

DRAFT

SUMMARY

Makes policy findings regarding black carbon that results from unplanned forest and rangeland fires. Requires evaluation of extent and negative impacts of Oregon black carbon production. Requires identification of best practices for local government pursuit of black carbon emission reductions on lands outside urban growth boundaries. Includes black carbon emissions in matters to be covered by Oregon Global Warming Commission biennial report.

A BILL FOR AN ACT

Relating to black carbon; creating new provisions; and amending ORS 468A.200, 468A.210, 468A.215, 468A.235, 468A.240, 468A.245, 468A.250, 468A.255 and 468A.260.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Sections 2 and 3 of this 2016 Act are added to and made a part of ORS 468A.200 to 468A.260.

SECTION 2. In addition to any other content, the Oregon Global Warming Commission biennial report required under ORS 468A.260 that is due by March 31, 2017, must include:

(1) An estimate of the annual average emission of black carbon in Oregon; and

(2) An evaluation of the contribution of black carbon in Oregon to global warming.

SECTION 3. The Land Conservation and Development Commission shall identify recommended best practices suitable for local government use to pursue black carbon emission reductions through the mitigation of unplanned forest and rangeland fire risk outside of urban

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

growth boundaries.

SECTION 4. ORS 468A.200 is amended to read:

468A.200. The Legislative Assembly finds that:

(1) In December 2004 the Governor’s Advisory Group on Global Warming issued its report calling for immediate and significant action to address global warming, to reduce Oregon’s exposure to the risks of global warming and to begin to prepare for the effects of global warming. The advisory group also identified 46 specific recommendations for measurable reductions in the state’s greenhouse gas emissions.

(2) In partnership with the Governor’s advisory group, 50 scientists signed the “Scientific Consensus Statement on the Likely Impacts of Climate Change on the Pacific Northwest,” which examined the potential effects of climate change on temperature, precipitation, sea level, marine ecosystems and terrestrial ecosystems. The scientists recommended additional, improved scientific studies and modeling of the effects of climate change on the atmosphere, oceans and land, as well as modeling of the effects of economic and management policies.

(3) Global warming poses a serious threat to the economic well-being, public health, natural resources and environment of Oregon.

(4) Oregon relies on snowpack for summer stream flows to provide energy, municipal water, watershed health and irrigation. Also, a potential rise in sea levels threatens Oregon’s coastal communities. Reduced snowpack, changes in the timing of stream flows, extreme or unusual weather events, rising sea levels, increased occurrences of vector-borne diseases and impacts on forest health could significantly impact the economy, environment and quality of life in Oregon.

(5) Oregon forests play a significant role in sequestering atmospheric carbon, and losing this potential to sequester carbon will have a significant negative effect on the reduction of carbon levels in the atmosphere. **Unplanned forest and rangeland fires outside urban growth boundaries contribute potentially harmful black carbon into the atmosphere and**

1 **reduce forest and rangeland capacity to sequester carbon.**

2 (6) Global warming will have detrimental effects on many of Oregon's
3 largest industries, including agriculture, wine making, tourism, skiing, rec-
4 reational and commercial fishing, forestry and hydropower generation, and
5 will therefore negatively impact the state's workers, consumers and resi-
6 dents.

7 (7) There is a need to assess the current level of **black carbon and**
8 greenhouse gas emissions in Oregon, to monitor the trend of **black carbon**
9 **and** greenhouse gas emissions in Oregon over the next several decades and
10 to take necessary action to begin reducing **black carbon and** greenhouse
11 gas emissions in order to prevent disruption of Oregon's economy and quality
12 of life and to meet Oregon's responsibility to reduce the impacts and the pace
13 of global warming.

14 (8) Oregon has been a national leader in energy conservation and envi-
15 ronmental stewardship, including the areas of energy efficiency requirements
16 and investments, renewable energy investments, natural resource conserva-
17 tion, greenhouse gas offset requirements and investments, and global warm-
18 ing pollution standards for passenger vehicles. Significant opportunities
19 remain to reduce **black carbon and** greenhouse gas emissions statewide,
20 especially from major contributors of greenhouse gas emissions, including
21 electricity production, transportation, building construction and operation,
22 and the residential and consumer sectors.

23 (9) Actions to reduce **black carbon and** greenhouse gas emissions will
24 reduce Oregon's reliance on foreign sources of energy, lead to the develop-
25 ment of technology, attract new businesses to Oregon and increase energy
26 efficiency throughout the state, resulting in benefits to the economy and to
27 individual businesses and residents.

