

HOUSE BILL REPORT

HB 1144

As Reported by House Committee On:

Environment
Appropriations

Title: An act relating to amending state greenhouse gas emission limits for consistency with the most recent assessment of climate change science.

Brief Description: Amending state greenhouse gas emission limits for consistency with the most recent assessment of climate change science.

Sponsors: Representatives Fitzgibbon, Ryu, Peterson, Stanford, Jinkins, Goodman, Ormsby, Fey, Pollet, Tarleton, Doglio, Farrell and Macri.

Brief History:

Committee Activity:

Environment: 1/23/17, 2/2/17 [DPS];

Appropriations: 2/15/17, 2/21/17 [DP2S(w/o sub ENVI)].

Brief Summary of Second Substitute Bill

- Modifies state greenhouse gas emissions reduction targets, moving from 25 percent below 1990 levels to 40 percent below 1990 levels by 2035, and from 50 percent below 1990 levels to 80 percent below 1990 levels by 2050.
- Directs the Department of Ecology (DOE) to include in its biennial report to the Governor and Legislature the quantity of greenhouse gas emissions in the state from wildfire.
- Directs the DOE to include in its biennial report to the Governor and Legislature the quantity of greenhouse gas emissions from other states on a per capita and total basis, and to identify Washington's emissions ranking among the other states.
- Directs the DOE to include in its biennial report to the Governor and Legislature the greenhouse gas emissions reductions made by each state agency, and the cost incurred by each state agency to meet greenhouse gas emissions reduction targets.
- Directs the DOE to include in its biennial report to the Governor and Legislature the greenhouse gas emissions from certain public institutions of

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higher education in the state, and the cost incurred by each such institution to meet greenhouse gas emissions reduction targets.

HOUSE COMMITTEE ON ENVIRONMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Taylor, Ranking Minority Member; Fey, Kagi and McBride.

Minority Report: Do not pass. Signed by 2 members: Representatives Shea, Ranking Minority Member; Dye.

Staff: Robert Hatfield (786-7117).

Background:

Federal and State Regulation of Greenhouse Gases.

The United States Environmental Protection Agency (EPA) and the Washington State Department of Ecology (Ecology) identify carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride as greenhouse gases because of their capacity to trap heat in the Earth's atmosphere. Under the federal Clean Air Act, greenhouse gases are regulated as an air pollutant and are subject to several air regulations administered by the EPA. At the state level, greenhouse gases are regulated by Ecology under the state Clean Air Act.

In 2008 Washington enacted legislation that set a series of limits on the emission of greenhouse gases within the state. Ecology is responsible for monitoring and tracking the state's progress toward the emission limits.

The state's current limits on the emission of greenhouse gases are:

- By 2020, overall greenhouse gas emissions in the state must be reduced to 1990 levels.
- By 2035, overall greenhouse gas emissions in the state must be reduced to 25 percent below 1990 levels.
- By 2050, overall greenhouse gas emissions in the state must be reduced to 50 percent below 1990 levels, or 70 percent below the state's expected emissions for that year.

The 2008 legislation also required Ecology to consult with the climate impacts group at the University of Washington regarding the science on human-caused climate change, and to provide a report to the Legislature making recommendations regarding whether the greenhouse gas emissions reductions needed to be updated.

Ecology issued its most recent report in December 2016. The report recommended the following greenhouse gas emission limits:

- By 2020, reduce overall emissions of greenhouse gases in the state to 1990 levels.

- By 2035, reduce overall greenhouse gas emissions in the state to 40 percent below 1990 levels.
 - By 2050, reduce overall greenhouse gas emissions in the state to 80 percent below 1990 levels.
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Summary of Substitute Bill:

Washington must limit emission of greenhouse gases to achieve the following reductions for the state:

- By 2020, reduce overall emissions of greenhouse gases in the state to 1990 levels (no change from current law).
- By 2035, reduce overall emissions of greenhouse gases in the state to 40 percent below 1990 levels (compared to current reduction of 25 percent below 1990 levels).
- By 2050, reduce overall emissions of greenhouse gases in the state to 80 percent below 1990 levels (compared to current reduction of 50 percent below 1990 levels).

The alternative targeted reduction of greenhouse gases by 2050, to 70 percent below the state's expected emissions for that year, is eliminated.

For the biennial report that the Department of Ecology (Ecology) submits to the Governor and the Legislature, Ecology must coordinate with the Department of Natural Resources to determine and report the total greenhouse gas emissions from wildfire in the state. The report must also describe the per capita and total greenhouse gas emissions of the other states, and must identify Washington's numerical ranking among the other states in terms of total and per capita emissions. The report must also describe the amount of money that each state agency has spent during the biennium to reduce greenhouse gas emissions, the greenhouse gas emissions reductions made by each state agency during the biennium, and the cost-per-ton of greenhouse gas emissions reductions for each state agency. The report must also describe the greenhouse gas emissions and the costs incurred to reduce greenhouse gas emissions for the following institutions: the University of Washington, Washington State University, Western Washington University, Central Washington University, Eastern Washington University, and The Evergreen State College.

