

Time for Ambition

Like most Oregonians, we at the Green Energy Institute relish the typical Pacific Northwest summer, with its long stretches of daylight, warm daytime temperatures and cooler nights, low humidity, and lack of mosquitos. And, like most Oregonians, we were shocked by the recent "heat bubble," which took the lives of over 100 Oregonians, and offered a staggering and anxiety-producing foreshadowing of what could come if we delay ambitious and effective action on climate change. The challenges can feel overwhelming.

In times like these, we turn to the optimism of MacArthur Genius and author of [Rewiring America](#), Saul Griffith: "It's time to get to work. Everyone has a role. Ask not what your planet can do for you but what you can do for your planet."

Armed with vaccines, talented staff attorneys and law clerks, and a passion and commitment to "get to work," the Green Energy Institute faces the future with an ongoing sense of ambitious optimism. We have a lot to look forward to. First, Oregon's 100% Clean Energy for All bill, HB 2021, setting the most ambitious clean energy commitment of all states and territories (only New York has a similar timeline), and banning new gas-fired power plants in Oregon, was the product of months of collaboration with diverse stakeholders, including GEI. Second, at least at the time of this writing, it appears that Congress could include a Clean Electricity Standard in the upcoming budget—if passed, a national bill could accelerate the nation's movement towards a decarbonized electricity system, and pave the way for clean electricity to power our transportation and heating systems, replacing oil and gas.

Additionally, GEI's staff attorney, Amelia (Amy) Schlusser, served on two Rules Advisory Committees for new rulemaking initiated by Oregon's Department of Environmental Quality; Amy offered reliable legal analysis and creative solutions to ensure an equitable clean energy transition. And Amy has just been appointed to a third RAC to propose rules for adopting California's Clean Truck Rule. Our newest staff attorney, Carra Sahler, has been helping Amy to tackle fossil gas and the risks it poses to our state and its most vulnerable populations. Finally, I, too, have been working hard, publishing papers on [Natural Gas Lock-In](#) and [Environmental Law, Disrupted by COVID-19](#).

Looking forward, we hope you will join the Green Energy Institute this fall to learn about DEQ's proposed new cap and reduce program, called the Climate Protection Program, before the rules are finalized, as well as at our series of webinars, including on off-shore wind. Stay tuned for more details.

Thanks to our funders for their support.

Sincerely,
Melissa

Melissa Powers
Jeffrey Bain Faculty Scholar & Professor of Law
Faculty Director, Green Energy Institute
Lewis & Clark Law School



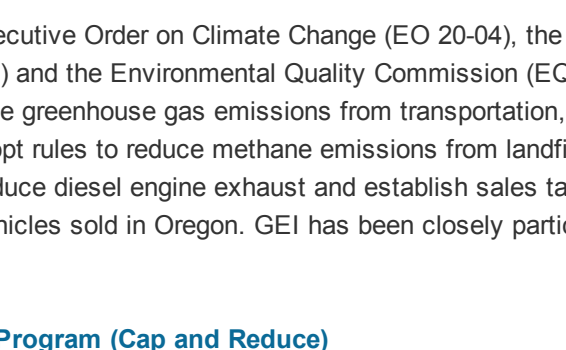
GEI Champions HB 2021

A robust coalition of community-based environmental justice organizations and stakeholders representing climate, energy, environmental, public health, and ratepayer advocacy organizations; electric utilities; state and local governments; business and industry associations; renewable energy develops; and labor organizations engaged in hundreds of hours of negotiations and analysis to develop a strategy for achieving a common objective: ensuring 100% clean, renewable electricity for Oregon.

