



January 30, 2017

Environmental League of Massachusetts Legislative Agenda 2017-18

Building on Past Successes and Continuing to Lead the Nation

I. Top Priorities

Budget

Severe cuts to environmental agency budgets and staff reductions are preventing Massachusetts from adequately protecting the environment and public health. Currently, only about half of a penny of every dollar in the state operating budget goes toward environmental agencies. It is crucial that the Governor and Legislature allocate sufficient funding for our state environmental agencies. ELM leads the Green Budget Coalition, which has grown to include over 100 organizations and businesses from around the state.

Energy & Climate Change

SD860: An Act Relative to Home Energy Efficiency – Senator Donnelly, Rep. Donato

The energy costs associated with operating major purchases like cars and homes should be transparent. We are all familiar with the stickers on cars clearly indicating the efficiency of the car as expressed in miles per gallon. Homebuyers should have as much information about the costs of operating homes, as car buyers do for vehicles. ELM supports legislation that would require home sellers to obtain an energy efficiency rating and disclose it to potential buyers. This could be accomplished via the existing home inspection process or an electric utility program that offers free home energy audits. Such a requirement would incentivize homeowners to make cost-effective energy efficiency improvements, and provide consumers with critical information on what to expect for their future utility bills.

SD1365: An Act Relative to Net Metering – Senator Pacheco

We support removing the existing caps on solar net metering (currently set at 7% of a utility's peak load). This is a key step for meeting the requirements of the Global Warming Solutions Act, providing stable and long-term incentives for the development of renewable resources, and continuing robust growth in renewable energy sector jobs.

SD1372: An Act Relative to Enhancing RPS Standards – Senator Pacheco

ELM supports increasing the current annual percentage of renewable energy that utilities must obtain for their customers. The current RPS statute requires that utilities increase by 1% each year the amount of renewable power they provide. This annual increase is insufficient and should be doubled from 1% per year to 2% to help ensure that Massachusetts meets its legally binding greenhouse gas emission reduction requirements, increase the number of jobs in the renewable energy sector, and provide stable and long-term incentives for the development of new renewable resources.

Carbon Pricing:

- ***SD1021: An Act Combating Climate Change (Carbon Fee & Rebate) – Senator Barrett***
- ***HD 1504: An Act to Promote Green Infrastructure, Reduce Greenhouse Gas Emissions, and Create Jobs – Rep. Benson***

ELM supports the development of a carbon fee and rebate system designed to reduce the carbon content of the fuels we use in our homes, businesses, and vehicles. Both of these bills would place a fee on the carbon pollution that results from burning fossil fuels. The fee would increase over time, be collected in a special fund and rebated directly to all households and businesses. The rebates would be designed to minimize the economic impact on low and moderate-income residents and rural residents who typically drive longer distances. In the Senate bill, all revenue collected would be rebated. In the House bill, 20% of the revenue collected would support a Fund for Green Infrastructure which would invest in transportation, resiliency, and clean energy projects that reduce greenhouse gas emissions, prepare for climate change impacts, and create local economic development.

Land Protection

HD2225/SD588: Community Preservation Act Trust Fund – Senator Creem, Reps Kulik & Honan

The Community Preservation Act was enacted in 2000 to provide funding for open space protection, affordable housing and historic preservation. Since that time 172 communities have voted to adopt CPA, voluntarily increasing their property taxes for these uses and receiving a state match. This legislation would establish a permanent adjustment to the current funding source for the CPA Trust Fund (state matching dollars). The Trust derives its revenue from fees collected at the Registries of Deeds for real estate transactions. These fees have not been adjusted since CPA was signed into law. The legislation calls for the Department of Revenue to calculate what the fee would need to be so that all CPA communities would receive a stabilized percentage match going forward.

HD2334/SD389: An Act to Protect the Natural Resources of the Commonwealth/Public Lands Preservation Act – Senator Eldridge, Rep. Balser

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 create a transparent process with EEA review before the legislature votes on whether to allow a park or conservation land protected by Article 97 to be converted to another use.

