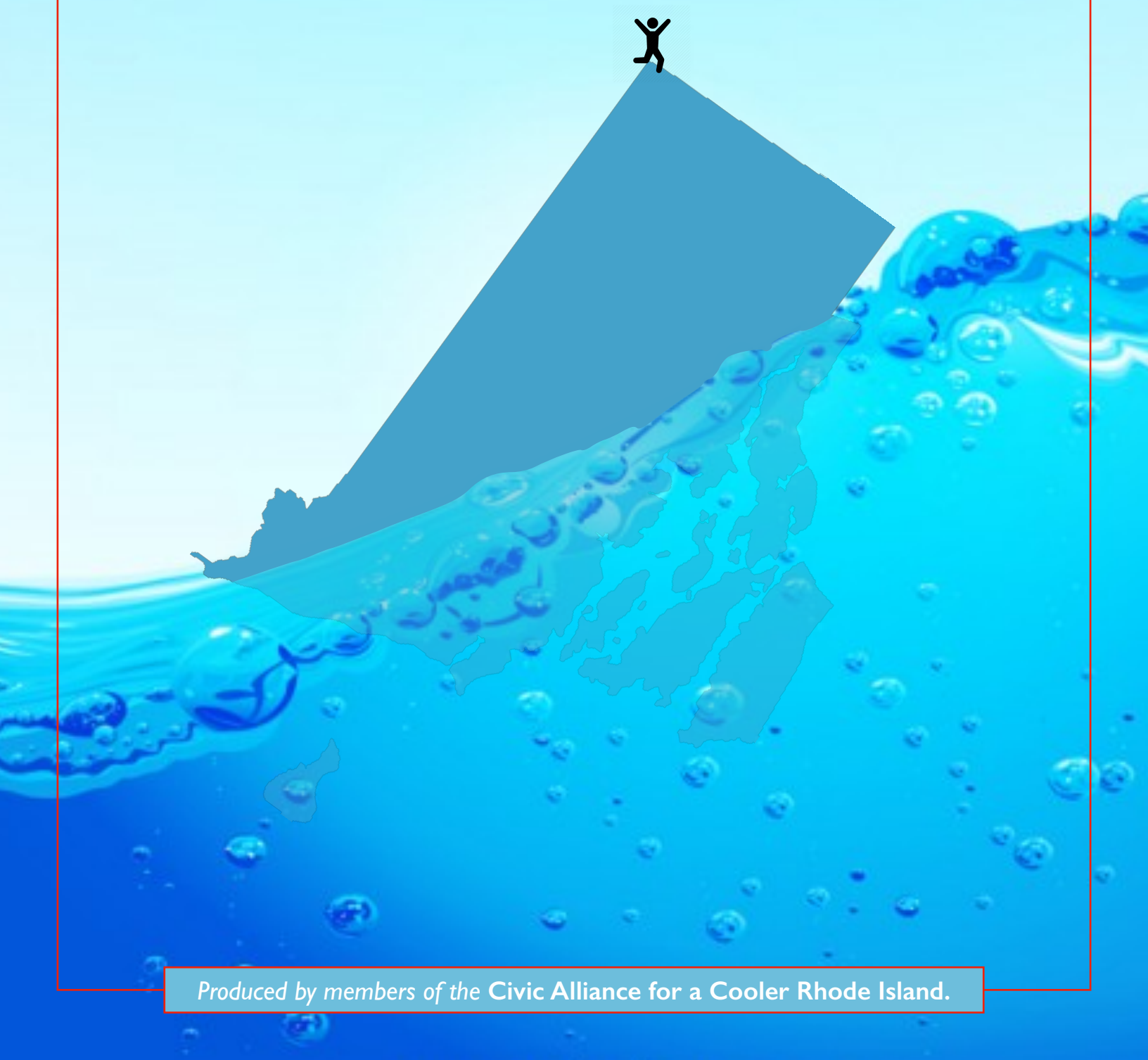


# INSUFFICIENT

2020 Assessment of Rhode Island's Executive Climate Change Coordinating Council



*Produced by members of the Civic Alliance for a Cooler Rhode Island.*

**T**his assessment is produced, written and funded entirely by members of the Civic Alliance for a Cooler Rhode Island (CACRI) - a grassroots, all volunteer un-incorporated Rhode Island organization. No corporate, state or private grants, or foundation funding was used in the production of this document. Everything was paid for out of pocket by members of CACRI. The report uses research charts and graphs, photos from local news sources, purchased copyrighted material, public domain and copyrighted material "done for a limited and transformative purpose" as defined as Fair Use under Section 107 of the Copyright Act.

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## A sense of public duty

Citizen evaluation of government agency performance is vital to meaningful democracy. The body politic needs to look objectively at the work done by public agencies, applaud what has been done well, and point to things that are needed to advance the commonweal and to secure constitutional guarantees, including those pertaining to justice, liberty, and natural system viability. The conditions of climate change call for such civic activism in our state. The following assessment is offered in this sense of public duty.

**T**his assessment does not conclude that given its current shortcomings, the EC4 should be jettisoned. Quite the contrary, we need:

- Not less science, but more,
- Not less public engagement, but more,
- Not less planning and reporting, but more,
- Not less formality, but more,
- Not less assessment, integration, and coordination of state agency activities, but more.

The state and the EC4 must move beyond business as usual and the short-term thinking that drives the allocative efficiency of our market economy: adaptive efficiency is vital to long run economic health. Greenhouse gas emissions are cumulative. The effects of what we do or do not do now will be borne in the future.

## Our concerted effort is overdue

Global warming has become a defining issue in human history. This is a matter of international scientific consensus, not political conjecture. We need to rapidly increase the rate of reduction of greenhouse gas emissions attributable to Rhode Island to do our fair share in keeping average temperature increases below a level that would likely result in widespread catastrophe. Our concerted effort in this matter is overdue. Greenhouse gas emissions are cumulative-- putting things off only makes the challenges we face greater.

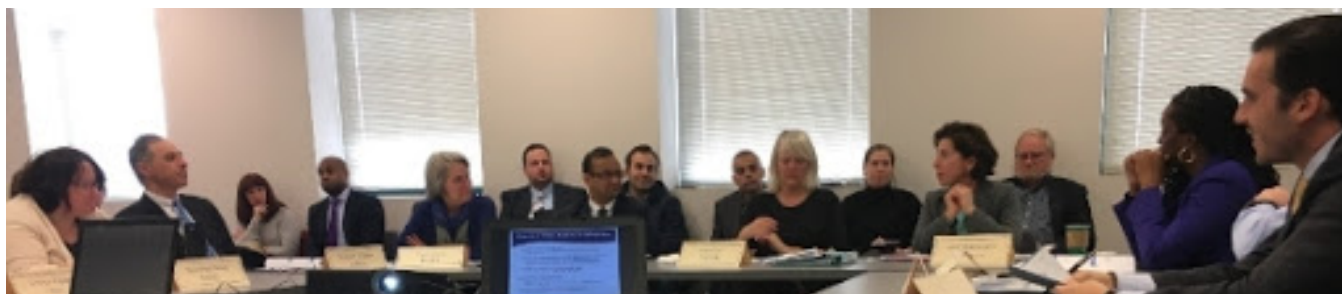
**W**e need to act responsibly as a body politic. That is what government is for, to do things that are not readily accomplishable through personal choice and market economics-- protecting public health is one example, supplying infrastructure is another. In Rhode Island the Executive Climate Change Coordinating Council (the EC4) has been assigned this duty for global warming related issues.

The EC4 is now in its sixth year. It has a track record, something to be looked at to ascertain whether as it now stands it is up to the work that lies immediately ahead. Can we responsibly continue with it as it is, or is change in order?

