

MARYLAND CLIMATE LEADERSHIP ACADEMY

LEGISLATIVE REVIEW 2022



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NATIONAL, REGIONAL (MID-ATLANTIC), AND MARYLAND

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Important Information about this Report

Perspective & Intent

The content in this report does not reflect the opinions or perspectives of the Association of Climate Change Officers or the Maryland Department of Natural Resources. The report is intended to provide the reader with a representative landscape of current, recent and prospective policy activities in Maryland, the United States, and the mid-Atlantic region. The report is intended to be updated annually. Please direct questions and comments through the Maryland Climate Leadership Academy web site.

Navigating References

This report references 98 executive orders, legislation and analyses. Each endnote in the document corresponds to a third-party resource to which you are directed for additional information. The reference section is listed in the order in which citations appear in the report.

I. INTRODUCTION TO THE LEGISLATIVE REVIEW

The Chesapeake and Coastal Service of the Maryland Department of Natural Resources contracted with the Association of Climate Change Officers to develop a review of enacted climate legislation to serve as a resource for participants and alumni of the Maryland Climate Leadership Academy. This synthesis report covers national, regional, and State of Maryland legislative action on climate change mitigation, adaptation/resilience, and climate justice, equity, and outreach. Key non-legislative climate action, such as Presidential Executive Orders and regional efforts to address climate, among others, are also included for context. The report spans the 2020-2022 legislative sessions and will be updated annually.

II. NATIONAL

A. Introduction to the National Legislative Review

This section covers legislative action, Presidential executive orders, and a U.S. Supreme Court ruling related to climate change at the federal level. Topics include mitigation, adaptation/resilience, public health, and environmental and climate justice. Also included are the cross-cutting topics of education, outreach, and communication; climate jobs and training; and services/funding for states and local governments. This is not intended to be an exhaustive synthesis. Instead, it highlights issues of national concern with relevance to state and local governmental agencies in Maryland. The timeframe is focused on 2021-2022, but includes 2020 in some areas to set the context for more recent legislative/executive action.

B. Federal Legislation

American Innovation and Manufacturing Act (December 2020)

The Trump Administration enacted the **American Innovation and Manufacturing (AIM) Act** as part of the larger Consolidated Appropriations Act of 2021. The AIM Act helps fight climate change by providing the U.S. Environmental Protection Agency (EPA) with new authorities to address hydrofluorocarbons (HFCs), which are potent greenhouse gases (GHGs). HFCs are used in refrigeration, air conditioning, building insulation, fire extinguishing systems, and aerosols. As described in the AIM Act, new EPA authorities are: (1) phasing down HFC production and consumption, (2) reclamation and reduction of releases of HFCs in equipment (e.g., refrigerators and air conditioners), and (3) facilitating the transition to next-generation technologies by restricting the use of HFCs in particular sectors or subsectors. This Act also creates jobs and drives innovation by promoting the manufacture of next-generation technologies, including refrigerants, solvents, and fire suppressants, among others.

American Rescue Plan (March 2021)

The **American Rescue Plan (ARP) Act**, which focuses on recovery from COVID-19 impacts, addresses climate change by providing more than \$30 billion to protect and expand mass transit systems that have been financially hindered as ridership plummeted during the pandemic. This effort will help lower GHG emissions from the transportation sector, which is the largest source of GHGs in the United States.² This public transportation funding includes providing access to affordable transportation to front-line workers and economically disadvantaged communities. This Act also provides \$350 billion to support state and local governments to help cover budget shortfalls that would affect funding for protecting air and water quality, enforcing limits on smog and tailpipe emissions, implementing climate-friendly energy efficiency programs, and conducting sewer and water systems upgrades to increase resilience to climate change. Local and state governments play critical roles in implementing national laws through initiatives and services that intersect with climate change, including providing clean air, water, and green space and ensuring public health and safety. These funding areas are often cut in times of budget shortfalls such as those experienced during the first two years of the pandemic. The Act also builds public understanding/support for clean energy technology adoption, job creation, and upgrading the nation's transportation and electric grid infrastructure in the next phase of recovery (see Building a Better America Act).

Building a Better America Act (November 2021)

The Building a Better America Act (BBA Act), also known as the Bipartisan Infrastructure Act, is a comprehensive package of legislation that addresses climate change by funding road, bridge, and rail upgrades; ensuring universal access to high-speed internet; advancing environmental justice; and investing in vulnerable communities. Specifically related to climate change, the BBA Act includes funding³ for:

- Upgrades and resilience building for roads and bridges with a focus on climate change mitigation, resilience, equity, and safety for all users. Invests \$7.5 billion to build a national network of electric vehicle (EV) chargers, both along highway corridors and in communities.
- New investments and reauthorization that provides \$89.9 billion in funding for public transit over the next five years to improve transport options for all citizens while reducing GHG emissions. Invests \$66 billion in additional funding for passenger rail to restore, modernize, and expand services by Amtrak as well as improve infrastructure for freight rail.
- Invests \$65 billion to upgrade the power infrastructure to deliver clean, reliable energy across the country and deploy cutting-edge energy technology to achieve a zero-emissions future.
- Increases resilience in the country's infrastructure and electrical grid against the impacts of climate change, extreme weather events, and cyber-attacks

The Inflation Reduction Act (August 2022)

The Inflation Reduction Act (IRA) seeks to address pressing challenges in health care, tax equity, and climate change. This climate portion of this law includes the following key strategies:⁴

