGGI program review process to push for Energy Democracy and EJ/CJ priorities in the northeast. We urge that RGGI Inc. incorporate our demands so as to ensure binding commitments from all participating states to prioritize the concerns of EJ/CJ communities throughout the region. As a collective of northeastern EJ/CJ organizations, we are committed to engaging our state agencies to ensure these commitments are achieved collaboratively with community leadership.

Sincerely,

**Brooklyn Movement Center**

**Sanitation Coalition**

**Catskill Mountainkeeper**

**New York City Environmental Justice Alliance**

**Demos**

**New York Lawyers for the Public Interest**

**El Puente**

**PUSH Buffalo**

**Energy Justice Network**

**Texas Environmental Justice Advocacy Services\***

**Environmental Justice Health  
Alliance for Chemical Policy Reform**

**THE POINT CDC**

**Environmental Justice League of  
Rhode Island**

**UPROSE**

**Good Old Lower East Side**

**Vermont Workers' Center**

\*Non-RGGI state allies