Smart Growth

SD1609: An Act Promoting the Planning and Development of Sustainable Communities – Senator Chandler

Through our work with the Massachusetts Smart Growth Alliance, ELM supports updates to our state's outmoded zoning, subdivision, and planning laws. The goal of the legislation 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 would give 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 land use outcomes – jobs and homes in the right places, less spending on excess infrastructure, and important natural resources protected.

Transportation

HD446/SD217: An Act to Explore Alternative Funding Sources to Ensure Safe and Reliable Transportation – Senator Lewis, Rep. Farley-Bouvier

Requires the state to pursue a vehicle-miles-traveled fee pilot program. The program would use volunteers to opt-in to test a vehicle-miles-traveled fee as a possible future replacement or supplement to the state gas tax.

Water

HD2398: Drought Legislation – Senator Eldridge, Rep. Dykema

The very serious drought we have been experiencing has illustrated some weaknesses in the state's Drought Management Plan. These issues need to be addressed so we can better respond to future droughts. This legislation would give additional authority to the Secretary of Energy and Environmental Affairs to create uniform watering restrictions.

II. Additional Bills We Support

SD2049: An Act Creating 21st Century Massachusetts Clean Energy Jobs – Senator Pacheco

This omnibus clean energy bill includes among other things, various incentives for renewable energy and energy storage; increases the amount of offshore wind utilities are required to procure; requires the development of a climate adaptation plan; establishes a residential sustainable energy program to provide financing to residential property owners for both energy efficiency and renewable energy improvements.

HD1948: An Act Relative to Creating Energy Jobs – Rep. Goldstein-Rose

Establishes a carbon pricing system; removes the net metering cap; requires a statewide survey of land suitable for solar and storage resources; establishes a clean energy bank to finance renewable energy development; provides funding for the development of energy storage technologies.

HD3204/SD1727 An Act Clarifying Authority and Responsibilities of the Department of Public Utilities – Senator Eldridge, Rep. Kulik

Would enhance the review of pipeline capacity contracts and address other needed reforms related to gas infrastructure projects. It codifies the SJC's ruling prohibiting electric ratepayer financing of gas pipelines; ensures the public's ability to intervene at the DPU; protects ratepayers against self-dealing by energy conglomerates; enhances protections for landowners and conservation areas; and holds gas utilities to high standards regarding the capacity.

SD1336: An Act Establishing a Comprehensive Adaptation Management Plan in Response to Climate Change – Senator Pacheco, Rep. Smizik

Would codify 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.

HD3605: An Act Related to Public Investment in Fossil Fuels – Rep. Decker

Requires the Pension Reserves Investment Trust (PRIT) to cease new investment, and to divest no less than 20% per year, in holdings in fossil fuel companies whose business model relies on continued fossil fuel dependence, so long as the aggregate value of the fund does not drop more than .5% as a direct result. The PRIT assets are currently valued at approximately \$62 billion, of which approximately 2% is currently invested in fossil fuel companies.

HD2403: An Act Providing for the Establishment of Sustainable Water Resource Funds – Senator Eldridge, Rep. Dykema

Authorizes a municipality, water district, wastewater district or storm water utility to establish a sustainable water resources fund, and to collect a charge to be used for measures to remedy and offset the environmental impacts of new or increased water withdrawals, sewerage, wastewater discharges, storm water discharges or impairment of recharge of groundwater through depletion of ground or surface waters; articulates the permitted uses of and regulations governing the fund.

SD1195/HD1664: Autonomous Vehicles – Senator Lewis, Rep. Farley-Bouvier

Experts estimate that autonomous vehicles (AVs) will be commercially available in five years. AVs have the potential to radically transform our transportation choices and we need to develop policies that will ensure this transformation is beneficial to all citizens and our environment. This bill calls for AVs to be zero-emission vehicles, to capture and store certain data, while protecting privacy, and establishes a road usage charge to make up for lost gas tax revenue as electric autonomous vehicles replace gasoline-burning cars.