The 100% Clean Energy for All bill (House Bill 2021) passed in the final days of the Oregon legislative session and was signed into law by Governor Kate Brown on July 19, 2021. HB 2021 directs investor-owned electric utilities and electric service suppliers to provide Oregon consumers with 100% clean, carbon-free electricity by 2040. To ensure that this transition is both equitable and affordable, HB 2021:

- Establishes clear greenhouse gas emissions reduction targets, mandating that electricity sold in Oregon is 80% clean by 2030, 90% by 2035, and 100% by 2040;
- Establishes clear policy goals to maximize community benefits from the transition, including the creation of high-paying jobs, increased equity within Oregon's workforce, and increased security and resiliency within Oregon's electric grid;
- Prohibits the siting of new fossil fuel-fired electric power plants in Oregon;
- Establishes a forward-looking implementation framework that builds off existing long-term energy planning processes;
- Convenes Community Benefits and Impacts Advisory Groups to inform electric companies of energy-related burdens and opportunities in impacted communities and helps guide planning and investment decision-making;
- Creates mechanisms to ensure Oregon's electricity remains affordable and reliable; and
- Establishes a grant program for community renewable energy projects.

See GEI's testimony in support [here](#). See the law [here](#).



GEI Improves DEQ Rules

Under Governor Brown's Executive Order on Climate Change (EO 20-04), the Oregon Department of Environmental Quality (DEQ) and the Environmental Quality Commission (EQC) were directed to adopt regulations to cap and reduce greenhouse gas emissions from transportation, natural gas, and industrial sources in the state and adopt rules to reduce methane emissions from landfills. DEQ is also conducting additional rulemakings to reduce diesel engine exhaust and establish sales targets for zero-emissions medium- and heavy-duty vehicles sold in Oregon. GEI has been closely participating in these policymaking efforts.

DEQ's Climate Protection Program (Cap and Reduce)

In 2020, staff attorney Amy Schlusser was appointed to the Climate Protection Program Rulemaking Advisory Committee (RAC) to help inform the development of Oregon's greenhouse gas (GHG) regulations. The RAC process officially concluded in July, and DEQ is expected to release draft rules in early August. A public comment period for the draft Climate Protection Program rules is scheduled to run through early October, and members of the public are encouraged to submit written comments on the draft rules. DEQ is also planning to convene two public hearings in the Fall. The EQC is expected to adopt final Climate Protection Program regulations in December 2021, and the rules should go into effect in January 2022.

GEI was closely engaged in the Climate Protection Program rulemaking, and Amy provided extensive input and recommendations on the program's design throughout the RAC process. The current iteration of the draft rules incorporates a variety of elements and requirements that align with GEI's recommendations, including a Community Climate Investments mechanism that will incentivize investments in projects and programs that reduce fossil fuel emissions and provide meaningful co-benefits to environmental justice, BIPOC, and other impacted communities across Oregon.

The draft rules are far from perfect, and their proposed emissions targets—which currently require a 45% reduction in transportation and natural gas emissions by 2035 and an 80% reduction by 2050, with reductions measured from a 2017–2019 emissions baseline—will fail to reduce emissions as fast as the current climate science indicates we need to move. However, the Climate Protection Program will establish a mandatory mechanism to phase out GHG emissions from the state's transportation and natural gas sectors, and will therefore create an incredibly important backstop for Oregon's climate progress. GEI's written comments on the Climate Protection Program rulemaking are available [here](#). Track the rulemaking [here](#).

UPCOMING WEBINAR: During the public comment period for the draft Climate Protection Program rules, GEI will host an informational webinar to describe the rules' key regulatory requirements, explain how they will operate in practice, and discuss some related implications for Oregon communities and industries. Stay tuned for the date and time.

DEQ's Landfill Gas Emissions Rulemaking

In addition to its broader GHG reduction directives, Governor Brown's EO 20-04 directed DEQ and the EQC to adopt regulations to reduce methane gas emissions from landfills. Amy was appointed to the Landfill Methane Rulemaking Advisory Committee (RAC) to assist the agency in drafting landfill methane rules that are at least as stringent as those in effect in California. The RAC process concluded in April, and DEQ issued draft rules on June 25, 2021. Thanks in part to input from Amy and other RAC members urging DEQ to take Oregon's unique circumstances and equity concerns into account, DEQ's proposed landfill methane rules are not only **as stringent** as California's rules, but actually **go a step beyond** California by imposing control requirements on smaller landfills that exceed methane emissions thresholds.

The proposed Landfill Gas Emissions rules are available [here](#). Public comments on the proposed rules are due by 4:00 p.m. on July 30, 2021. Find more details [here](#).

