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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2008

A N A C T

RELATING TO HEALTH AND SAFETY

Introduced By: Representatives Handy, Long, Dennigan, Ferri, and Moffitt

Date Introduced: February 26, 2008

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 83

4 RHODE ISLAND GLOBAL WARMING SOLUTIONS ACT

5 **23-83-1. Short title.** – This chapter shall be known and may be cited as the "Rhode
6 Island Global Warming Solutions Act."

7 **23-83-2. Legislative findings.** – It is hereby found and declared by the general assembly
8 as follows:

9 (a) Global warming poses a serious threat to the environment, economic well-being,
10 public health and natural resources of Rhode Island. Scientists predicted global warming will
11 exacerbate air quality problems, decrease or eliminate the habitat of indigenous plants and
12 animals, trigger accelerated beach erosion and sea level rise resulting in the displacement of
13 businesses, residences and key infrastructure like bridges and drinking water and wastewater
14 treatment plants, damage marine and freshwater ecosystems and the natural environment, and
15 increase the variety and incidence of infectious diseases, asthma, and other human health-related
16 problems.

17 (b) Global warming will also have measurable and detrimental effects on key sectors of
18 Rhode Island's economy including agriculture, tourism and recreational and commercial fishing.

19 (c) Rhode Island has shown leadership on energy conservation and environmental

1 stewardship efforts, including the areas of air quality protection, energy efficiency, renewable
2 energy, natural resource conservation, and global warming standards for passenger vehicles and
3 electricity generation. The program established by this chapter will continue a tradition of
4 environmental leadership by bringing Rhode Island to the forefront of national and international
5 efforts to reduce global warming emissions and aligning Rhode Island's global warming policy
6 with the steps scientists say are necessary to address the problem of global warming.

7 (d) In 2001 the New England Governors and Eastern Canadian Premiers adopted a
8 climate change action plan setting targets for reductions in greenhouse gas emissions for the short
9 and long term. Although the action plan did result in some activity to reduce emissions, neither
10 Rhode Island nor the region are on track to achieve the voluntary limits set in the action plan, and
11 in most states green house gas emissions are continuing to increase. The legislature recognizes
12 that voluntary limits have clearly not resulted in the reductions necessary to avoid the most severe
13 damage to our state and our planet from global warming.

14 (e) The state of Rhode Island recognizes that national and international actions will be
15 necessary to address the issue of global warming. However, the state of Rhode Island recognizes
16 that it has a moral obligation and an economic interest in doing its part to achieve the emission
17 reductions that scientists say are necessary to address local as well as global impacts of warming.
18 Moreover, Rhode Island recognizes that action taken by the state to reduce emissions contribution
19 to global warming will have far-reaching effects by encouraging other states and the federal
20 government to take action. Rhode Island has worked and will continue to work with other states
21 to address the problem of global warming, and hereby joins with other states that have adopted
22 enforceable limits on global warming pollution.

23 (f) By exercising a leadership role, Rhode Island will position its economy, educational
24 institutions, technology centers, financial institutions, and businesses to benefit from national and
25 international efforts to reduce global warming pollution. More importantly, investing in the
26 development of innovative and pioneering technologies will assist Rhode Island in achieving the
27 2020 and 2050 statewide limits on global warming pollution established by this chapter and will
28 provide an opportunity for the state to take a global economic and technological leadership role in
29 reducing global warming pollution.

30 (g) It is the intent of the legislature that the department coordinate with other state
31 agencies and entities, as well as consult with the environmental justice community, industry
32 sectors, business groups, academic institutions, environmental organizations, and other
33 stakeholders in implementing this chapter.

34 (h) It is the intent of the legislature that the department and other agencies and entities

1 that take action to meet the statewide greenhouse gas emission limits established pursuant to this
2 chapter do so in a manner that minimizes long-term costs and maximizes long- term benefits for
3 Rhode Island's economy, improves and modernizes Rhode Island's energy infrastructure,
4 improves electric system reliability, takes advantage of the opportunity for growth of renewable,
5 efficiency and other innovative businesses in Rhode Island, and maximizes additional
6 environmental and economic benefits for Rhode Island.

