

April 12, 2022

To the members of the Vermont Senate:

We write to the Senate today with deep concern regarding H.715, “An act relating to the Clean Heat Standard”, involving the content of the bill and the process by which this proposed legislation was created.

The Initial Climate Action Plan has not undergone robust, *meaningful* community engagement to solicit feedback on the Plan or agree upon legislative priorities, and the exclusion of impacted communities and organizations, including the agricultural sector, in the selection of this particular legislative initiative or the drafting of this bill is a major concern.

Specific concerns relating to this bill include, but are not limited to, the following:

1. Reliance on biofuels (commonly derived from corn and soy production) will incentivize and entrench the most extractive farming methods, increase reliance on fossil fuel based fertilizers, herbicides, and pesticides, negatively impact water quality, soil health, and biodiversity nationwide, and displace land that could be used for sustainable food production and intact (carbon sequestering and storing) forests with unsustainable fuel production. It also contributes to the loss of small family farms and the growth of large extractive farms. The topic of biofuels remains one of the most important, unresolved issues in the Vermont Climate Action Plan process, with a Biomass Task Group that continues to meet regularly. The Clean Heat Standard puts the cart before the horse, jumping to conclusions that are not yet supported by the Climate Council at large or by the best available science.
2. Renewable Natural Gas (RNG) produced outside of Vermont likely comes from similarly extractive agricultural industries such as feedlots or CAFOs, and will not have a net negative impact on GHG emissions, nationally. RNG produced in Vermont is limited, will not meet the emission reduction needs that this bill purports to achieve, and comes with its own set of equity considerations, none of which have been fully vetted at this time.
3. The process by which this bill has been developed is in direct opposition to the Climate Council’s Guiding Principles for a Just Transition as well as the procedural justice components of S.148, An Act Relating to Environmental Justice in Vermont. At a minimum, we ask that any legislation coming forward from the Initial Climate Action Plan benefit from equal engagement of non-agency representatives from the Just Transitions Subcommittee and the Agriculture & Ecosystems Subcommittee. Thus far, this bill has been drafted in a vacuum, not benefitting from alternative perspectives and expertise.
4. The bifurcation of the Technical Advisory Group (TAG) and the Equity Advisory Group replicates the worst of the Climate Council process, and policy making historically. The TAG does not include affected community members, only folks with technical expertise. By siloing equity into a separate working group, the TAG will not benefit from the expertise of impacted community members, equity experts including Indigenous community members will not be included as equal partners in decision-making, and equity will continue to remain an afterthought. Through a more holistic approach we can begin to understand the issues fully enough to craft meaningful, just, and effective policy. In addition, the community engagement methods detailed in the bill are not satisfactory or inclusive of existing guidance.
5. We acknowledge that there is no way to absolutely guarantee the involvement of all interested and relevant parties, but excessive discretion given to the Public Utility Commission is of great concern.

There is danger in the “single story.” Given the process by which this bill has been developed, we lack confidence that the interests of impacted communities will be substantively represented and incorporated into how the standard is implemented.

The Just Transitions Subcommittee of the Vermont Climate Council developed Guiding Principles for a Just Transition¹. This guidance includes processes for “how Vermont’s Climate Council and its subcommittees will conduct their work; what recommendations are made by the Council; and how investments, implementation and oversight of climate action plans occur.”

Page 8 of the Guiding Principles for a Just Transition provides a self-assessment checklist for each subcommittee of the Climate Council, which includes prompts to understand what communities will be most impacted, how environmental benefits and burdens will be distributed, and how impacted communities have been engaged in the process. **To date, these self-assessments have not been conducted by any of the Climate Council subcommittees and the Guiding Principles for a Just Transition have not been incorporated in the development of H.715.**

Furthermore, page 6 of the Initial Climate Action Plan references these six key guiding principles to the development of the Climate Action Plan and the resulting policies, none of which are currently represented in this bill:

“I. Ensuring Inclusive, Transparent, and Innovative Engagement in the development of the plan and associated policies and program.
II. Creating Accountable and Restorative recommendations that recognize inequality and seek to resolve them using clearly identified strategies.
III. Moving at The Speed of Trust where candor and honesty are recognized as essential for public trust and preparing Vermonters for transition to a sustainable climate future.
IV. Incorporating Solidarity to create inclusionary spaces for all traditions and cultures, particularly for Indigenous communities, recognizing them as integral to a healthy and vibrant Vermont.
V. Prioritizing The Most Impacted First through recommendations that address the needs of impacted and frontline communities first, providing the greatest benefits of transitions to these communities.
VI. Developing Supports for Workers, Families, and Communities that consider and plan for potential impacts on workers, families and their communities based on the implementation of Vermont’s Climate Action Plan.”

As a direct result of the lack of equitable engagement even within the Vermont Climate Council itself, we are not coming into this process with adequate time to provide any more specific recommendations to improve this bill. We must take time to build coalition around community-identified solutions. We encourage the Senate to move at the speed of trust and recognize that there are many more voices and perspectives, as well as relevant expertise that warrants inclusion in order to create and pass a resilient clean heat standard for Vermont.

Sincerely,

¹ VT Climate Council Guiding Principles for a Just Transition:
<https://aoa.vermont.gov/sites/aoa/files/Boards/VCC/Draft%20Guiding%20Principles%20for%20a%20Just%20Transition%20June%202021.pdf>

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