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August 20, 2021

Email Submission

Independent Regulatory Review Commission
 333 Market St, 14th Floor
 Harrisburg, PA 17101

**Re: CO₂ Budget Trading Program, Final Rulemaking
 IRRC Number 3274, Environmental Quality Board Number 7-559**

Dear Commissioners,

The Black Church Center for Justice and Equality, Center for Coalfield Justice, Moms Clean Air Force, One Pennsylvania, Pennsylvania Utility Law Project, and POWER Interfaith (collectively, Energy Justice Advocates) submit the following comments on behalf of Pennsylvania residents with low income and in support of the Environmental Quality Board's (EQB) Final Rulemaking – CO₂ Budget Trading Program, which will establish Pennsylvania's participation in the Regional Greenhouse Gas Initiative (RGGI).

The Energy Justice Advocates support the final-form rulemaking and encourage approval by the Independent Regulatory Review Commission (Commission). Pennsylvania's participation in RGGI provides a unique opportunity for the Commonwealth to address the impact of environmental pollutants, while simultaneously adding a source of revenue to reinvest in struggling communities.

It is an undeniable reality that low income communities and communities of color are disproportionately impacted by environmental pollutants (indoor and outdoor) and face

disproportionately high energy burdens (the amount of income paid toward energy costs), compared to those with higher income, driven by decades of disinvestment in low income housing. These same communities are also more susceptible to climate change impacts such as extreme fluctuations in temperature, increased flooding, and other increasingly intense impacts. These communities - our communities - lack the resources to cope and are made more vulnerable to short- and long-term health and economic consequences.

Climate change mitigation efforts must be executed with care to ensure the needs of vulnerable communities are centered during development and implementation, and that these communities are not burdened by associated costs. The Energy Justice Advocates support this final-form rulemaking, as it aims to strike that balance - offering a solution with the potential to address intersectional issues of poverty and environmental injustice.

In comments to the proposed rulemaking, the Energy Justice Advocates offered support of Pennsylvania's participation in RGGI and provided recommendations to improve the rule for the most vulnerable Pennsylvania residents. Advocates specifically focused on the importance of addressing environmental and economic justice concerns. Recommendations included enhanced required reporting and periodic assessment to prevent and mitigate disproportionate impacts on environmental justice communities, low income communities, and communities of color.

In the final-form rulemaking, the EQB added language to § 145.306, which will require the Department of Environmental Protection (Department) to annually assess changes in emissions and air quality in Pennsylvania as those changes relate to implementation of the regulation. This information will be used to evaluate whether areas of the Commonwealth are disproportionately impacted by increased localized air pollution resulting from program implementation. With this information, the Department will be able to better target reinvestment of auction proceeds to address and respond to any identified impacts.

The Energy Justice Advocates also support the explicit inclusion of equity principles detailed in Section D of the Order (Preamble), a supporting document to the final-form rulemaking. (Order at 2). Throughout the pendency of this rulemaking, the Department worked with environmental justice stakeholders to develop three primary RGGI equity principles as follows. The Commonwealth "will strive to....

- inclusively gather public input using multiple methods of engaging the public, especially environmental justice communities and meaningfully consider that input in making decisions related to the design and implementation of the power sector carbon-reduction program and disseminate any final decisions that are made that affect such impacted communities in a timely manner.
- protect public health, safety and welfare, mitigating any adverse impacts on human health, especially in environmental justice communities and seek to ensure environmental and structural racism are not replicated in the engagement process.

- work equitably and with intentional consideration to distribute environmental and economic benefits of auction proceeds in communities that have been disproportionately impacted by air pollution. As part of this third principle, the Commonwealth will seek to address legacy impacts related to emissions and pollution in vulnerable populations and among environmental justice communities. The Commonwealth will also develop and provide data about emissions in environmental justice communities to inform the investment process. The development of an Annual Air Quality Impact Assessment is discussed further under the subsection titled “Modifications from RGGI Model Rule.” Lastly, as part of the third principle, the Commonwealth will strive to provide access to investment programs for all members of the community, especially low-income communities.” (Order at 2).

The Energy Justice Advocates support inclusion of these equity goals and will work with the Department to ensure their successful implementation; particularly with public engagement and working with the Department to inform the auction proceeds investment strategy.

The Energy Justice Advocates note, also, the robust and inclusive public comment and outreach efforts of the EQB to solicit comment and information from Pennsylvanians across the state. Over the course of 10 virtual public input hearings, the EQB gathered comment from a range of stakeholders – the vast majority of whom strongly support the program. Holding public hearings online allowed prospective commenters to log in – or call in - from anywhere in the Commonwealth and offer their comments and concerns, making these public hearings the most accessible of any public hearings held for environmental regulations.

Changes included in the final-form rulemaking based on comments are encouraging, and both highlight and foreshadow the Department’s evolving public engagement process, lending credence to its commitment to implementing the equity principles and to staying engaged with the economic and environmental justice communities through its implementation of the proposed regulatory structure. As such, the Energy Justice Advocates support this final-form rulemaking, and urge approval without delay.

Respectfully submitted,

On Behalf of PULP




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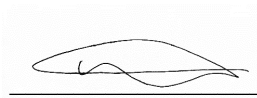
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