7 **23-83-3. Definitions.** – As used in this chapter:

8 (a) "Carbon dioxide equivalent" means the amount of carbon dioxide by weight that
9 would produce the same global warming impact as the given weight of another greenhouse gas,
10 based on the best available science, including from the intergovernmental panel on climate
11 change.

12 (b) "Cost effective" means the cost per unit of reduced emissions of greenhouse gases
13 expressed in carbon dioxide equivalents.

14 (c) "Department" means the Rhode Island department of environmental management.

15 (d) "Direct emission reduction" means a greenhouse gas emission reduction made by a
16 greenhouse gas emission source at that source.

17 (e) "Emissions reduction measure" means programs, measures and standards authorized
18 pursuant to this chapter, applicable to sources or categories of sources that are designed to reduce
19 emissions of greenhouse gases.

20 (f) "Greenhouse gas" or "greenhouse gases" includes all of the following gases: carbon
21 dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride,
22 and any additional substances, including, but not limited to, fine and very fine particulates, diesel
23 pollution and black soot, that the department determines are significant contributors to global
24 warming.

25 (g) "Greenhouse gas emission source" or "source" means any source, or category of
26 sources, of greenhouse gas emissions whose emissions are at a level of significance, as
27 determined by the department, that its participation in the program established under this chapter
28 will enable the department to effectively reduce greenhouse gas emissions and monitor
29 compliance with the statewide greenhouse gas emissions limit.

30 (h) "Leakage" means an increase in greenhouse gas emissions related to domestic power
31 use from generation sources located outside of the state that are not subject to state, interstate or
32 regional greenhouse gas emissions limits that apply to generation sources located within the state.

33 (i) "Office" means the Rhode Island office of energy resources.

34 (j) "State building code standards committee" means the agency of state government with

1 authority to adopt and administer a state building code pursuant to Rhode Island general laws
2 section 23-27-3-100.1.3.

3 (k) "State fund" means direct or indirect expenditure of state monies, including any tax
4 reductions, tax stabilization or other state financial benefits.

5 (l) "Statewide greenhouse gas emissions" means the total annual emissions of greenhouse
6 gases in the state. Statewide greenhouse gas emissions includes all emissions of greenhouse gases
7 from the generation of electricity delivered to and consumed in Rhode Island, accounting for
8 transmission and distribution line losses, whether the electricity is generated in state or imported.
9 Statewide emissions shall be expressed in tons of carbon dioxide equivalents.

10 (m) "Statewide greenhouse gas emissions limit" or "statewide emissions limit" means the
11 maximum allowable level of statewide greenhouse gas emissions in a given year, as determined
12 by the department pursuant to section 23-83-5.

13 (n) "1990 level of statewide greenhouse gas emissions" means the statewide greenhouse
14 gas emissions for 1990 as established by the department under section 23-83-5.

15 (o) "2015 limit" means the level of greenhouse gas emissions for 2015 established by the
16 department under section 23-83-5.

17 (p) "2020 limit" means the level of greenhouse gas emissions equal to the twenty (20)
18 percent less than the 1990 level of statewide greenhouse gas emissions, established by the
19 department under section 23-83-5.

20 (q) "2050 limit" means the level of greenhouse gas emissions equally to eighty (80)
21 percent less than the 1990 level of statewide greenhouse gas emissions, established by the
22 department under section 23-83-5.

23 **23-83-4. Mandatory greenhouse gas reporting.** – (a) No later than January 30, 2009,
24 the department shall adopt, pursuant to the Administrative Procedures Act, Rhode Island general
25 laws 42-35, rules and regulations that require the annual reporting and verification of greenhouse
26 gas emissions and that provide for the monitoring and enforcement of compliance with the
27 reporting and verification requirements.

