

**ASSEMBLY, No. 4821**

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**STATE OF NEW JERSEY**

**218th LEGISLATURE**

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INTRODUCED DECEMBER 17, 2018

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**Assemblymen Benson, Johnson and Zwicker**

**SYNOPSIS**

Establishes new timeframes for implementation of certain requirements in “Global Warming Response Act”; requires DEP to adopt strategy to reduce short-lived climate pollutants.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 2/8/2019)**

1 AN ACT concerning the reduction of greenhouse gases and  
2 amending and supplementing P.L.2007, c.112.

3  
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
7 1. Section 2 of P.L.2007, c.112 (C.26:2C-38) is amended to  
8 read as follows:

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

30 The Legislature further finds and declares that, while carbon  
31 dioxide is the most abundant greenhouse gas, other greenhouse  
32 gases known as short-lived climate pollutants, including black  
33 carbon, fluorinated gases, and methane, create a warming influence  
34 on the climate that is many times more potent than that of carbon  
35 dioxide, and have a dramatic and detrimental effect on air quality,  
36 public health, and climate change; and that reducing emissions of  
37 these pollutants can have an immediate beneficial impact on climate  
38 change and public health.

39 The Legislature therefore finds and declares that it is in the  
40 public interest to establish a greenhouse gas emissions reduction  
41 program to limit the level of Statewide greenhouse gas emissions,  
42 and greenhouse gas emissions from electricity generated outside the  
43 State but consumed in the State, to the 1990 level or below, of those  
44 emissions by the year 2020, and to reduce those emissions to 80  
45 **[%]** percent below the 2006 level by the year 2050 , and to develop

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 a comprehensive strategy to reduce emissions of short-lived climate  
2 pollutants in the State.

3 (cf: P.L.2007, c.112, s.2)

4  
5 2. Section 3 of P.L.2007, c.112 (C.26:2C-39) is amended to  
6 read as follows:

7 3. For the purposes of **【this act】** P.L.2007, c.112 (C.26:2C-37  
8 et al.):

9 “Department” means the Department of Environmental  
10 Protection.

11 “Greenhouse gas” means carbon dioxide, black carbon, methane,  
12 nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulfur  
13 hexafluoride, and any other gas or substance determined by the  
14 Department of Environmental Protection to be a significant  
15 contributor to the problem of global warming.

16 “Statewide greenhouse gas emissions” means the sum of  
17 calendar year emissions of greenhouse gases from all sources within  
18 the State, and from electricity generated outside the State but  
19 consumed in the State, as determined by the department pursuant to  
20 subsection c. of section 5 of **【this act】** P.L.2007, c.112 (C.26:2C-37  
21 et al.).

22 “2020 limit” means the level of greenhouse gas emissions equal  
23 to the 1990 level of Statewide greenhouse gas emissions.

24 “2050 limit” means the level of greenhouse gas emissions equal  
25 to 80 percent less than the 2006 level of Statewide greenhouse gas  
26 emissions.

27 (cf: P.L.2007, c.112, s.3)

28  
29 3. Section 5 of P.L.2007, c.112 (C.26:2C-41) is amended to  
30 read as follows:

31 5. a. No later than **【January 1, 2009】** 18 months after the  
32 effective date of P.L. , c. (C. ) (pending before the  
33 Legislature as this bill), the department shall adopt, pursuant to the  
34 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
35 seq.), rules and regulations establishing a greenhouse gas emissions  
36 monitoring and reporting program to monitor and report Statewide  
37 greenhouse gas emissions.

38 b. The rules and regulations adopted pursuant to subsection a.  
39 of this section shall identify all significant sources of Statewide  
40 greenhouse gas emissions and shall provide for, but need not be  
41 limited to, the following:

42 (1) monitoring and reporting of existing emissions and changes  
43 in emissions over time from the sources identified by the  
44 department;

45 (2) reporting the levels of those emissions and changes in those  
46 emissions levels annually, commencing **【on January 1, 2009】** 18  
47 months after the effective date of P.L. , c. (C. ) (pending  
48 before the Legislature as this bill); and

1 (3) monitoring progress toward the 2020 limit and the 2050  
2 limit.

