



Senate of Pennsylvania

April 21, 2020

Honorable Tom Wolf
Governor of Pennsylvania
225 Main Capitol
Harrisburg, PA 17120

Dear Governor Wolf,

We write to request your rescission of Executive Order No. 2019-7 directing the Pennsylvania Department of Environmental Protection (DEP) to submit a proposed rulemaking to the Environmental Quality Board to establish a “carbon dioxide budget consistent in stringency to that established in the Regional Greenhouse Gas initiative (RGGI) participating states,” and to direct DEP to suspend regulatory efforts to implement RGGI or any carbon dioxide budget trading program in Pennsylvania.

Since the execution of Executive Order No. 2019-7, the world economy, and certainly Pennsylvania’s economy, has been dramatically reshaped with the ongoing COVID-19 pandemic. In the past month, we have witnessed 20% of our workforce apply for unemployment compensation benefits, and to date, our state has not reopened. Workers, families, and communities are suffering through no fault of their own. Additionally, we are deeply concerned that the economic impacts caused by COVID-19 will continue into the foreseeable future. Should DEP continue on the current regulatory path to implement a carbon dioxide budget trading program it will only add to that suffering as power plants and the businesses that supply them will likely be forced to shut down, and the communities that they support will experience additional unnecessary pain.

The COVID-19 pandemic combined with Center for Disease Control mandates and your Executive Orders have significantly re-shaped the policy making process in Pennsylvania - including the legislative and regulatory processes - which under the Pennsylvania and United States Constitutions, and our democratic system of government, rely heavily on the ability of workers, employers and communities to weigh in on the development of major policy initiatives. In fact, Executive Order 2019-7, and your public comments surrounding its announcement, promised a “robust public outreach effort.” Unfortunately, given the current environment which we are all now adapting to operating within, such a public outreach initiative has come to a halt and in the future will likely to be faced with significant limitations.

For its part, DEP has postponed advisory committee meetings intended to vet the carbon dioxide budget trading proposal. And, while the next public meeting is scheduled for April 23, 2020 with both the Citizens Advisory Council (CAC) and Air Quality Technical Advisory Committee (AQTAC), during the April 16, 2020 AQTAC meeting, DEP staff indicated the general public would NOT be permitted to comment on the carbon dioxide budget trading program presentation at that meeting. Instead, DEP staff indicated they would defer public comment to the next respective AQTAC and CAC meetings, with the CAC meeting taking place after DEP plans to request action on the proposal from AQTAC. This decision would appear to exemplify the limitations a robust public outreach effort now faces. In fact, DEP has yet to allow meaningful public comment from any communities, employers or workers who will be harmed by this proposed carbon dioxide trading program.

Furthermore, at the April 23 CAC/AQTAC joint meeting it is our understanding that DEP intends to produce certain results from modeling conducted thru a contract with ICF. Notably, with respect to such modeling, nothing could have possibly contemplated the impacts of the COVID-19 pandemic. Consumer demand for electricity has collapsed. Power plants are struggling with these lower prices, which could hasten the premature closure of coal and gas plants throughout the Commonwealth. Communities, such as those in Western PA and other parts of the state with fossil fuel plants, are already suffering under the effects of the pandemic. These very same communities are the ones to suffer exponentially more if a carbon dioxide trading program proceeds in Pennsylvania.


The Senate Environmental Resources & Energy Committee was recently forced to cancel four public hearings to discuss the carbon dioxide budget trading program proposal. Those meetings were to be held both in Harrisburg and within impacted communities. The Committee had intended to hear from several representatives from organized labor, local business and political leaders, and electric customers concerned about the impact the regulatory proposal could have on electric generation across Pennsylvania. The Senate Environmental Resources & Energy Committee is developing processes to continue its oversight responsibilities, and a withdrawal of Executive Order 2019-7 would demonstrate respect of the oversight process and the critical role it plays in our democracy.

We respectfully submit that the regulatory process to implement a carbon dioxide trading program in this environment is more appropriate when the process for transparency and the opportunity for public comment can be fully realized. We encourage you to consider this urgent request for rescission carefully.

Sincerely,



HON. GENE YAW
SENATOR



HON. JOE PITTMAN
SENATOR



HON. DAVE ARGALL
POLICY COMMITTEE CHAIR



HON. JOSEPH SCARNATI
PRESIDENT PRO TEMPORE



HON. JAKE CORMAN
MAJORITY LEADER



HON. PATRICK BROWNE
APPROPRIATIONS CHAIR



HON. BOB MENSCH
CAUCUS CHAIR



HON. KIM WARD
CAUCUS ADMINISTRATOR



HON. RYAN AUMENT
CAUCUS SECRETARY



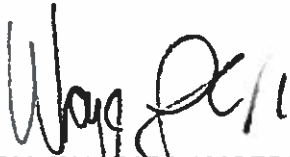
HON. CAMERA BARTOLOTTA
SENATOR



HON. SCOTT MARTIN
SENATOR



HON. SCOTT HUTCHINSON
SENATOR



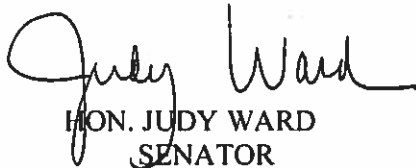
HON. WAYNE LANGERHOLC
SENATOR



HON. DAVE ARNOLD
SENATOR



HON. DOUG MASTRIANO
SENATOR



HON. JUDY WARD
SENATOR



HON. PAT STEFANO
SENATOR



HON. KRISTIN PHILLIPS-HILL
SENATOR

cc:

- All Senators
- Hon. Patrick McDonnell, DEP Secretary
- Members, Air Quality Technical Advisory Committee
- Members, Citizens Advisory Committee