- **Decarbonizing all sectors of the economy (\$161 billion).**
 - Assisting states and electric utilities transition to clean energy production and energy storage through tax credits, grants, and loan programs.
 - Funding emissions reductions from high GHG-emitting industrial facilities, such as chemical, steel, and cement manufacturing plants, through tax credits and grants.
 - Supplying the U.S. Postal Service with zero-emissions vehicles.
 - Deploying technologies to reduce emissions, especially in disadvantaged communities.
 - Reducing leaks from natural gas production and distribution.
- **Advancing U.S. energy security and domestic manufacturing (\$94.5 billion).**
 - Offering production and/or investment tax credits to accelerate manufacturing of clean energy technology and critical minerals manufacturing.
 - Providing grants for existing auto manufacturers to make more electric vehicles.
 - Creating clean energy and domestic manufacturing jobs for American workers.
- **Investing in communities and environmental justice (\$60 billion).**
 - Offering Environmental and Climate Justice Block Grants to address the disproportionate effects of pollution and climate change on communities.
 - Creating Neighborhood Access and Equity Grants to support neighborhood equity, safety, and affordable transportation access as well as reconnecting communities that have been divided by infrastructure.
 - Reducing air pollution at ports by installing zero-emission equipment and technology.
 - Investing in clean heavy-duty vehicles, including school buses, transit buses, and garbage trucks.
 - Helping families served by U.S. Department of Housing and Urban Development programs transition to shared community solar power.

- **Increasing the resiliency of rural communities, focused on farmers and forestland owners (\$44 billion).**
 - Investing in climate-smart agriculture practices.
 - Supporting healthy, fire-resilient forests, forest conservation, and urban tree planning.
 - Supporting domestic production of biofuels with grants and tax credits.
 - Protecting coastal communities and building resilience through grants that conserve and restore coastal habitats.
- **Lowering energy costs for Americans (\$10 billion).**
 - Funding home energy rebates and energy efficiency upgrades, focusing on low-income consumers. Offering consumer tax credits for energy efficiency and adopting clean energy.
 - Lowering the cost to consumers for heat pumps, rooftop solar, electric HVAC, and water heaters.
 - Tax credits for lower- and middle-income Americans to purchase used and new clean vehicles.
 - Grants to make affordable housing more energy efficient.

C. Presidential Executive Orders and Actions

This subsection provides descriptions of Presidential Executive Orders related to climate change issued from January 2021 to July 2022. As Presidential Administrations are term-limited, EOs have varying impact on climate policy outside the U.S. legislative process. However, this type of executive action can expand accessibility to research and resources for state and local governments, businesses, and nongovernmental organizations to help mainstream the advancement of community resilience building; directly support building community resilience to climate change and extreme weather impacts; address climate justice; promote carbon sequestration; and encourage land, water, and coastal management for climate benefits. The Biden Administration's EOs, which advance climate mitigation, adaptation, and resilience building, reflect a comprehensive approach to incorporate the financial and social aspects of climate action, including economic, employment, and finance impacts; public health and safety; national security; and inclusion, justice, and migration issues.

Executive Order 13990: Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis (January 20, 2021)

This EO directs federal agencies to review and take action to reverse regulations and other actions taken by the previous administration (i.e., 2017-2020) that conflict with national objectives to advance public health, environmental justice, environmental protection, and climate change mitigation and adaptation.

Executive Order 14008: Tackling the Climate Crisis at Home and Abroad (January 27, 2021)

The Trump Administration began the process of disengaging from international climate negotiations by pulling the United States from the United Nations Framework Convention on Climate Change (UNFCCC) Paris Agreement in 2017. President Biden, signaling a major shift in climate legislation upon taking office in 2021, charted the opposite course. Enacted on Biden's first day in office, this EO lays out a vision for the United States to center climate change in its foreign policy and national security goals to work toward global climate sustainability. This action establishes climate change as a priority across all aspects of federal government operations and policy, including directing agencies to promote environmental justice, green technology and job growth, economic development, and U.S. leadership in foreign climate policy. In addition to rejoining the Paris Agreement and committing to hosting a climate summit, the EO creates two federal administrative bodies to coordinate climate action across the federal government and directs them to immediately create strategies for accomplishing these policy goals.

Executive Order 14017: America's Supply Chains (January 24, 2021)

Supply chains are vulnerable to disruptions from climate shocks and extreme weather events, pandemics and other biological threats, cyber and terrorist attacks, geopolitical and economic competition, and other conditions that reduce manufacturing and availability of critical goods, products, and services. This EO outlines the need for the United States to develop more resilient, diverse, and secure supply chains to ensure economic prosperity and national security as well as address climate change through several strategies including developing more resilience and diverse supply chains, supporting small businesses and economically distressed communities, and fostering greater domestic production.

Executive Order 14030: Climate-Related Financial Risk (May 20, 2021)

This EO directs reprioritization of federal investments and orders prudent fiscal management that incorporates the financial impacts of climate change. The purpose is to strengthen U.S. financial systems, inform concrete decisions that the federal government can take to mitigate the financial risks of climate change, and disclose climate risks to the public and empower the American people to make informed financial decisions.⁶ The EO also ensures that the federal government takes concrete steps to mitigate these risks to protect workers' life savings, spur the creation of sustainable-livelihood jobs, and help position the United States to lead the global economy.

Executive Order 14037: Strengthening American Leadership in Clean Cars and Trucks (August 5, 2021)

In tandem with the BBA Act, this EO positions the United States to lead the transition from fossil fuel-burning to electric vehicles (EVs) by accelerating innovation and manufacturing in the automotive sector, including a new target to make half of all new vehicles sold in 2030 zero-emissions vehicles.⁷ This designation includes battery electric, plug-in hybrid electric, and fuel cell electric vehicles. The EO is designed to bolster the automotive sector domestic supply chain and increase well-paying automotive jobs. The EO also advances fuel efficiency and emissions standards through EPA and the U.S. Department of Transportation and saves American consumers money in fuel costs. A total of \$3 billion ARP Act funding can be used to advance the domestic EV industry in communities that have historically been the backbone of the U.S. automotive industry.

