

No. 2008-70

AN ACT

SB 266

Providing for a report on potential climate change impacts and economic opportunities for this Commonwealth, for duties of the Department of Environmental Protection, for an inventory of greenhouse gases, for establishment of the Climate Change Advisory Committee, for a voluntary registry of greenhouse gas emissions and for a climate change action plan.

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

Section 1. Short title.

This act shall be known and may be cited as the Pennsylvania Climate Change Act.

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Baseline.” A level of greenhouse gas emissions against which future emissions are measured.

“Carbon sequestration.” The long-term storage of carbon or carbon dioxide in forests, forest products, soils, oceans or underground in depleted oil and gas reservoirs, coal seams and saline aquifers.

“Climate change.” Any alteration of the earth’s climate due, at least in part, to emissions of greenhouse gases associated with human activities, including, but not limited to, the burning of fossil fuels, biomass burning, cement manufacture, agriculture, deforestation and other land-use changes.

“Cobenefits.” The economic, social, environmental, public health and other benefits of climate change policies that are independent of any benefits for reducing or mitigating climate change.

“Committee.” The Climate Change Advisory Committee established in section 5.

“Department.” The Department of Environmental Protection of the Commonwealth.

“Greenhouse gases” or “GHGs.” Gases in the earth’s atmosphere that absorb and reemit infrared radiation, including carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride.

“Secretary.” The Secretary of Environmental Protection of the Commonwealth.

Section 3. Report on potential climate change impact and economic opportunities for this Commonwealth.

(a) Report required.—The department shall prepare and publish a report on the potential impact of climate change in this Commonwealth. The report shall identify the following:

(1) Scientific predictions regarding changes in temperature and precipitation patterns and amounts in this Commonwealth that could result from climate change. Such predictions shall reflect the diversity of views within the scientific community.

(2) The potential impact of climate change on human health, the economy and the management of economic risk, forests, wildlife, fisheries, recreation, agriculture and tourism in this Commonwealth and any significant uncertainties about the impact of climate change.

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

(b) Cooperation.—In preparing the report, the department shall consult with Federal and other State agencies, academic institutions and the committee. The department may also evaluate the recommendations of climate change action plans prepared by counties and municipalities within this Commonwealth. The report shall reflect any diversity of opinion among the entities consulted by the department.

(c) Deadline.—This report shall be completed, published and distributed to the General Assembly and made available to the public in printed form and on the department's Internet website within nine months of the effective date of this act and shall be revised every three years thereafter.

Section 4. Greenhouse gases inventory.

(a) Inventory required.—In consultation with the committee, the department shall annually compile an inventory of GHGs emitted in this Commonwealth by all sources. This inventory shall establish GHG emission trends and the relative contribution of major sectors, including, but not limited to, the transportation, electricity generation, industrial, commercial, mineral and natural resources, production of alternative fuel, agricultural and domestic sectors.

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

(c) Coordination with action plan.—The inventory and baseline shall be presented to the Governor, the General Assembly and the committee every three years as part of the climate change action plan required under section 7.

Section 5. Climate Change Advisory Committee.

(a) Establishment.—There is established within the department the Climate Change Advisory Committee. The purpose of the committee shall be to advise the department regarding the implementation of the provisions of this act.

(b) Membership.—

(1) The committee shall be composed of residents of this Commonwealth selected as set forth in this subsection. Members shall be appointed on account of their interest, knowledge or expertise regarding climate change issues. Members shall be selected to reflect a diversity of viewpoints on climate change issues from the scientific, business and industry, transportation, environmental, social, outdoor and sporting, labor and other affected communities.

(2) Eighteen members shall be appointed as follows:

(i) Six members appointed by the Governor.

(ii) Six members appointed by the Senate. Of these members, the Majority Leader of the Senate shall appoint four members, and the Minority Leader of the Senate shall appoint two members.