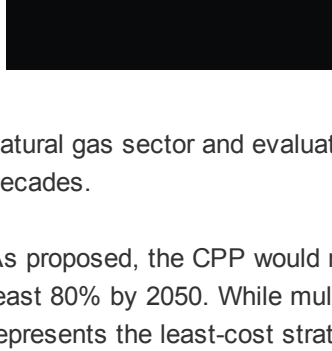
DEQ's Clean Trucks Rulemaking

Amy was also recently appointed to DEQ's 2021 Clean Trucks Rulemaking Advisory Committee (RAC). Due to legal preemptions under the federal Clean Air Act, Oregon has limited authority to regulate emissions from new cars and trucks. California is the only state with authority to adopt unique emissions standards for new motor vehicles, but it must obtain a waiver from EPA for its standards to go into effect. Once EPA grants a waiver to California, the Clean Air Act allows Oregon and other so-called "Section 177" states to adopt identical standards to California's standards. DEQ's Clean Trucks rulemaking aims for Oregon to adopt by reference two California rules designed to reduce emissions from new medium- and heavy-duty trucks California's vehicle and truck emission standards. These rules include:

- The Advanced Clean Trucks rule, which requires manufacturers of medium- and heavy-duty vehicles to sell a certain percentage of zero emissions vehicles (e.g., electric trucks) beginning with the 2024 vehicle model year;
- The Heavy Duty Low NOx Omnibus rules, requiring heavy duty vehicle manufacturers to comply with stricter NOx emission standards, revise engine testing procedures, and extend engine warranties;
- Low Emission Vehicle Program, which will update Oregon's low emission vehicle program rules to align with California's light duty vehicle emission standards.

DEQ expects to issue draft Clean Truck rules for public comment in August or September, and submit final rules for EQC consideration in November of this year. Click [here](#) to learn more.

GEI Takes on Fossil Gas at the Oregon PUC



Governor Brown's Executive Order 20-04 (EO 20-04) directs Oregon's Public Utility Commission (PUC) to take action, consistent with its existing authority, to help achieve Oregon's GHG emissions reduction goals. As a component of its EO 20-04 implementation, the PUC recently launched a Natural Gas Fact Finding in docket UM 2178 to evaluate the ratepayer implications of DEQ's Climate Protection Program (CPP), which will require natural gas utilities to reduce GHG emissions. While requiring natural gas utilities to reduce GHG emissions in coordination with stakeholder allies, GEI has encouraged the PUC to broaden the scope of this initiative to critically analyze and plan for the decarbonization of the

natural gas sector and evaluate strategies to mitigate ratepayer risks over the coming decades.

As proposed, the CPP would require Oregon's gas utilities to reduce their GHG emissions at least 80% by 2050. While multiple analyses have concluded that building electrification represents the least-cost strategy for reducing emissions from the direct use of natural (i.e. fossil) gas, Oregon's investor-owned gas utilities are currently proposing to reduce emissions through expanded sales of renewable natural gas (RNG) and hydrogen fuels. If the natural gas utilities choose to meet their CPP compliance obligations by relying on these limited and expensive alternatives to fossil gas, ratepayers could face potentially prohibitive costs to heat their homes in the future. Further, increases in natural gas rates would likely incentivize some ratepayers to voluntarily electrify their homes by replacing their gas furnaces and stoves with electric heat pumps and ranges. As ratepayers who can afford to invest in electric alternatives increasingly transition away from natural gas, rates would rise even higher for remaining ratepayers, producing serious equity implications. With vulnerable communities top of mind, GEI intends to continue participating in this fact finding to test the natural gas utilities' assumptions and raise important equity concerns. See our comments [here](#) and [here](#).

