



Public Hearing – March 8, 2024
Environment Committee

Testimony Submitted by Commissioner Katie S. Dykes

House Bill No. 5004 – An Act Concerning the Implementation of Certain Climate Change Measures

Thank you for the opportunity to present testimony regarding [House Bill No. 5004](#) – An Act Concerning the Implementation of Certain Climate Change Measures. The stated purpose of this bill is to implement certain measures relating to climate change including advancing and implementing the state's goals for the reduction of greenhouse gas emissions, the phasing out of the use of natural gas, investment in renewable energy and green economy startup businesses, incentivizing sustainable purchasing by local governments and the enhancement of nature-based solutions to mitigate climate change.

The Department of Energy and Environmental Protection (DEEP) appreciates the Committee raising this proposal and generally **supports** this bill. Overall, DEEP believes that this bill is necessary for Connecticut because we are not on track to meet our 2030 and 2050 emission reduction targets and our 2050 emissions target is no longer in line with current scientific recommendations. Intensifying extreme weather events pose to public safety and economic prosperity of our State. The bill includes important planning frameworks and regulatory tools that will bring Connecticut's greenhouse gas mitigation framework in line with other states. DEEP offers the following comments on specific sections:

Sec. 2. DEEP **supports** the greenhouse gas emissions goals for state agencies as set forth in this section. The forty-five percent reduction target, as well as the directive for state agencies to utilize zero carbon electricity by 2030, reflect goals from Governor Lamont's Executive Order 1 and Executive Order 21-3. As such, the State's interagency Lead By Example team ("GreenerGov"), organized by DEEP, the Office of Policy and Management, and the Department of Administrative Services (DAS), has been working to catalyze projects and programming related to carbon reduction efforts in state facilities. Progress towards these targets is reported regularly on this dashboard: <https://portal.ct.gov/GreenerGov/Progress/Reports>. DEEP also supports the proposed new net-zero target for 2050, which would be supported by the call in EO 21-3 for net zero planning and resulting guidance.

Also, in 2021 the U.S. Climate Alliance, of which Connecticut is a member, committed to collectively achieving overall net-zero greenhouse gas emissions as soon as practicable, and no later than 2050, and reduce collective net GHG emissions at least 50-52 percent below 2005 levels by 2030. The Alliance target is in line with the United States' Nationally

Determined Contribution under the Paris agreement.¹ DEEP would be appreciative of the opportunity to work with the Committee on addressing any potential resources that may be necessary to implement this section.

Sec. 4(a). DEEP **supports** the two important changes in Section 4(a): the inclusion of net zero as a greenhouse gas emissions reduction target for 2050 and the inclusion of carbon sequestration as a tool to meet a net zero target. First and foremost, this section establishes a new 2050 target of net zero emissions, which, DEEP notes, would bring Connecticut's overall GHG emissions-reduction framework into alignment with global climate science and into line with U.S. policy and the policies of Massachusetts, New York, Rhode Island, Maine, Vermont, and nine other U.S. states. Importantly, this provision retains the existing goal of emissions at least 80 percent below 2001 levels by 2050 from Public Act 08-98, Connecticut's Global Warming Solutions Act (GWSA), as part of the net zero target. Second, this section adds a 2040 emission reduction-target (65 percent reduction below 2001 levels) as an interim milestone between the existing 2030 target (45 percent below 2001) and the new 2050 net zero target.

The use of nature-based solutions as part of climate mitigation was a recommendation of the Governor's Council on Climate Change in its 2021 report. We would welcome the chance to share with the committee suggestions for further refining the definitions of net zero and carbon sequestration in this section based on the experience of other states that have adopted net zero targets and have begun the process of accounting for carbon sequestration in their GHG inventories.