28 (10) In devising measures to achieve reduction of **black carbon and**
29 greenhouse gas emissions, Oregon must strive to not disadvantage Oregon
30 businesses as compared to businesses in other states with which Oregon co-
31 operates on regional **black carbon and** greenhouse gas emissions reduction

strategies.

(11) Policies pursued, and actions taken, by Oregon will:

(a) In concert with complementary policies and actions by other states and the federal government, substantially reduce the global levels of **black carbon and** greenhouse gas emissions and the impacts of those emissions;

(b) Encourage similar policies and actions by various stakeholders;

(c) Inform and shape national policies and actions in ways that are advantageous to Oregon residents and businesses; and

(d) Directly benefit the state and local governments, businesses and residents.

SECTION 5. ORS 468A.210 is amended to read:

468A.210. As used in ORS [352.823 and] 468A.200 to 468A.260:

(1) **“Black carbon” means carbon produced by unplanned forest and rangeland fires.**

[(1)] (2) “Global warming” means an increase in the average temperature of the earth’s atmosphere that is associated with the release of **black carbon and** greenhouse gases.

[(2)] (3) “Greenhouse gas” means any gas that contributes to anthropogenic global warming including, but not limited to, carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride.

[(3)] (4) “Greenhouse gas cap-and-trade system” means a system that:

(a) Establishes a total cap on greenhouse gas emissions from an identified group of emitters;

(b) Establishes a market for allowances that represent emissions; and

(c) Allows trading of allowances among greenhouse gas emitters.

SECTION 6. ORS 468A.215 is amended to read:

468A.215. (1) There is created the Oregon Global Warming Commission. The commission shall consist of 25 members, including 11 voting members appointed by the Governor under this section and 14 ex officio nonvoting members specified in ORS 468A.220.

(2) Members of the commission appointed under this section shall be appointed so as to be representative of the social, environmental, cultural and economic diversity of the state and to be representative of the policy, science, education and implementation elements of the efforts to reduce **black carbon and** greenhouse gas emissions and to prepare Oregon for the effects of global warming. Of the members appointed by the Governor under this section:

- (a) One member shall have significant experience in manufacturing;
- (b) One member shall have significant experience in energy;
- (c) One member shall have significant experience in transportation;
- (d) One member shall have significant experience in forestry;
- (e) One member shall have significant experience in agriculture; and
- (f) One member shall have significant experience in environmental policy.

(3) The Governor shall select a chairperson and a vice chairperson from among the members appointed under this section.

(4) The term of office of a member appointed under this section is four years. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on January 31 next following. A member appointed under this section is eligible for reappointment. In case of vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

(5) The members of the commission appointed under this section must be residents of this state. Failure of a member to maintain compliance with the eligibility requirements related to the member's appointment shall result in disqualification from serving on the commission.

(6) Voting members of the commission appointed under this section are entitled to expenses as provided in ORS 292.495 (2).

SECTION 7. ORS 468A.235 is amended to read:

468A.235. The Oregon Global Warming Commission shall recommend ways to coordinate state and local efforts to reduce greenhouse gas emissions in Oregon consistent with the greenhouse gas emissions reduction goals estab-

lished by ORS 468A.205 and shall recommend efforts to help Oregon prepare for the effects of global warming. **The commission shall also recommend ways to coordinate state and local efforts to reduce black carbon emissions.** The Office of the Governor and state agencies working on multistate and regional efforts to reduce **black carbon and** greenhouse gas emissions shall inform the commission about these efforts and shall consider input from the commission for such efforts.

SECTION 8. ORS 468A.240 is amended to read:

468A.240. (1) In furtherance of **efforts to reduce black carbon emissions, enhance forest and rangeland carbon sequestration efficiency and achieve** the greenhouse gas emissions reduction goals established by ORS 468A.205, the Oregon Global Warming Commission may recommend statutory and administrative changes, policy measures and other recommendations to be carried out by state and local governments, businesses, nonprofit organizations or residents. In developing its recommendations, the commission shall consider economic, environmental, health and social costs, and the risks and benefits of alternative strategies, including least-cost options. The commission shall solicit and consider public comment relating to statutory, administrative or policy recommendations.

