

SENATE NO. 535

AN ACT REDUCING THE IMPACT OF THE COMMONWEALTH ON CLIMATE CHANGE

*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. The General Laws are hereby amended by inserting after chapter 30B the
2 following chapter:-

CHAPTER 30C.

CLIMATE CHANGE POLICY ACT

5 Section 1. Short Title.

6 This Chapter shall be known and may be cited as the Climate Change Policy Act.

7 Section 2. Purpose.

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9 The major purpose of this chapter and regulations and actions initiated under this chapter is to
10 prevent or minimize damage to the environment, pursuant to section 7A of chapter 214.

11 Section 3. Findings.

12 It is hereby found and declared that:

13 (a) Atmospheric concentrations of carbon dioxide, methane, nitrous oxide, and other
14 greenhouse gases are substantially higher than at any point in recent millennia and these
15 concentrations are linked to human activity;

16 (b) Increased atmospheric concentrations of greenhouse gases has serious impacts on the
17 global climate, causing, among other things, instability that will increase the frequency
18 and severity of weather events;

19 (c) The risks posed by global climate change are real and will have serious consequences
20 for Massachusetts;

21 (d) The government of Massachusetts has the opportunity to set an example for other
22 political jurisdictions and for private actors by reducing the release of anthropogenic
23 greenhouse gases from the Commonwealth and by participating in multi-state and
24 regional efforts to expand these initiatives to a broader geographic territory and

25 (e) The implementation of programs that decrease the Commonwealth's contribution to
26 climate change will also advance other important state objectives such as sustainable
27 economic development, energy independence, and cleaner air.

28 Section 3. Definitions.

29 As used in this chapter, the following terms shall have the following meanings, unless the
30 context otherwise requires:

31 "Agency", an agency, department, board, commission or authority of the Commonwealth, and
32 any authority of any political subdivision which is specifically created as an authority under
33 special or general law.

34 "De Minimis Emissions", GHG emissions that are below a threshold that the Department of
35 Environmental Protection determines by rule may reasonably be considered too small to warrant
36 reporting.

37 "Greenhouse Gas", a chemical or physical substance that, when emitted into the air, the
38 Department of Environmental Protection determines by rule may reasonably be anticipated to

39 cause or contribute to climate change. Greenhouse Gas shall include, but is not limited to,
40 carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur
41 hexafluoride.
42 “GHG Emissions”, the release of greenhouse gases into the atmosphere from human activities.
43 “Facility”, a structure that, by any means, releases more than de minimis emissions of
44 greenhouse gases. Facility refers to each separated or separable structure, even if owned or
45 operated by the same entity. Facility shall include mobile power generators, but shall not
46 include idling vehicles. Facility shall include structures that are owned or operated by the
47 Commonwealth and meet the above requirements.

48 Section 4. Regulations to Enforce Greenhouse Gas Emission Reduction Targets

49 (a) The regulations promulgated under this section shall ensure that the following targets for
50 reduction of GHG emissions are attained:

51 (1) Reduction by 2015 – Reduce GHG emissions to 10% below 1990 levels by January
52 1, 2015.

53 (2) Reduction by 2020 – Reduce GHG emissions to 20% below 1990 levels by January
54 1, 2020.

55 (3) Reduction by 2050 – Reduce GHG emissions to 85% below 1990 levels by January
56 1, 2050.

57 (b) By May 1, 2008, the Executive Office of Environmental Affairs, the Department of
58 Environmental Protection, the Registry of Motor Vehicles, the Department of
59 Telecommunications and Energy, the Department of Agriculture Resources, and the Board of
60 Building Regulations and Standards, and such other agencies that the Department of
61 Environmental Protection determines regulates or otherwise effects major sources of

62 greenhouse gas emissions, shall have promulgated or otherwise put into place regulations that
63 the Department of Environmental Protection has determined are reasonably calculated to attain
64 the targets in this section. These regulations shall include provisions requiring:

65 (1) Consideration of net impact on GHG emissions in connection with the consideration
66 and issuance of permits, licenses and other administrative approvals and decisions;

67 (2) In connection with the issuance of permits, licenses and other administrative
68 approvals and decisions, there shall be a presumption in favor of alternatives having
69 a lesser net impact on GHG emissions so long as such alternatives do not entail a
70 risk of substantially increased damage to the environment as compared with
71 alternatives having a greater net impact on GHG emissions;

72 (3) In connection with the consideration and issuance of permits, licenses and other
73 administrative approvals and decisions, the reasonably foreseeable impacts of
74 climate change, including, for example, anticipated sea level rise, shall be taken into
75 consideration;

76 (4) That all capital planning and infrastructure spending prioritization plans and
77 decisions shall clearly state, using a methodology devised by the Department of
78 Environmental Protection, the net impact of said plans and decisions on GHG
79 emissions.

80 (c) The regulations promulgated under this section shall include, but not be limited to reducing:

81 (1) GHG emissions from both mobile and stationary sources in the Commonwealth,

82 (2) energy use in the Commonwealth resulting in the reduction of GHG emissions from
83 sources both inside and outside the Commonwealth and

84 (3) dependency on energy sources that result in the release of GHG emissions.

85 (d) Beginning no later than January 1, 2008 agencies shall submit to the Department of
86 Environmental Protection an annual plan that includes identification and prioritization of
87 strategies to implement this section. Within 60 days the Department of Environmental
88 Protection shall determine if such plan is adequate and if the regulations of the subject agency
89 are still adequate and are being adequately implemented in a manner consistent with attaining
90 the goals set forth in section 4(a) of this Chapter.