28 (b) The rules and regulations adopted pursuant to this subsection shall:

29 (1) Require the monitoring and annual reporting of greenhouse gas emissions from
30 greenhouse gas emission sources, beginning with the sources or categories of sources that
31 contribute most to statewide greenhouse gas emissions.

32 (2) Include greenhouse gas emissions from the generation of electricity in this state and
33 from generation of electricity outside the state that is consumed in the state, including
34 transmission and distribution line losses.

1 (3) Ensure rigorous and consistent accounting of emissions, and provide reporting tools
2 and formats to ensure collection of necessary data.

3 (4) Ensure that greenhouse gas emission sources maintain comprehensive records of all
4 reported greenhouse gas emissions.

5 (c) The department shall:

6 (1) Periodically review the requirements in rules promulgated under this section update
7 the rules, as necessary.

8 (2) Review existing and proposed international, federal, regional and state greenhouse
9 gas emission reporting programs and make reasonable efforts to promote consistency among the
10 programs established pursuant to this section and other programs, and to streamline reporting
11 requirements on greenhouse gas emission sources.

12 (3) Require reporting in the form and format that is most useful in allowing the
13 department to track emissions and to prepare the reports required in section 23-83-12.

14 (d) The department shall consider, on an annual basis, requiring the expansion of
15 reporting to other sources of direct or indirect emissions. A decision for or against an expansion
16 of reporting and an explanation of such decision shall be included in the report required pursuant
17 to section 23-83-12.

18 **23-83-5. Statewide greenhouse gas emissions limits.** – (a) Statewide greenhouse gas
19 emissions limits are established according to the following schedule:

20 (1) No later than January 1, 2015, statewide greenhouse gas emissions shall be reduced to
21 or below the 2015 limit;

22 (2) No later than January 1, 2020, statewide greenhouse gas emissions shall be reduced to
23 or below the 2020 limit.

24 (3) No later than January 1, 2050, statewide greenhouse gas emissions shall be reduced to
25 or below the 2050 limit and shall not exceed that level thereafter.

26 (b) No later than May 1, 2009, the department shall, after two (2) or more public
27 workshops with notice and an opportunity for comment, determine what the level of statewide
28 greenhouse gas emission was in 1990. The department shall also adopt a statewide greenhouse
29 gas emissions limit that is equivalent to twenty percent (20%) below the 1990 level, to be
30 achieved by 2020, and eighty percent (80%) below the 1990 level, to be achieved by 2050. The
31 department shall also adopt a statewide greenhouse gas emissions limit to be achieved by 2015,
32 for the purpose of assuring that the state is making continuous progress toward and will achieve
33 the 2020 limit.

34 (c) In order to assure the most accurate determination feasible, the department shall

1 evaluate the best scientific, technological and economic information available to determine the
2 1990 level of greenhouse gas emissions.

3 **23-83-5. Greenhouse gas emissions reductions.** – (a) Early action measures,

4 (1) On or before July 1, 2009, the department, in consultation with other state agencies
5 departments, boards, commissions and authorities of the state shall publish and make available to
6 the public a list of discrete early action greenhouse gas emission reduction measures that can be
7 implemented prior to the measures and limits adopted pursuant to subsections (c) and (d) of this
8 section for the purpose of moving as quickly as possible to reduce greenhouse gas emissions
9 while longer term greenhouse gas emissions reduction plans are being developed.

10 (2) On or before December 1, 2009, the department or other state agencies with
11 jurisdiction over the actions identified in the early action measures list shall adopt regulations to
12 implement the measures identified on the list published pursuant to this subsection.

13 (3) The regulations adopted pursuant to this subsection shall be enforceable no later than
14 March 1, 2010.

15 (4) Early action measures shall include but are not limited to:

16 (i) The state building codes standards committee shall revise the state building code to
17 ensure adoption of the most recent international energy conservation code standards for
18 residential and commercial buildings not later than six (6) months following the publication of
19 such standards.