The EC4 generally meets four to six times per year. In 2019 it met six times.<sup>1</sup> In 2020 it is

### Can we responsibly continue with the EC4 as it is, or is change in order?

scheduled to meet four times. Its meetings are well attended, both by state agency personnel and by interested persons from the environmental community broadly-defined. Typically, the meetings showcase two or three initiatives, predominantly being undertaken by state agencies, which address climate change adaptation and/or greenhouse gas emissions reduction efforts. The overall message is upbeat--the state is busy at work on important matters. The tenor of the meetings is good-hearted appreciation by the state for work being done by the state. Thus, on the essentially gloomy topic of global warming, the EC4 maintains a commendably positive, can-do stance within state government.



<sup>1</sup> Agendas and meeting minutes can be found at the RI Secretary of State's web site: Executive Climate Change Coordinating Council

## EC4 in a nutshell

### Member State Agencies<sup>2</sup>

RI Coastal Resources Management Council  
RI Department of Administration  
RI Department of Environmental Management  
RI Department of Health  
RI Department of Transportation  
RI Division of Planning  
RI Emergency Management Agency  
RI Infrastructure Bank  
RI Office of Energy Resources  
RI Public Transit Authority

RI Division of Public Utilities and Carriers  
The Rhode Island Commerce Corporation  
(CommerceRI)

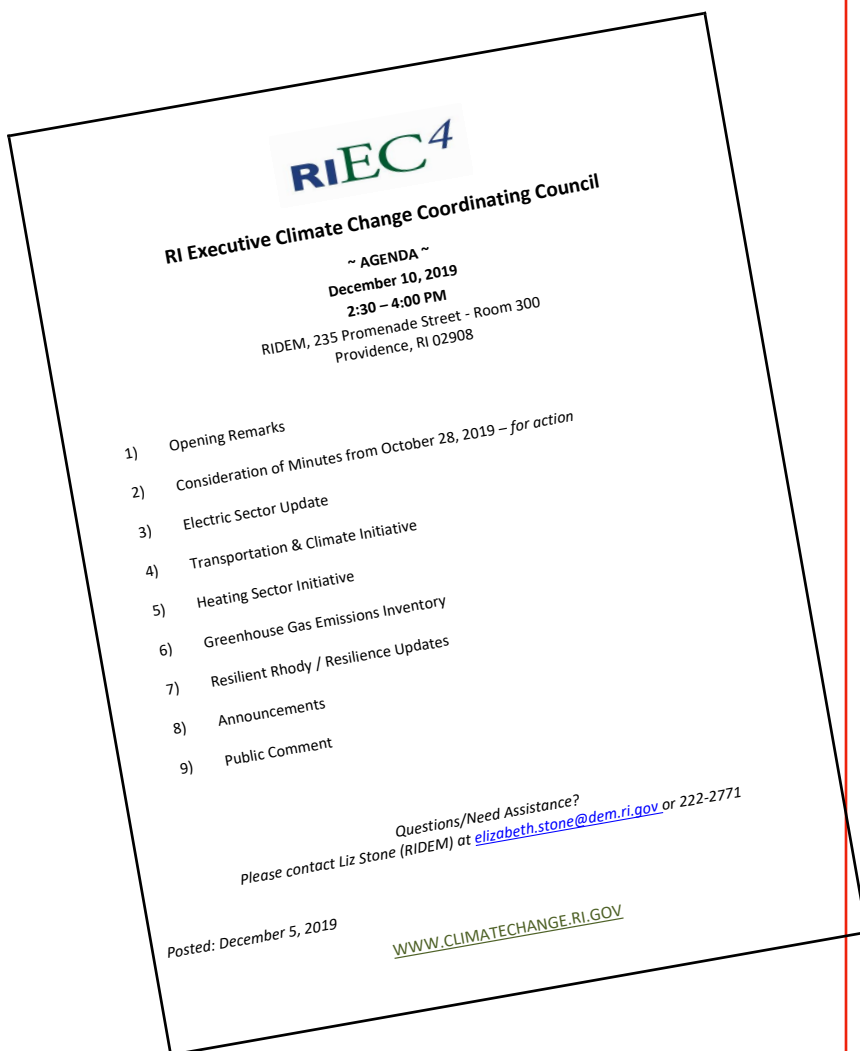
### Who usually attends<sup>3</sup>

Janet Coit, DEM, Chair  
Carol Grant, OER, Vice-Chair  
Dr. Nicole Alexander-Scott, DOH  
Melinda Hopkins, EMA  
Jeff Diehl, RIIB  
Amanda Clarke, DOA  
Mike Walker, Commerce RI  
Kevin Lynch, DPUC  
James Boyd, CRMC  
Scott Avedisian, RIPTA  
Meredith Brady, Planning  
Shaun O'Rourke, RIIB  
Julia Gold, DOT  
Henry Walker, EPA Lab  
Timmons Roberts, Brown University  
Elizabeth, Stone, RIDEM

### 2020 EC4 meeting dates

Monday, March 16th from 2:30-4  
Tuesday, June 9th from 10:30-12  
Wednesday, September 23rd from 2:30-4  
Wednesday, December 16th from 2:30-4

**Please note that the June & September meetings may be held at a location other than RIDEM. We will push out meeting location details as the dates near.** - From an email sent by Liz Stone  
RIDEM - Office of the Director



<sup>2</sup> Members are comprised of officials from state agencies as defined by Title 42 State Affairs and Government, Chapter 42-6.2 Resilient Rhode Island Act of 2014 - Climate Change Coordinating Council, Section 42-6.2-1 § 42-6.2-1. Creation - Members.

<sup>3</sup> The list shown here is from the minutes of many of the EC4 meetings.  
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## Assess, integrate, & coordinate *shall* be done

The EC4 established by the Resilient Rhode Island Act of 2014, chapter 42-6.2 of the Rhode Island General Laws has its origins in Executive Order 14-01 issued by Governor Lincoln Chafee on February 21, 2014.<sup>4</sup>

**R**esponsive to mounting public concern about climate change issues and consistent with his family's history of leadership on environmental issues, Governor Chafee through this executive order created the Executive Climate Change Council (EC3) to assess what state agencies could do about climate change, to integrate and give coherence to the use of existing state agency powers, and to coordinate their future use for the betterment of Rhode Island.

Executive orders cannot establish new requirements of law or create new programs—these are legislative functions. What executive orders can do is set forth how existing powers and programs are managed. Effective and efficient use of laws makes a huge amount of difference. Governor Chafee's executive order looked to the concepts of assessment, integration, and coordination to make Rhode Island's existing body of laws and programs more effective in addressing climate change issues. Regarding what the EC3 was to do, the Executive Order was explicit: "the Council shall

be advisory to the governor and shall have the following duties: assess, integrate, and coordinate climate change efforts throughout state agencies to reduce emissions, strengthen resilience of communities, and prepare for the effects of climate change" (emphasis added). In June 2014, the EC3 issued a marvelously comprehensive report about what might be achieved.<sup>5</sup> The Resilient Rhode Island Act of 2014 fleshed-out and codified Governor Chafee's executive order.