Executive Order 14057: Catalysing American Clean Energy Industries and Jobs through Federal Sustainability (December 8, 2021)

This EO acknowledges that the federal government faces broad exposure to the mounting risks and costs already posed by climate change.⁸ To address this challenge, as the single largest land owner, energy consumer, and employer in the nation, the federal government can catalyse private sector investment and expand the economy and U.S. industry by transforming how Americans generate electricity as well as build, buy, and manage vehicles, buildings, and other operations to be sustainable. As such, this EO directs the federal government to lead by example to achieve a carbon pollution-free electricity sector by 2035 and net-zero emissions economy-wide by no later than 2050. Through a whole-of-government approach, this EO promotes innovation and environmental stewardship to protect the planet; safeguard federal investments against the effects of climate change; increase community access to sustainability initiatives; and expand American technologies, industries, and jobs.

Executive Order 14072: Strengthening the Nation's Forests, Communities, and Local Economies (April 22, 2021)

This EO aims to build climate resilience, increase carbon sequestration through forest management, protect old growth forests, and protect local economies from intensifying climate impacts.⁹ America's forests represent a key climate solution, absorbing carbon dioxide equivalent to more than 10% of annual U.S. GHG emissions. Federal lands are home to many of the nation's mature and old-growth forests, which serve as critical carbon sinks, cherished/sacred landscapes, and unique habitats. However, these critical ecosystems are threatened by the current climate impacts, with intensifying wildfires demanding urgent action to protect forests and natural-resource-dependent economies. The BBA Act provides historic wildfire resilience funding and calls for prioritizing the restoration of old-growth forests. To build on that initiative, this EO:

- Safeguards mature and old-growth forests on federal lands as part of a science-based approach to reduce wildfire risk.
- Strengthens reforestation partnerships across the country to support local economies and retain forest ecosystems and sustainable supplies of forest products for the future.
- Combats global deforestation to deliver on key UNFCCC COP26 commitments.
- Deploys comprehensive efforts to use nature-based solutions to reduce GHG emissions and build resilience.

President Biden's Executive Actions on Climate to Address Extreme Heat and Boost Offshore Wind (July 20, 2022)

Given inaction on comprehensively addressing climate change by the U.S. Congress prior to passage of the Inflation Reduction Act, President Biden announced executive actions¹⁰ that will:

- **Protect Communities from Extreme Heat and Other Dangerous Climate Impacts**—The Federal Emergency Management Agency (FEMA) is providing \$2.3 billion in funding for its Building Resilient Infrastructure and Communities Program for Fiscal Year 2022 to help increase resilience to heat waves, drought, wildfires, flood, hurricanes, and other hazards. This program also supports the [Justice40 Initiative](#) and prioritizes delivering benefits to disadvantaged communities.
- **Expand Offshore Wind Opportunities and Jobs**—To help reach its goal of deploying 30 gigawatts of offshore wind by 2030, the Biden Administration has approved the first large-scale projects and new wind energy areas, held record-breaking wind auctions, and issued an action plan to accelerate permitting. The private sector is following suit with investments to expand a U.S.-made wind energy supply chain, with investors announcing \$2.2 billion in new supply chain funding in 2021, including commitments to develop nine major manufacturing facilities to produce the foundations, towers, cables, and blades of offshore wind turbines. The U.S. Department of the Interior is proposing the first Wind Energy Areas in the Gulf of Mexico to expand offshore wind opportunities to another region of the United States with the capacity to power more than 3 million homes. The President also launched a Federal-State Offshore Wind Implementation Partnership with governors to promote clean energy and jobs and is advancing wind energy development in the waters off the mid- and southern Atlantic Coast and Florida's Gulf Coast.
- **Enforcing Workplace Safety**—Heat is an increasing threat to workplace safety, especially in high-risk sectors such as agriculture and construction. The new National Emphasis Program has been launched to protect millions of workers from heat illness and injuries through OSHA workplace inspections and technical assistance focused on 70 high-risk industries across 43 states. OSHA also is developing the first federal heat standard to protect workers. EPA is developing community communication strategies to help people keep safe on the hottest days and a Cooling Solutions Challenge to fund innovative extreme heat responses. Related initiatives include NOAA's community-led urban heat island mapping campaign, a USDA urban and community forestry program to equitably improve heat resilience, and a new HHS Climate and Health Outlook to inform health professionals about extreme heat and other climate-related health hazards.

D. Supreme Court Ruling

West Virginia v. EPA (June 30, 2022)

The Supreme Court limited EPA's power to regulate GHGs under the Clean Air Act (CAA). With this 6-3 decision, the Supreme Court agreed with some Republican-led states and coal companies that the U.S. Court of Appeals for the DC Circuit was wrong when it interpreted the CAA to give EPA total discretion in regulating carbon emissions. Two conflicting sets of regulations were at issue in this case¹¹: the Obama Administration's Clean Power Plan (CPP) and the Trump Administration's Affordable Clean Energy Rule (ACER). The CPP sought to combat climate change by requiring states to reduce carbon pollution from power plants by 2020 by shifting to cleaner energy sources, but the Supreme Court put CPP on hold in response to a challenge by several states and private parties.

In 2019, the Trump Administration repealed and replaced CPP with ACER, a rule that gave states discretion to set standards and gave power plants flexibility in complying with those standards. The Trump Administration argued that the CPP exceeded EPA's authority under CAA Section 7411 that gives EPA the authority to determine the "best system of emission reduction" for buildings that emit air pollutants, arguing that EPA could only implement measures that apply to the physical premises of a power plant, rather than the kind of industry-wide measures included in the CPP. The Trump Administration further argued that EPA was not intended to have generation shifting authority, a measure EPA proposed that would have required a shift in electricity production from certain fossil fuel power generation sources, primarily coal and natural gas, to sources that emit less carbon dioxide.