20 (ii) The state building codes standards committee shall promulgate regulations, in
21 accordance with the provisions of the Administrative Procedures Act, adopting building
22 construction energy standards that exceed those set forth in the 2004 edition of the American
23 Society of Heating, Ventilation and Air Conditioning Engineers (ASHRAE) Standard 990.1 by no
24 less than twenty percent (20%), and thereafter strengthen such regulations as the state building
25 codes standards committee deems appropriate, consistent with the purposes of this act.

26 (iii) The office shall by regulation adopt all appliance and efficiency standards adopted
27 by the California energy commission within six (6) months of such adoption unless the office
28 makes a specific finding that a particular standard is not appropriate for Rhode Island.

29 (b) Global warming solutions working group.

30 (1) No later than January 1, 2009, the department shall convene a global warming
31 solutions working group, which shall be advisory only, to assist and advise in the consideration
32 and evaluation of options for achieving the 2015 limit and 2020 limit. The working group shall
33 consist of: (i) representatives of relevant state agencies, department, boards, commissions and
34 authorities, including, but not limited to the office of energy resources, the economic

1 development corporation, the state planning council, Rhode Island transit authority, the public
2 utilities commission, and the department of transportation; and (ii) representatives from business,
3 energy, academia, transportation, environmental non-profits, smart growth advocates and
4 consumer groups; and (iii) such other persons as the department deems appropriate and useful.

5 (2) The working group may form such subgroups as it deems useful and the department
6 shall be authorized to retain independent consultants with relevant expertise to assist the
7 department and the working group in the development of the plans called for by this chapter.

8 (3) In addition to any other options they investigate, the department and the working
9 group shall consider all of the options evaluated by the Rhode Island greenhouse gas stakeholder
10 process as set forth in the Rhode Island greenhouse gas action plan.

11 (4) The plans prepared by the department pursuant to this chapter to achieve the 2015
12 limit and the 2020 limit shall include programs and other actions to reduce vehicle miles traveled.
13 The department and the working group or any subcommittee thereof shall consider, at a
14 minimum, all of the options listed in the "VMT Reduction Options for Consideration in the Phase
15 IV Rhode Island GHG Process" in developing the plans called for by this chapter.

16 (c) 2015 limit.

17 (1) In consultation with the working group, the department shall prepare and, no later
18 than January 1, 2010, approve a plan for achieving the 2015 limit. The plan shall describe
19 proposed legislation and regulations from the department, the department of transportation, the
20 office and any other state agencies or entities from which action is needed to achieve the 2015
21 limit, as well as other emission reduction measures to be taken by state entities as necessary and
22 appropriate to achieve the 2015 limit. The plan shall include regulations, economic incentives or
23 other enforceable mechanisms to stop growth in vehicle miles traveled no later than 2015.

24 (2) The department shall provide opportunities for public input into the plan and for
25 comment on the proposed plan before the plan is approved.

26 (3) On or before April 1, 2010, the regulations contemplated by the plan shall be
27 promulgated by the state agency with authority to promulgate the regulations, and the
28 requirements of the regulations shall be effective no later than May 1, 2010.

29 (d) 2020 limit.

30 (1) In consultation with the working group, the department shall prepare and, no later
31 than January 1, 2011, approve a plan for achieving the 2020 limit. The plan shall describe
32 proposed legislation and regulations from the department, the department of transportation, the
33 office, and any other state agencies or entities from which action is needed to achieve the 2020
34 limit, as well as other emission reduction measures to be taken by state entities as necessary and

1 appropriate to achieve the 2020 limit. The plan shall include regulation, economic incentives or
2 other enforceable mechanisms to reduce vehicle miles traveled.

3 (2) On or before June 1, 2011, the department, and other stat agencies taking action under
4 the plan published under this subsection, shall adopt greenhouse gas emission reduction
5 measures by regulation to achieve reductions in greenhouse gas emissions sufficient to achieve
6 the 2020 limit.