3 c. Pursuant to the rules and regulations adopted pursuant to  
4 subsection a. of this section, the department shall require reporting  
5 of the greenhouse gas emissions:

6 (1) associated with fossil fuels used in the State, as reported by  
7 entities that are manufacturers and distributors of fossil fuels, which  
8 may include, but need not be limited to, oil refineries, oil storage  
9 facilities, natural gas pipelines, and fuel wholesale and retail  
10 distributors;

11 (2) from any entity generating electricity in the State and from  
12 any entity that generates electricity outside the State that is  
13 delivered for end use in the State. With respect to electricity  
14 generated outside the State and imported into the State, the  
15 department shall determine the emissions from that generation by  
16 subtracting the kilowatt-hours of electricity generated in the State  
17 from the kilowatt-hours of electricity consumed in the State, and  
18 multiplying the difference by a default emissions rate determined by  
19 the department;

20 (3) from any gas public utility as defined in section 3 of  
21 P.L.1999, c.23 (C.48:3-51); and

22 (4) from any additional entities that are significant emitters of  
23 greenhouse gases, as determined by the department, and as  
24 appropriate to enable the department to monitor compliance with  
25 progress toward the 2020 limit and the 2050 limit.

26 (cf: P.L.2007, c.112, s.5)

27

28 4. Section 6 of P.L.2007, c.112 (C.26:2C-42) is amended to  
29 read as follows:

30 6. a. The department, in consultation with the Board of Public  
31 Utilities, the Department of Agriculture, the Department of  
32 Transportation, and the Department of Community Affairs, shall  
33 evaluate policies and measures that will enable the State to achieve  
34 the 2020 limit, shall make specific recommendations on how to  
35 achieve the emission reduction targets, including measures that  
36 reduce emissions in all sectors of the economy including  
37 transportation, housing, and consumer products, and shall evaluate  
38 the economic benefits and costs of implementing these  
39 recommendations. The department shall coordinate its evaluation  
40 of greenhouse gas emission reduction policies and measures with  
41 the work of the Energy Master Plan Committee established pursuant  
42 to section 12 of P.L.1977, c.146 (C.52:27F-14).

43 b. No later than June 30, 2008, the department, and any other  
44 State agencies, as appropriate, shall prepare a report recommending  
45 the measures necessary to reduce greenhouse gas emissions to  
46 achieve the 2020 limit. The report shall include specific  
47 recommendations for legislative and regulatory action that will be  
48 necessary to achieve the 2020 limit. The report shall be transmitted  
49 to the Governor, to the State Treasurer, to the Legislature pursuant

1 to section 2 of P.L.1991, c.164 (C.52:14-19.1) and to the members  
2 of the Senate Environment Committee and the Assembly  
3 Environment and Solid Waste Committee.

4 c. No later than **【June 30, 2010】** one year after the effective  
5 date of P.L. , c. (C. ) (pending before the Legislature as this  
6 bill), the department, and any other State agencies, as appropriate,  
7 shall prepare a report recommending the measures necessary to  
8 reduce greenhouse gas emissions to achieve the 2050 limit. The  
9 report shall include specific recommendations for legislative and  
10 regulatory action that will be necessary to achieve the 2050 limit.  
11 The report shall also include recommendations for additional  
12 policies and measures that will be required if the State is otherwise  
13 expected to exceed the 2020 limit and any additional measures that  
14 will be required to meet the 2050 limit. The report shall be  
15 transmitted to the Governor, to the State Treasurer, to the  
16 Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1)  
17 and to the members of the Senate Environment Committee and the  
18 Assembly Environment and Solid Waste Committee.

19 d. The Energy Master Plan Committee shall include in its  
20 adoption of the first update of the energy master plan completed  
21 after the date of enactment of **【this act】** P.L.2007, c.112 (C.26:2C-  
22 37 et al.), a list of recommended policies and measures to reduce  
23 the emission of greenhouse gases from the production, processing,  
24 distribution, transmission, storage, or use of energy that will  
25 contribute to achieving the 2020 limit.

26 e. Nothing in **【this act】** P.L.2007, c.112 (C.26:2C-37 et al.)  
27 shall impose any limit on the existing authority of the department,  
28 the Board of Public Utilities, or any other State department or  
29 agency to limit or regulate greenhouse gas emissions pursuant to  
30 law.

31 (cf: P.L.2007, c.112, s.6)

32  
33 5. Section 7 of P.L.2007, c.112 (C.26:2C-43) is amended to  
34 read as follows:

35 7. a. No later than **【January 1, 2009】** 18 months after the  
36 effective date of P.L. , c. (C. ) (pending before the  
37 Legislature as this bill), and biennially thereafter, the department  
38 shall prepare and transmit, in writing, a report to the Governor, to  
39 the State Treasurer, to the Legislature pursuant to section 2 of  
40 P.L.1991, c.164 (C.52:14-19.1) and to the members of the Senate  
41 Environment Committee and the Assembly Environment and Solid  
42 Waste Committee, on the status of the greenhouse gas emissions  
43 monitoring and reporting program established pursuant to **【this act】**  
44 P.L.2007, c.112 (C.26:2C-37 et al.), the current level of greenhouse  
45 gas emissions in the State and the progress made toward compliance  
46 with the 2020 limit and the 2050 limit established pursuant to **【this**  
47 **act】** P.L.2007, c.112 (C.26:2C-37 et al.). The report shall also

1 include updated and comparative inventories of Statewide  
2 greenhouse gas emissions.

