

Summary of Massachusetts Climate Bills



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Massachusetts Climate Bill Package

Senate has approved three bills to move to the House:

- **S.2476:** An Act to Accelerate the Transition of Cars, Trucks and Buses to Carbon-Free Power
- **S.2477:** An Act Setting Next Generation Climate Policy
- **S.2478:** Energy SAVE Act

Together they aim for zero carbon emissions by 2050.

January 21, 2020: Governor Baker committed Massachusetts to net zero carbon emissions by 2050 in his State of the Commonwealth address.

S.2477: Overview

- Net Zero Carbon Emissions by 2050, with Interim Targets
- Carbon Pricing Mechanism to be established by 2022 by executive branch
- New Independent Watchdog Climate Policy Commission established
- New Department of Public Utilities (“DPU”) mission statement
- Amendment boosts CLC energy efficiency program

S.2477: Net Zero Emissions by 2050

- Requires carbon emission reduction limits be established every 5 years, including by:
 - 2030: At least 50% below 1990 levels
 - 2040: At least 75% below 1990 levels
- Sublimits to be set in certain sectors, including electric power, natural gas, transportation, commercial/industrial/residential heating and cooling, agriculture
- Secretary to promulgate regulations to ensure targets reached
- Secretary to file certificate of compliance following target that must include remedial steps if target not reached

S.2477: Carbon Pricing Mechanism

A market-based carbon pricing mechanism must be in place by January 1, 2022.

- The bill does not choose a specific mechanism; leaves it to executive branch to select (e.g., revenue-neutral carbon fee or regional “cap and trade”).
- Secretary to promulgate regulations to implement.
- Deadlines to develop a carbon price for specific sectors:
 - Transportation sector by 2022 through the Transportation & Climate Initiative (“TCI”).
 - Commercial, industrial, and institutional buildings by 2025
 - Residential buildings by 2030
- Civil administrative penalties may be imposed and enforced.

S.2477: Climate Policy Commission

- The bill establishes an independent public watchdog to oversee the state's handling of the climate crisis in a non-partisan, science-based manner.
- Commission to track and assess public and private sector progress towards goals.
- Commission to hold public hearings examining certificates of compliance for five-year interim emission reduction limits.

S.2477: Energy Efficiency Impacts

- Amendment 26 provided that municipal aggregations like CLC may propose an energy plan that is enhanced or more comprehensive than the state-wide plan, and the DPU may not withhold approval if the plan is cost effective.
- Secretary must incorporate emissions reduction goals into three-year plans with MassSave.
- At conclusion of three-year plans, DPU must evaluate actual emission reduction contributions.

S.2477: Miscellaneous Provisions

- DPU's mission to include reductions in GHG emissions in regulatory decisions for the first time.
- Future solar energy programs to set aside allocations for low-income communities. (Addresses failure of the SMART program.)
- Net zero energy code to allow cities and towns to enact stricter energy stretch codes to limit fossil fuels as the source of heating for new buildings.
- MA Clean Energy Center to fund energy innovation pilots.
- Utilities may test technology and pipelines that generate and transport “renewable thermal energy” (i.e., emissions-free technologies that heat buildings using warmer below ground temperatures).

S.2478: Energy SAVE Act

Expansion of the Commonwealth's energy and water efficiency standards for 17 common household and commercial appliances:

- Faucets, showerheads, plumbing fittings and fixtures, portable electric spas
- Computers and monitors
- High color rendering index, cold temperature and impact-resistant fluorescent lamps
- State-regulated general service lamps
- Commercial dishwashers, ovens, fryers, hot-food holding cabinets and steam cookers
- Water coolers
- Residential ventilating fans
- Spray sprinkler bodies
- Electric vehicle supply equipment

S.2478: Energy SAVE Act (continued)

- Designed to safeguard against efforts at the federal level to rollback some federal energy efficiency standards (e.g., light bulbs).
- Estimated reductions by 2035 of:
 - \$282 million in utility bills; and
 - 271,000 metrics tons in Commonwealth's carbon annual emissions (Cite: Environmental Massachusetts)
- Some states (e.g., CA, VT, HI, CO) updated their standards in 2018 or 2019; other states (e.g., NY, ME, CT, RI) are also considering.

S.2476: An Act to Accelerate the Transition of Cars, Trucks and Buses to Carbon-Free Power

- Requires MBTA to convert to 100% electric fleet
 - Beginning January 1, 2030: leases and purchase of busses must be zero emissions, all-electric
 - December 31, 2040: MBTA must operate a 100% zero emissions electric passenger bus fleet
- Requires purchases and leases of state vehicles to be zero emissions starting in 2024 where affordable replacements are available.
- Priority on deploying zero emissions vehicles in underserved communities and communities with a high percentage of low income routes.
- Department of Transportation to develop plan for siting of charging stations to serve state-owned or leased vehicles.
 - All service stations on Mass Pike to have charging facilities.

S.2476: An Act to Accelerate the Transition of Cars, Trucks and Buses to Carbon-Free Power

- Requires a study on opportunities to electrify vehicles owned or leased by municipalities, regional school districts, and regional transit authorities.
 - Study to include costs/financial assistance from state, federal, regional sources.
 - Amendment allows municipalities to obtain from state registry the number of gas-powered, hybrid and zero-emission vehicles and average number of miles driven by each.
- Amends state building code to require EV charging stations in parking lots (with 10+ parking spaces) for new construction/major renovation of commercial and residential buildings
 - Adds at least one EV parking spot or not less than 5% of total number of parking spaces, whichever is greater.
- Codifies existing state consumer rebate program for EV purchases
- MBTA to develop a plan to reduce carbon emissions of its commuter rail and light rail operations.

Next Steps

- These three final bills have been sent to the House.
- The House may take up, modify, and pass these bills, which would then be sent to a conference committee.
- If the House and Senate reach consensus on final bills, they would be voted on by the full legislature and sent to the Governor for his signature.
- The current legislative session ends on July 31, 2020.

Contact Information

The information in this presentation is general in nature and is not legal advice.

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