7 (3) The plan shall identify and make recommendations on direct emission reduction
8 measures, market-based compliance mechanisms, and potential monetary and non-monetary
9 incentives for sources and categories of sources that the department finds are necessary or
10 desirable to facilitate the achievement of reductions of greenhouse gas emissions limits set by
11 section 23-83-8. The plan shall include recommendations on legislation, regulations or other
12 actions by state government in support of the plan.

13 (4) After June 1, 2011, the department may revise regulations adopted pursuant to this
14 section and adopt additional regulations to further the provisions of this chapter.

15 (5) The department shall update the state's plan for reductions of greenhouse gas
16 emissions at least once every five (5) years.

17 (e) Requirements for development of plans to achieve statewide greenhouse gas
18 emissions limits.

19 (1) The department and other state agencies taking action under this chapter shall seek to
20 identify the most effective strategies and methods to reduce greenhouse gases, to manage
21 greenhouse gas control programs, and to facilitate the development of integrated regional,
22 national, and international greenhouse gas reduction programs, and for this purpose shall look to
23 examples from other states and other nations.

24 (2) The department shall consult with the public utilities commission and the office of
25 energy resources on the elements of the plan that pertain to energy related matters, including the
26 generation of electricity, development of renewable energy sources, any standards or
27 requirements that are based on the amounts of electricity that an electric provider sells to retail
28 customers, or the provision of reliable and affordable electrical service to ensure that the
29 greenhouse gas emission reduction activities in the plan are complementary and not duplicative.

30 (3) The department shall consult with the Rhode Island public transit authority,
31 department of transportation, statewide planning and the economic development corporation on
32 the elements of the plan that pertain to transportation, particularly reduction of vehicle miles
33 traveled.

34 (4) In developing its plans, the department shall take into account the relative

1 contribution of each source or source category to statewide greenhouse gas emissions, and shall
2 recommend a de minimus threshold of greenhouse gas emissions below which emission reduction
3 requirements will not apply.

4 (5) In developing its plans, the department shall identify opportunities for emission
5 reductions measures from all verifiable voluntary actions.

6 (6) In adopting plans and regulations pursuant to this section, to the extent feasible and in
7 furtherance of achieving the statewide greenhouse gas emissions limits, the department and all
8 other state agencies or entities taking action under this chapter, shall do all of the following:

9 (i) Design the regulations, including distribution of emissions allowances where
10 appropriate, in a manner that is equitable, seeks to minimize long-term costs and maximize the
11 total benefits to Rhode Island, and encourages early action to reduce greenhouse gas emissions.

12 (ii) Ensure that activities undertaken to comply with the regulations do not
13 disproportionately impact low-income communities.

14 (iii) Ensure that means are provided to assist low-income residents to achieve energy
15 efficiency savings.

16 (iv) Ensure that entities that have voluntarily reduced their greenhouse gas emissions
17 prior to the implementation of this section receive appropriate credit for early voluntary
18 reductions.

19 (v) Ensure that activities undertaken pursuant to the regulations complement, and do not
20 interfere with, efforts to achieve and maintain federal and state ambient air quality standards and
21 to reduce toxic air contaminant emissions.

22 (vi) Consider overall societal benefits, including reductions in other air pollutants,
23 diversification of energy sources, and other benefits to the economy, environment, and public
24 health.

25 (vii) Ensure that the rules, regulations, programs, mechanisms and incentives, to the
26 extent applicable and feasible, direct private and public investment toward the most
27 disadvantaged communities in Rhode Island and provide an opportunity for small businesses and
28 community institutions to participate in and benefit from statewide efforts to reduce greenhouse
29 gas emissions.

30 (viii) Minimize the administrative burden of implementing and complying with these
31 regulations.

32 (ix) Minimize leakage.

33 (x) Consider the significance of the contribution of each source or category of sources to
34 statewide emissions of greenhouse gases.

1 (xi) Ensure that any such mechanism will be designed to work alongside but in no way
2 undermine any existing greenhouse gas emissions markets in which the state, suppliers of
3 electricity, generators of electricity, or industries within the state may be participating.