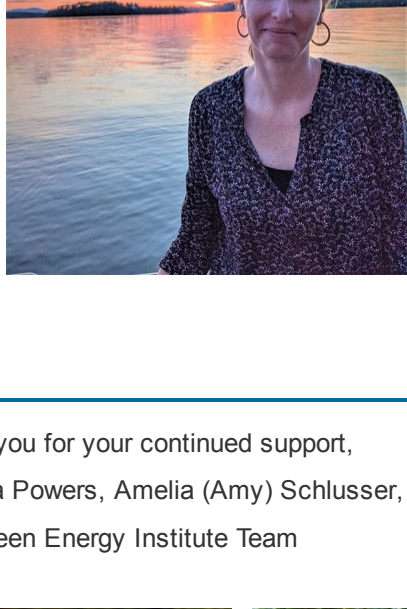
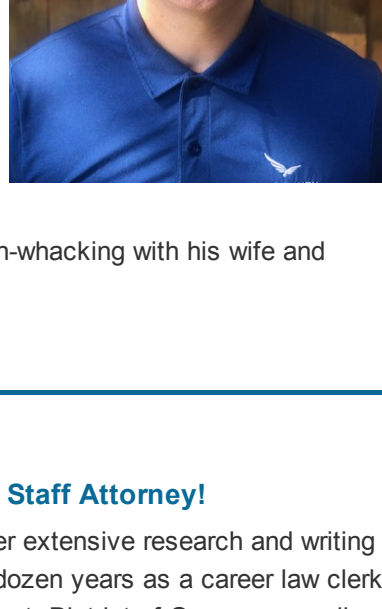


Meet the GEI Summer Additions!

Law Clerk Sedi Caine, assisting GEI this summer, is a rising 2L at Lewis & Clark focusing on Environmental and Natural Resource Law. They grew up in Northern California, where they lived until moving to the Pacific Northwest for law school. They received degrees in Environmental Studies and Economics from the University of California, Santa Cruz in 2016. Immediately after, they began working with a California based non-profit, first as a research associate and then as the Assistant Director. Their work focused primarily on nuclear policy with a specific focus on

the remediation of contaminated sites throughout the state. Sedi has a passion for Environmental Justice and advocacy, which is what brought them to Lewis & Clark and GEI. After graduation, they hope to practice law in a capacity that allows them to help communities and people who might otherwise be unable to afford quality representation. When not working or studying for classes, Sedi enjoys spending time with their partner and dog.

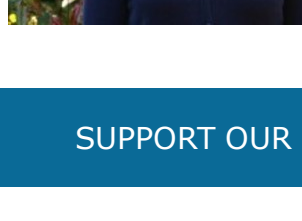
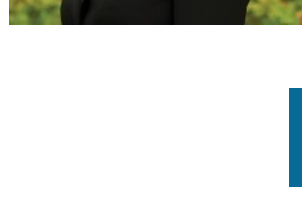
Law Clerk Casey Bage, also with GEI for the summer, was born and raised in Oak Park, CA where he hiked the chaparral hills of Ventura County and explored the tide pools of Leo Carrillo State Beach. He attended Willamette University in Salem, OR, receiving his Bachelor of Arts in politics and public policy in 2009, and his Masters of Business Administration, focusing on marketing and sustainability, in 2010. During his studies he was an NCAA athlete playing football and rugby for Willamette U. He spent the last seven years of his professional life in the Oregon solar industry helping Oregonians adopt solar electricity. Casey has just completed his first year of law school at Lewis & Clark Law School, ranking 30th in his class. Oregon has been his home for sixteen years. Casey is an avid hiker and mushroom forager and can be found in the Tillamook or Hood National Forests in his free time, bush-whacking with his wife and partner Rachel and their one-year-old son Blue.



Meet GEI's Newest Staff Attorney!

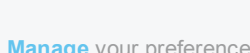
Carra brings to GEI her extensive research and writing experience, from her dozen years as a career law clerk at the U.S. District Court, District of Oregon, as well as from advising clients in a private law firm setting in the areas of municipal and environmental law. Carra is a *magna cum laude* graduate of Lewis & Clark Law School, where she concentrated her coursework in environmental and natural resources law. She earned her B.A. from Smith College in Northampton, MA, but was born and raised in the foothills outside of Denver, Colorado. She joined GEI in the middle of the pandemic and couldn't be happier to support the work of this talented team. She is proud to tell her kids that she is helping tackle the most important challenge of our lives.

Thank you for your continued support,
Melissa Powers, Amelia (Amy) Schlusser, and Carra Sahler
The Green Energy Institute Team



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