

The Star-Ledger

PERSPECTIVE/OP-ED

No teeth in 'tough' pollution law

Sunday, October 07, 2007

BY BILL WOLFE

To much public fanfare and praise by environmentalists -- including former Vice President Al Gore, who was in the Meadowlands -- Gov. Jon Corzine signed the "Global Warming Response Act" last July. The act established a 20 percent greenhouse gas emission reduction goal by the year 2020, and a steeper 80 percent reduction by 2050, purportedly the toughest goals in the nation.

So far, so good.

But problems emerge after actually reading the law and gaining an understanding of its legislative history. Contrary to media coverage and political spin, simply put, the law amounts to little more than aspirational goals and a misleading sham. Here's why.

The introduced version of the bill was modeled on California law. When the New Jersey Senate's Environment Committee held the first round of hearings in May, the panel invited and heard testimony from representatives of the California Air Resources Board on the California program. CARB's testimony stressed critical aspects of the program:

- Delegation of strong regulatory authority to implement the law.
- A budgeted staff of 125 professionals and resources to administer the law.
- Political independence and scientific expertise to design and implement a program to meet emission reduction goals.

As the committee heard this CARB testimony, one could almost feel the exploding heads of the dozens of business and energy industry lobbyists in the room, as they envisioned such powers being exercised by the state Department of Environmental Protection.

It is now obvious that those lobbyists went to work and were successful in rejecting the California model and gutting the bill that emerged from the Trenton legislative sausage factory. The final version of the bill signed by the governor eliminated provisions that were designed to fund a series of programs to implement the emissions reduction goals.

The law -- contrary to widespread media coverage -- does not legally cap greenhouse gas emissions or mandate emissions reductions on any major pollution sources. As a result, the law's theoretically "mandatory" goals are unenforceable and therefore a fiction. They amount to the same voluntary approach backed by the Bush administration.

Specifically, the law provides no regulatory authority, funding or staff for the DEP to take the necessary steps to implement and enforce the emission reduction goals. Instead, the DEP is kept on a tight leash and merely directed to develop a set of recommendations on how to meet the goals and to submit that proposed plan to the Legislature by June 2008. In passing the law, the Legislature merely kicked the can down the road, postponing hard choices for well over a year.

Perhaps even worse, any DEP powers to implement the goals of the law were explicitly narrowed. DEP's role is limited to emissions monitoring and reporting progress in achieving the goals.

Industry pollutant emissions fees, which were designed to provide economic incentives to reduce emissions and to fund necessary programs to achieve the goals, were eliminated. A cap and trade program for major emission sources, like coal power plants, was deleted from the law.

These legislative actions undermine DEP's ability to secure emissions reductions being discussed in other venues, such as the northeast states "Regional Green House Gas Initiative" and the Board of Public Utilities energy master plan process.

Without funding, professional staff, programs or regulatory authority, the emission reduction goals of the law cannot be realized.

In recognition of this fact, there are more than 20 bills pending in Trenton to implement the reduction goals of the law. None have been passed.

Scientific consensus on the need for action is clear. Citizens are demanding real actions. Real action will require strong leadership from Trenton, substantial financial investments in energy conservation and renewables, and dramatic changes in how we use energy.

Yet New Jersey officials remain largely mired in the status quo that has been disguised with window dressing. The first step in reversing this dynamic is a clear public understanding of the problems we face. This starts with exposing the myth of the Global Warming Response Act and identifying the need to enact and fund a real emission cap and reduction program.

Bill Wolfe is director of the New Jersey chapter of Public Employees for Environmental Responsibility, a nonprofit, nonpartisan private national support group that seeks enforcement of environmental laws. He served as a planner and policy analyst at the state Department of Environmental Protection for 13 years. He may be reached at www.peer.org.