**Executive orders set forth how existing powers and programs are managed. That is what they are supposed to do.**

Externally, the prognosis was rapidly worsening. The year after the EC4 was created, 2015, was a watershed. The Intergovernmental Panel on Climate Change<sup>6</sup> had reported an updated scientific consensus that conditions were worsening, and the Paris Agreement held that the average global temperature increase

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<sup>4</sup> Executive Order 14-01 signed by then Governor Lincoln Chafee on February 21, 2014 created the EC3 - Rhode Island Executive Climate Change Council <http://theicnet.org/wp-content/uploads/2015/07/2014-03-RI-Executive-Order-CC-2014.pdf>

<sup>5</sup> The report titled - A Resilient Rhode Island: Being Practical About Climate Change <http://climatechange.ri.gov/documents/rcc0614.pdf>

<sup>6</sup> Intergovernmental Panel on Climate Change: Global Warming of 1.5°C <https://www.ipcc.ch/sr15/>



should be kept at 2° Celsius or less, with 1.5° Celsius being the desirable target. Under the Obama Administration the United States signed onto the Agreement.

What is more, in 2015 Pope Francis issued his encyclical letter on climate change and inequality, "On Care for Our Common Home."<sup>7</sup> The Pope asked people to think deeply and live

**The EC4 should have considered the implications of executive order 17-06. This is something the EC4 did not do.**

differently, with reverence for creation as a global purpose. A spiritual leader proposed movement away from business as usual as necessary to addressing climate change and inequality issues.

The 2015 Paris Agreement was based on current science, the targets in the Resilient Rhode Island Act were based on August 2001 Climate Change Action Plan between the New England governors and the Eastern Canadian Premiers, which reflected then current science, in other words the science when Bill Clinton was president and Enron had yet to collapse. The Action Plan notes that "Over the long term, anthropogenic GHG emissions must be reduced to levels that no longer pose a dangerous threat to the climate. The best science available at present indicates that

attaining this goal will require reductions in GHG emissions of approximately 75-85% below current levels. The long term goal will be modified as the understanding of climate science advances" (page 6). Thus, to be consistent with the spirit of the 2001 Action Plan and with the expectations of Governor Raimondo's executive order 17-06,<sup>8</sup> reaffirming Rhode Island's commitment to the principles of the Paris Climate Agreement, the EC4 should have considered the implications of Paris Agreement and the science supporting it in evaluating the targets for greenhouse gas emissions reductions. This is something the EC4 did not do.



RI Governor Gina Raimondo signs executive order 17-06 reaffirming Rhode Island's commitment to the principles of the Paris Climate Agreement - RI Gov. Staff photo

<sup>7</sup> What is happening to our common home: Pope Francis [http://w2.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco\\_20150524\\_enciclica-laudato-si.pdf#page=6](http://w2.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco_20150524_enciclica-laudato-si.pdf#page=6)

<sup>8</sup> Rhode Island Governor executive order 17-06: Reaffirming Rhode Island's Commitment to the principles of the Paris Climate Agreement. [http://www.governor.ri.gov/documents/orders/ExecOrder\\_17-06\\_06112017.pdf](http://www.governor.ri.gov/documents/orders/ExecOrder_17-06_06112017.pdf)  
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Insufficient - CACRI report on EC4

## EC4 has regulatory power it doesn't use

While many statutes creating state agencies have a section setting forth the powers and duties of the agency being created, the Resilient Rhode Island Act only describes the duties of the EC4. This might lead to an assumption that the EC4 has no specific statutory powers. Such an assumption would be incorrect.

**T**he Resilient Rhode Island Act states that the EC4 is established “with responsibility and oversight relating to assessing, integrating and coordinating climate change efforts” RI General Laws § 42-6.2-1,<sup>9</sup> emphasis added. In the very next section of the law,<sup>10</sup> the Resilient Rhode island Act reiterates this authority: “Purpose of the Council. (a) The council shall have the following duties: (1) assess, integrate, and coordinate climate change efforts throughout state agencies to reduce carbon emissions, strengthen the resilience of communities and prepare for the effects of climate change;” RI General Laws § 42-6.2-2, emphasis added. Any contention that the EC4 lacks the power to “assess”, to “integrate” and to “coordinate” would be nonsensical for it would deny the EC4 the ability to do the very things that it was created to do and has an obligation to do.

The very familiarity of the terms “assess”, “integrate” and “coordinate” may make them seem commonplaces, routine jargon, and without much weight. Considering their actual definitions reveals their potency. The following definitions are taken from the Oxford English Dictionary (1989 edition); assessing “to

evaluate, to estimate (the quality, value or extent of), to gauge, to judge;” integrating “to

**The EC4 is nearly six years behind in developing “a plan that includes strategies, programs, and actions to meet targets for greenhouse gas emissions reductions...”**

render entire or complete; to make up, comprise, constitute (a whole): said of its parts or elements,” to “put or bring together (parts or elements) so as to form one whole; to combine into a whole” and coordinating “to arrange (things) in proper position relative to each other and to the system of which they form parts; to bring into proper combined order as parts of a whole’ and “to act in combined order for the production to a particular result”. In fact, the powers of assessing, integrating, and coordinating have gravitas, they are significant and weighty. They are foundational to planning, preparing guidance for the future, which is an explicit obligation of the EC4, RI General Laws § 42-6.2-2 (a)(2).

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<sup>9</sup> Resilient Rhode Island Act of 2014 - Climate Change Coordinating Council Creation <http://webserver.rilin.state.ri.us/Statutes/TITLE42/42-6.2/42-6.2-1.HTM>

<sup>10</sup> Purpose of the Council <http://webserver.rilin.state.ri.us/Statutes/TITLE42/42-6.2/42-6.2-2.HTM>



So, it is not for nothing that the Council is named the Executive Climate Change

Coordinating Council: its name conveys its power, which is not insignificant.

# **TITLE 42**

## **State Affairs and Government**

### **CHAPTER 42-6.2**

#### **Resilient Rhode Island Act of 2014 – Climate Change Coordinating Council**

#### **SECTION 42-6.2-2**

##### **§ 42-6.2-2. Purpose of the council.**

(a) The council shall have the following duties:

(1) Assess, integrate, and coordinate climate change efforts throughout state agencies to reduce emissions, strengthen the resilience of communities, and prepare for the effects of climate change, including, but not limited to, coordinating vulnerability assessments throughout state government;

(2)(i) No later than December 31, 2017, submit to the governor and general assembly a plan that includes strategies, programs, and actions to meet targets for greenhouse gas emissions reductions as follows:

(A) Ten percent (10%) below 1990 levels by 2020;

(B) Forty-five percent (45%) below 1990 levels by 2035;

(C) Eighty percent (80%) below 1990 levels by 2050;

(D) The plan shall also include procedures and metrics for periodic measurement, not less frequently than once every five (5) years, of progress necessary to meet these targets and for evaluating the possibility of meeting higher targets through cost-effective measures.

## Science is fundamental to EC4's work & legitimacy

An attribute of the EC4, which has been largely overlooked, is that science is fundamental to both its work and legitimacy: "The council is encouraged to utilize the expertise of Rhode Island universities and colleges in carrying out its duties described in subsection (a) of this section, specifically to ensure that the state's efforts to mitigate and adapt to climate change are based on the best available scientific and technical information," RI General Laws § 42-6.2-2 (b). "Ensure" is to make "mentally sure, to convince, render confident," "to warrant a fact."

**T**he Resilient Rhode Island Act further establishes a science and technology advisory board specifically with purpose and duty to keep the EC4 "abreast of important developments in scientific and technical information relating to climate change and resiliency;" assisting the EC4 in "in communicating scientific and technical information to key user groups and to the general public" and in an annual report "evaluating to what extent the state's policies and programs aimed at mitigating and adapting to climate change are supported by the best available science and technical information." RI General Laws § 42-6.2-5 (f)(1), (5) and (6).