Sec. 4(e). This new subsection declares that failure to achieve the specified greenhouse gas emission-reductions "shall constitute contributing to the unreasonable pollution or impairment of the public trust" under the Connecticut Environmental Protection Act (CEPA). If the General Assembly advances legislation to make the targets in C.G.S. Section 22a-200a enforceable, the legislature must provide for the funding, regulatory authority, and other programmatic support to increase the probability that the State can achieve these targets without necessitating judicial enforcement.

Section 4(b, c, and d) and Section 5. DEEP **supports** the intent of the proposed revisions to existing reports and the proposed new reports in Section 4(b, c, and d) and Section 5. DEEP offers several comments on these reports:

- References to the Governor's Steering Committee on Climate Change in 4(b and c) should be replaced with the [Governor's Council on Climate Change](#).
- Section 4(b) addresses an activity that is a function of GreenerGov, and DEEP would be glad to consult with DAS and OPM on recommendations for aligning the statutory language with the report prepared annually by the agencies under Executive Orders 1 and 21-3.
- Section 4(c) calls for two reports. The second will be a one-time report by January 1, 2026, outlining strategies, sector-specific emission targets, and the adequacy of the

¹ [Microsoft Word - United States NDC April 21 2021 Final.docx \(unfccc.int\)](#)

[Renewable Portfolio Standard](#). DEEP's suggestion here is two-fold: that this report be enumerated in the bill as a stand-alone special section so that a one-time report does not create future confusion regarding the reports that are required under the GWSA. Additionally, this second report language could be clarified to indicate that DEEP (rather than the consultant) is directed to develop the report and authorized to hire a consultant to assist in its development.

There is considerable overlap between the various reports addressed in these sections. DEEP would be glad to work with the Committee to identify means to economize.

Sec. 7. Section 7 directs state agencies, when making a variety of administrative decisions from planning to permitting, to consider whether those decisions are consistent with the Global Warming Solutions Act. DEEP appreciates this concept, as it promotes a more coordinated and transparent decision-making process for environmental regulation. That said, DEEP believes this language should be more specific and targeted in its construction to narrow the scope of this section and avoid potential challenges and unintended consequences in implementation.

One option to consider is DEEP's proposal in Section 5 of SB 1145 from 2023. This proposal was designed to require an evaluation of zero-emission alternatives, when granting or modifying a permit for fossil-fueled electricity-generating units, of the replacement of some or all of the fossil-fuel electricity-generating capacity with non-GHG emitting energy or energy storage. This evaluation at the outset is a more cost-effective approach to consider non-emitting alternatives compared to retrofitting projects after construction. Also, a pointed directive, with specific guidelines for a robust alternatives analysis, will maximize the effectiveness of the concept in this year's proposal of addressing GHG reductions from the electric sector.

Sec. 8. DEEP is generally supportive of providing stakeholders with a consolidated web-based location containing the information referenced in this section. DEEP recommends that, to avoid duplicative efforts and to limit administrative costs, existing resources be leveraged efficiently. Several resources are available to the public already that can be referred to:

- The [Energy Price and Supply Information dashboard](#) includes current and historical retail electricity rates; residential natural gas prices; retail gasoline prices; petroleum product spot, wholesale, and retail prices; and storage and stocks of natural gas, crude oil, and petroleum products. Future updates to the dashboard may include commercial and industrial rates, other fuels, and information on electric vehicles. DEEP welcomes the opportunity to work with the committee on what additional information would be useful to include in this dashboard.
- The [Energize CT website](#) provides Connecticut consumers, businesses, and communities with the resources and information needed to make decisions regarding measures to improve energy efficiency and to reduce utility bills. The

Energize CT page includes, but is not limited to, information about energy assessments, rebates and incentives, and supplier rates.