In 2021, the DC Circuit disagreed with the limited view of authority the Trump Administration adopted and vacated the ACER. In the *West Virginia v. EPA* ruling, the Supreme Court reversed the DC Circuit's ruling, with Chief Justice Roberts writing in the opinion that: "Capping carbon dioxide emissions at a level that will force a nationwide transition away from the use of coal to generate electricity may be a sensible solution to the crisis of the day. But only Congress, or an agency with express authority from Congress, can adopt a decision of such magnitude and consequence." In dissent, Justice Kagan wrote that in writing CAA Section 7411, Congress intended EPA to curb emissions in the best way it saw as feasible given its environmental expertise, an expertise that the Supreme Court does not possess. Stating that, in effect, with this decision the Court appoints itself, instead of the Congress or an expert agency, as the ultimate decisionmaker on environmental policy.¹¹

Despite this ruling, EPA still retains significant authority to write future GHG emission rules.¹² The CAA still requires EPA to regulate GHGs from the power sector, and EPA can still set standards for existing power plants under CAA Section 111(d) as long as the new "best system of emission reduction" does not require generation shifting to clean energy. Additionally, EPA still retains the ability to regulate GHG emissions from new power plants under CAA Section 111(b), carbon pollution from automobiles, and methane emissions from oil and gas wells. However, the ruling leaves EPA with the authority and legal obligation to regulate GHG emissions while also providing a way for industries that emit high levels of GHG emissions to mount broad challenges to how federal agencies interpret laws designed to protect the public from harms from those industries.¹³

III. REGIONAL (MID-ATLANTIC)

A. Introduction to Regional Legislative Review

This section highlights key legislative, executive, and other significant governance actions related to climate change in the Mid-Atlantic region. As defined by the U.S. Environmental Protection Agency (EPA) Region 3, this Mid-Atlantic region encompasses the District of Columbia, the Commonwealths of Pennsylvania and Virginia, the States of Delaware and West Virginia, and the seven federally recognized tribes in Virginia. The State of Maryland, also in EPA Region 3, is covered in detail in its own section. To introduce the context, this synthesis also briefly highlights key regional issues of climate legislation and governance in the Mid-Atlantic, including the Regional Greenhouse Gas Initiative (RGGI), recent EPA air pollution rulemaking related greenhouse gas (GHG) emissions reduction in the Mid-Atlantic, and the EPA Chesapeake Bay Program.

Climate change subject areas include mitigation (i.e., GHG emissions reduction and sequestration); community, sector, and natural resource adaptation/resilience; public health; and environmental/climate justice and equity. Also included are the cross-cutting topics of education, outreach, and communication; climate jobs and training; and services/funding for states and local governments. This is not intended to be an exhaustive synthesis. Instead, it highlights issues of regional concern with relevance to state and local governmental agencies in Maryland. The timeframe focus is 2021-2022; however, older laws or governance actions are highlighted in some cases to set the context for more recent climate-related actions.

B. Regional (Mid-Atlantic) Climate Issues

1. Regional Greenhouse Gas Initiative

The [Regional Greenhouse Gas Initiative](#) (RGGI) is a cooperative, regional, market-based cap-trade-invest program whose purpose is to reduce carbon dioxide (CO₂) emissions from fossil fuel-fired electric power generating plants.¹⁴ The first cap-and-invest regional initiative implemented in the United States, RGGI currently comprises 12 northeastern and Mid-Atlantic states, including Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Virginia. These states commit to a regional approach as the most effective way to reduce GHG emissions while providing benefits to their residents.

RGGI is implemented through each participating state's independent CO₂ Budget Trading Program final-form rulemaking and regulations. These regulations, which link together across the region, are based on the [Regional Module Rule](#) that is applicable to fossil fuel-fired electric generating units with a rated capacity of ≥25 Mwe. States do not execute a multi-state agreement or compact to participate in RGGI, and states may withdraw from participation at will. The RGGI Program comprises three prongs: (1) it sets a regulatory limit on CO₂ emissions from fossil fuel-fired electric generating units that declines over time, (2) it permits trading of CO₂ allowances to implement cost-efficient compliance with the regulatory limit, and (3) it invests the proceeds resulting from the auction of CO₂ allowances to initiatives that further reduce CO₂ emissions, such as climate change, clean energy, and climate equity programs in participating states.

RGGI states have witnessed positive economic activity and decreases in GHG emissions, electricity prices, and coal generation.¹⁵ In addition, RGGI has created downward pressure on wholesale electricity prices through investments in state-level energy efficiency programs and created \$1.4 billion in net positive economic activity overall between 2015 and 2017.¹⁶

2. EPA Revised Cross-State Air Pollution Rule Update

In March 2021, EPA finalized the Revised Cross-State Air Pollution Rule Update for the 2008 Ozone National Ambient Air Quality Standards. The rule, which went into effect during the 2021 ozone season, requires additional emissions reductions of nitrogen oxides (NO_x) from power plants in 12 states, including all EPA Region 3 states except Delaware. EPA estimates that the rule update will reduce NO_x emissions (which are GHGs) from power plants in these 11 northeastern and midwestern states and Louisiana by 17,000 tons in 2021 compared to projections that exclude rule reductions. This outcome is projected to yield public health and climate benefits that average up to \$2.8 billion each year from 2021 to 2040 while improving air quality for millions of Americans.¹⁷

3. Chesapeake Bay Program (EPA)

a. New Funding from the BBA Act

Waters from all states of EPA Region 3 and the District of Columbia drain into the 64,000-sq mi Chesapeake Bay watershed. Municipalities and tribal nations throughout the watershed are experiencing multiple impacts from climate change, including rising sea level, coastal flooding and erosion, warming air and water temperatures, extreme weather, ocean acidification, and changes in wildlife and invasive species.¹⁸ In May 2022, EPA announced a \$40-million award from the Building a Better America Act (BBA Act) (i.e., the Bipartisan Infrastructure Law; see the National Legislative Review section) for actions to help restore the Chesapeake Bay, counter climate change, and promote environmental justice.¹⁹ This funding, to be awarded through a competitive grant program for municipalities, nonprofit organizations, and conservation districts, supports projects to promote public health, improve water quality, and restore lands, rivers, and streams that drain to the Chesapeake Bay. These include rural to urban and agricultural lands through the following programs:

- \$25 million for small watershed grants and nutrient and sediment reduction to be administered through the National Fish and Wildlife Foundation's Chesapeake Stewardship Fund.
- \$15 million for the six watershed states and the District of Columbia under the Most Effective Basins (MEB) program, 40% of which will be targeted for MEB projects in environmentally overburdened communities.
- \$7.8 million in first year funding to support on-the ground restoration projects, primarily farm-based actions to improve local rivers and streams in locations most beneficial to the downstream Chesapeake Bay.

b. Chesapeake Bay Climate Directive

In 2021, Maryland Governor Larry Hogan, Virginia Governor Ralph Northam, and Chesapeake Bay Commission Chair David Bulova signed [Directive No. 21-1 Collective Action for Climate Change](#). This action by the Chesapeake Executive Council (CEC) commits the Chesapeake Bay Program to use their extensive scientific, modeling, monitoring, and planning capabilities to prioritize the communities, working lands, and habitats that are most vulnerable to climate change risks. The partnership commits to helping marginalized communities in providing them with the necessary resources to adapt and mitigate to climate change, with a particular focus on wetlands, tree canopies, and environmental literacy. CEC members include governors of Delaware, Maryland, New York, Pennsylvania, Virginia, and West Virginia; the mayor of the District of Columbia; the chair of the CBP; and the administrator of EPA on behalf of the federal government.

In response to Directive No. 21-1, highlights of the commitments that federal agency partners have made to address climate change at the local level include:²⁰

- As part of the Targeted Outreach for Green Infrastructure project, the U.S. Fish and Wildlife Service will conduct pilot studies in Cambridge, MD, and Williamsport, PA, as well as in two tribal nation communities to prioritize natural resources, wildlife habitats, and public infrastructure needs in underserved communities at risk due to climate change.
- EPA will enhance its understanding through research on best management practices to respond to the increased intensity, frequency, and duration of storms caused by climate change. The agency will also target actions to support local government implementation of climate-adapted practices and build resilience against storms and stormwater using a recently completed [web-based tool](#) designed to estimate future precipitation for every county in the Chesapeake Bay watershed.
- The National Park Service will conduct climate vulnerability assessments of all coastal park sites in the Chesapeake Bay region to develop recommendations for climate resiliency.
- The U.S. Geological Survey will assess the potential effects of climate and land changes on freshwater streams and fish populations, as well as the vulnerability of coastal areas, to help agencies plan adaptation activities.

C. Legislative and Other Key Governance Actions in the Mid-Atlantic Region

The following subsections highlight key legislative issues in the Mid-Atlantic states, District of Columbia, and tribal nations in the Mid-Atlantic region. The following topic areas are representative of trending areas of climate change legislative action at the state and local levels:

- ***Enshrining executive-set state climate targets into law.***
- ***Advancement of and challenges to states entering the Regional Greenhouse Gas Initiative (RGGI).***
- ***Enshrining environmental rights in state constitutions,*** which helps in part to advance climate change action. Pennsylvania is the only state in the region with state constitutional rights to a healthy environment. Delaware put forward such an amendment in 2022 but it has not yet passed.

- **Decarbonizing existing buildings.** The District of Columbia is using decarbonizing of existing buildings as a key strategy to reduce GHG emissions, with new legislation to replace natural gas- and propane-powered heating systems with electric heat pumps. This issue has nationwide relevance.
- **Establishing State Offices of Resilience.**
- **Promoting the adoption of electric vehicles (EVs) and increasing the infrastructure to support them.**
- **Clarifying authority to address resilience in local governing bodies,** e.g., Town of Dewey Beach, DE. Issues to be addressed include stormwater management, flooding provisions, protecting historic properties, and promoting construction of EV infrastructure.

1. Delaware

a. GHG Emissions Reduction Target

The State of Delaware does not currently have a statutory or executive mandate for a GHG reduction goal. However, by joining the U.S. Climate Alliance in 2025²¹, Governor Carney committed the State of Delaware to a 26% GHG reduction by 2025 from a 2005 baseline (a goal that is consistent with the Paris Agreement). The Delaware Department of Natural Resources and Environmental Control (DNREC) is implementing efforts through Delaware's Climate Action Plan (see <https://dnrec.alpha.delaware.gov/climate-plan>).

b. Climate Legislation/Other Action

Amending the State Constitution to Make Responsible Climate Governance Easier to Accomplish (i.e., enshrining environmental rights in state constitution)

Status: House Bill 220 Tabled in the House (June 2022)²²

The Delaware House of Representatives tabled a bill passed by the Delaware Senate that proposes an amendment to the state constitution relating to protecting Delaware's natural resources. This is the first leg of an amendment to the Delaware Constitution to conserve, protect, and maintain Delaware's natural resources, including its water, air, soil, flora, fauna, ecosystems, and climate. This Amendment would create an inherent and inalienable right for all Delawareans to a clean and healthy environment. It also declares that the state, including all of its branches, agencies, and political subdivisions, as trustee of the its natural resources.

Delaware Climate Solutions Act Amends the Delaware Code Relating to Climate Change²³

Status: Senate Bill 305 Passed Senate; Still in the House in 2022

This bill, building on Delaware's Climate Action Plan in 2021, establishes a statutory requirement of GHG emissions reductions over medium and long terms to mitigate the adverse effects of climate change in Delaware due to anthropogenic GHG emissions, establishes a mandatory and regularly updated plan to achieve those emissions reductions and develop resilience strategies, and requires state agencies to address climate change in decision-making and rulemaking.

