

SENATE No. 2009

The Commonwealth of Massachusetts

PRESENTED BY:

Marc R. Pacheco

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to reduce greenhouse gas emissions.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>	
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>1/31/2019</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>4/24/2019</i>

SENATE No. 2009

By Mr. Pacheco, a petition (accompanied by bill, Senate, No. 2009) of Marc R. Pacheco and James B. Eldridge for legislation to protect our environment and reduce the carbon footprint of the commonwealth. Telecommunications, Utilities and Energy.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1869 OF 2017-2018.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act to reduce greenhouse gas emissions.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1 of chapter 21N of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by striking out the definition of “Direct emissions” and
3 inserting in place thereof the following definition:-

4 “Direct emissions”, emissions from sources that are owned or operated, in whole or in
5 part, by a person, entity or facility including, but not limited to: (i) emissions from a
6 transportation vehicle; (ii) a building or structure, including but not limited to a residential,
7 commercial, industrial or institutional building or structure; or (iii) an industrial, manufacturing
8 or other business process.

9 SECTION 2. Said section 1 of said chapter 21N, as so appearing, is hereby further
10 amended by inserting after the definition of “Greenhouse gas emissions source” the following
11 definition:-

12 “Greenhouse gas-emitting priority”, natural gas, petroleum, coal and any solid, liquid or
13 gaseous fuel derived therefrom, and any other matter identified by the department as a
14 greenhouse gas-emitting priority that emits or is capable of emitting a greenhouse gas when
15 burned.

16 SECTION 3. Said section 1 of said chapter 21N, as so appearing, is hereby further
17 amended by inserting after the word “of”, in line 50, the following words:- a greenhouse gas-
18 emitting priority or.

19 SECTION 4. Said section 1 of said chapter 21N, as so appearing, is hereby further
20 amended by striking out the definition of “Market-based compliance mechanism”, in lines 56 to
21 65, inclusive, and inserting in place thereof the following definition:-

22 “Market-based compliance mechanism”, any form of price compliance system imposed
23 on sources or categories of sources or any form of pricing mechanism imposed directly on
24 greenhouse gas-emitting priorities or on the distribution or sale of greenhouse gas-emitting
25 priorities which are designed to reduce emissions as required by this chapter including, but not
26 limited to: (i) a system of market-based declining annual aggregate emissions limitations for
27 sources or categories of sources that emit greenhouse gases; (ii) greenhouse gas emissions
28 exchanges, banking, credits and other transactions governed by rules and protocols established
29 by the secretary or a regional program that results in the same greenhouse gas emissions
30 reduction, over the same time period, as direct compliance with a greenhouse gas emissions limit

31 or emission reduction measure adopted by the executive office pursuant to this chapter; or (iii) a
32 system of charges or exactions imposed to reduce statewide greenhouse gas emissions in whole
33 or in part.

34 SECTION 5. Subsection (a) of section 2 of said chapter 21N, as so appearing, is hereby
35 amended by striking out the first sentence and inserting in place thereof the following sentence:-
36 The department shall monitor and regulate greenhouse gas-emitting priorities and direct and
37 indirect emissions of greenhouse gases with the goal of reducing emissions in order to achieve
38 greenhouse gas emissions limits established by this chapter.

39 SECTION 6. Subsection (b) of section 3 of said chapter 21N, as so appearing, is hereby
40 amended by striking out clauses (2) and (3) and inserting in place thereof the following 2
41 clauses:- (2) a 2030 statewide greenhouse gas emissions limit accompanied by plans to achieve
42 this limit in accordance with said section 4; provided, however, that the 2030 statewide
43 greenhouse gas emissions limit shall maximize the ability of the commonwealth to meet the 2050
44 statewide greenhouse gas emissions limit; (3) a 2040 statewide greenhouse gas emissions limit
45 accompanied by plans to achieve this limit in accordance with said section 4; provided, however,
46 that the 2040 statewide greenhouse gas emissions limit shall maximize the ability of the
47 commonwealth to meet the 2050 statewide greenhouse gas emissions limit.

48 SECTION 7. Subsection (a) of section 4 of said chapter 21N, as so appearing, is hereby
49 amended by inserting after the first sentence the following 2 sentences:- The secretary shall
50 further adopt the 2030 statewide greenhouse gas emissions limit pursuant to clause (2) of
51 subsection (b) of section 3, which shall be not less than 50 per cent below the 1990 emissions
52 level and shall plan to achieve that reduction pursuant to subsection (h) of section 4. The

53 secretary shall further adopt the 2040 statewide greenhouse gas emissions limit pursuant to
54 clause (3) of said subsection (b) of said section 3, which shall be not less than 75 per cent below
55 the 1990 emissions level and shall plan to achieve that reduction pursuant to said subsection (h)
56 of said section 4.

57 SECTION 8. Said subsection (a) of said section 4 of said chapter 21N, as so appearing, is
58 hereby further amended by striking out the last sentence and inserting in place thereof the
59 following sentence:- The 2020, 2030 and 2040 statewide greenhouse gas emissions limits and
60 implementation plans shall comply with this section.

61 SECTION 9. Said section 4 of said chapter 21N, as so appearing, is hereby further
62 amended by striking out, in line 17, the word "limit" and inserting in place thereof the following
63 word:- limits.

64 SECTION 10. Said section 4 of said chapter 21N, as so appearing, is hereby amended by
65 striking out, in line 29, the word "shall" and inserting in place thereof the following words:- , in
66 consultation with the department of public health, shall.

67 SECTION 11. Said section 4 of said chapter 21N, as so appearing, is hereby further
68 amended by striking out, in line 42, the words "emission limit and implementing plan" and
69 inserting in place thereof the following words:- , 2030 and 2040 statewide greenhouse gas
70 emissions limits and implementing plans.