- Connecticut’s [Energy Efficiency Dashboard](#) shows overall energy efficiency program performance by company and by sector, expenditures and savings, and progress towards meeting programmatic goals. DEEP, the Energy Efficiency Board, and the Utilities are continuously working to improve the user friendliness and content of this dashboard.
- The [PURA dashboard](#) displays energy affordability-related metrics, with possible future expansion to include centralized reporting on Residential Renewable Energy Solutions, Non-Residential Renewable Energy Solutions, Energy Storage Solutions, and the EV Charging Program.²
- The [Climate Change planning page](#) compiles economy-wide and sector-by-sector climate-related plans and resources from across DEEP.

DEEP notes that it does not maintain all of these resources, and that their content falls under the purview of other state agencies and quasi-public organizations.

DEEP is also working to create an online incentive tool that will help residential homeowners more easily identify, filter, and stack the variety of energy and broadband incentives available in Connecticut. Incentives such as tax credits, rebates, and low-cost financing will be included in the tool to help Connecticut residents to navigate the variety of options and programs available to them.

Sec. 11. DEEP **supports** Section 11, which codifies the Connecticut Clean Economy Council (CCEC). DEEP co-chairs the council, which was established by Executive Order 21-3, and later was directed by Public Act 23-61 to conduct a needs assessment. DEEP, along with our agency partners on the Council, would welcome a chance to work with the committee to further rein in the scope of work for this council to ensure it does not duplicate the responsibilities and initiatives already addressed by other entities.

Sec. 13. Section 13 contains one of the concepts in the Energy and Technology Committee's bill HB 5231, An Act Concerning Revisions to the State’s Nonresidential Renewable Energy Program and Shared Clean Energy Facility Program. Please see [DEEP’s testimony](#) for that bill as it relates to the removal of the statutory MW caps in the NRES and SCEF programs.

Sec. 16. DEEP respectfully **requests clarification** regarding this section. Section 16 calls on DEEP to study and make recommendations to amend current product efficiency statutes to “provide for the sale and installation of heating, ventilation and air conditioning systems and hot water heating systems that do not emit greenhouse gases.” Such systems are readily available in Connecticut and are highly energy efficient. DEEP invites the committee to review its agency-sponsored proposal raised by the Energy and Technology Committee, [SB 301](#), which updates those product efficiency standards and adds new products to the list

² Order No. 15 in the Decision dated April 20, 2022 in Docket No. 21-07-21, available at [https://www.dpuc.state.ct.us/dockcurr.nsf/8e6fc37a54110e3e852576190052b64d/7a4863c58dbf9ccb8525882a005b0335/\\$FILE/210701-042022.pdf](https://www.dpuc.state.ct.us/dockcurr.nsf/8e6fc37a54110e3e852576190052b64d/7a4863c58dbf9ccb8525882a005b0335/$FILE/210701-042022.pdf)

of those products that must meet certain efficiency levels in order to be sold in the state.

Sec. 17. DEEP **supports** the expanded use of heat pumps for energy efficient residential heating and cooling in Connecticut and supports a goal for the deployment of heat pumps. As an alternative to heating with fossil fuels, heat pumps are a critical tool in Connecticut's strategy to lower its greenhouse gas emissions from the buildings sector. As our Greenhouse Gas Inventory report details, the building sector is responsible for approximately 30 percent of greenhouse gas emissions in Connecticut, and the bulk of these emissions are tied to the heating of these buildings. As Connecticut continues to warm with climate change, the increasing demand for air conditioning also necessitates meeting this demand with the most energy efficient technology possible to keep electric bills low in the summer while keeping those most vulnerable to extreme heat safe. Recognizing these benefits, in September 2023, the United States Climate Alliance, of which Connecticut is a member, agreed to collectively quadruple the number of heat pump installations to reach 20 million installations by 2030.

However, although DEEP supports the intent behind this proposed legislation, the agency respectfully expresses concern over its implementation without a dedicated funding source. DEEP also has concern over the potential diversion of energy efficiency funds dedicated for other critical cost and energy saving measures such as weatherization, to incentivize heat pump installations through rebates, and the impact that this may have on Connecticut's energy efficiency workforce.