(iii) Six members appointed by the House of Representatives. Of these members, the Majority Leader of the House of Representatives shall appoint four members, and the Minority Leader of the House of Representatives shall appoint two members.

(3) The Secretary of Conservation and Natural Resources, the Secretary of Community and Economic Development and the Chair of the Pennsylvania Public Utility Commission, or their designees, shall be ex officio voting members of the committee.

(c) Appointment.—Members of the committee shall be appointed within 30 days of the effective date of this act.

(d) Terms of service.—A member shall be appointed for a term of four years. Of the initial members appointed by the Governor, three members shall serve initial terms of two years. Of the initial members appointed by the Majority Leader of the Senate, two members shall serve initial terms of two years. Of the initial members appointed by the Majority Leader of the House of Representatives, two members shall serve initial terms of two years. Of the initial members appointed by the Minority Leader of the Senate, one member shall serve an initial term of two years. Of the initial members appointed by the Minority Leader of the House of Representatives, one member shall serve an initial term of two years. After such initial terms, all appointments shall serve for a term of four years.

(e) Chairperson.—The chairperson of the committee shall be elected from among and by a majority vote of the members appointed under subsection (b)(2). The term of a chairperson shall be for two years, and an individual may serve no more than two consecutive terms as chairperson.

(f) Meetings.—Within 60 days of the effective date of this act, the department shall call the first meeting of the committee and shall establish a schedule for regular meetings of the committee to assist in the implementation of this act.

(g) Expenses.—Members of the committee shall serve without compensation but may be reimbursed from funds appropriated for such

purposes for necessary and reasonable travel and other expenses incurred during the performance of their duties.

(h) Facilitator.—The department shall retain the services of a third-party facilitator to conduct the activities of the committee.

(i) Department responsibilities.—The department shall create and maintain an Internet website listing the membership, activities, meeting schedule, meeting agenda, expense reimbursements and other relevant information regarding the committee.

Section 6. Voluntary greenhouse gas registry.

Within 90 days of the effective date of this act, the department shall create a voluntary greenhouse gas registry through which interested businesses, governments, institutions and other entities can record any reductions in greenhouse gas emissions or any avoided emissions of greenhouse gas emissions that are achieved in the absence of any government mandate to reduce such emissions. The department shall develop guidelines and criteria for the operation of the registry and shall create a site on the department's publicly accessible Internet website for the public to examine a current list of registrants and emission reductions and avoidances.

Section 7. Climate change action plan.

(a) Action plan required.—Within 15 months from the effective date of this act and every three years thereafter, the department shall, in consultation with the committee, submit to the Governor a climate change action plan that:

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

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

(3) Identifies costs, benefits and cobenefits of GHG reduction strategies recommended by the climate change action plan, including the impact on the capability of meeting future energy demand within this Commonwealth.

(4) Identifies areas of agreement and disagreement among committee members about the climate change action plan.

(5) Recommends to the General Assembly legislative changes necessary to implement the climate change action plan.

(b) Publication.—The climate change action plan shall be published and distributed to the General Assembly and made available to the public in printed form and on the department's Internet website upon submission of the plan to the Governor.

Section 8. Effect of Federal law.

(a) Duty of secretary to monitor Federal law.—The secretary shall monitor the enactment of laws by the Congress of the United States to determine whether any law has been so enacted that it establishes a program of GHG inventory, registry or reporting requirements that are as or more comprehensive than those set forth in this act.

(b) Publication in Pennsylvania Bulletin.—If the secretary determines that such a law is enacted, the secretary shall publish this determination in the Pennsylvania Bulletin. The notice shall include a statement that affected entities shall be in compliance with this act or any subsequent act which imposes GHG inventory, registry or reporting requirements by submitting the same information to the department as is required to be submitted under Federal law.

Section 9. Effective date.

This act shall take effect immediately.

APPROVED—The 9th day of July, A.D. 2008.

EDWARD G. RENDELL