The above are strong and compelling provisions: contemplating their import in face of the actual activities and performance of the EC4 gives rise to the possibility that there has been an egregious disregard for the clear

**Why has there been no assessing of performance, no meaningful integration of diverse efforts, and no actual, effective coordination of state agency activity by the EC4?**

requirements of law. Where has been the assessing of performance, the meaningful integration of diverse efforts, and actual, effective coordination of state agency activity by the EC4? Where is the foundation in the 'best available scientific and technical information' that Rhode Island's efforts will be effective? A disregard for the requirements of the law is one possibility, the absence of capacity is another. Maybe the EC4 has lacked the minimal staff capacity and fiscal resources needed to perform its functions in a sufficient manner. The absence of capacity turns high sounding statutory provisions into window dressing, language that looks pretty but does not reflect reality.

**The reason is either a disregard for the requirements of the law or, the absence of capacity.**

## EC4 - Science and Technical Advisory Board at a glance

**Science and Technical Advisory Board members** (Current as of January 31, 2020)

Michael Baer, RI Infrastructure Bank; Tracey Dalton, University of Rhode Island; Kelly Knee, RPS/ Applied Science Associates; Sarah Knowlton, Rhode Island College; Lilly Picchione, RI Public Transit Authority; Timmons Roberts, Brown University; Art Spivack, University of Rhode Island; Nicholas Ucci, RI Office of Energy Resources; Henry Walker, US Environmental Protection Agency

### Meeting dates and times in 2018, 2019 & 2020

March 18, 2019 - 1:00pm

April 24, 2019 - 9:30am

May 20 2019 - 1:30pm

January 31, 2020 - 9:30am

STAB had no meetings in 2018

### Science & Technical Advisory Board purposes and duties<sup>11</sup>

(1) Keep the executive climate change council abreast of important developments in scientific and technical information relating to climate change and resiliency;

(2) Explore and advise the council regarding opportunities to provide timely support for key policy and management decisions by aligning academic research around issues of climate change and resiliency;

(3) Inventory the scientific and technical work being done by public-and private-sector entities, and evaluate options to coordinate or integrate/consolidate such work in order to achieve greater efficiency, save resources, and

provide better services;

(4) Make recommendations and provide policy advice to the council regarding research needs and priorities, resource allocation, and funding opportunities;

(5) Assist the council in communicating scientific and technical information to key user groups and the general public; and

(6) Prepare an annual report, to be included in the annual report of the council, evaluating to what extent the state's policies and programs aimed at mitigating and adapting to climate change are supported by the best available science and technical information.



<sup>11</sup> Science and technical advisory board established Title 42, Chapter 42-6.2, § 42-6.2-5. <http://webserver.rilin.state.ri.us/Statutes/TITLE42/42-6.2/42-6.2-5.HTM>

## 1st: Strategies, programs, and actions are required

General Laws § 42-6.2-2 (a)(2)(i) requires the EC4 to “submit to the governor and general assembly a plan that includes strategies, programs, and actions to meet targets for greenhouse gas emissions reductions”. The EC4 did submit such a plan in December 2016, “Rhode island Greenhouse Gas Emissions Reduction Plan.”<sup>12</sup>

**T**he Plan did not include specific “strategies, programs, and actions to meet targets for greenhouse gas emission reductions”; instead the Plan on page 27 - titled The Path Forward - states “The EC4 envisions initiating a discussion in 2017 around near-term opportunities for leadership in GHG mitigation consistent with the framework established in this Plan.” The cover letter by EC4 chairperson and Director of RIDEM, Janet Coit says the Plan is the beginning of an “ongoing conversation to advance Rhode Island GHG mitigation priorities, policies, and actions.” In short, The Plan does not contain things the statute requires. Neither the August 2017 annual report of the EC4 nor the agendas for the EC4 meetings during 2017 show that there was a systemic discussion during 2017 of “strategies, programs, and actions to meet the targets for greenhouse gas emission reductions” set forth in the Resilient Rhode Island Act of 2014. No addendum to the 2016 Plan setting forth “strategies, programs, and actions” has been adopted by the EC4, and a

work plan to prepare such a plan has not been brought before the EC4 for its consideration. Preparedness requires addressing conditions

**The Rhode Island Greenhouse Gas Emissions Reduction Plan of 2016 does not contain strategies, programs, and actions the statute requires.**

that could result in crises in the future. Mitigation and adaption measures actions need to be taken now. Building a reservoir in the middle of a drought is not much help—adequate reservoir capacity should be in place before the drought hits. Therefore, it can be concluded that the 2016 Plan, as submitted, is insufficient to meet the clear requirements of § 42-6.2-2 (a)(2)(i), especially beyond the year 2020, when annual emission reduction expectations increase sharply. To repeat, the 2016 Plan is simply insufficient. This situation needs to be addressed constructively and quickly in order make progress on the 2035 targets.

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<sup>12</sup> Rhode Island Greenhouse Gas Emissions Reduction Plan, December 2016: <http://climatechange.ri.gov/documents/ec4-ghg-emissions-reduction-plan-final-draft-2016-12-29-clean.pdf>

## 2nd: Higher emission reductions targets are needed

RI General Laws § 42-6.2-2 (a)(2)(i)(D) shall “include procedures and metrics. . . for evaluating the possibility of meeting higher targets through cost-effective measures” (emphasis added). The December 20, 2019, “2016 Greenhouse Gas Emission Inventory” does not include a discussion of the possibility of meeting higher emission reduction targets. Executive Order 17-06 pledging Rhode Island support for the principles of the Paris Climate Agreement effectively recognizes the validity of such higher targets.

**I**t merits noting that the Resilient Rhode Island Act was enacted in 2014 and relies on the pre-2001 scientific understanding used by the New England governors and the Eastern Canada premiers in establishing the targets that were subsequently included in the Resilient Rhode Island Act. The Paris Climate Agreement relied on later science in stating the need for greenhouse gas emissions reductions. Yet, the EC4 has never taken-up the implications of Executive Order 17-06 as it might bear on the conduct of activities under the Resilient Rhode Island Act.

Interestingly, the “Deeper Decarbonization in the Ocean State” study submitted to the EC4 by the Stockholm Environment Institute and the Brown University Climate & Development Lab, which was presented at the September 12, 2019 meeting of the EC4, does discuss in some depth the value of meeting higher emission reduction targets.<sup>13</sup> So, it would be possible for the EC4 to meet this obligation if it embraced the “Deeper Decarbonization” analysis. The

**Question: What is the value of Rhode Island being self-congratulatory for meeting lower internal standards, while it fails to meet a widely-accepted external standards?**

challenge is that the “Deeper Carbonization Study” and the “DEM Inventory” take different positions on key assumptions regarding greenhouse gas emissions counting. The DEM’s methods result in easier targets for Rhode Island to meet, while Deeper Carbonization accepts a more challenging one. What is the value of Rhode Island being self-congratulatory for meeting lower internal standards, while it fails to meet a widely-accepted external standards? Failure to act adequately is a major risk in global warming mitigation.