Substitute Bill Compared to Original Bill:

The substitute bill adds elements to the report that the Department of Ecology must submit each biennium to the Governor and the Legislature. These elements include:

- greenhouse gas emissions from wildfire in the state;
- greenhouse gas emissions of the other states on a per capita and total basis, and Washington's ranking among the other states on a per capita and total basis;
- the greenhouse gas emission reductions for each state agency, and the cost to each state agency to achieve those reductions; and
- the greenhouse gas emissions, and costs incurred to reduce greenhouse gas emissions, for the University of Washington, Washington State University, Western Washington University, Central Washington University, Eastern Washington University, and The Evergreen State College.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Since 2008, confidence in the human link to climate change has only increased. There is now better science on the amount by which greenhouse gas emissions need to be reduced. If emissions drop by a sufficient amount by 2050, it is more likely than not that the global climate temperature increase can be kept to 2 degrees Celsius or less. The 2013 Intergovernmental Panel on Climate Change report is peer-reviewed, and concluded that it is extremely likely that more than half of observed recent temperature changes have been man-made. The public may think scientists are debating, but they are not. Scientists now are at a level of certainty with regard to climate change that compares to the level of certainty that smoking causes cancer. The year 2016 was the warmest year on record. We can prevent the most catastrophic impacts of climate change by setting science-based limits. Washington has an opportunity to lead on climate change. The really drastic changes in climate are yet to come. A recent study concluded that for every ton of carbon dioxide emitted, sea ice is reduced by 3 square meters. Washington currently emits approximately 10 tons of carbon dioxide per person per year, or approximately 70 megatons per year. The per capita average in the United States is 20 tons of carbon dioxide per year. Carbon dioxide emissions in the United States started to go down in approximately 2005. The current limits are a statement of direction that guide the Legislature and the state agencies. We are in a state of emergency, and if we do not address this situation, our kids are not going to be able to solve it in 2050. We do not have any time to waste. Our current atmospheric levels of carbon dioxide are now at 405 parts per million. If you actually want to cut emissions, you need to cut emissions according to the target set for 350 parts per million of atmospheric carbon dioxide.

(Opposed) Increasing Washington's emissions reductions targets assumes that we are all starting from the same point. Washington has already made great strides in reducing greenhouse gas emissions. Washington represents 0.1 percent of global carbon dioxide emissions. The way that Washington measures its carbon dioxide emissions is different than the Environmental Protection Agency or other states. Measuring Washington's carbon dioxide emissions by consumption makes Washington's emissions profile look worse than it really is. The easier or more inexpensive reductions have already been addressed, and further reductions would be very expensive. It does not make sense to move forward with additional reductions until there is a plan in place for how to meet the 2008 reductions. It is one thing to set aspirational goals, but goals can turn into strict limits, and that raises concerns. If, in an effort to be a leader on this issue, we damage the state economy, we ultimately do harm to the overall reduction goals, because businesses may move elsewhere and possibly emit more. The world recognizes hydroelectric power as a renewable resource, but we are limited in our ability to do that in Washington because of Initiative-937.

(Other) Recent reports suggest that climate sensitivity to carbon dioxide emissions is actually going down. There is reason to be skeptical that numbers that are divisible by five represent science. In order to have an effective climate change policy, we cannot create a crisis mentality. We have done a lot of things in Washington that have been ineffective. We do not have metrics for two things: for what is effective and for accountability. Solar subsidies are high cost, low yield. If you are going to set standards, you should set standards for efficiency and accountability. If Washington achieved 80 percent reductions below 1990 levels, that would take the state to 3.2 tons of carbon dioxide per person per year - similar to Cuba, Romania, and Uzbekistan.

Persons Testifying: (In support) Representative Fitzgibbon, prime sponsor; Richard Gammon and Sarah Myre, University of Washington; Ron Lindsay, Union of Concerned Scientists; and Stu Clark, Department of Ecology.

(Opposed) John Rothlin, Avista; Jessica Spiegel, Western States Petroleum Association; Tim Boyd, Industrial Customers of Northwest Utilities; and Micheal Foster.

(Other) Todd Myers, Washington Policy Center.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environment. Signed by 18 members: Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist, Cody, Fitzgibbon, Hansen, Hudgins, Jinkins, Kagi, Lytton, Pettigrew, Pollet, Sawyer, Senn, Springer, Stanford, Sullivan and Tharinger.

Minority Report: Do not pass. Signed by 14 members: Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys, Caldier, Condotta, Haler, Harris, Nealey, Schmick, Taylor, Vick, Volz and Wilcox.

Minority Report: Without recommendation. Signed by 1 member: Representative Manweller.

Staff: Dan Jones (786-7118).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Environment:

A null and void clause was added, making the bill null and void if funding is not provided in the operating budget.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Second Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.

Staff Summary of Public Testimony:

(In support) None.

(Opposed) Although the fiscal impact of this bill appears small, oil companies in Washington are already struggling with how to comply with the Clean Air Rule, which is the way the Department of Ecology (Ecology) is applying the current greenhouse gas emission reductions. There are costs related to this bill not reflected in the fiscal note, including defending multiple legal challenges over Ecology's Clean Air Rule. Ecology did not apply current information about energy consumption to the reduction targets in the bill, such as the fact that 98 percent of Washington's power already comes from wind and hydroelectric generation.

Persons Testifying: Jessica Spiegel, Western States Petroleum Association; and Mary Catherine McAleer, Association of Washington Business.

Persons Signed In To Testify But Not Testifying: None.