4 (7) Nothing in this chapter restricts the department from adopting greenhouse gas
5 emission limits or emission reduction measures prior to January 1, 2010, or providing early
6 reduction credit where appropriate, nor shall this chapter be seen as preventing any more stringent
7 limits on emissions.

8 (f) Other greenhouse gas reduction provisions.

9 (1) No later than January 1, 2010, The Rhode Island department of administration shall
10 develop guidelines for all state agencies that shall be used by those agencies to consider and
11 implement strategies to reduce their greenhouse gas emissions.

12 (2) All works, projects or activities funded in whole or in part with state funds, including
13 all state transportation projects, that are reasonably likely to result in significant direct or indirect
14 emissions of greenhouse gases shall take all reasonable actions to minimize energy consumed in
15 the construction and operation of the project during its expected life, and to minimize emissions
16 from vehicle travel that will result from the construction and operation of the project with a goal
17 of net reductions in greenhouse gas emissions from all such projects. The department shall
18 define, no later than June 30, 2009, after public notice and comment, what shall be considered
19 significant for purposes of this section. The proponent of the works, projects or activities subject
20 to this subsection shall file with the department, prior to construction of the project, a certification
21 that the project has complied with this subsection and describing the actions taken to comply.
22 Nothing in this section shall prevent the department or any other state department or entity from
23 requiring additional actions to reduce direct or indirect greenhouse gas emissions.

24 (3) In connection with the consideration and issuance of permits, licenses and other
25 administrative approvals and decisions by the department, the Rhode Island department of
26 transportation, and the Rhode Island coastal resources management council, reasonably
27 foreseeable contributions to global warming, such as greenhouse gas emissions, and foreseeable
28 effects of global warming, such as predicted sea level rise, shall be taken into consideration in
29 deciding whether to issue the requested permit, license or approval, what alternatives may be
30 preferable, and what conditions may be imposed on any such permit, license or approval. In
31 considering contributions to and effects of the action for which approval is requested, the
32 approving agency shall consider both the individual application and the cumulative effects of
33 other past, present and reasonably foreseeable future actions.

34 (4) No later than January 1, 2011, the state planning council shall adopt in the state guide

1 plan an element on reducing greenhouse gasses and achieving the limits set forth in this act and
2 shall revise such other elements in the state guide plan as necessary to achieve the purposes of
3 this act and shall provide guidance to cities and towns on developing comprehensive plans that
4 conform to that element and that implement the state's goals for reducing greenhouse gasses.

5 **23-83-7. Economic development.** – (a) No later than January 1, 2009, the governor shall
6 appoint as economic and technology advancement advisory committee, which shall include
7 representatives from business, labor unions, academic institutions, renewable energy developers,
8 energy efficiency and innovative energy products providers, and others as the governor deems
9 appropriate, to be chaired by the economic development corporation, to advise the governor, the
10 department and the working group on activities that will facilitate investment in and
11 implementation of technological research and development opportunities, including, but not
12 limited to, identifying new technologies, research, demonstration projects, and funding
13 opportunities, and developing state, national and international partnerships and technology
14 transfer opportunities, and identifying and assessing research and advanced technology
15 investment and incentive opportunities that will assist in the reduction of greenhouse gas
16 emissions, and development of greenhouse gas reduction employment in the state.

17 (b) The economic and technology advancement advisory committee shall recommend
18 programs and incentives to foster energy efficiency and renewable energy workforce
19 development and training programs, to increase the number of trained skilled workers in the
20 economic sectors of emerging clean energy, renewable energy, energy efficiency, and demand
21 resources. The programs and incentive shall be designed to promote growth of the clean energy
22 economy by helping build a pipeline of well-trained skilled workers and addressing emerging
23 skills gaps in both clean energy development and adoption.

24 **23-83-8. Market based compliance mechanisms** – (a) The department and other state
25 agencies may include in the regulations adopted pursuant to section 23-83-5 the use of market-
26 based compliance mechanisms to comply with the regulations.

