



**To:** Representative Timothy Briglin, Chair, Vermont House Energy & Technology Committee  
Sarah Tewksbury, Committee Assistant

**From:** Rona Cohen, Senior Policy Analyst, CSG/ERC Energy & Environment Program

**Topic:** Research and Information on State and Local Efforts to Ban Fossil Fuel Infrastructure:

I. [Analysis Group Study: Power System Reliability in New England](#)

II. [State, County, and Local Fossil Fuel Infrastructure Moratorium Efforts](#)

**Date:** April 3, 2019

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As you requested, I have researched efforts at the state, county, and local levels to ban fossil fuel infrastructure. In addition, I searched for relevant reports assessing the potential need for new fossil fuel infrastructure to meet the region's future energy demand. The Analysis Group study specifically addresses this issue in New England. Although the study is from 2015, I believe that its findings may be relevant for your efforts.

**I. Analysis Group Study: New Pipeline Capacity, LNG Would Prevent Region from Meeting GHG Reduction Goals**

In 2015, the Analysis Group, an economic consulting firm, prepared a [study](#)<sup>1</sup> for the Massachusetts Attorney General's office to assess the need for additional natural-gas pipeline capacity through 2030 to maintain power system reliability, and control ratepayer costs. The study examined whether the electricity system could experience "deficiencies," particularly during periods of peak winter demand, when the region's pipelines are largely utilized for heating needs. It also explored different options for overcoming potential deficiencies, their relative costs to ratepayers, and their impacts on greenhouse-gas (GHG) emissions.

The study forecast the need for gas-fired generation to meet the region's electrical load requirements in each year going out to 2030, and compared that to a forecast of available natural gas supply, under two scenarios: a "base case," and a "stressed system" case.

**Findings:** The study concluded that given the region's current electricity market structure, power system reliability will be maintained with or without electric ratepayer investment in new natural gas pipeline capacity between now and 2030.

In the hypothetical "stressed system" case, an electric system reliability deficiency emerges starting in 2024, and increases through 2030. The study looked at a number of "solution sets" to alleviate this deficiency through 2030. They included: additional natural gas pipeline capacity; dual-fuel and/or firm liquefied natural gas (LNG); and energy efficiency, demand response, and renewable energy.

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<sup>1</sup> Analysis Group, Inc. (November 2015). Power System Reliability in New England: Meeting Electric Resource Needs in an Era of Growing Dependence on Natural Gas. Available at <https://www.mass.gov/files/documents/2016/11/pe/reros-study-final.pdf>.

The analysis found that only the solutions that rely on: 1) increased energy efficiency and demand response; or 2) energy efficiency and firm imports of distant low-carbon resources on new or existing transmission lines, would solve the “stressed system” reliability deficiency in a way that both reduces ratepayer costs, and carbon emissions, relative to the current market-driven evolution of the region’s resources (the status quo). Conversely, the study found that relying on new pipeline capacity, or contracting for storage and delivery of LNG, could reduce total ratepayer costs but would not reduce total greenhouse-gas emissions.

The report concludes that in the case of a future system deficiency, any solutions that “continue our growing dependence on natural gas for electricity generation do not appear sustainable relative to our region’s and our Nation’s [sic] evolving GHG emission reduction requirements and goals.”<sup>2</sup>

## II. State, County, and Local Fossil-Fuel Infrastructure Moratorium Efforts

### State Efforts:

**Virginia:** Legislation ([HB 1635](#)) introduced this year would have placed a moratorium as of January 1, 2020 on any fossil fuel development, including: import and export terminals for fossil fuel resources; pipelines and gathering lines that require the use of eminent domain; refineries; and fossil fuel exploration, unless it was preempted by federal law. The legislation also would have increased the state’s renewable energy mandate to 80% by 2035; and would have required officials to adopt a climate action plan that includes mitigation, adaptation, resiliency, and assistance in the transition from current energy sources to renewable energy. The bill died in the State House of Representatives.