An Act to Amend the Delaware Code Relating to Residential Electric Vehicle Charging Infrastructure Requirements²⁴

Status: Senate Bill 187; Signed into law by the Governor (June 2022)

This bill recognizes the increasing popularity and adoption of EVs. Some researchers predict that EV sales will outnumber those of traditional, combustion engine vehicles by 2040. However, only minimal EV charging infrastructure is available currently. This bill requires municipalities with a population of 30,000 or more to develop a procedure to obtain permission for the installation of an EV charging station on real property zoned for residential use that abuts a residential street. This bill makes it more convenient to use an EV, encouraging increased EV purchases, reducing GHG emissions, promoting cleaner air and water, and improving health outcomes for Delawareans (DC 2022).

An Act to Amend the Charter of the Town of Dewey Beach²⁵

Statutes: Senate Bill 173, signed by the Governor (September 2021)

This Act is a comprehensive update to the Charter of Dewey Beach that makes both substantive and technical revisions to reduce ambiguous, archaic, and duplicative language. In relation to climate change, the Act recognizes that “among various traditional municipal goals, Town Council shall consider measures to maintain resiliency in the face of our changing global climate.”

2. District of Columbia

a. GHG Emissions Reduction Target

Statutory Target (enacted in 2022)—The **Climate Commitment Act²⁶** accelerates the Executive Target of 2017 (see following paragraph), enshrining an executive-set climate commitment into DC law. Specifically, the legislation commits DC government operations to achieve carbon neutrality by 2045, ends DC government purchases of fossil fuel building heating equipment by 2025, and ensures the DC government purchases only zero-emissions vehicles starting in 2026.

Executive Target (enacted in 2017)—Set DC’s GHG emissions reduction target to 50% below 2006 levels by 2032 and to reach GHG emissions neutrality by 2050 (which was accelerated by the above-referenced Climate Commitment Act).²⁷

b. Governance Context

The government of the District of Columbia operates under Article One of the U.S. Constitution and the District of Columbia Home Rule Act that devolve certain powers of the U.S. Congress to the Mayor and a 13-member Council. However, the U.S. Congress retains the right to review and overturn laws created by the Council and intervene in local affairs.²⁸

c. Climate Legislation and Legislation in Process

i. GHG Reduction/Clean Energy/Energy Efficiency

Clean Energy DC Omnibus Act (2018)²⁹

In 2018, DC passed the Clean Energy DC Omnibus Act (B22-0904) making it the first U.S. jurisdiction to require a broad swath of existing buildings to improve their whole-building energy performance.³⁰ The bill lays out the framework and steps to reduce DC’s GHG emissions by more than 40% and has committed to cutting its emissions by 50% by 2032. By 2032, all electricity purchased in DC must be renewable, one decade sooner than other city and state 100% renewable portfolio standards (RPS). RPS combined with measures requiring a broad swath of existing buildings to improve their whole-building energy performance are key in this reduction plan as DC buildings account for 74% of the city’s carbon emissions. To accomplish this, the bill introduced a novel policy mechanism, the building energy performance standard (BEPS).³⁰ Under BEPS, all existing buildings over 50,000 sq ft will be required to reach minimum levels of energy efficiency or deliver savings by 2026, with progressively smaller buildings phasing into compliance over the following years. The action also catalyzes local investment, job creation in energy efficient and renewable energy, and increased attractiveness and competitiveness for building owners and tenant companies. Energy efficiency also increase’s city resilience in the face of extreme weather and energy supply disruptions as well as reduces demand for costly new energy infrastructure.

Climate Commitment Act (2022)

Building on the 2018 Clean Energy DC Omnibus act, DC passed the Climate Commitment Act (see the Statutory Target above for details).

Clean Energy DC Building Code Act (2022)³¹

Catalyzed by the 2018 Omnibus Law, this building code requires that by 2026, all new buildings in DC are net-zero energy and produce the energy they use on-site from renewable sources. The bill expressly prohibits the combustion of “dirty” fuels in buildings, including fracked gas and fossil gas alternatives from sources such as animal manure.

Prioritizing People in Planning Amendment Act of 2022 (DC—B675)³²

Status: Notice of Intent to Act Published in DC Register (March 4, 2022 in the Council)

This bill seeks to transition away from the “level of service” (LOS) metric created to assess roadways and intersections to develop people-centered metrics that better reflect DC’s climate goals and current street/sidewalk use by residents. The LOS, which considers only queueing and speed of vehicles, favors projects that widen roads and not the needs of pedestrians, cyclists, and transit riders. Also, LOS standards are not appropriate in a built-out city where there is limited capacity or desire to widen streets to increase vehicular capacity. To integrate vehicular, bicycle, pedestrian and transit travel into the road planning, this legislation requires development of context-appropriate planning metrics, including measuring the total number of people a street can move, or the potential of a project to increase vehicle miles traveled and contribute to overall congestion and carbon emissions.