In sum, the EC4 has yet to respond sufficiently to two clear requirements of the Resilient

**Answer: Failure to act adequately is a major risk in global warming mitigation.**

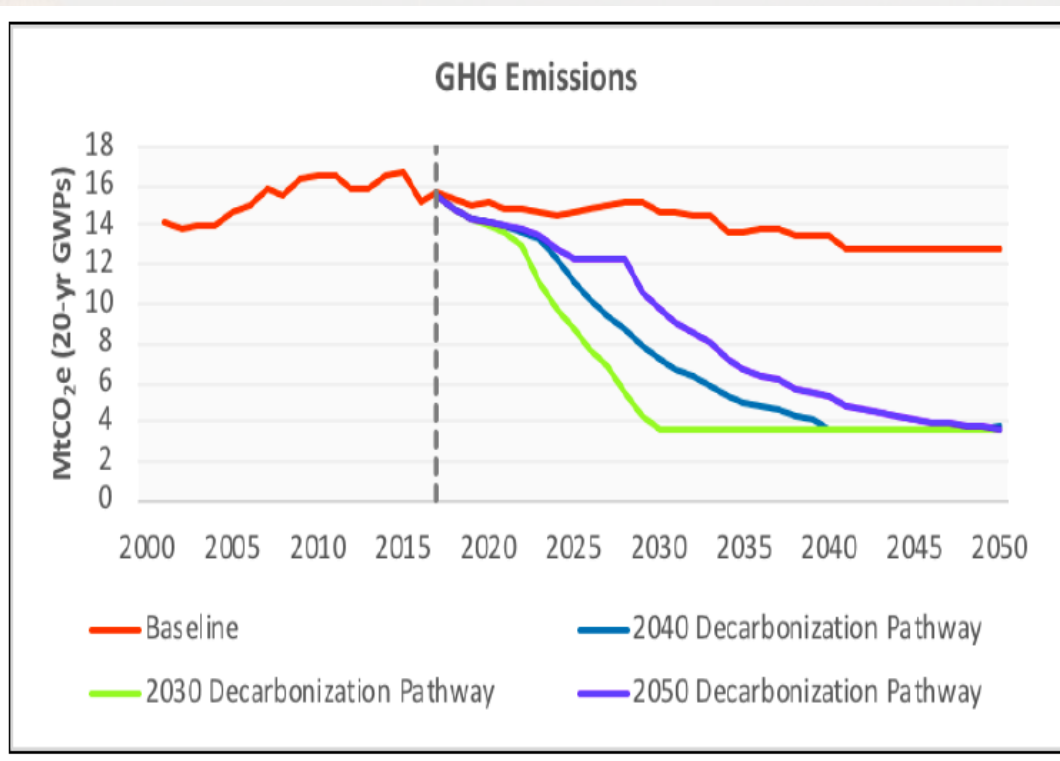
<sup>13</sup> Deeper Decarbonization in the Ocean State” study: Stockholm Environment Institute and the Brown University Climate & Development Lab <https://www.sei.org/publications/deeper-decarbonization-in-the-ocean-state/>



Rhode Island Act that are vital to the State's having a coherent overall plan for addressing greenhouse gas emissions reductions currently and for the longer term. The EC4 is splendid at showcasing Rhode Island agency initiatives, but

the absence of a full-fledged plan makes it difficult to see how these initiatives are functionally related and to determine whether the initiatives collectively will enable Rhode Island to meet emission reduction targets.<sup>14</sup>

## Deeper Decarbonization in the Ocean State: The 2019 Rhode Island Greenhouse Gas Reduction Study



### Deeper Decarbonization in the Ocean State

The 2019 Rhode Island Greenhouse Gas Reduction Study compares this study's baseline with three decarbonization pathways, seeking to reach near 100% carbon free by 2050, by 2040, and by 2030. This study's major finding is that emissions can feasibly be reduced 70-80 percent by 2030, 2040 or 2050, and the implications of doing so are substantial. Continuing on the business as usual pathway will result in hundreds of millions of metric tons of greenhouse gases emitted into the atmosphere that could be avoided.

<sup>14</sup> Deeper Decarbonization in the Ocean State: The 2019 Rhode Island Greenhouse Gas Reduction Study  
<https://www.sei.org/publications/deeper-decarbonization-in-the-ocean-state/>



### 3rd: State agency support is required

In addition to these very specific requirements that rest upon the EC4 itself, the Resilient Rhode Island Act, RI General Laws § 42-6.2-3, has a list of twelve areas in which “state agencies shall” support the EC4’s work.<sup>15</sup>

**T**he degree to which this support has been forthcoming has not been reported on systematically by the EC4. Specific instances of such support have certainly been topics presented at EC4 meetings, so it is clear that significant support has occurred through discrete initiatives. Still, state agency support has not for the most part been elevated to a level of strategy implementation to achieve greenhouse gas emissions reduction targets. An explicit requirement is that state agencies shall “(2) Develop short-and long-term greenhouse gas emission reduction strategies and track the progress of these strategies”. Resilient Rhode Island Act, RI General Laws § 42-6.2-8, authorizes state agencies to use their existing powers to accomplish the purposes of the Act; thus, the requisite authority is available.<sup>16</sup> The challenge is to have that authority fully and systematically exercised. A function of the EC4, as a coordinating council, could be to facilitate this happening and to document its occurrence.

#### **Twelve areas of state agency support for the EC4**

State agencies shall: (1) Assist council in implementing the provisions of this chapter; (2) Develop short-and long-term greenhouse gas emission reduction strategies and track progress; (3) Purchase alternative fuel, hybrid, and electric vehicles, encourage state employees to reduce their vehicle miles, use public transit systems; (4) Achieve energy savings in state and municipal buildings, reduce expenditures on energy, stimulate economic and job development; (5) Increase deployment of in-state generation of renewable energy and energy efficiency; (6) Expand Rhode Island's green economy, develop green infrastructure; (7) Assess vulnerability of infrastructure to impacts of climate change, protect these assets; (8) Work with relevant academic institutions and federal agencies to assess the threats of sea level rise, erosion and storm surge, and communicate these assessments and threats, along with potential tools to address them, to state agencies and affected communities; (9) Develop plans, policies, and solutions based on the latest science to ensure the state continues to have a vibrant coastal economy, including protection of critical infrastructure; (10) Develop a climate and health profile report and health impacts associated with climate change. Identify the most vulnerable populations; (11) Incorporate climate change adaptation into local hazard mitigation plans and into hazard mitigation projects; and (12) Eliminate and avoid duplication of effort, pooling of resources, so as to make the most cost-efficient use of the state resources and provide the most effective services.

(CACRI editor's note: These are abbreviated)

<sup>15</sup> Title 42, Chapter 42-6.2 Section 42-6.2-3 List of 12 areas <http://webserver.rilin.state.ri.us/Statutes/TITLE42/42-6.2/42-6.2-3.HTM>

<sup>16</sup> Resilient Rhode Island Act, RI General Laws § 42-6.2-8 Powers and duties of state agencies – Exercise of existing authority: “Consideration of the impacts of climate change shall be deemed to be within the powers and duties of all state departments, agencies, commissions, councils, and instrumentalities, including quasi-public agencies, and each shall be deemed to have and to exercise among its purposes in the exercise of its existing authority, the purposes set forth in this chapter pertaining to climate change mitigation, adaption, and resilience in so far as climate change affects the mission, duties, responsibilities, projects, or programs of the entity.”

## 4th: STAB needs to fulfill its statutory duties

The work of the EC4 needs to be based on the best available science and technical information” RI General Laws § 42-6.2-2(b). A Science and Technology Advisory Board (STAB) is established by the Resilient Rhode Island Act to keep the EC4 “abreast of important development in scientific and technical information relating to climate change and resiliency”<sup>17</sup> and is required to prepare an annual report “evaluating to what extent the state’s policies and programs aimed at mitigating and adapting to climate change are supported by the best available scientific and technical information,” RI General Laws § 42-6.2-5 (f)(6).<sup>18</sup>

**T**he STAB has not performed these basic statutory duties. When the STAB was convened in 2015, it was not given a briefing on its statutory duties. The STAB is an independent board, not a subset of the EC4: its members are appointed by the governor with the advice and consent of the Senate, the governor appoints the Board’s chairperson and the board elects its vice chairperson and secretary. The board is required to meet at least quarterly. Some but not all of its duties are advisory to the EC4; in some key respects it should be evaluating whether what the EC4 is

doing, “supported by the best available scientific and technological information.”

