



## 2015-2016 Legislative Priorities

Each year, securing sufficient funding for state environmental agencies is a top priority for the Environmental League of Massachusetts. Listed below are our other top legislative priorities for this session. See pages 3-8 for additional bills we support. We reserve the right to add bills to this list throughout the legislative session.

### I. Top Priorities (pages 1-2)

#### Energy & Climate Change

##### *An Act relative to Home Energy Efficiency (S1761)*

Lead Sponsors: Senator Benjamin Downing; Representative Kevin Honan

- Requires sellers of homes to complete a MassSave energy assessment and disclose an energy rating determined by the Department of Energy Resources (DOER) to potential buyers. The goal of this legislation is to make energy costs of our homes transparent to consumers and to empower homeowners to make cost-effective energy improvements.

##### *An Act Combating Climate Change (S1747)*

Lead Sponsor: Senator Michael Barrett

- Directs the Department of Energy Resources to impose a fee on each carbon-based fuel in proportion to the amount of carbon dioxide thrown off by the specific product, incentivizing energy efficiency and encouraging the use of clean energy. To offset the impact of the fees on low- and moderate-income people and on employers, the bill specifies that the revenues generated be returned via checks to residents and companies.

#### Land Use

##### *An Act Promoting the Planning and Development of Sustainable Communities (S122)*

Lead Sponsors: Senator Daniel Wolf; Representative Stephen Kulik

- Updates our state's outmoded zoning, subdivision, and planning laws. The goal is to encourage balanced development and land preservation that will meet the needs of the Commonwealth's communities now and for the next generation. These changes will grant our cities and towns the tools they need to make their vision for the future a reality; provide more certainty to property owners and developers; and realize better regional land use outcomes – jobs and homes in the right places, less spending on excess infrastructure, and important natural resources protected.

***An Act to Protect the Natural Resources of the Commonwealth/Public Lands Preservation Act (S402/H623)***

Lead Sponsors: Senator Jamie Eldridge; Representative Ruth Balsler

- Many bills come before the legislature seeking to transfer public natural resource lands, protected by Article 97 of the Massachusetts Constitution, for other purposes. This legislation would help ensure no net loss of these protected lands by requiring that owners proposing changes in use of or disposition of any Article 97 land provide information to the Secretary of Energy and Environmental Affairs for review and consideration and, in most circumstances, provide replacement land.

***An Act to Sustain Community Preservation Revenue (S1459/H2587)***

Lead Sponsors: Senator Cynthia Creem; Representative Stephen Kulik

- The Community Preservation Trust provides annual matching funds to all 158 municipalities that have adopted the Community Preservation Act. The Fund derives its revenues from fees collected at the Registries of Deeds. Due to the popularity of the Act, and the decline in real estate transactions over the past few years, the annual distribution for CPA communities will drop below 20% in 2015, a record low. This legislation will bolster local aid for CPA municipalities by adjusting the document recording fees at the Registries of Deeds in Massachusetts so that all municipalities will receive at least a 50% match. Since CPA was enacted in 2001, the recording fee has never been adjusted.

**Transportation**

***An Act to Explore Alternative Funding Sources to Ensure Safe and Reliable Transportation (S1851/H2984)***

Lead Sponsors: Senator Jason Lewis; Representative Tricia Farley-Bouvier

- Establishes a pilot program to assess owners of motor vehicles a user fee that is based on the number of miles traveled on roads in this state by those motor vehicles (as an alternative to the "diminishing" fuel tax revenues). The pilot will include at least 1,000 individuals and the program will test the reliability, ease of use, cost, and public acceptance of a user fee program.

**Recycling**

***An Act relative to Recycling (S454)***

Lead Sponsor: Senator Marc Pacheco

- Establishes a solid waste performance standard for cities and towns of 600 lbs. of trash per capita by July 1, 2016 and 450 lbs. per capita by July 1, 2021. Currently, 163 municipalities already comply with the 2016 performance standard and 84 meet both standards. This legislation passed the Senate in 2014 and is projected to reduce trash by hundreds of thousands of tons per year, saving cities and towns millions of dollars while increasing recycling, reducing greenhouse gas emissions, and creating green jobs in Massachusetts.

## II. Additional Legislation We Support (pages 3-8)

### Energy & Climate

***An Act Requiring the Timely Adoption of Greenhouse Gas Emissions Limits for the year 2030 (S1748)***

Lead Sponsor: Senator William Brownsberger

- Strengthens the Global Warming Solutions Act by requiring the Secretary of Energy and Environmental Affairs to adopt a limit on greenhouse gas emissions of between 35 and 60 percent below 1990 levels by 2030.