SD1545/HD3006: An Act to Reduce Traffic Fatalities – Senator Brownsberger, Rep. Hecht

Establishes a number of policies that would foster safer streets and achieve progress toward Vision Zero, among which are lowering the default speed limit on state highways and parkways in thickly settled or business districts, requiring a safe passing distance for vulnerable road users, requiring the Commonwealth to issue new guidelines for signage for bicycle, pedestrian, and other non-motorized routes, and calling for a curriculum for elementary school students emphasizing safe bicycling, pedestrian, and motor vehicle practices.

SD921/HD174: Regional Ballot Initiatives – Sen. Lesser, Rep. Chris Walsh

Enables one or more cities and towns to vote locally to raise money for transportation projects.

HD3117: An Act Relative to Environmental Justice and Toxics Reduction in the Commonwealth – Rep. DuBois

Would codify Environmental Justice Executive Order 552, which requires Secretariats to take action in promoting environmental justice - the equal protection and meaningful involvement of all people with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies, and the equitable distribution of environmental benefits.

SD866: Disclosure of Toxic Chemicals in Children's Products – Senator Donnelly and Rep. Kaufman

Making the transition to safer alternatives to toxic chemicals requires that we know what is being used in everyday products. This bill would create a list of "toxic chemicals in consumer products." Manufacturers of children's products, personal care products, cleaning products and certain other products sold in Massachusetts that contain those chemicals would be required to report that information to the state and then would be made available to the public.

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HD1258: Flame Retardants (The Children and Firefighters Protection Act) – Senator Creem, Rep. Decker

Toxic flame retardants are added to highchairs, car seats, nursing pads, furniture, carpet pads, electronic equipment (including toys), and many more household products. They are a risk to our health and don't actually provide a fire safety benefit. Fortunately, there are ways to make furniture more fire safe and less toxic, and many companies are already doing so. This would phase out the use of certain harmful flame retardant chemicals in children's products and residential furniture.

HD2746: An Act relative to Enhancing Recycling Machines at Massachusetts Bay Transportation Authority facilities – Rep. DiZoglio

This bill would establish a special commission to study the feasibility of installing reverse vending machines at MBTA terminals, stations and garages for recycling purposes, and reimbursing people for deposits in the form of transportation credits on stored-value cards.

SD1113/ HD2253: An Act Relative to Protecting Consumers of Gas and Electricity From Paying for Leaked and Unaccounted for Gas – Senator Eldridge, Rep. Barber

Provides a process for calculating unaccounted for gas and requires that all lost and unaccounted for gas be presumed to be lost and the cost of unaccounted for gas in excess of the maximum allowable amount and all expenses for decreasing such are disallowed for ratemaking purposes.

SD1359: An Act Relative to 2030 and 2040 Emissions Benchmarks – Senator Pacheco

Would require statewide greenhouse gas emissions limits be set for the years 2030 and 2040 in addition to the limit already set for 2020.

HD1497: An Act Relative to Local Energy Investment and Infrastructure Modernization – Rep. Benson

Would require utilities to develop plans to improve the electric infrastructure system to more easily incorporate distributed renewable resources; require utilities to consider local energy sources in their planning processes; and permit time of use electric rates.

III. Top Priority Legislation We Oppose

Delegation: We oppose proposals for the Commonwealth to take over Clean Water Act responsibilities from the federal government. Currently, the Environmental Protection Agency is responsible for issuing permits under the Act and does so at no cost to the Commonwealth. At a time when MassDEP is already under-resourced, short-staffed, and unable to carry out many of its existing responsibilities, taking on this complex and costly program does not make sense.

Pipeline tariff: We will continue to oppose efforts by pipeline developers to force ratepayers to bear the risks and costs of their proposed projects. Massachusetts needs to continue to increase energy efficiency and renewable energy production and transition away from fossil fuels.

Bottle Bill Repeal: We will continue to defend the Bottle Bill. It is an effective method for reducing litter and increasing recycling and should not be weakened or eliminated.