**When the STAB was convened in 2015, it was not given a briefing on its statutory duties. To date, STAB has not performed its statutory duties.**

### **STAB Meeting Agenda January 31, 2020**

9:30 Welcome - Hal Walker (Acting Chair)

9:45 News from EC4 (Liz Stone, RIDEM)

10:00 Review minutes of 20 May 2019 meeting

10:10 Old Business

1. STAB2019 Comments on Brown Univ &SEI-GHG Inventory Rpt. 2. STAB2019 Annual Report to EC4

10:30 New Business: 1. Adaptation: • Tracking & Reporting on Progress – Shawn O’Rourke et al;

STAB scientific update. Revise Chap 1 of Resilient Rhody; STAB input to EC4 related to SLR & planned retreat; 2. Mitigation-Possible STAB topics; STAB input related to Carbon Pricing Study; STAB input related to Heating Sector Transformation Study

11:00 Discussion/Announcements

11:15 Public Comment

11:30 Summary of Action Items & Adjourn

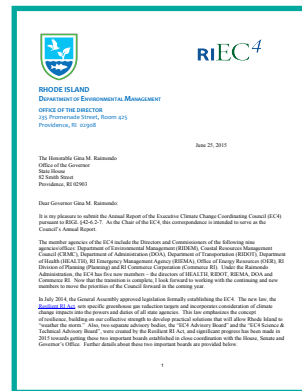
<sup>17</sup> RI General Laws § 42-6.2-5 (f)(1) <http://webserver.rilin.state.ri.us/Statutes/TITLE42/42-6.2/42-6.2-5.HTM>

<sup>18</sup> Title 42 - State Affairs and Government Chapter 42-6.2, Resilient Rhode Island Act of 2014 - Climate Change Coordinating Council, Section 42-6.2-5 <http://webserver.rilin.state.ri.us/Statutes/TITLE42/42-6.2/42-6.2-5.HTM>  
Page 16 of 24 Insufficient - CACRI report on EC4

## 5th: An annual report is required

RI General Laws § 42-6.2-7 requires the EC4, by May 1 of each year, to produce an annual report “of its findings, recommendations and progress on achieving the purposes of this chapter.”

**T**he purposes of the Council are set forth in RI General Laws § 42-6.2-2, and the Council’s first duty is to “assess, integrate, and coordinate climate change efforts through state agencies....” The Annual reports to date have described what the EC4 has done and given accounts of relevant state agency activities but have not been analytic in a manner implicitly necessary to fulfilling an obligation to “assess, integrate, and coordinate” state agency climate change activities. The STAB is required to provide as part of the EC4’s annual report an evaluation of the extent that “the state’s policies and programs aimed at mitigating and adapting to climate are supported by the best available scientific and technical information.” To date the STAB has not supplied this statutorily required evaluation. The annual reports have been submitted late, the 2017 Annual Report was issued in August of that year, and none has been issued since, nothing in 2018 and nothing in 2019 and as of this writing, nothing yet in 2020.



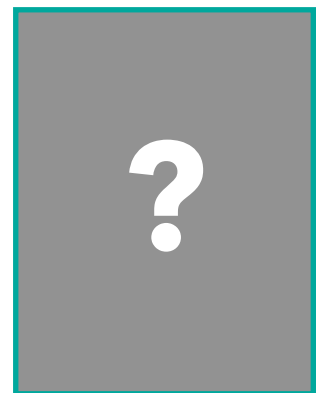
**2015 EC4 Annual Report**<sup>19</sup>



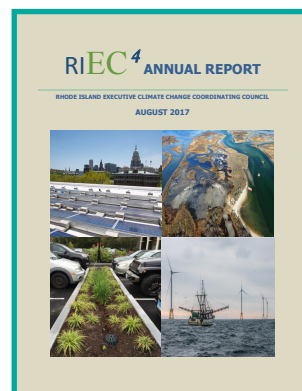
**2018 EC4 Annual Report**



**2016 EC4 Annual Report**<sup>20</sup>



**2019 EC4 Annual Report**



**2017 EC4 Annual Report**<sup>21</sup>



**2020 EC4 Annual Report**

<sup>19</sup> EC4 2015 Annual Report, <http://climatechange.ri.gov/documents/ar0615.pdf>

<sup>20</sup> EC4 2016 Annual Report, <http://climatechange.ri.gov/documents/ar0616.pdf>

<sup>21</sup> EC4 2017 Annual Report, <http://climatechange.ri.gov/documents/ec4ar17.pdf>

## 6th: Rule making is authorized and appropriate

The Resilient Rhode Island Act states, in RI General Laws § 42-6.2-6, that its “Open government requirements”, specifies the use of the Administrative Procedures Act (APA) for adopting rules and regulations.<sup>22</sup> Created by statute, the EC4 is clearly a state agency, and it enjoys no exemption from the APA, and no exemption from its duty to engage meaningfully in measures that would implement the provisions of the Greenhouse Gas Emissions Reduction Plan. State agencies such as the EC4 would have to take actions that have public effect.

State agencies need to be able to rely on the validity of the Plan if they are to use it as a basis of action. State agencies are specifically authorized by RI General Laws § 42-6.2-8 to use their existing powers to achieve the purposes of the Resilient Rhode Island Act “in so far as climate change affects the mission, duties, responsibilities, projects or programs” of the agency. A plan “that includes strategies, programs, and actions to meet targets for greenhouse gas emissions reductions” should be considered an agency “statement of general applicability that implements, interprets, or prescribes law or policy” (RI General Laws § 42-35.1 (19)); the plan should have no less gravitas than an element of the state guide plan, and should be subject to a substantially similar adoption process, see 670-RICR-00-00-1, Title 670–State Planning Council, Part 1.2 Adoption and Maintenance of the State Guide Plan. This State Planning Council regulation requires public

hearings on proposed state guide plan elements and a response to comments received. The Greenhouse Gas Emissions Reduction Plan must go through a similar procedure to have the requisite standing to be given substantial consideration in Energy Facility Siting Board proceedings and Public Utility Commissions dockets, for example.

**The EC4 has the power.**

Apparently the state disagrees. In an article written by Tim Falkner from ecoRI dated April 1, 2019, RIDEM Director and chair of the EC4 “...reminded members that the board (EC4) has no enforcement and rule-making authority and can only offer guidance and information. Coit told department heads that they need to be implementing climate-change best practices within their agencies.”<sup>23</sup>

<sup>22</sup> Open Government Requirements Section 42-6.2-6 <http://webserver.rilin.state.ri.us/Statutes/TITLE42/42-6.2/42-6.2-6.HTM>

<sup>23</sup> Climate Council Urged to Get Tougher on Climate Change, Tim Faulkner - ecoRI news staff. April 1, 2019 <https://www.ecori.org/climate-change/2019/4/1/01356rqu72mljspf3v5ypes8bglv7i?rq=ec4>

## 7th: Public engagement is lacking

The EC4 takes minimal public input into its process. Its meetings are subject to the Open Meetings law, and so must be public, and it allocates five to ten minutes at the end of each meeting for public comments. It does not, however, respond to the comment it receives, even if they are in writing and pertain to legal obligations of the Council—the Civic Alliance for a Cooler Rhode Island has made three written submissions to the Council and has not received any response from the EC4 or its staff.<sup>24</sup> The Council does not hold public meetings on its plans before they are finalized and treated as policy.<sup>25</sup>

**B**y comparison, the 2002 Rhode Island Greenhouse Gas Action Plan was developed through a stakeholder process; Statewide Planning makes use of technical committees, advisory committees, and strongly encourages “involvement of the general public through the use of surveys, focus groups, workshops, regional meetings, or other means” and requires that guide plan elements have a public hearing pursuant to Administrative Procedures Act, the Office Energy Resources holds community advisory/ stakeholder sessions on the plans it develops.

