

# ASSEMBLY, No. 3301

## STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED JUNE 12, 2006

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**SYNOPSIS**

The "Global Warming Response Act."

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 2/27/2007)

A3301 STENDER, VAINIERI HUTTLE

2

1 AN ACT concerning the reduction of greenhouse gases and  
2 supplementing chapter 2C of Title 26 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. This act shall be known as and may be cited as the “Global  
8 Warming Response Act.”

9

10 2. The Legislature finds and declares that internationally the  
11 issue of global warming has caused alarm, awareness, and action  
12 concerning climate changes occurring around the globe attributed to  
13 the high level of certain gases called “greenhouse gases” – gases  
14 that increase temperatures in the atmosphere and the risk of  
15 catastrophic changes to the Earth’s ecosystems and environment;  
16 that, while this global warming may be a theory to some, the effects  
17 of increasing levels of greenhouse gases in the atmosphere are  
18 accepted by many respected scientists and members of the  
19 international community as seriously detrimental to the ecosystems  
20 and environment of the world; that, ultimately, if steps are not taken  
21 to reverse these trends, the effects on human, animal and plant life  
22 on Earth may be catastrophic; that solutions exist to halt the  
23 increasing of greenhouse gases in the atmosphere and reduce these  
24 emissions; that, as a global issue, each country and region within a  
25 country must do its part to reduce these greenhouse gases that  
26 threaten the globe; and that, as a State, there are specific actions  
27 that can be taken to attack the problem of global warming, through  
28 reductions of greenhouse gas emissions in the State and  
29 participation in regional and interstate initiatives to reduce these  
30 emissions regionally, nationally, and internationally.

31 The Legislature therefore declares it is in the public interest to  
32 establish a greenhouse gas reduction program with the goal of  
33 reducing the level of greenhouse gas emissions in the State to below  
34 the 1990 levels of these emissions by the year 2020.

35

36 3. For the purposes of this act:

37 “Carbon dioxide equivalents” means the amount of carbon  
38 dioxide by weight that would produce the same global warming  
39 impact as a given weight of another greenhouse gas, to be  
40 determined based on the most recent information available from the  
41 Intergovernmental Panel on Climate Change established by the  
42 World Meteorological Organization and the United Nations  
43 Environmental Programme.

44 “Cost effectiveness” means the net costs, or the costs less the  
45 benefits, per unit of reduced greenhouse gas emissions.

46 “Cumulative impact” means cumulative impact as the term is  
47 defined in Section 1508.7 of Title 40 of the Code of Federal  
48 Regulations.

1       “Department” means the Department of Environmental  
2 Protection.

3       “Direct or indirect effects” means direct or indirect effects as the  
4 terms are defined in Section 1508.8 of Title 40 of the Code of  
5 Federal Regulations.

6       “Greenhouse gas” means any atmospheric gas that slows the rate  
7 at which heat radiates into space, thereby having a warming effect  
8 on the atmosphere, and shall include, but need not be limited to,  
9 water vapor, carbon dioxide, methane, nitrous oxide,  
10 chlorofluorocarbons, hydrofluorocarbons, certain halogenated  
11 gases, and any other gas determined by the Department of  
12 Environmental Protection to be a serious contributor to the problem  
13 of global warming.

14       “The 2020 limit” means the level of greenhouse gas emissions  
15 attained by the reduction of these emissions to the percentage below  
16 the 1990 levels of these emissions established pursuant to section 4  
17 of this act.

18

19       4. a. No later than one year after the effective date of this act,  
20 the Department of Environmental Protection shall establish:

21       (1) inventories of the greenhouse gas emissions in the State;

22       (2) inventories of the 1990 levels of greenhouse gas emissions in  
23 the State;

24       (3) priorities for the reduction of types of greenhouse gas  
25 emissions to be reduced pursuant to this act; and

26       (4) by rules and regulations, adopted pursuant to the  
27 “Administrative Procedures Act” P.L. 1968, c.410 (C.52:14B-1 et  
28 seq.) the percentage reduction below the 1990 levels of greenhouse  
29 gas emissions to be achieved by the year 2020.

30       b. No later than January 1, 2020, the levels of greenhouse gas  
31 emissions in the State shall be reduced to the percentage below the  
32 1990 levels of these emissions established by the department  
33 pursuant to subsection a. of this section.

34

35       5. a. On or before January 1, 2008, the department shall adopt,  
36 pursuant to the “Administrative Procedures Act,” P.L.1968, c.410  
37 (C.52:14B-1 et seq.), rules and regulations establishing a greenhouse  
38 gas emissions monitoring and reduction program to:

39       (1) monitor and report greenhouse gas emissions levels in the  
40 State; and

41       (2) achieve Statewide the percentage reduction below the 1990  
42 greenhouse gas emissions levels set by the department pursuant to  
43 section 4 of this act.

