

Dear CPS Review Team,

I provided oral testimony at the Greenfield CPS Hearing and would like this email placed into the record for the review.

Thank you for considering the following comments on the proposed CPS regulatory incentive program. I appreciate the opportunity to help DOER establish additional programs that encourage the transition to renewable and non-polluting energy distribution.

1.) The regulations need to be rewritten so that they can "stand alone" without references to unreleased "guidelines" that the public has not had a chance to review or comment on. All regulatory programs should be based on regulations that are properly promulgated under MGL Chapter 30A, the MA Administrative Procedures Act (APA). The proposed regulations fail to meet the basic requirements of the APA because they abuse the process and discretion by relying on guidelines for critical aspects of the regulatory framework. Guidelines should be released for those sections of the regulations that are particularly complex or require worksheets and other guidance, but the actual regs must effectuate a complete program that could be implemented without requiring guidelines, especially sets of guidelines that have not been subject to the Ch. 30A process. In this case, the proposed regulations need to be rewritten so that they do not frustrate the purpose of the APA. The currently proposed regulations represent an abuse of discretion. Please revise the regs to incorporate all aspects of the currently proposed guidelines so that the regulatory framework is complete and could in fact be implemented without the guidelines. After that process is completed, you should review any areas of complexity or confusion and issue guidelines as needed, but the rewrite will probably eliminate most if not all of the need for extensive guidelines.

2. Either explicitly prohibit the qualification of combustion technology in the CPS, or change the name of the standard to "Dirty Peak Standard" because the inclusion of carbon-burning power supplies, especially biomass and garbage incineration, which are the dirtiest sources of energy, is well beyond misleading, it is actually fraud. Proclaiming something "Clean" when it includes dirty biomass and trash burners is goes well beyond hypocrisy and Orwellian double-speak and borders on criminal. The regulations should be rewritten to exclude dirty energy, even if the RPS and APS, for the moment, include these dirty energy sources. This is a failed policy with widespread opposition and DOER must correct the proposed regs or they will be included in the same legal morass that will cripple the efforts to provide leadership in transforming our energy supply and delivery system. DOER must realize that such regulations that take Clean Energy Funds and transfer them to dirty energy sources will be seen for what it is, a form of climate denialism and environmental racism.

3. The CPS regs should disclose the obvious Public Health impacts to morbidity and mortality, based on analysis of likely scenarios of implementation. These regs should be reviewed along with the analysis by the MA Department of Public Health, the MA Department of Environmental Protection, and the Public Health Council, so that the actual impact on the Public Health of the Commonwealth is disclosed. Without such analysis and disclosure, it is impossible to make an informed decision. The homework needs to be done before the program is launched, rather than trying to measure impacts and deal with unintended consequences after implementation. How many additional people will die or be sickened by the proposed program? How can the program be designed to have a net public benefit and also have a positive impact of Public Health and Environmental Justice? This needs to be analysed and disclosed

upfront. Please rewrite the regs and do your homework first. You will not be allowed to ignore Public Health.

4. Please review these regulations for compliance with Section 3(D) of the Global Warming Solutions Act to ensure that the program assures an annual aggregate reduction in Greenhouse gas emissions. Please review the SJC Kain Decision and revise the regs to incorporate the direction provided by the Court. This new regulatory program clearly provides an opportunity to bring the Administration into compliance with the requirements of the SJC decision.

5. The timelines for implementation and phase-out should be significantly condensed, in light of the present Climate Emergency. We don't have 20 or 30 years to slowly transform our energy systems. We have, as the MA Senate stated, "No Time to Waste" and the proposed regulations should reflect this reality. The regs should focus on an accelerated 5-year goal and 10-year full implementation timeline, and the phase-out should be reconsidered based on the future need to establish more capacity, especially decentralized supply and storage. Our energy generation system needs to be carbon-neutral by 2025 and then we must begin to focus on CO2 removal from the atmosphere, if we are to have any chance at a livable future. Please revise the regs to reflect this reality.

I also want to reinforce the comment made during the Greenfield Hearing that DOER needs to do a better job of including the public as stakeholders in the regulatory creation process. There are more diverse interests that need to be fully involved in this process, especially the Environmental Justice community and other vulnerable populations that will be most impacted by the climate crisis. The expertise and concerns from these segments of society must be incorporated into the process to ensure that we are not producing regulations that fail to address the under-represented and disenfranchised. DOER needs to do a better job of serving the people's interests, instead of striving to support business-as-usual corporations. Please reconsider the impact that your programs have on society as we are relying on you for leadership in a time of crisis and emergency.

Sincerely,

Glen A. Ayers, R.S., C.H.O.
254 Davis Street
Greenfield, MA 01301
glenayers@gmail.com