(2) The commission shall examine possible funding mechanisms to obtain low-cost black carbon reductions and forest and rangeland carbon sequestration efficiency enhancements.

[(2)] **(3)** The commission shall examine greenhouse gas cap-and-trade systems, including a statewide and multistate carbon cap-and-trade system and market-based mechanisms, as a means of achieving the greenhouse gas emissions reduction goals established by ORS 468A.205.

[(3)] **(4)** The commission shall examine possible funding mechanisms to obtain low-cost greenhouse gas emissions reductions and energy efficiency enhancements, including but not limited to those in the natural gas industry.

SECTION 9. ORS 468A.245 is amended to read:

468A.245. The Oregon Global Warming Commission shall develop an out-

reach strategy to educate Oregonians about the scientific aspects and economic impacts of global warming and to inform Oregonians of ways to reduce **black carbon and** greenhouse gas emissions and ways to prepare for the effects of global warming. The commission, at a minimum, shall work with state and local governments, the State Department of Energy, the Department of Education, the Higher Education Coordinating Commission and businesses to implement the outreach strategy.

SECTION 10. ORS 468A.250 is amended to read:

468A.250. (1) The Oregon Global Warming Commission shall track and evaluate:

(a) Economic, environmental, health and social assessments of global warming impacts on Oregon and the Pacific Northwest;

(b) Existing **black carbon and** greenhouse gas emissions reduction policies and measures;

(c) Economic, environmental, health and social costs, and the risks and benefits of alternative strategies, including least-cost options;

(d) The physical science of global warming;

(e) Progress toward the greenhouse gas emissions reduction goals established by ORS 468A.205;

(f) Greenhouse gases emitted by various sectors of the state economy, including but not limited to industrial, transportation and utility sectors;

(g) Technological progress on sources of energy the use of which generates no or low greenhouse gas emissions and methods for carbon sequestration;

(h) Efforts to identify the greenhouse gas emissions attributable to the residential and commercial building sectors;

(i) The carbon sequestration potential of Oregon's forests **and rangelands**, alternative methods of forest **and rangeland** management that can increase carbon sequestration and reduce the loss of carbon sequestration to [*wildfire*] **unplanned fires**, changes in the mortality and distribution of tree and other plant species and the extent to which carbon

is stored in tree-based building materials;

(j) The advancement of regional, national and international policies to reduce **black carbon and** greenhouse gas emissions;

(k) Local and regional efforts to prepare for the effects of global warming; and

(L) Any other information, policies or analyses that the commission determines will aid in **black carbon emission reductions or** the achievement of the greenhouse gas emissions reduction goals established by ORS 468A.205.

(2) The commission shall:

(a) Work with the State Department of Energy and the Department of Environmental Quality to evaluate all gases with the potential to be greenhouse gases and to determine a carbon dioxide equivalency for those gases; *[and]*

(b) Use regional and national baseline studies of building performance to identify incremental targets for the reduction of greenhouse gas emissions attributable to residential and commercial building construction and operations[.]; **and**

(c) Work with the Land Conservation and Development Commission and the Department of Environmental Quality, and with any other state agencies the Oregon Global Warming Commission deems appropriate, to evaluate the negative impacts of black carbon.

SECTION 11. ORS 468A.255 is amended to read:

468A.255. The Oregon Global Warming Commission may recommend to the Governor the formation of citizen advisory groups to explore particular areas of concern with regard to the reduction of **black carbon and** greenhouse gas emissions and the effects of global warming.

SECTION 12. ORS 468A.260 is amended to read:

468A.260. The Oregon Global Warming Commission shall submit a report to the Legislative Assembly, in the manner provided by ORS 192.245, by March 31 of each odd-numbered year that describes Oregon's progress toward **black carbon emission reductions and the** achievement of the greenhouse

1 gas emissions reduction goals established by ORS 468A.205. The report may
2 include relevant issues and trends of significance, including trends of **black**
3 **carbon and** greenhouse gas emissions, emerging public policy and techno-
4 logical advances. The report also may discuss measures the state may adopt
5 to mitigate the impacts of global warming on the environment, the economy
6 and the residents of Oregon and to prepare for those impacts.

7 **SECTION 13. Section 2 of this 2016 Act is repealed on January 2,**
8 **2018.**

9 **SECTION 14. The Land Conservation and Development Commission**
10 **shall identify an initial set of recommended best practices as described**
11 **in section 3 of this 2016 Act no later than January 1, 2018.**