

VLCT TESTIMONY

89 Main Street, Montpelier, Vermont 05602

To: Members of the House Energy and Technology Committee
From: Karen Horn, Director, Public Policy and Advocacy, khorn@vlct.org www.vlct.org
Date: January 22, 2020
Re: H. 688 Global Warming Solutions



Thank you for the opportunity to testify about the Global Warming Solutions legislation, H. 688. And thank you for your concern about the impact of transitioning to a climate resilient economy on our rural municipalities.

The Vermont League of Cities and Towns (VLCT) Board of Directors voted to join the Vermont Climate Pledge Coalition on June 27, 2017. Especially since that time, local officials have worked to weatherize buildings, implement renewable energy projects including solar, address transportation needs, switch to energy efficient street lighting, undertake energy planning, educate constituents about building energy codes and the importance of taking action, however small.

VLCT is affiliated with the National League of Cities (NLC) and our executive director, Maura Carroll, was on the Board of Directors there in 2018. I am attaching for your interest the NLC Resolution 9,



“Supporting and Advancing Resilient Communities to Prepare for Changing Climate and Extreme Weather Events”. In part that resolution states,

“NLC urges Congress and the Administration to take urgent action to help states and local governments conduct vulnerability assessments, develop and implement long-term mitigation, adaptation and resiliency action plans, and identify innovative financing opportunities to implement these assessments and plans in order to prepare, plan for and more quickly recover from extreme weather events”.

At our most recent count, 130 cities and towns have established energy committees.

Three towns had submitted energy plans directly to the Public Service Department pursuant to provisions of Act 174 for determinations of energy compliance. According to the VAPDA website, an additional 46 towns have completed enhanced energy plans that have been approved by their regional commissions in compliance with Act 174.

According to 350Vermont in 2018 and 2019, 55 Vermont towns adopted the 350Vermont Climate Solutions Resolution.

Local governments understand that the climate crisis is upon us (as Paul Costello described yesterday) and that it will not be solved without significant action in state, national and international arenas. Volunteers – which is what most local officials and citizens are – have nothing like the capacity by themselves to change the current trajectory of climate warming. We welcome the proposal to address climate change through a Vermont Global Warming Solutions Act, especially in light of the federal government’s failure to act.

We have several suggestions to assure that finite resources are spent most effectively in Vermont. While we do endorse Professor Erickson and others’ prediction that the sustainable economy of the future will provide new green jobs in Vermont, we are concerned about the pain that will be felt by some Vermonters, particularly in more rural and less affluent areas, as we make that transition.

H. 688 would establish a Climate Council of 22 members and attach it to the Agency of Natural Resources and Department of Public Service. ***If climate change is our highest and most urgent priority, any such program must be attached to the Governor’s office, where it can require action from all state agencies.***

The Agency of Natural Resources – already with a very full plate of competing priorities – simply cannot require cooperation of other state agencies. We urge you to create an Office of Climate Resiliency in the Governor’s Office and attach the Vermont Climate Council to that office. A model that worked very well for Vermont was then Governor Shumlin’s establishment of the Irene Recovery Officer after Tropical Storm Irene.

We suggest that the council representation include ***one member to represent rural communities and one to represent larger communities (more than 5000 population)***. The language at Section 4 is a bit odd in this regard.

VLCT TESTIMONY

89 Main Street, Montpelier, Vermont 05602

We urge you to **require the Council to assess current programs related to energy efficiency, energy planning, renewable energy and climate adaptation**, determine where there are redundancies with the new Climate Action Council and responsibilities, and assure that new and existing programs do not conflict, overlap or require unnecessary efforts from the regulated community.

The Council would be directed to adopt a VT Climate Action Plan by July 1, 2021. **That plan should include a timeline for implementation of its recommendations.** (page 9 of bill).

The bill would establish several subcommittees, including a Just Transitions Subcommittee and Rural Resiliency and Adaptation Subcommittee. It is important to focus on how implementing climate actions will affect rural areas where transportation costs are higher, communications networks are less robust, fewer people are available to volunteer for vital jobs such as emergency medical and fire services, and economies are more fragile. These are of course, the same areas that are home to our farms – producers of local food – and forests – that sequester carbon – and the people who care for them

It would be helpful to include language that **authorizes municipalities through their local legislative bodies to enact ordinances to address climate resiliency generally and facilitate reduced use of fossil fuels.** Local governments are often leaders in “acting locally while thinking globally” and can provide a laboratory for development of local solutions that shows the state the way to enact proven innovations. The plastic bag bans passed at the local level are a recent example of this phenomenon.

We are concerned about the requirement in H. 688 for municipalities to annually file a report with the Director of Vermont Emergency Management concerning “municipal emergency preparedness, infrastructure resiliency, and infrastructure investment” (page 13 subsection (f)). This is an example of the redundancies and potential conflict we addressed earlier. You may not be aware of what is required of towns already. For example:

- ❖ Municipal Roads General Permit annual reports, Road erosion inventories and implementation plans due by December 31, 2020
- ❖ Local Hazard Mitigation Plans required for local governments to receive federal funds from the FEMA Hazard Mitigation Grant Program and Pre-Disaster Mitigation Programs, due to VT Emergency Management every five years
- ❖ Local Emergency Preparedness Plans to be updated and readopted annually, and submitted to VT Emergency Management in order to receive federal preparedness funds and increased state reimbursement through the Emergency Relief and Assistance Fund (ERAF)
- ❖ Municipal comprehensive plans to be updated, adopted and approved by the regional commission every eight years and (among many elements) to and include an enhanced energy plan in order to be accorded enhanced standing before the Public Utility Commission when projects are proposed in town, or a host of grant funds.

The proposed Vermont Climate Action Plan (page 13 section 592) needs to incorporate existing smart growth strategies, implement mechanisms to fund emergency services and **recommend funding sources or reallocation of funds to implement the plan.**

VLCT TESTIMONY

89 Main Street, Montpelier, Vermont 05602

We suggest the language at page 19 (k) should state that “Nothing in this section shall be construed to limit the existing authority of a state agency or department to regulate greenhouse gas emissions or establish strategies to mitigate climate risk and build resiliency to climate ***change in concert with the Climate Action Plan and Office of Climate Resiliency***. It will not be helpful for agencies to head off in multiple directions, which again is why the responsibility for the Climate Action Plan and Council should be attached to the Governor’s office.

Finally, ***we oppose the section providing a Cause of Action to any person based upon the failure to adopt or update rules***. Our experience with the law suits surrounding the Lake Champlain Total Maximum Daily Load was that a tremendous amount of money was spent on lawyers and lawsuits that could have been spent on implementing projects to address the problem. And for seven years while that mess was adjudicated, the regulated community waited to be told what exactly they would be required to do. No one wanted to spend vast sums of money to address stormwater management when there was no assurance that what they did would be acceptable or adequate.

There are other triggers that the legislature could consider. We have supported a gas tax if revenues were dedicated to local transportation networks and priorities. That tax could be implemented if deadlines were not met. The administration could be required to return with draft rules to the legislative committees of jurisdiction by a date certain before they may be implemented. These are just two ideas.

Thank you for the opportunity to testify.