Over the last three years, the state's Conservation and Load Management (C&LM) programs have seen high levels of demand for weatherization measures as well as heat pump rebates (among other measures). While increased program demand for energy efficiency measures should be viewed as a positive development, this demand coupled with higher project costs resulting from the uptick in inflation have put additional strain on limited program budgets.

Sec. 18. DEEP **supports** the evaluation of environmental sustainability and climate resiliency in municipal plans of conservation and development. Careful planning to reduce greenhouse gas emissions and to address the impacts of climate change is critical for municipalities. To name a few initiatives, many municipalities are already investing in sustainability and resilience planning through SustainableCT and the UConn Connecticut Institute for Resilience and Climate Adaptation (CIRCA) has been working with municipalities on resilience plans and projects through their Resilient Connecticut program. Existing statute does provide for sustainability measures in the local plans of conservation and development but not resilience. The intent of Section 18 aligns with Governor's bill [SB 11](#), which includes provisions in Sections 11 & 12 that amend the local Plan of Conservation and Development (POCD) statutes to require a climate change vulnerability assessment to specify land use strategies that reduce or avoid risks.

Sec. 21. Section 21 states that "any new or existing state building shall either be constructed utilizing electrical systems that are not reliant upon fossil fuels or greenhouse gas emissions for operation or, upon renovation, retrofitted to utilize such electrical systems provided funding is available for such purpose."

This directive targets greenhouse gas emission reductions, which is further supported by the CT High Performance Building Standards (HPBS), which, since 2007, have applied to state-funded new construction and major renovation building projects that cost at least \$5 million or \$2 million, respectively. DEEP is responsible for updating the HPBS pursuant to Conn. Gen. Stat. Section 16a-38k.

Sec. 22. DEEP generally **supports** the concept of developing a plan and, ultimately, a program for advancing nature-based solutions that support climate mitigation and adaptation. Section 22 of the bill directs DEEP to prepare a report no later than December 31, 2024 that includes an analysis of the associated funding needs for developing a plan and program for advancing nature-based solutions, an identification of potential federal, state, or other funding sources, and a proposed timeline for implementation of such plan no later than July 1, 2025. DEEP recommends that this section of the bill be modified to allow DEEP to prepare the report over the course of 18 months with a program implementation start date extended to December 31, 2025 to allow for a more robust stakeholder process, to coordinate with other related plans in the agency, and to have sufficient staff capacity to undertake the plan.

DEEP agrees that using nature-based solutions including increasing carbon sequestration in part through protecting carbon stocks by avoiding conversion of wetlands to other purposes, restoring coastal habitats and collaborating with other northeast states and federal agencies to develop a coordinated regional adaptation approach for the conservation of habitats and species at risk should be part of Connecticut's climate mitigation strategy to reach a net zero target by 2050. DEEP is also supportive of initiatives to protect upslope advancement zones to allow migration of adjacent tidal marshes coupled with a comprehensive modeling assessment of the extent of inland migration of tidal marshes needed to inform adaptation decisions.

However, the establishment of a plan for advancing nature-based solutions to climate-related impacts includes a variety of complex initiatives that have far-reaching implications for resource protection that could affect a variety of entities including municipalities and private property owners. An initiative of this magnitude and complexity should be vetted thoroughly and carefully by a broad representation of stakeholders. In addition, it would be a strain on DEEP's in-house expertise and staff time to undertake such a significant initiative in less than a year as proposed by this bill. Additionally, some of the listed solutions have been or will be considered in other DEEP planning efforts like the Green Plan, Forest Action Plan and Coastal and Estuarine Land Conservation Plan, so additional time will be necessary to coordinate efforts across programs.

We welcome the opportunity to work with the committee to address the specific aspects of the bill noted above and to join in advocating for its advancement.

Thank you for the opportunity to present testimony on this proposal. Should you have any questions, please do not hesitate to contact Harrison Nantz at Harrison.Nantz@ct.gov.