

Pennsylvania's RGGI Working Group Concludes Work

November 1, 2023

Pittsburgh, PA and Washington, DC

FNREL Mineral and Energy Law Newsletter

Pennsylvania – Mining

([Joseph K. Reinhart](#), [Sean M. McGovern](#), [Gina F. Buchman](#) and [Christina M. Puhnaty](#))

Prior to the Commonwealth Court of Pennsylvania's ruling discussed above, on September 29, 2023, Governor Shapiro's office released the [RGGI Working Group Memorandum](#) and a corresponding press release announcing that the RGGI Working Group had concluded its work. See [Press Release](#), "RGGI Working Group Concludes Its Work, Co-Chairs Hail Collaborative Process That Brought Diverse Group Together & Reached Consensus on a Number of Key Issues" (Sept. 29, 2023). Governor Shapiro established the RGGI Working Group in April 2023 and tasked it with evaluating the merits of the commonwealth's participation in Regional Greenhouse Gas Initiative (RGGI) in the context of a three-part test: (1) protect and create energy jobs, (2) take real action to address climate change, and (3) ensure long-term, reliable, affordable power to consumers.

The RGGI Working Group was chaired by Jackson Morris of the Natural Resources Defense Council and Mike Dunleavy of the International Brotherhood of Electrical Workers Local 5 in Pittsburgh. Other members included representatives from organized labor, the energy industry (including fuel production, electric utilities, and coal, natural gas, and nuclear generation), environmental groups, and consumer advocates.

The Working Group reached a consensus that (1) greenhouse gas (GHG) emissions reductions are both necessary and inevitable and (2) a revenue-generating cap-and-invest carbon regulation for the power sector supporting the commonwealth's energy transition would meet Governor Shapiro's emissions reduction goals. The memorandum did not include a recommendation as to the form that a cap-and-invest program should take.

The Working Group further reached a consensus on the following recommendations:

- Maximizing job creation and other benefits of federal funding from the Inflation Reduction Act and other appropriations;
- Initiating dialogue and cooperation with neighboring states and other PJM states;
- Legislative codification as the preferred method of implementing any initiatives;
- Creating new councils and collaboratives to guide policymaking;
- Utilizing the RGGI program to satisfy proposed federal Clean Air Act GHG emission reduction standards if the program is otherwise adopted;
- Convening a bipartisan process to evaluate the recommendations of the new collaboratives to develop a statewide energy and climate plan that addresses jobs, reliability, consumer protection, and tangible emissions reductions;
- Implementing this energy and climate plan and seeking a PJM-wide cap-and-invest program through legislation;
- Ensuring the preservation of existing nuclear generation and other clean energy resources in the commonwealth; and
- Protecting Pennsylvania energy jobs and ensuring that consumers do not unreasonably shoulder cost associated with the clean energy transition.

Copyright © 2023, The Foundation for Natural Resources and Energy Law, Westminster, Colorado

Babst | Calland
Attorneys at Law

PITTSBURGH, PA | CHARLESTON, WV | HARRISBURG, PA | LAKEWOOD, NY | STATE COLLEGE, PA | WASHINGTON, DC