27 (b) Prior to the inclusion of any market-based compliance mechanism in the regulations,
28 to the extent feasible and in furtherance of achieving the statewide greenhouse gas emissions
29 limit, the department or other state agencies shall do all of the following:

30 (1) Consider the potential for direct, indirect, and cumulative emissions impacts from
31 these mechanisms, including localized impacts in communities that are already adversely
32 impacted by air pollution.

33 (2) Design any market-based compliance mechanism to prevent any increase in the
34 emissions of toxic air contaminants or criteria air pollutants, with particular attention paid to

1 emissions of nitrous oxide, sulfur dioxide, particulate matter and mercury.

2 (3) Maximize additional environmental and economic and health benefits for Rhode
3 Island, as appropriate.

4 (c) The department may adopt regulations governing how market-based compliance
5 mechanisms may be used by regulated entities subject to greenhouse gas emission limits and
6 mandatory emission reporting requirements to achieve compliance with their greenhouse gas
7 emissions limits.

8 (d) Nothing in this chapter confers any authority on the department or any other state
9 agency to make less stringent any programs administered by other state agencies for the reduction
10 of greenhouse gas emissions.

11 **23-83-9. Enforcement.** – (a) The department and other state agencies adopting
12 regulations pursuant to this chapter shall monitor compliance with and enforce any rule,
13 regulation, order, emission, limitation, emission reduction measure, or market-based compliance
14 mechanism adopted by the department or other state agency pursuant to this chapter.

15 (b) In the instance of any violation of any rule, regulation, order, emission limitation,
16 emissions reduction measure, or other measure adopted by the department or other state agency
17 pursuant to this chapter, the violating entity shall be subject to those penalties set forth in that
18 agency's regulations.

19 (c) The plans adopted by the department under section 23-83-6 may include proposed
20 legislation or regulations to tighten enforcement sanctions for violations of rules adopted under
21 this chapter in furtherance of the goals of this chapter.

22 **23-83-10. Independent review panel.** – (a) No later than March 1, 2009, the department
23 shall designate an independent peer review panel consisting of persons with relevant scientific
24 and technical expertise, who shall be from academia, industry, nonprofits and the government, to
25 review the inventory established under section 23-83-4, the qualification of the limits established
26 under section 23-83-5, the plans submitted under section 23-83-6, and the reports submitted under
27 section 23-83-12. The purpose of the review shall be to evaluate the validity of the conclusions
28 contained in those reports and to issue a report stating whether the panel agrees that the
29 conclusions are based on a reasonable use of the data and science, and whether the plans to
30 achieve the statewide greenhouse gas emissions limits are reasonably likely to achieve those
31 limits. In conducting its review the panel shall consider that the conclusions are necessarily based
32 on data of imperfect quantity and quality, and uncertainty in both science and effectiveness of
33 untried greenhouse gas emission reduction efforts. Where improvements to data or science are
34 judged necessary to form any conclusions or to improve the accuracy of the conclusions the panel

1 should so note, but the principal purpose of the review is to ascertain if the conclusions and
2 predictions of the reports are reasonable, given the limitations on data and science existing at the
3 time the reports are prepared.

4 (b) The department, and all other state agencies or entities that supplied or prepared data
5 on which the reports rely, shall consider the comments of the independent panel and make
6 changes to the documents being reviewed by the panel as deemed necessary. Comments on the
7 need for better data in support of the conclusions shall be considered for inclusion in the next
8 report to the legislature under section 23-83-12.

9 (c) The panel shall submit its report to the public and to the relevant departments and
10 agencies no later than four (4) months after the completion of the plan, regulations or report that
11 the panel is reviewing.

12 (d) The department, and all other state agencies that supplied or prepared data on which
13 the documents being reviewed by the panel rely, shall make that data and any underlying
14 information that is requested, available to the panel.

15 (e) This section shall not be construed to affect the requirements of the greenhouse gas
16 emissions monitoring and reporting program or the department's administration of the program
17 established pursuant to this act.

