



Testimony for CO₂ Budget Trading Program Regulation

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Thank you for the opportunity to testify today in favor of DEP's proposed RGGI rule.

My name is Amy Sinden. I have been on the faculty at Temple Law School since 2001, where I teach courses and have published extensively in the areas of environmental law, regulatory policy, natural resources, climate change.

I support the RGGI rule because 1) it's good law; 2) it's good policy; and 3) it's good karma.

First, it's good law. It's good law because DEP has clear authority to do this under the Pennsylvania Air Pollution Control Act. It's good law because DEP has not only the authority to do this but an obligation to do this under the Pennsylvania Constitution. The Pennsylvania Supreme Court has said in no uncertain terms that "all agencies and entities of the Commonwealth government" have a duty under our constitution's Environmental Rights Amendment to "prevent and remedy the degradation, diminution, or depletion of Pennsylvania's public natural resources" for the benefit of all the people including future generations.¹ That means you have a constitutional duty to reduce the carbon emissions that are unleashing global climate chaos. It's good law because it will soon also be required by federal regulation. Once President-elect Biden takes the oath of office on January 20th, one of the top items on his to-do list will be directing his new EPA administrator to exercise their authority under the federal Clean Air Act to require states to reduce greenhouse gas emissions. RGGI will be a key to Pennsylvania's ability to comply with that federal duty.

It's good policy because in addition to reducing the carbon emissions that are driving the climate crisis, it will create jobs, improve the health of Pennsylvania's residents, save us all money on our energy bills, and position Pennsylvania as a leader in the clean energy economy. It's good jobs policy. At 90,000 and counting, clean energy jobs already outnumber fossil fuel jobs in Pennsylvania. And DEP's own analysis shows RGGI will add another 27,000 clean energy jobs to that figure and inject nearly \$2 billion into the state's economy. It's good health policy. By cutting back the soot and smog and fine particle pollution that come from burning fossil fuels, RGGI will save lives and make us all healthier, reducing the severity of asthma, other respiratory disease, and heart disease. You can't put a price on good health. Still, the number crunchers calculate the health benefits at \$6 billion over the next decade, and that's undoubtedly a significant under-estimate, because it fails to account for most of the pollutants we'll clean out of the air. The proposed rule is good consumer policy. With investments in

¹ *Pennsylvania Environmental Defense Foundation. v. Commonwealth.*, 161 A.3d 911, 931, n. 23, 932 (Pa. 2017).

energy efficiency that can come from RGGI, electric bills can actually go down. A recent study shows that RGGI will save consumers in Northeast and Mid-Atlantic states more than \$2 billion annually on their energy bills. Given all these benefits, it's not surprising then that Pennsylvanians overwhelmingly support this move. Yale Climate Nexus found that 80% of Pennsylvanians support regulation of carbon emissions and 72% specifically support RGGI.

Finally, it's good karma. It's no exaggeration to say we are facing the biggest crisis every to confront the human species. What the climate has in store for us in the coming years and decades if we don't change course quickly is going to make this COVID pandemic look like child's play. The scientists tell us we're running out of time. This is a good first step. But please stand firm against those who would weaken this rule. Keep the cap ambitious. Make sure you can adjust it downward if DEP's estimates of existing emissions turn out to be too high. Eliminate the set-aside for waste-coal. And please ensure that low-income households and environmental justice communities overburdened by pollution get their fair share of the benefits of the program.

Thank you.