



The Pennsylvania Climate Change Act Calls for a Climate Change Action Plan, a Greenhouse Gas Inventory, and a Voluntary Registry

The Pennsylvania legislature enacted the Pennsylvania Climate Change Act (the “Act”), the Commonwealth’s first climate change legislation, on July 3, 2008. The Act becomes effective upon Governor Rendell’s signature, which is expected soon. The new law does not establish any mandatory limits on emissions of greenhouse gases or any other mandatory requirements on the regulated community. Rather, the law directs the Department of Environmental Protection (“DEP”) to undertake various climate change planning and policy development activities.

Within nine months of the effective date of the Act, DEP is required to publish a report on the “potential impact of climate change in this Commonwealth.” This report must address scientific predictions regarding changes in temperature and precipitation relative to the Commonwealth, and “reflect the diversity of views within the scientific community.” DEP must also assess potential climate change impacts on human health, the economy, natural resources, and wildlife, and outline any significant uncertainties regarding potential climate change impacts. Finally, the report must consider any economic opportunities in the Commonwealth arising from climate change, including alternative energy development and greenhouse gas mitigation technologies, such as carbon sequestration. DEP is to prepare the report in consultation with federal and state agencies, as well as the academic community.

Following the impacts report, DEP must publish a Climate Change Action Plan within 15 months of the effective date of the Act. The Climate Change Action Plan is to be developed by DEP, in consultation with a newly created Climate Change Advisory Committee, to be comprised of 18 members appointed by the Governor, Senate and House. The Climate Change Action Plan must identify greenhouse gas emission and sequestration trends, as well as assess cost-effective emission reduction or offsetting strategies. DEP is also required to develop an inventory of the Commonwealth’s greenhouse gas emissions as part of the Climate Change Action Plan. The Climate Change Action Plan is established as the primary mechanism through which DEP and the Climate Change Advisory Committee will make legislative recommendations to implement plan elements. Pursuant to the Act, the Climate Change Action Plan must be reviewed, updated, and submitted to the Governor every three years.

The Act also requires DEP to create a voluntary greenhouse gas registry through which interested businesses and other entities may record certain reductions in greenhouse gas emissions. Participation in the registry is voluntary.

Finally, the Act mandates that DEP track federal climate change legislative developments and publish notices of any such legislation, and its impact on sources in the Commonwealth, in the *Pennsylvania Bulletin*.

BCCZ's Climate Change Group actively tracks climate change legislative, regulatory, and policy developments at all levels of government and advises clients as to the potential impacts of these climate change developments. As part of this effort, our Climate Change Group will closely monitor the progress of this Act and the regulatory and policy developments that flow from it. For more information regarding this legislation, please contact Michael H. Winek (412) 394-6538 or mwinek@bccz.com or Seth A. Rice or (412) 394-5490 srice@bccz.com.