The Advisory Board<sup>26</sup> to the EC4, has among its purposes and duties serving “as a conduit for communicating information from the council to communities and constituencies, as well as vice versa, for input from the community level to the council” and assisting “the council meeting its own transparency and accountability obligations;” RI General Laws § 42-6.2-4 (f) (3) and (4). Due to expiration of terms and the

absence of action by appointing authorities, this group has ceased to function. Its last posted meeting was March 30, 2017.

### The EC4 functions in a bubble of state agency group-think.

Not receiving scientific and technical input from the STAB or community input from the Advisory Board or input through public engagement, the EC4 functions in a bubble of state agency group-think. Mostly what the EC4 hears from and responds to is what its state agency participants bring up. It is a venue for them to showcase what they are doing and receive plaudits for their efforts. It builds *esprit de corps* and fosters interagency cooperation. Its meetings are a good place to go to learn what the state is doing.

<sup>24</sup> New Report Claims R.I. Climate Council Falling Behind Targets, December 19, 2018 <https://www.ecori.org/climate-change/2018/12/19/state-climate-council-is-falling-behind-says-new-report-dem-responds?rq=ec4>

<sup>25</sup> Permit Reviews Move Ahead Despite Invenenergy Ruling <https://www.ecori.org/renewable-energy/2019/7/3/permit-reviews-moving-forward-despite-power-plant-ruling?rq=ec4>

<sup>26</sup> § 42-6.2-4. Advisory board established <http://webserver.rilin.state.ri.us/Statutes/TITLE42/42-6.2/42-6.2-4.HTM>



## Establishing a working model for all major source air emissions



Paul A. Roselli, standing, of the Burrillville Land Trust reads a letter to Janet Coit, far right, chair of the RI Executive Climate Change Coordinating Council, during the council's June 24, 2019 meeting. Roselli - president of the Burrillville Land Trust (Secretary for the Civic Alliance for a Cooler Rhode Island) and a key figure in the power-plant opposition movement, wants a science advisory committee within the state Executive Climate Change Coordinating Council (EC4) to review DEM's air-pollution permit. Roselli said the Science and Technical Advisory Board (STAB) has the latest information on greenhouse-gas emissions from the Clear River Energy Center (CREC) and how it would impact state climate emission reduction goals and mitigation efforts." With this review, the EC4/STAB can establish a working model for all major source emissions productions, now and in the future," Roselli said. - (Photo and story by Tim Faulkner/ecoRI News)

*CACRI editor's note: Roselli's RIDEM request used Title 42 Chapter 42-6.2 Section 42-6.2-2 number (1) to "assess, integrate, and coordinate climate change efforts throughout state agencies to reduce emissions" using CREC as a model. Terry Gray from RIDEM responded in a written letter, writing that time was up for a review of CREC's emissions before the RIDEM Air Permit was finalized. There was no mention in Gray's letter regarding using STAB to evaluate all state air permits to reduce emissions.*



# Time is up: In the Climate Emergency

If 2015 was a watershed year, 2019 was a rapids - a year-long run of hard, rocky news. First, books came out by noted journalists and academics describing the potential consequences of inaction, their titles summarize their message; these included Bill McKibben's Falter, Has the Human Game Begun to Play Itself Out? (New York: Henry Holt), David Wallace-Wells, The Uninhabitable Earth, Life After Warming (New York: Crown Publishing Group), Jeff Nesbit, This Is The Way The World Ends (New York: Saint Martin's Press), Mike Berners-Lee, There Is No Planet B, A Handbook for the Make or Break Decade (New York: Cambridge University Press) and Nathaniel Rich, Losing Earth, A Recent History (New York, Farrar, Straus and Giroux). Taking different approaches and examining different fact patterns, the authors came to the same basic conclusion: unless comprehensive, constructive action is taken in short order to eliminate greenhouse gas emissions, the future appears grim.

**S**econd, on the science front, in May of 2019 the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystems (IPBES) issued an assessment report on Biodiversity and Ecosystem Services; The Intergovernmental Panel on Climate Change (IPCC) issued two special reports, in August on "Climate Change and Land" and in September on the "Ocean and Cryosphere in a Changing Climate". The scientific consensus presented in these reports was not optimistic, with many trends negative. The world as we know it is coming apart. Scientific consensus reports offered no respite from the gloomy portrayals proffered by journalist.

Greta Thunberg crossed the Atlantic by sailboat and addressed the United Nations and said bluntly, adults have an obligation to act constructively now, on their duty to secure a decent future. Thunberg's little 2019 book of her remarks through April of that year is, aptly for Rhode Island, entitled "No One Is Too Small To Make A Difference."<sup>27</sup> In 2019, the Sunrise Movement staged three climate strikes, June 19th, September 20th, and December 6th. A sharp intergenerational fissure was emerging, with young

people contending their future was being discounted by a profiteering fossil economy.

Two prominent academics Naomi Oreskes and Nicholas Stern described in the New York Times, "How climate change will cost more than we think" (October 23, 2019)<sup>28</sup> and "What's the price of ignoring climate change" (November 5, 2019). Their basic argument was that "Since climate scientists have been underestimating the rate of climate change and the severity of its effects, the economists necessarily will underestimate their costs."

During 2019, weather reports from around the globe provided epic depictions of devastation and suffering. 2019 was a year of vast flooding on the Mississippi, droughts, intense heat waves in Europe, exceptionally powerful hurricanes and typhoon, protracted droughts in central and southeastern Africa and Australia, and terrifying fires in California and Australia. It was the second hottest year in recorded history. Even if we in Rhode Island were physically safe, we were not spared the opportunity of seeing how things can play out.

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<sup>27</sup> No One is Too Small To Make a Difference Greta Thunberg 2019 <https://www.penguin.co.uk/books/315/315787/no-one-is-too-small-to-make-a-difference/9780141992716.html>

<sup>28</sup> "How climate change will cost more than we think" (October 23, 2019) Naomi Oreskes and Nicholas Stern <https://www.nytimes.com/2019/10/23/opinion/climate-change-costs.html>

In November 2019 eleven thousand scientists globally were signatory to a statement that “planet Earth is facing a climate emergency.”

None of this turbulence appeared to register with the EC4. It displayed no sense of increased urgency in its work. Its meetings remained upbeat as usual. The December 20, 2019, DEM “2016 Greenhouse Gas Emissions Inventory” showed that RI had met its 2020 Resilient Rhode Island Act emissions reduction target in 2016, in part as a result of reduced vehicle emissions and a warm winter, which meant that less energy was used to heat homes. In key respects, favorable to its positive conclusion, the Inventory used different methods than the “Deeper Decarbonization” study presented to the EC4 at its September meeting.<sup>29</sup> The Inventory’s sigh-of-relief good news does nothing to generate resolve to make stronger efforts in the future, when the annual average rate of emissions reductions must go up.

And so, 2019 came to a close. Externally there was mounting urgency to address climate issues, while internally, within the EC4, there was no corresponding increase in capacity and resolve.

It appears that the way in which EC4 has been functioning may not be sufficient to enable Rhode Island to do its fair share in reaching internationally recognized and scientifically supported goals for eliminating greenhouse gas emissions and keeping average global warming increases to a level (1.5° to 2°Celsius), which enables broad environmental sustainability.