3 b. **【No later than January 1, 2015,】** As part of the reports  
4 required pursuant to subsection a. of this section, the department  
5 shall evaluate the ecological, economic, and environmental factors  
6 and the technological capability affecting the attainment or  
7 maintenance of the 2020 limit and the 2050 limit established  
8 pursuant to this act.

9 (cf: P.L.2007, c.112, s.7)

10

11 6. (New section) a. No later than 18 months after the effective  
12 date of P.L. , c. (C. ) (pending before the Legislature as this  
13 bill), the department shall develop a comprehensive strategy to  
14 reduce emissions of short-lived climate pollutants in the State. In  
15 developing the strategy, the department shall:

16 (1) complete an inventory of sources and emissions of short-  
17 lived climate pollutants in the State based on available data;

18 (2) identify research needs to address any gaps in the data;

19 (3) identify existing and potential new control measures to  
20 reduce emissions;

21 (4) prioritize the development of new measures to reduce short-  
22 lived climate pollutants that offer co-benefits by improving water  
23 quality or reducing other air pollutants that impact community  
24 health and benefit disadvantaged communities, as identified by the  
25 department; and

26 (5) coordinate with other State agencies and local government  
27 units to develop measures identified as part of the strategy.

28 b. The department shall hold at least one public hearing during  
29 the development of the strategy required pursuant to subsection a.  
30 of this section to receive input from members of the academic  
31 community, industry experts, and members of the public.

32 c. Nothing in this section shall be construed to limit the  
33 existing authority of the department, the Board of Public Utilities,  
34 or any other State department or agency to limit or regulate short-  
35 lived climate pollutants pursuant to law.

36 d. As used in this section, “short-lived climate pollutant”  
37 means a pollutant that has a relatively short lifespan in the  
38 atmosphere, from a few days to a few decades, and has a warming  
39 influence on the climate that is greater than that of carbon dioxide  
40 and includes, but is not limited to, black carbon, fluorinated gases,  
41 and methane.

42

43 7. This act shall take effect immediately.

44

45

46 STATEMENT

47

48 This bill would establish new timeframes for the implementation  
49 of certain requirements in the “Global Warming Response Act”

1 (GWRA), and require the Department of Environmental Protection  
2 (DEP) to adopt a strategy to reduce short-lived climate pollutants.

3 The Legislature enacted the GWRA in 2007 in order to help curb  
4 global climate change by establishing aggressive goals to reduce  
5 emissions of greenhouse gases in the State: to 1990 emissions levels  
6 by the year 2020, and to 80 percent below 2006 levels by 2050.  
7 The GWRA required the DEP to, among other things, adopt rules  
8 and regulations establishing a greenhouse gas emissions monitoring  
9 and reporting program, prepare biennial reports on the status of this  
10 program, and make recommendations for legislative and regulatory  
11 action necessary to accomplish the 2050 goal for reductions in  
12 greenhouse gas emissions. Despite clear directive in the law,  
13 however, the DEP never fulfilled these requirements.

14 This bill would establish new timeframes for the completion of  
15 the Legislature's directives in the GWRA. Specifically, within 18  
16 months after the date of enactment of the bill, the DEP would be  
17 required to adopt rules and regulations establishing a greenhouse  
18 gas emissions monitoring and reporting program. Additionally,  
19 within 18 months after the date of enactment, and biennially  
20 thereafter, the DEP would be required to prepare a report on the  
21 status of the greenhouse gas emissions monitoring and reporting  
22 program, the current level of greenhouse gas emissions in the State,  
23 and the progress made toward compliance with the goals  
24 established in the GWRA. Finally, within one year after the date of  
25 enactment, the bill would require the DEP to prepare a report  
26 recommending additional measures necessary to reduce greenhouse  
27 gas emissions to achieve the 2050 goal.

28 The bill would also require the State to develop a comprehensive  
29 strategy to reduce emissions of short-lived climate pollutants in the  
30 State. Short-lived climate pollutants, such as black carbon,  
31 fluorinated gases, and methane, are greenhouse gases that have a  
32 relatively short lifespan in the atmosphere, from a few days to a few  
33 decades, but that have a warming influence on the climate that is  
34 greater than that of carbon dioxide. Short-lived climate pollutants  
35 have a dramatic and detrimental effect on air quality, public health,  
36 and climate change, and reducing emissions of these pollutants can  
37 have an immediate beneficial impact on climate change and public  
38 health. The requirement to adopt a comprehensive strategy under  
39 this bill is based on legislation adopted and implemented in  
40 California.