44       The rules and regulations shall also establish a series of  
45 enforceable limits that gradually reduce greenhouse gas emissions  
46 levels to the 2020 limit set by the department pursuant to section 4  
47 of this act, and requirements on sources of greenhouse gas  
48 emissions to achieve these reductions. The first of these limits shall

1 take effect on January 1, 2012, with additional limits taking effect  
2 on January 1 of subsequent years as determined by the department.

3 b. In developing these rules and regulations, the department  
4 shall take into account projected reductions in greenhouse gas  
5 emissions and other emissions reductions required pursuant to State  
6 emissions control programs otherwise established by law. The  
7 greenhouse gas emissions limits shall be expressed in total tons of  
8 allowable greenhouse gas emissions, expressed in carbon dioxide  
9 equivalents, and shall include, but shall not be limited to, all  
10 greenhouse gas emissions from the generation of electricity  
11 delivered by utilities and consumed in the State, whether generated  
12 in the State or imported into the State.

13 c. The rules and regulations adopted pursuant to subsection a.  
14 of this section shall identify all significant sources of greenhouse  
15 gas emissions in the State and shall provide for, but need not be  
16 limited to, the following:

17 (1) monitoring and reporting of existing emissions and changes  
18 in emissions over time from the sources identified by the  
19 department;

20 (2) monitoring compliance with the emissions limits established  
21 by the department;

22 (3) developing, implementing and enforcing requirements to  
23 achieve the required reductions;

24 (4) monitoring greenhouse gas emissions in the State;

25 (5) reporting the levels of those emissions and changes in those  
26 emissions levels annually, commencing on January 1, 2008; and

27 (6) monitoring compliance with the requirements established  
28 pursuant to paragraph (3) of this subsection and the progress  
29 towards attaining the required reductions determined pursuant to  
30 paragraph (2) of this subsection.

31 d. Pursuant to the rules and regulations adopted pursuant to  
32 subsection a. of this section, the department shall require reporting  
33 of the greenhouse gas emissions:

34 (1) associated with fossil fuels used in the State by entities that  
35 are manufacturers and distributors of fossil fuels, including, but not  
36 limited to, oil refineries, oil storage facilities, and natural gas  
37 pipelines;

38 (2) from any utility generating or delivering electricity consumed  
39 in the State, whether the electricity is generated in the State, or  
40 generated outside the State and imported into the State, and  
41 accounting for transmission line losses; and

42 (3) from any additional entities that are significant emitters of  
43 greenhouse gases, as determined by the department and appropriate  
44 to enable the department to monitor compliance with the emissions  
45 limits for greenhouse gases established pursuant to this act.

46 e. The rules and regulations also shall:

47 (1) distribute the costs and benefits of the program, including  
48 emission allowances, in a manner that is –

- 1 (a) equitable and maximizes the total benefit to the  
2 economy;
- 3 (b) does not disproportionately burden low-income and  
4 moderate-income households;
- 5 (c) provides compliance flexibility where appropriate; and
- 6 (d) ensures that entities that have voluntarily reduced their  
7 emissions prior to the implementation of the greenhouse gas  
8 emissions monitoring and reduction program receive appropriate  
9 consideration for emissions reductions achieved;
- 10 (2) ensure that the measures implemented to achieve reductions  
11 in greenhouse gas emissions do not result in direct or indirect  
12 effects or a cumulative impact that increase emissions of toxic air  
13 contaminants, identified by the department and the United States  
14 Environmental Protection Agency as hazardous air contaminants, or  
15 cause or contribute to a violation of a federal or State health-based  
16 ambient air quality standard in any community;
- 17 (3) evaluate emissions reduction opportunities based upon their  
18 cost-effectiveness and additional societal benefits, including, but  
19 not necessarily limited to, reductions in other air pollutants, energy  
20 security, and protection of the environment and public health;
- 21 (4) minimize the administrative burden of implementing and  
22 complying with the program;
- 23 (5) minimize displacement of emissions outside of the scope of  
24 the program; and
- 25 (6) where feasible, coordinate with other states and countries to  
26 reduce greenhouse gas emissions in a manner that does not conflict  
27 with State law and regulations.
- 28
- 29 6. In accordance with the goals of the greenhouse gas emissions  
30 monitoring and reduction program established by rule and  
31 regulation pursuant to section 5 of this act, the Department of  
32 Environmental Protection shall adopt, pursuant to the  
33 “Administrative Procedures Act,” P.L.1968, c.410 (C.52:14B-1 et  
34 seq.), any rules or regulations necessary to implement in the State  
35 model rules adopted by the Regional Greenhouse Gas Initiative, or  
36 any other interstate or regional effort to reduce greenhouse gases or  
37 global warming that the department determines to be bonafide and  
38 beneficial to the prevention of global warming and the attainment of  
39 the reduction in greenhouse gases required by this act.
- 40
- 41 7. The department shall acquire, develop, and provide to federal,  
42 State, local, and regional agencies, departments, independent  
43 authorities, utilities, businesses, industries, representatives of the  
44 energy and economic sectors, and members of the public, data and  
45 information on global climate change and the costs, technological  
46 feasibility, and demonstrated effectiveness of methods for reducing  
47 or mitigating the production of greenhouse gases from sources in  
48 the State. The department shall provide a variety of forums for the

1 exchange of that information among interested parties and State  
2 agencies, departments, and independent authorities.