Plainly, the EC4 is not complying fully with clear and important requirements of the Resilient Rhode Island Act, requirements which, it needs to be recognized, are out-of-date, based as they are on science that is more than two decades old and an assumption that decades are available before emissions must be brought to a minimum. Now there is a recognition that the amount of time left to achieve such reductions and avoid catastrophic effects may only be eleven years. In a period of climate emergency, the 2020s will be the make it or break it decade. A failure to achieve a fundamental

reformation in how we obtain and use energy during this decade will likely have devastating, long-term consequences.

The insufficiencies of the EC4 are part of our Rhode Island reality. It is entirely possible that they are a result of adjusting expectations of performance to align with staff capacity and resources. Doing what you can with what you have is understandable and even admirable. But that does not change the situation we are in.

A people cannot fight a war without a military. A people cannot squelch a pandemic without a robust public health agency. We Rhode Islanders cannot effectively address global warming with only a codified executive order. The EC4 does not have dedicated, full-time staff, a budget, and a formal

## **A model for funding and staffing the EC4 already exists**

work plan of its own. Heavy lifting requires muscle.

Let’s get real. Developing and overseeing the implementation of a major plan that includes “strategies, programs, and actions” is real work. Writing annual reports is real work. Staffing a vibrant Science and Technology Advisory Board is real work. The work of “assessing, integrating and coordinating” the efforts of state agencies to achieve societally-vital outcomes is real work.

The Governor’s Energy Office was created in the 1970s by executive order during the oil-embargo driven energy crisis. For a while it was flush with Federal funds; then, still only an executive order entity, it bounced around nearly a quarter of a century. In the early 1990s a pilot, cutting-edge systems benefit charge was created by Narragansett Electric Company and approved by the Public Utilities Commission; two mills per kilowatt hour for energy efficiency investments, and .3 mills per kilowatt hour for renewable energy. As part of the Utility Restructuring Act of 1996, the successful pilot

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<sup>29</sup> New study outlines ways Rhode Island can decarbonize, September 16, 2019, <https://www.ecori.org/covering-climate-now-1/2019/9/15/new-study-outlines-ways-rhode-island-can-decarbonize?rq=deeper%20decarbonization>

program was made statutory. The Energy Office, however, remained an executive order entity. In 2006 the omnibus act (2006-H 8025 Aam, 2006-S 2903 Bam) that created the Office Energy Resources (OER) also established the “least cost procurement” program with a board, the Energy Efficiency and Resources Management Council, which is attached to the OER, to oversee it. The “least cost procurement program” has been ranked the top utility-based energy efficiency program in the nation. In 2008 an expansion of the net-metering program for renewable energy development was enacted. In 2011 the Distributed Generation Program for renewable energy development was created as a pilot initiative. In 2014, it was quadrupled in size, changed to being tariff based, and extended in its life. Rhode Island’s energy efficiency and renewable energy programs are the source of more than 16,000 jobs in the state (RI OER and Commerce RI, [Rhode Island Clean Energy Industry Report 2019](#)).

These programs have been foundational helping Rhode Island achieve its progress toward meeting the 2020 target for greenhouse emissions reduction. The targets for the decade ahead are much higher. A major, concerted effort is required. The [2016 Greenhouse Gas Emissions Reduction Plan](#) is blunt - beyond 2020 “business as usual” will not get us where we need to be.

It may well be that the sincere, good-faith efforts of those involved in the EC4 as it stands have masked the lack of muscle in the agency. But ours is not to disparage those who made the efforts. Instead, let us concern ourselves with what is needed going forward.

If we are going to do our fair share in reducing greenhouse emissions attributable to Rhode Island, we need to change the emissions reductions targets set forth in the Resilient Rhode Island Act to the post-Paris Agreement goals of keeping average warming at or below 1.5° Celsius. The Resilient Rhode Island Act does allow scientifically justified adjustment to targets (see RI General Laws §§ 42-6.2-2(a)(2)(i)(D), 42-6.2-2(b) and 42-6.2-42-6.2-5(f)(6)), however a statutory amendment would be cleaner and more definitive. What must be recognized is that such a change is needed - keeping the current targets, while cutting

edge for their time, would be like holding-up a 2001 Prius as the epitome of automobile energy efficiency in 2020. A lot has happened in the last twenty years. We need to embrace the widely recognized standard of this time to guide efforts for the next decade. Using 1.5° Celsius as the reference point would be consistent with Executive Order 17-06. It would not complicate any existing plans, the 2016 Greenhouse Gas Emissions Reduction Plan, does not contain a definitive menu of “strategies, programs and actions” that have been scientifically vetted and formally adopted. Changing the emissions reduction targets will not vitiate the work that went into developing the plan. What the 2016 Greenhouse Gas Emissions Reduction Plan does

## IN SUMMARY

***The EC4 performance must adhere to its statutory requirements***

***The EC4 needs a dedicated, full-time staff, a budget, and a formal work plan of its own***

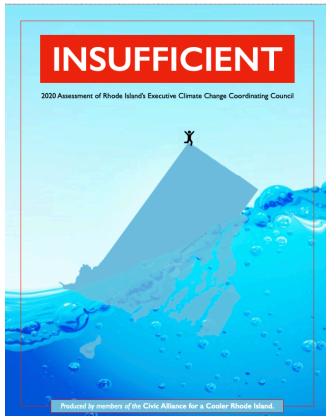
***The EC4 must update its two-decade old emissions targets***

***The EC4 must use existing models for public engagement***

***The EC4 - Science and Technical Advisory Committee must oversee and advise the EC4 and ask for agency support***

# CIVIC ALLIANCE

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make abundantly clear is that we can't continue business as usual. The "Deeper Decarbonization" is oriented toward the post-2020 period and emissions reductions that could be achieved between now and 2050. "Deeper Decarbonization" updates and refines methods and assumptions used in the 2016 Greenhouse Gas Emissions Reduction Plan, thus its use would not constitute a radical break with efforts to date. Continuity is possible.

The time has come to close the book on 2001-2019 efforts to reduce greenhouse gas emissions. It has been a period of statutory innovation consistent with the goals set forth in the 2001 Agreement between the Eastern Canadian Primers and the New England Governors and the 2002 Rhode Island Greenhouse Gas Action Plan. In this period, Rhode Island has shown national leadership in having the top utility-based energy efficiency in the country and the first off-shore wind farm in North America.

Now we are in a climate emergency, with far steeper challenges. This is a different time. To get done what needs to be done, requires us to act differently. The obligations that rest upon the EC4, to assess, to integrate, to coordinate state government efforts in a manner that is responsive to best available scientific and technical information, are vitally important and substantial. This assessment by Civic Alliance for a Cooler Rhode Island has looked at areas in which the EC4 performance has fallen short of statutory requirements; continuation of this pattern of shortfall would be likely highly to impair Rhode Island's ability to meet higher goals for greenhouse gas emissions reductions. The EC4 needs attention and help; we should not take it for granted that it will be sufficiently effective as it now functions.

- Respectfully submitted by,  
Civic Alliance for a Cooler Rhode Island  
April 2020

The Civic Alliance for a Cooler Rhode Island is a State of Rhode Island and Providence Plantations un-incorporated membership organization with the following duly adopted mission and purpose: Mission: The Civic Alliance for a Cooler Rhode Island (CACRI) assesses, informs, and activates efforts to reduce greenhouse gas emissions in or attributable to Rhode Island. Purpose: The purpose of CACRI is philanthropic and includes promoting social learning about climate change, including especially the need to reduce greenhouse gas emissions, improving the commonweal, and protecting the environment and the functioning of the ecosystem.

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