
Environment & Energy Committee

HB 2829

Brief Description: Declaring a climate emergency.

Sponsors: Representatives Kirby, Tarleton, Riccelli, Pollet and Macri.

Brief Summary of Bill
<ul style="list-style-type: none">• Declares a climate emergency.• Authorizes the Governor to declare an energy emergency for purposes of limiting greenhouse gas emissions and building resiliency to the effects of climate change.

Hearing Date: 2/6/20

Staff: Riley O'Leary (786-7296) and Jacob Lipson (786-7196).

Background:

Energy Emergencies.

Powers. The Governor may declare a condition of energy emergency upon finding that an energy emergency exists within the state or any part thereof. Energy emergency means a situation in which the unavailability or disruption of the supply of energy poses a clear and foreseeable danger to the public health, safety, and general welfare. Under an energy emergency, the Governor may issue orders to:

- suspend or modify existing rules of the Washington Administrative Code of any state agency relating to the consumption or production of energy;
- direct any state or local governmental agency to implement programs relating to the consumption of energy;
- implement programs, controls, standards, and priorities for the production, allocation, and consumption of energy;
- suspend and modify existing pollution control standards and requirements or any other standards or requirements affecting or affected by the use of energy, including those related to air or water quality control; and

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

- establish and implement regional programs and agreements for the purposes of coordinating the energy programs and actions of the state with those of the federal government and of other states and localities.

Actions authorized under an energy emergency are exempt from the requirements and provisions of the State Environmental Policy Act.

Limitations. An energy emergency must terminate after 30 consecutive days if the legislature is not in session or convened at the time of the declaration and if the governor fails to convene the legislature within 30 days of the declaration. If the legislature is in session at the time of the declaration, the energy emergency must terminate after 45 consecutive days unless:

- the Governor, with approval from the Joint Committee on Energy Supply and Energy Conservation (Committee), issues a finding that the emergency continues to exist;
- the Governor extends the emergency upon a declaration by the President of the United States of a national state of energy supply emergency; or
- the Legislature approves an extension by concurrent resolution of a continuing energy emergency.

An energy emergency must terminate upon a declaration by either the Governor, or the Legislature by concurrent resolution, if the condition that the emergency was based on no longer exists.

Under an energy emergency, the Governor must present any proposed plans to the Committee.

Federal and State Regulation of Greenhouse Gases.

The United States Environmental Protection Agency (EPA) and the Department of Ecology (Ecology) identify carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride as greenhouse gases (GHGs) because of their capacity to trap heat in the Earth's atmosphere.

Under the federal Clean Air Act, GHGs are regulated as an air pollutant and are subject to several air regulations administered by the EPA. At the state level, GHGs are regulated by Ecology under the state Clean Air Act. In 2008, limits were established for the emissions of GHGs. These statutory emission limits do not specify how the state must achieve the established limits, nor are emission reductions required to be achieved by particular entities or types of entities.

Summary of Bill:

Washington declares that a climate emergency threatens our state, region, nation, civilization, humanity, and the natural world.

The Governor is authorized to declare an energy emergency for the purpose of limiting greenhouse gas emissions and building resiliency to the effects of climate change. In the event of a declaration of an energy emergency, any proposed use of the powers authorized to the Governor must be announced by the Governor by December 1 of a calendar year. The Governor may not implement the proposed uses of the powers until the adjournment of the regular legislative session immediately following the announcement to allow the Legislature to add to, limit, or amend the proposals specified in the announcement.

The powers granted to the Governor under an energy emergency are not subject to cessation or time limitations that normally apply to energy emergencies.

Appropriation: None.

Fiscal Note: Requested on January 31, 2020.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.