71 SECTION 12. Said section 4 of said chapter 21N, as so appearing, is hereby further
72 amended by striking out subsection (h) and inserting in place thereof the following subsection:-

73 (h) The secretary shall issue a 2050 emissions reduction plan that shall describe in detail
74 the commonwealth's actions and methods for achieving the 2030, 2040 and 2050 emissions limit
75 required by subsection (b) of section 3. The 2050 emissions reduction plan shall: (i) address all
76 sources and categories of sources that emit greenhouse gas emissions; (ii) take into account the
77 imposition of market-based compliance mechanisms required in section 7A; (iii) indicate for
78 each source or category of sources how, to what extent and when the commonwealth will act to
79 reduce its emissions in order to achieve the 2050 emissions limit required by said subsection (b)
80 of said section 3; and (iv) include or be accompanied by any analysis quantitatively assessing
81 proposed and planned actions, methods, regulations and programs designed to reduce greenhouse
82 gas emissions for their economic, environmental and public health impacts, particularly those
83 that may benefit or burden low-income or moderate-income people. The 2050 emission
84 reduction plan shall be developed following public hearings. The secretary shall evaluate, adjust
85 if necessary and publish updates to the 2050 emissions reduction plan not less than once every 30
86 months, including assessments of the effectiveness, to date, of all actions, methods, regulations
87 and programs designed to reduce greenhouse gas emissions and the extent to which the actions,
88 methods, regulations and programs disproportionately impact low-income households and
89 minimize administrative burdens and leakage.

90 SECTION 13. Subpart (4) of subsection (b) of section 3 of chapter 21N of the General
91 Laws, as appearing in the 2016 Official Edition, is hereby amended by striking it out and
92 inserting in place thereof the following:- (4) a 2050 statewide emissions limit that achieves at
93 least net zero statewide greenhouse gas emissions.

94 SECTION 14. Section 5 of said chapter 21N, as so appearing, is hereby amended by
95 inserting after the word "communities", in line 10, the following words:- including, but not

96 limited to, economically-distressed manufacturing, economic sectors, economic subsectors or
97 individual employers located within those communities.

98 SECTION 15. Said chapter 21N is hereby further amended by striking out section 6, as
99 so appearing, and inserting in place thereof the following section:-

100 Section 6. In implementing its 2050 emissions reduction plan, the commonwealth and its
101 agencies shall promulgate regulations not later than December 31, 2023 regarding all sources or
102 categories of sources and all greenhouse gas-emitting priorities that are consistent with the plan
103 required by subsection (h) of section 4 and sufficient to achieve the statewide emissions limits
104 pursuant to section 3. The regulations shall be designed to ensure that the commonwealth
105 achieves its required emissions reductions equitably and in a manner that protects and, where
106 feasible, improves the condition of low-income and moderate-income persons while creating,
107 where feasible, additional employment and economic development in the commonwealth.

108 SECTION 16. Said chapter 21N is hereby further amended by inserting after section 7
109 the following 2 sections:-

110 Section 7A. The secretary shall promulgate regulations establishing market-based
111 compliance mechanisms for: (i) the transportation sector; provided, however, that the regulations
112 shall, at a minimum, be designed to reduce passenger vehicle and light duty truck emissions; (ii)
113 the commercial, industrial and institutional sectors, including but not limited to buildings and
114 industrial, manufacturing and other business processes; and (iii) the residential building sector.

115 The market-based compliance mechanisms established pursuant to this section shall: (i)
116 maximize the ability of the commonwealth to achieve the greenhouse gas emissions limits
117 established pursuant to this chapter;(ii) be designed to minimize disproportionate impacts on

118 low-income households; (iii) be designed to identify, with special attention to manufacturing,
119 economic sectors, economic subsectors or individual employers at risk of serious negative
120 impacts due to the market-based compliance mechanisms established pursuant to this section;
121 and (iv) be designed to mitigate impacts identified in clause (iii). The market-based compliance
122 mechanisms may be established by joining any existing market-based compliance mechanisms.
123 The secretary shall evaluate and adjust, if necessary, all market-based compliance mechanisms
124 adopted pursuant to this section at least once every 30 months to meet the requirements of this
125 section and to achieve greenhouse gas emissions limits. The regulations may be promulgated as
126 part of a coordinated regional effort with other states or Canadian Provinces to implement,
127 expand or join any other market-based compliance mechanisms. The department shall ensure it
128 has adequate resources to implement the requirements of this chapter.

129 Section 7B. Not later than September 30, 2023 and every 5 years thereafter, the secretary
130 or a designee shall publish a comprehensive energy plan that shall include and be based upon
131 reasonable projections of the commonwealth’s energy demands for electricity, transportation and
132 thermal conditioning and shall also include strategies for meeting those demands in a regional
133 context, prioritizing meeting energy demand through conservation, energy efficiency and other
134 demand-reduction resources in a manner that contributes to the commonwealth meeting the
135 limits for 2030 and 2040 pursuant to subsection (b) of section 3.

136 SECTION 17. Section 16 of chapter 298 of the acts of 2008 is hereby amended by
137 striking out, in lines 3 and 4, the words “, and shall expire on December 31, 2020”.

138 SECTION 18. The 2030 statewide greenhouse gas emissions limit required by subsection
139 (a) of section 4 of chapter 21N of the General Laws shall be adopted not later than January 1,
140 2021.

141 SECTION 19. The 2040 statewide greenhouse gas emissions limit required pursuant to
142 subsection (a) of section 3 of chapter 21N of the General Laws shall be adopted not later than
143 January 1, 2021.

144 SECTION 20. The 2050 emissions reduction plan required pursuant to subsection (h) of
145 section 4 of chapter 21N of the General Laws shall be completed not later than December 31,
146 2021.