***An Act Relative to 2030 and 2040 Emissions Benchmarks (S2092)***

Lead Sponsor: Senator Marc Pacheco

- Includes the Comprehensive Adaptation Management Plan bill language (S 451/H752): "Codifies in statute the Commonwealth's goals, priorities and principles for resiliency, preservation, protection, restoration and enhancement of Massachusetts' built and natural infrastructure using data on existing and projected climate change impacts including temperature changes, drought, inland flooding and sea level rise."
- Strengthens the Global Warming Solutions Act by requiring the Secretary of Energy and Environmental Affairs to adopt a limit on greenhouse gas emissions of between 35 and 45 percent below 1990 levels by 2030.

***An Act relative to Protecting Consumers of Gas and Electricity from Paying for Leaked and Unaccounted for Gas (H2870)***

Lead Sponsor: Representative Lori Ehrlich

- Requires utilities and providers of natural gas to measure and report all lost or unaccounted for natural gas. Any costs associated with mitigating unaccounted for gas will be disallowed for ratemaking purposes.

***An Act relative to consumer protection with regard to pipeline tariffs (H2494); An Act to protect Massachusetts gas and electric ratepayers (S1769)***

Lead Sponsors: Representative Lori Ehrlich; Senator Jamie Eldridge

- Protects Massachusetts taxpayers and customers from paying for gas pipeline capacity used for export. If such funds are used, the owner of the pipeline must reimburse Massachusetts customers for the amounts collected.

***An Act relative to the Authority of the Attorney General (H2893)***

Lead Sponsor: Representative Stephen Kulik

- Requires projects submitted under the Natural Gas Act to be evaluated to see if such resources are required and to evaluate alternative supply options to such gas projects.
- Allows either the Secretary of Energy and Environmental Affairs or the Attorney General to undertake a review of the environmental impact of such projects.

***An Act Providing for the Establishment of a Comprehensive Adaptation Management Plan in Response to Climate Change (S1973/H752)***

Lead Sponsors: Senator Marc Pacheco; Representative Frank Smizik

- Codifies in statute the Commonwealth's goals, priorities and principles for resiliency, preservation, protection, restoration and enhancement of Massachusetts' built and natural infrastructure using data on existing and projected climate change impacts including temperature changes, drought, inland flooding and sea level rise.

***An Act relative to Net Metering, Community Shared Solar and Energy Storage (S1770/H2852)***

Lead Sponsors: Senator Jamie Eldridge; Representative Thomas Calter

- Encourages solar development by increasing the cap on solar net metering to 1600MW. Supports small-scale solar projects by exempting them from the cap. For those who cannot house a solar project, increases access by incentivizing community shared solar projects. Sets a statewide 2025 target for 20% solar. Directs the Department of Public Utilities to initiate an energy storage program.

***An Act Promoting Zero Net-Energy Buildings in the Commonwealth (S1771)***

Lead Sponsor: Senator Jamie Eldridge

- Designates the Board of Building Regulations and Standards (BBRS) to establish definitions of zero net-energy buildings. Directs the BBRS to promulgate regulations establishing a residential zero net-energy building requirement to take effect in 2020 and a commercial zero net-energy building requirement to take effect in 2030. In addition to saving energy and reducing greenhouse gas emissions, zero net energy buildings can provide significant cost savings for residents and businesses, and stimulate clean energy technology development and job growth in the Commonwealth.

***An Act relative to Capturing Cost-Effective Savings for Massachusetts Customers (H2912)***

Lead Sponsor: Representative Frank Smizik

- Prompts utility companies to achieve all cost-effective energy efficiency to meet our state's energy and environmental policy goals. Amends the Green Communities Act to put in place mandatory financial penalties for the utilities for failing to achieve energy savings identified by an energy efficiency potential study for the Energy Efficiency Advisory Council (EEAC).

***An Act to Protect our Environment and Update our Climate Action Plan (S1785)***

Lead Sponsor: Senator Marc Pacheco

- Comprehensive proposal to reduce our dependence on fossil fuels and to establish a price on greenhouse gas emissions. Prohibits hydraulic fracturing and coal plant operation after 2017. Divests any state pension fund from fossil fuel holdings within five years. Creates an economy-wide price on carbon emissions, with 20 percent of revenue generated going to public transportation and renewable energy projects. Promotes energy efficiency and solar energy in buildings and transportation.