3  
4 8. On or before January 1, 2009, and annually thereafter, the  
5 department shall report to the Governor and, pursuant to section 2  
6 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature on the current  
7 level of greenhouse gas emissions and progress made toward  
8 compliance with the emissions limits on greenhouse gases  
9 established by the department. The report shall include updated and  
10 comparative inventories of greenhouse gas emissions in the State.

11  
12 9. a. On or before January 1, 2015, the department shall  
13 evaluate the ecological, economic, and environmental factors and  
14 the technological capability affecting the attainment or maintenance  
15 of the 2020 limit, and further reduction of levels of greenhouse gas  
16 emissions beyond the 2020 limit established pursuant to this act.

17 b. Based on the evaluation, the department may adopt, pursuant  
18 to the "Administrative Procedures Act," P.L.1968, c.410 (C.52:14B-1  
19 et seq.), rules and regulations:

20 (1) establishing further measures or requirements to attain or  
21 maintain the 2020 limit; or

22 (2) requiring further reductions beyond the 2020 limit.

23 If further reductions are required, the rules and regulations shall  
24 also establish a level of greenhouse gas emissions to be attained by  
25 January 1, 2030, a scheduled series of reductions in greenhouse gas  
26 emissions below the 2020 emission limit to attain that level of  
27 greenhouse gas emissions, and requirements to be imposed on  
28 sources of greenhouse gas emissions to achieve the required  
29 reductions.

30  
31 10. This act shall take effect immediately.

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34

#### STATEMENT

35

36 This bill directs the Department of Environmental Protection  
37 (DEP) to establish, on or before January 1, 2008, a greenhouse gas  
38 emissions monitoring and reduction program to monitor and report  
39 on greenhouse gas emissions levels in the State and reduce  
40 greenhouse gas emissions in the State to levels below the 1990  
41 greenhouse gas emissions levels by 2020. The bill also directs the  
42 DEP to establish, no later than one year after the effective date of  
43 the bill:

44 1) inventories of the greenhouse gas emissions in the State;

45 2) inventories of the 1990 levels of greenhouse gas emissions in  
46 the State;

47 3) priorities for the reduction of types of greenhouse gas  
48 emissions to be reduced pursuant to this act; and

1 4) by rules and regulations, the percentage reduction below the  
2 1990 levels of greenhouse gas emissions to be achieved by the year  
3 2020.

4 The rules and regulations establishing this program shall also  
5 establish a series of enforceable limits that gradually reduce  
6 greenhouse gas emissions levels to the 2020 limit, with the first  
7 limit taking effect January 1, 2012.

8 The bill further directs the DEP to evaluate by January 1, 2015  
9 the ecological, economic, and environmental factors and the  
10 technological capability affecting the attainment or maintenance of  
11 the 2020 limit, and further reduction of levels of greenhouse gas  
12 emissions beyond the 2020 limit. Based on the evaluation, the DEP  
13 may adopt rules and regulations establishing further measures or  
14 requirements to attain or maintain the 2020 limit, or requiring  
15 further reductions beyond the 2020 limit. If further reductions are  
16 required, the bill requires that the rules and regulations also  
17 establish a level of greenhouse gas emissions to be attained by  
18 January 1, 2030, a scheduled series of reductions in greenhouse gas  
19 emissions below the 2020 emission limit to attain that level of  
20 greenhouse gas emissions, and requirements to be imposed on  
21 sources of greenhouse gas emissions to achieve the required  
22 reductions.

23 Global warming - the increase of temperatures in the atmosphere  
24 that risk catastrophic changes to the Earth's ecology and  
25 environment - is attributed to the build-up of greenhouse gas  
26 emissions in the Earth's atmosphere. Although some view global  
27 warming as a theory, the effects of increasing levels of greenhouse  
28 gases in the atmosphere are accepted by many respected scientists  
29 and members of the international community as seriously  
30 detrimental to the ecosystem and environment of the world, and  
31 measures can be taken to reduce greenhouse gas emissions and the  
32 risk to the planet. Therefore, it is reasonable for the State to take  
33 specific actions to attack global warming by establishing a State  
34 program to reduce greenhouse gas emissions and participate in  
35 regional and interstate initiatives to reduce these emissions  
36 regionally, nationally, and internationally.