Green Food Purchasing Amendment Act of 2021³³

Status: Made DC law; Law L24-0016, Effective July 29, 2021

This act involves requiring DC to reduce overall GHG emissions associated with food procurement according to a reduction schedule and prepare a report on actions to accomplish this reduction. This also includes establishing a baseline assessment of GHG emissions associated with DC’s food and beverage purchases; estimating life-cycle GHG emissions of certain foods and beverages; and establishing best practices for reducing GHG emissions related to procurements of these food/beverage items.

ii. Resilience

Establishment of DC Office of Resilience within the City Administrator’s Office

Status: DC Law 23-84 (effective May 6, 2020)

“To establish an Office of Resilience and Recovery within the Office of the City Administrator to develop short- and long-term action plans and strategies that promote adaptation and resilience of the District’s economy, communities, infrastructure, and natural resources in response to shocks and chronic stresses, including natural or man-made challenges that threaten the District, monitor the District’s resilience readiness, and provide guidance and assistance to District agencies and community organizations to develop and implement resilience measures.”³⁴

Flood Resilience Amendment Act of 2021 (B24-0410)

Status: DC Law Number L24-0151 (effective August 16, 2022)

This Act authorizes the Mayor to issue rules designating flood hazard areas in the District and requiring flood insurance as a condition of occupancy for the life of a new or substantially improved building in a flood hazard area.³⁵

Resilient and Energy Efficient Historic Properties Amendment Act of 2022

Status: Under DC Council Review (B24-0755) Action: Notice of Intent to Act on B24-0755 April 8, 2022

“As introduced Bill 24-755 would require the Historic Preservation Review Board (“HPRB”) consider, for a building or structure in a historic district, the installation or construction of design elements promoting energy resiliency and water and energy efficiency as within the character of the historic district. The Board may propose reasonable alternatives that produce energy resiliency or water and energy efficiency benefits that are substantially similar to the proposed design.”³⁶

3. Pennsylvania

a. GHG Emissions Reduction Target

Executive Target (enacted in 2019)— Pennsylvania has targets to reduce GHG emissions 26% below 2005 levels by 2025 and 80% below 2005 levels by 2050.³⁷

b. Climate Legislation and Legislation in Process

Pennsylvania Participation in the Regional Greenhouse Gas Initiative (RGGI)

In April 2019, Governor Wolf’s administration released the Pennsylvania Climate Action Plan calling for a cap-and-trade program for the electricity generation sector to begin the transition to clean energy generation. The Governor next took the first step to bring Pennsylvania into RGGI through Executive Order in October 2019.¹ This action directed the Pennsylvania Department of Environmental Protection (DEP) to develop a rulemaking to abate, control, or limit carbon dioxide emissions from fossil fuel-fired electric power generators. Final-form rulemaking for the Carbon Dioxide (CO₂) Trading Program (25 PA Code Chapter 145) was completed in April 2022 to establish a CO₂ Trading Budget consistent in stringency to that established by the RGGI participating states, provides for the annual or more frequent auction of CO₂ emissions allowances through a market-based mechanism, and is sufficiently consistent with the RGGI Model Rule such that CO₂ allowances may be traded with holders of allowances from other states.³⁸ DEP projects that joining RGGI would help the Commonwealth reduce carbon emissions by 188 million tons by 2030, add a net 30,000 jobs, increase the gross state product by approximately \$2 billion, and increase disposable personal income by \$3.7 billion by 2050.³⁹ The Environmental Quality Board opened a public comment period and voted to adopt final-form rulemaking in July 2021. The rulemaking must also be reviewed by the Pennsylvania Independent Regulatory Review Commission. If successful Pennsylvania would be the first fossil-fuel producing state to join RGGI and the first to do it through executive rather than legislative action.

Although Pennsylvania officially entered RGGI in July 2022, efforts are ongoing to block this action through the legislative process and Commonwealth Court.⁴⁰ These include multiple attempts from 2020 to 2022 primarily from Republican lawmakers in the General Assembly to block or reverse development of a CO₂ Trading Program the Commonwealth is required to have to participate in RGGI or deny the governor or DEP the authority to implement the program (including PA SB-950, SB-119, SB-1219, SR325, HB-637, and HR-1088). However, in July 2022, PA Commonwealth Court granted a petition by opponents of the RGGI final-form rule to temporarily halt implementation and enforcement of the program while it addresses the issues the opponents raised. DEP defends its rule before the Commonwealth Court and has appealed the preliminary injunction to the State Supreme Court.

Meanwhile, Democratic legislators have been working to implement RGGI, promote the transition to a clean energy economy, support a renewable energy workforce, and create an Environmental Justice Communities Trust Fund (including SB-15, SB-872, HB-2025, HB-1565, HB-989, HB-100, HB-2698, HB-2856, and HB2978). Governor Wolf proposed using a portion of Pennsylvania’s RGGI revenue to create a new Energy Communities Trust Fund that would directly support a just transition for coal workers and coal communities.⁴¹

Clean Energy

Over the past two years, the Pennsylvania General Assembly also considered various measures to increase clean energy production in the Commonwealth (all of which are still in legislative committee):

- Issuing consolidated general microhydropower permits by DEP and establishing a microhydropower pilot program.⁴²
- An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes providing for community solar facilities.⁴³

- Creating alternative energy portfolio standards and providing for solar photovoltaic technology requirements, for contract requirements for solar photovoltaic energy system sources, for renewable energy storage reporting, for energy storage deployment targets, and for contracts for solar photovoltaic technologies by Commonwealth agencies, among other actions (SB-300, SB-1297, SB-501, HB-1080, HB-2855, and HB-2778).

Resilient Infrastructure

The General Assembly has also considered other issues related to climate change over the past two years (which are all still in committee), including:

- Low- and no-emissions vehicles—A House Resolution (HR-161)⁴⁴ directing the Joint State Government Commission to conduct a study on the feasibility of establishing a low-emission and zero-emission vehicle program in the Commonwealth and to issue a report of its findings and recommendations to the Governor and the General Assembly.
- Environmental justice—A House Bill (HB-2256)⁴⁵ and a Senate Bill (SB-189)⁴⁶ to provide for an Office of Environmental Justice. A House Bill (HB-2034)⁴⁷ to provide for an Environmental Justice Advisory Board.
- Public Education—A House Bill (HB-2795)⁴⁸ to amend the Public School Code to incorporate climate change into the science curriculum.
- Jobs/Green Economy—A House Bill (HB-2018)⁴⁹ providing for minimum wages and employee benefits for workers on projects related to renewable energy.