***An Act Establishing Tracking and Reporting Requirements for Massachusetts Transportation Fuels and Associated Greenhouse Gas Emissions (S456/H754)***

Lead Sponsors: Senator Marc Pacheco; Representative Frank Smizik

- Requires MassDEP to promulgate regulations requiring producers, importers, and wholesale distributors that sell transportation fuels in Massachusetts to report those sales, and the source of each fuel, to DEP. DEP must compute and track the lifecycle greenhouse gas emissions and carbon intensity of each reported fuel, as well as the annual total of lifecycle greenhouse gas emissions and publish this information in an annual report.

***An Act relative to Public Investment in Fossil Fuels (S1350/H2269)***

Lead Sponsors: Senator Benjamin Downing; Representative Marjorie Decker

- Over five years, divests the state's Pension Fund from fossil fuel companies to align Massachusetts investment practices with its climate goals.

***An Act creating a commission to study the feasibility of divestment of fossil fuels from the Commonwealth's pension systems (H2372)***

Lead Sponsor: Representative Aaron Michlewitz

- Establishes a special commission to study divesting from fossil fuels from the Commonwealth's pension funds managed by the Pension Reserves Investment Trust.

***An Act Fueling Job Creation Through Energy Efficiency (S1774)***

Lead Sponsor: Senator Brian Joyce

- Property Assessed Clean Energy (PACE) financing allows commercial property owners to invest meaningfully in energy efficiency and renewables for their properties by allowing "loans" for such projects to be repaid via a property tax assessment. PACE helps to overcome several traditional market barriers and problems that typically limit such investment in the private sector. This bill would increase energy efficiency and on-site renewable energy generation at commercial, industrial, and institutional properties, creating clean tech, design, construction and other related jobs.

***An Act Relative to Net Metering (H2911)***

Lead Sponsors: Representative Frank Smizik

- Lifts the net metering cap and provide an opportunity to allow members of the Committee to review the Task Force Recommendations and come up with a long-term solar policy framework.

***An Act Relative to Energy Storage Systems (S1762)***

Lead Sponsors: Senator Benjamin Downing

- Requires the Department of Energy Resources to open a proceeding to determine appropriate targets for electric companies to procure viable and cost-effective energy storage systems.

## **Healthy Communities**

### ***An Act for Healthy Families and Businesses (S397/H696)***

Lead Sponsors: Senator Kenneth Donnelly; Representative Jay Kaufman

- Requires companies to replace toxic chemicals in consumer products with safer alternatives wherever feasible. Provides technical and financial assistance to businesses to support this transition.

### ***An Act to Require Environmentally Safe Alternatives to Harmful Cleaning Products (H2067)***

Lead Sponsor: Representative Frank Smizik

- Requires the use of safer cleaning products in schools, day care centers, public buildings, or common areas of public housing in Massachusetts.

### ***An Act relative to the Disclosure of Toxic Chemicals in Consumer Products (S1139/H697)***

Lead Sponsors: Senator Kenneth Donnelly; Representative Jay Kaufman

- Supports creation of a list of "Hazardous Chemicals in Consumer Products." Requires manufacturers selling products in Massachusetts that contain those chemicals to disclose the chemical usage to the state. Covered products include children's products and "formulated products"--which includes cosmetics, cleaning products, and a variety of products used in industrial settings.

### ***An Act to Protect Children and Families from Harmful Flame Retardants (S1132)***

Lead Sponsor: Senator Cynthia Creem

- Phases out the use of certain harmful flame retardant chemicals—polybrominated diphenyl ethers and Chlorinated Tris—in children's products and residential furniture.

### ***An Act to Require Environmentally Safe Alternatives to Harmful Chemicals (H2067)***

Lead Sponsor: Representative Frank Smizik

- Requires the use of safer cleaning products in schools, day care centers, and public buildings or common areas of public housing in Massachusetts

### ***An Act requiring disclosure of solvents used in dry cleaning (H2068)***

Lead Sponsor: Representative Frank Smizik

- Requires garment cleaners using a dry cleaning solvent system to post in their stores what chemical(s) they are using in their processes for full disclosure to their customers, neighbors, and employees.

