S.259 – An act relating to climate change cost recovery

Senate Judiciary

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Current "Order of Operations"

- Treasurer determines the cost to Vermont of covered greenhouse gas emissions

- ANR adopts rules for attribution science and cost recovery; assigns liabilities

- ANR develops a statewide Climate Change Adaptation Master plan to guide dispersal of funds

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Possible Alternative "Order of Operations"

- ANR scopes necessary "climate change adaptive infrastructure project(s)"
- Treasurer determines the cost of implementation

Resilience Implementation Strategy

- ANR evaluates emissions factors and fuel volumes

- Treasurer & ANR allocate costs to responsible parties based on emissions

- ANR operates a grant program to support implementation of resilience strategy

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Other Areas for Clarification

- Definition of "climate change adaptive infrastructure project" (§596(2))
  - Current list seems incomplete (i.e., buy-outs, connecting habitat)
- Definition of covered period
  - Understanding the need for a reasonable boundary, unclear on the rationale for selecting 01/01/00 – 12/13/19

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Other Areas for Clarification

- Emissions factors and fuel volumes
  - Unclear whether liability is being assigned for:
    - Total volume of fuel that each responsible party extracted, produced, and refined in the defined period world-wide, or
    - Total volume delivered for final sale and consumption in Vermont
  - Source of volume data?
    - ANR will time need to review any data source or methodology prior to relying on it or citing to it in any regulation

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Other Areas for Clarification

- Liability calculations (§598(b) and (d))
  - Important and require careful evaluation
- Rulemaking (§599(a)) → shall vs. may
  - Some redundancy with what S.259 brings into statute
  - Opportunity to adopt RIS as rule

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Resources Required

- With support from the Treasurer, ANR is committed to completing the Resilience Implementation Strategy by July 1, 2025
- Beyond that, ANR capacity to take on additional tasks between now and then – large or small – is completely exhausted

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