18 **23-83-11. Global warming pollution control fund.** – (a) There is created in the
19 department, a special, nonlapsing fund, to be known as the "global warming pollution control
20 fund." The department shall adopt, by rule or regulation, a schedule of reasonable fees to be paid
21 by those entities or sources required to report greenhouse gas emissions pursuant to this chapter,
22 in an amount sufficient to cover the department's costs to administer the requirements of this act.
23 The fees collected pursuant to this section shall be deposited in the global warming pollution
24 control fund and shall be used exclusively to implement the provisions of this act.

25 (b) There is created a restricted receipt account in the department titled "global warming
26 pollution control fund," for the purpose of funding department staff or contractors hired by the
27 department with relevant expertise in air emissions measurement and control, programs for
28 reduction of greenhouse gasses, and development, management and enforcement of regulations
29 and programs for control of global warming pollution to implement the provisions of this act.

30 (c) Subsection (a) of this section shall be without effect and the department shall have no
31 authority to impose a fee pursuant to this section on and after the tenth (10th) day following a
32 certification by the budget officer of the department of administration pursuant to subsection (e)
33 of this section.

34 (d) The annual appropriations act for each state fiscal year shall, without other conditions,

1 limitations or restrictions, appropriate the amounts paid as fees imposed pursuant to subsection
2 (a) of this section, for use by the department to implement the provisions of this act.

3 (e) If the requirements of this subsection (d) of this section are not met on the effective
4 date of an annual appropriations act for the state fiscal year, or if an amendment or supplement to
5 an annual appropriations act for the state fiscal year should violate any of the requirements of
6 subsection (d) of this section, the budget officer of the department of administration shall, not
7 later than five (5) days after the enactment of the annual appropriations act or the amendment or
8 supplement thereto that violates any of the requirements of subsection (d) of this section, certify
9 to the department and the general treasurer that the requirements of subsection (d) of this section
10 have not been met.

11 **23-83-12. Reporting.** – (a) No later than December 1, 2010, and biennially thereafter, the
12 department shall prepare and transmit, in writing, a report to the governor, to the general treasurer
13 and to the general assembly, on the status of the greenhouse gas emissions monitoring and
14 reporting program established pursuant to this act, the current level of greenhouse gas emission in
15 the state and the progress made toward compliance with the 2015 limit, the 2020 limit and the
16 2050 limit established pursuant to this act. The report shall also include updated and comparative
17 inventories of statewide greenhouse gas emissions.

18 (b) No later than December 1, 2010 and annually thereafter, the department shall prepare
19 and transmit, in writing, a report to the governor and to the general assembly on the state's
20 progress in meeting the deadlines established by this chapter. Such report shall include a
21 summary of the approved plans established under section 23-83-6 of this chapter and the
22 requirements for each state agency to adopt regulations or other programs pursuant to those plans,
23 and shall attach a report from each such agency describing its compliance with the requirements
24 of the plans.

25 **23-83-13. Additional provisions -- Severability.** – (a) Any regulation adopted by the
26 department or any other state agency pursuant to this chapter shall ensure that the greenhouse gas
27 emission reductions achieved are real, permanent, quantifiable, verifiable, and enforceable.

28 (b) Nothing in this chapter shall relieve any person, entity, or public agency of
29 compliance with other applicable federal, state, or local laws or regulations, including state air
30 and water quality requirements, and other requirements for protecting public health or the
31 environment.

32 (c) The provisions of this chapter are severable. If any provision of this chapter or its
33 application is held invalid, that invalidity shall not affect other provisions or applications that can
34 be given effect without the invalid provision or application.

1 (d) Nothing in this chapter shall limit the existing authority of a state entity to adopt and
2 implement greenhouse gas emissions reduction measures.

3 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HEALTH AND SAFETY

- 1 This act would create the Rhode Island Global Warming Solutions Act.
- 2 This act would take effect upon passage.

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