## **Recycling**

### ***An Act to Reduce Solid Waste, Increase Recycling and Generate Municipal Cost Savings (S438)***

Lead Sponsor: Senator Jason Lewis

- Implements several strategies for reducing solid waste and increasing recycling in the Commonwealth, consistent with the state's Solid Waste Master Plan. These strategies include setting specific municipal recycling performance targets, strengthening oversight and enforcement of waste bans, strengthening regulation of waste haulers, and improving

the collection and reporting of solid waste data. Increased funding to implement these strategies will be provided by a \$1.50 surcharge assessed per ton of solid waste disposed.

***An Act Reducing Solid Waste and Providing for Universal Recycling (H3420)***

Lead Sponsor: Representative Paul McMurtry

- Requires all residences, businesses, and institutions to separate recyclable materials that are banned from disposal, and to make arrangements for materials to be recycled. Requires waste haulers to offer recycling service to all customers, and MassDEP to develop informational materials about this law to be distributed by local authorities and haulers to their customers. Gives MassDEP authority to enforce these provisions on generators and haulers at the point of generation, and requires haulers to report data as requested by MassDEP.

***An Act to Increase Access to Recycling (H647)***

Lead Sponsor: Representative Michael Day

- Requires all municipalities that provide trash services to also provide recycling services. Also requires all private waste haulers to provide recycling services.

***An Act Relative to Public Space Recycling (S1653)***

Lead Sponsor: Senator Anne Gobi

- Requires state agencies and courts, state-operated parks, and high-traffic facilities to provide public recycling receptacles to recycle glass containers, metal containers, paper and plastic bottles. Also requires municipalities to collaborate with MassDEP to develop and implement a plan for public space recycling appropriate to the unique circumstances of the municipality. Applies only to entities currently subscribing to waste disposal services, since converting those services to include convenient recycling should be a low-to-no-cost effort with a strong positive environmental impact.

***An Act establishing the Massachusetts paint stewardship program (S408)***

Lead Sponsor: Senator Anne Gobi

- Requires the producers of architectural paint sold at retail to submit a plan for the establishment of a paint stewardship program. The plan must minimize public sector involvement in the management of post-consumer paint by taking actions such as reducing its generation and promoting its reuse and recycling.

**Smart Growth**

***An Act to Establish Community Benefit Districts (S1070/H144)***

Lead Sponsors: Senator Eileen Donoghue; Representative Brendan Crighton

- Enables communities to establish Community Benefit Districts (CBDs), which are public/private/non-profit partnerships providing supplemental services and management of important areas including downtowns, town centers, "Main Streets", villages, or urban squares. Community benefit districts offer a way for communities to finance and manage supplemental local services, including many that improve the urban environment, such as tree maintenance, improving pedestrian amenities, management of farmers' markets, placemaking and cultural events, and the improvement and maintenance of

parks and public space. The CBDs raise revenue through a district fee; revenue could also be generated from parking fees, events, donations, sponsorships, and grants. CBDs differ from Business Improvement Districts in that they are easier to create and dissolve, emphasize mixed-use districts, and require the participation of all property owners, including those which are public or tax-exempt.

### **Transportation**

#### ***An Act relative to Regional Transportation Ballot Initiatives (S1474)***

Lead Sponsors: Senator Benjamin Downing; Representative Chris Walsh

- Authorizes a municipality, or a district formed from two or more municipalities, to impose a tax surcharge on one of four taxes from a list including payroll, sales, property, or vehicle excise tax, with revenues to be used for transportation-related purposes only.

#### ***An Act Promoting Adoption of Electric Vehicles (H3085/S1824)***

Lead Sponsors: Senator Jamie Eldridge; Representatives Frank Smizik & Jonathan Hecht

Provides incentives for electric vehicle drivers, enables building code changes to provide for future charging station infrastructure, allows broad consumer access to public charging stations, and establishes a 2025 requirement for state electric vehicle purchases, along with intermediate targets and a study of electrification opportunities.

### **Water**

#### ***An Act to Mitigate Water Resources Impacts (S405)***

Lead Sponsor: Senator Jamie Eldridge

- Authorizes municipalities to adopt a "waterbanking" fund that would allow for a reasonable fee for new or increased water usage (drinking, sewerage, stormwater) to fund conservation (i.e. low-flow devices) and infrastructure improvements (i.e., leak detection and repair) to address environmental and fiscal impacts.

#### ***An Act Providing for the Establishment of Sustainable Water Resource Funds (H657)***

Lead Sponsor: Representative Carolyn Dykema

- Allows communities to charge new developments a small fee in order to offset the developments' environmental impacts. Specifically, the revenue will be used to defray the additional costs to the community of managing more stormwater, treating an increase in wastewater, or protecting local streams from increasing withdrawals for water supply.