**New Jersey:** A coalition of environmental groups called Empower NJ recently released a [report](#)<sup>3</sup> calling on Governor Phil Murphy to place a moratorium on all new fossil fuel infrastructure projects, including twelve that are in various stages of the planning process: eight pipeline/compressor station projects, and four power plants. The report claims that these projects will make it impossible for the state to reach its carbon-reduction mandates, or the governor’s stated goal of achieving 100% renewable energy by 2050, and will increase ground-level ozone and other pollution.

**New York:** Legislation ([A5105](#)) introduced in 2017-18 would have “provided for the discontinuance of state investment in, and the development of, infrastructure related to the distribution, processing, storage, or extraction of fossil fuels.” In addition, the bill would have prohibited any state agency from issuing new permits for the construction or operation of those facilities. Among other provisions, the legislation would have required the state to adopt a climate action plan to address “all aspects of climate change, including mitigation, adaptation, and resiliency, including impacts caused by agriculture, heating and cooling, and transportation.” I contacted the office of one of the bill’s sponsors, Assemblyman Bill Colton, and was told that no action was taken on this bill and that it has not been reintroduced this session.

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<sup>2</sup> Ibid., p. iv.

<sup>3</sup> Empower NJ (February 2019). Fighting Climate Change in NJ: The Urgent Case for a Moratorium on all Fossil Fuel Projects. Available at [http://empowernewjersey.com/wp-content/uploads/2019/02/EmpowerNJ\\_Report\\_190211\\_Color.pdf](http://empowernewjersey.com/wp-content/uploads/2019/02/EmpowerNJ_Report_190211_Color.pdf).

According to a [press release](#) from Food and Water Watch, the bill was one of four state bills introduced last year that was modeled on the [Off Fossil Fuels for a Better Future Act](#),<sup>4</sup> or OFF Act, a federal bill introduced by U.S. Representative Tulsi Gabbard (HI).

### County Efforts: Washington State

**Kings County:** At the end of January, Kings County, Washington passed a six-month moratorium on new fossil-fuel infrastructure, making it the first county in the nation to take such action. The ban is intended to give the county executive's office time to study the impacts of expanding pipelines, constructing coal export terminals, and building other large fossil-fuel projects proposed in the county over the last few years. The effort was reportedly supported by a range of environmental advocacy groups, including [350Seattle.org](#).

### Local Efforts:

A number of cities have reportedly established bans on fossil fuel infrastructure.

In 2016, **Portland, Oregon** enacted an ordinance banning new or significantly expanded fossil fuel terminals. The ordinance survived a legal challenge from petroleum trade groups and local businesses that went all the way to the State Supreme Court. You can read more about the case in [this piece in the Portland Tribune](#)<sup>5</sup> and this piece from [Reuters](#),<sup>6</sup> and this [background piece from the Center for Sustainable Economy](#).<sup>7</sup>

Last year, the city of **Baltimore, Maryland** enacted an ordinance that amended the city's zoning code to prohibit new or expanded crude oil terminals. This [background piece](#) (also from the Center for Sustainable Economy) provides information on their efforts, and details bans in a few cities on the West Coast.

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I hope that this information is useful. Please let me know if I can assist with your work going forward.

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<sup>4</sup> Information about this bill is available at <https://www.congress.gov/bill/115th-congress/house-bill/3671/text>.

<sup>5</sup> Available at <https://portlandtribune.com/sl/402320-298953-court-decision-means-portland-can-sharply-restrict-fossil-fuel-terminal-expansion->.

<sup>6</sup> Available at <https://www.reuters.com/article/usa-climatechange-portland/feature-on-the-road-to-zero-carbon-portland-pinches-off-fossil-fuels-idUSL8N1WA3BK>.

<sup>7</sup> Available at <https://sustainable-economy.org/fossil-fuel-industry-concedes-defeat-in-portland-infrastructure-case/>.