

January 31, 2025

Dear Chair James and members of the House Energy and Digital Infrastructure Committee,

Following my invited testimony to your committee on January 16, 2025, I am aware that, in response, Alison Despathy sent an email to committee members. Ms. Despathy made a number of claims and assertions that I would like to respond to, in the interest of correcting the record.

- a) Ms. Despathy wrote that, she saw a “problem with per capita emissions measurements in VT as well as the work VT had done prior to ‘counting’ - in that we were already way ahead of the other states which has made VT look like we are now trailing behind -when in fact we are a leader and states like Maine are scrambling to catch up.”

In fact, per capita analysis allows for an appropriate “apples to apples” or per-person comparison between states, taking into account the fact that different states have different total population sizes. Per capita analysis is a common approach used by data analysts when comparing states of varying populations. Ms. Despathy has not identified any errors in our data or analysis -- it seems that she simply does not like what these data show. However, my job is to honestly share accurate data, not to withhold it just because it may be inconvenient or disappointing. For additional information about where Vermont stands on emissions relative to other states, please see: <https://eanvt.org/project/vt-climate-responsibility/> (note: EAN is in the process of updating this report to reflect state emissions reporting through 2021).

- b) Ms. Despathy wrote that, “Jared also uses sector-based accounting versus consumption-based accounting which significantly alters his data presentation and makes Vermont look like a slacker when in fact we are anything but.”

EAN's reporting utilizes official sources that align with state law. It's not that *I* use sector-based accounting -- it's that the Vermont Agency of Natural Resources (ANR) (and every other state that does GHG emissions inventories) uses sector-based (also called in-boundary or territorial) accounting, and so that's what EAN reports on.

Specifically, the statewide emissions numbers cited by EAN in our [Annual Progress Report for Vermont](#) are the [official emissions estimates of the state of Vermont](#), as inventoried by the Agency of Natural Resources, according to Environmental Protection Agency (EPA)-approved methods for U.S. states, following Intergovernmental Panel on Climate Change (IPCC) guidelines. For more information on different types of emissions accounting, please see page 16 of [EAN's 2024 Annual Progress Report for Vermont](#) and page 13 from EAN's [2023 Annual Progress Report for Vermont](#).

Here is some additional information about consumption-based emissions inventories (CBEIs), which Ms. Despathy references:

- Only two U.S. states ([Oregon](#) and [Minnesota](#)) have conducted their own CBEIs. In those states, the inventory they use for official tracking and legal compliance

is still their sector-based or in-boundary inventory, produced in alignment with EPA and IPCC guidelines. Their CBEIs simply provide additional information, for sake of comparison.

- A problem with CBEIs is that they can lead to double-counting of the same emissions. If state A accounts for emissions related to its consumption of a product that was produced in (and, therefore, produced emissions in) state B while state B is also counting those emissions produced within their borders, the emissions end up being counted twice. When aggregated together, the result would be an inflated and inaccurate total.
- Given the complexity of supply chains and the number of assumptions that must be utilized, CBEIs are notoriously difficult and more costly to conduct – and have a higher degree of uncertainty – than official in-boundary emissions inventories.
- Whether a state uses an in-boundary inventory or a CBEI, the results we have seen to date from Oregon and Minnesota end up being largely the same: together, *the biggest sources of climate pollution with either accounting method are the fossil fuels used for transportation and in buildings*. As Oregon reported when summarizing the common findings of their two inventories “The combustion of fossil fuels, whether occurring within Oregon or as a result of our consumption, is the key driver of greenhouse gas emissions.” And, as Minnesota reported, “Generally, the use of vehicles and appliances... contributed the most to consumption-based emissions.”

The result is that the most important climate solutions end up being the same - moving toward cleaner and more efficient energy sources and equipment and away from dependence on costly and polluting fossil fuels and equipment – regardless of the specific method of emissions accounting.

- c) Ms. Despathy wrote that, “It is also important to note that Jared represents the energy industry who are members of Energy Action Network.

I do not represent the "energy industry." EAN is an independent 501(c)3 non-profit organization that does not collect member dues or represent its members (who have widely varying points of view). Nearly all the funding for our non-profit organization comes from grant-making foundations, donor-advised funds of the Vermont Community Foundation, and individual donors - not from the energy industry. The only funding we receive from utilities or energy businesses is in the form of sponsorships of our Annual Network Summit, which allows us to offer free attendance to the event for volunteer town energy committee members and others who otherwise would not be able to afford to attend.

EAN's list of participating network members is publicly available [here](#). While some energy businesses participate in our Network, most of our membership consists of non-profit organizations and public entities.

- d) Ms. Despathy wrote that, “A significant portion of his members are in the Renewable energy industry and benefit from the GWSA and all of the legislation that is rooted in it such as the Affordable heat act. I am not sure if he is registered as a lobbyist (I do not think he is?) and I understand that his data may be useful and helpful but he still has a vested interest that should be noted.”

I am not a registered lobbyist because I and the organization I lead do not engage in lobbying. In fact, we have an explicit organizational policy that prohibits lobbying.

My/EAN's interest is in an evidence and fact-based statewide conversation about energy and emissions in Vermont, in line with EAN's mission as an independent and non-partisan non-profit organization. When I am invited to testify as an expert witness given my work at EAN, I oblige, as is allowed by law (i.e., it is not lobbying to respond to an invitation to testify).

Separately, when I am asked for my position on public policy issues as an appointed member of the Vermont Climate Council, I respond as is required of me in that capacity as a public official - but solely in that capacity. When I speak on policy matters in my Council capacity, I do so independently and using my best individual judgement. In such instances, I am always clear that I am not speaking on behalf of or representing EAN, either as a non-profit organization or on behalf of our Network of members.

Thank you for the opportunity to respond to Ms. Despathy's communications, in the interest of correcting the public record.

Sincerely,

Jared Duval