4. Virginia

a. GHG Emissions Reduction Target⁵⁰

Statutory Target (enacted in 2020)—Virginia has a target to achieve net-zero GHG emissions across all sectors by 2045 established through the Virginia Clean Economy Act (VCEA)⁵⁰. Additionally, state regulators are required to conduct a statewide emissions inventory every four years.⁵¹

b. Climate Legislation and Legislation in Process

Clean Energy and GHG Reduction

In 2020, Virginia Governor Northam signed the Virginia Clean Economy Act (VCEA) which mandates zero-carbon generation of all energy in the state by 2050. According to Will Cleveland, an attorney at the Southern Environmental Law Center, this is the boldest climate commitment made in the southern United States.⁵² This legislation includes a comprehensive plan for transitioning the state's two largest electric utilities, Dominion Energy and Appalachian Power Company, to 100% renewable and nuclear energy by mid-century. The VCEA also establishes a statewide energy efficiency standard, accelerates residential installation of rooftop solar, and expands larger-scale solar and offshore wind projects that are projected to result in lower energy bills for residents and cleaner air. The effort is designed to advance environmental justice and create clean energy jobs.

Virginia Participation in the Regional Greenhouse Gas Initiative

Both the VCEA and the 2020 Clean Energy and Community Flood Preparedness Act⁵³ directed Virginia to join RGGI, which it did through legislative action. The final Virginia Carbon Rule⁵⁴ was signed in June 2020, clearing the way for the Commonwealth to join the initiative. Proceeds from auctions are targeted to support flood preparedness, coastal resilience, and energy efficiency programs in affected communities (VA DEQ 2022). Approximately 45% of the proceeds will be invested in local flood prevention and coastal resilience programs, and 3% will be used by DEQ to further statewide climate-planning efforts.

Advancing Climate Equity

Virginia DEQ Policy Statement Revision (HB 1164)

Enacted in July 2020, this bill adds provisions in the statement of DEQ's purpose to address climate change and for the fair treatment and meaningful involvement of all people regardless of race, color, national origin, faith, disability, or income with respect to the administration of environmental laws, regulations, and policies. The bill also adds enhancement of the environment and promotion of the health and well-being of the Commonwealth's residents and visitors to DEQ's policy goals.⁵⁵

Virginia SB 320 Community Flood Preparedness Fund⁵⁶

In 2020, Virginia created the Virginia Community Flood Preparedness Fund (Virginia Code §§ 10.1-603.24 and 10.1-603.25) (AC 2020), a low-interest revolving loan fund to help local governments and communities adapt to increasing coastal and inland flooding from multiple different sources, including sea level rise and precipitation. The purpose of the fund is to enhance the state's overall coastal resilience by funding flood prevention and mitigation projects, prioritizing nature-based solutions for low-income areas. Revenue will come primarily from carbon auctions generated through the state's participation in RGGI and can serve as a funding model for other states. Local governments can draw on the fund to:

- Implement capital projects such as constructing hazard mitigation projects and acquiring land.
- Implement higher land-use standards that reduce or mitigate damage from coastal or riverine flooding.
- Prepare a flood prevention or protection study defined as a "hydraulic or hydrologic study of a flood plain with historic and predicted floods, the assessment of flood risk, and the development of strategies to prevent or mitigate damage from coastal or riverine flooding."

c. Current Context of Legislative Action

As is being experienced in Pennsylvania, some Virginian Republican lawmakers are acting to reverse the prior two years of action by Democrats that resulted in passage of the Virginia Clean Economy Act and engagement of the Commonwealth in RGGI. In 2022, incoming Republican Governor Youngkin announced plans to withdraw Virginia from RGGI.⁵⁷ In the interim, there has been a rush of Republican-led efforts to amend or repeal decarbonization efforts while Democrats push ahead with a climate mitigation and adaptation agenda, as Democrats still hold a majority in the Virginia Senate.

While some Virginia Republicans would like to see the VCEA repealed, the Virginia House of Delegates is taking a more incremental approach to the economic issues surrounding climate change, such as: (1) eliminating offshore wind cost provisions, seen as being favorable toward Dominion Energy, as well as renewable buildout targets (HB-73)⁵⁸ and (2) prohibiting electric utilities from recovering the costs of solar, wind, and storage facilities from ratepayers after July 2022 unless the utility could prove they were necessary for reliability or the lowest-cost option (HB-839)⁵⁹.

Highlights of other key climate-related legislation currently under consideration include:⁶⁰

Flooding and resiliency

Virginia HB 602 proposes creation of a flood policy board under the executive branch to oversee funds dispersed for sea level rise adaptation and flooding as well as programs across the state, federal, and local levels (HB-602)⁶¹.

Stormwater

Virginia HB 577 would direct state officials to compile a list of stormwater systems throughout the Commonwealth and subsequently document the impact of flooding on such systems.⁶² Stormwater infrastructure impacts is an area of growing concern among local government officials. For example, in Norfolk, VA, rising tides have decreased the stormwater system's capacity by about half in some areas.⁶³

Resilience

- Virginia HB 516 would require the Virginia Coastal Resilience Master Plan be expanded and updated every five years as “a living document” as well as develop more community outreach to do more to address inland flooding.⁶⁴
- Virginia HB 520 would require localities to consider climate resilience when developing or updating their comprehensive planning documents.⁶⁵
- Virginia HB 517 addresses the vulnerability of Virginia's infrastructure and would create a chief resilience officer position at the state level.⁶⁶

RGGI Related

- Virginia HB 74 would amend the VCEA to create an exemption program for “energy-intensive, trade-exposed” industries (e.g., steel and cement producers) constrained in their ability to pass on costs to customers incurred while complying with the act's emissions rules.⁶⁷
- Virginia HB 73 would redefine the types of energy facilities that are considered in the public interest by Virginia law as well as eliminate a requirement for lawmakers to receive a report before the State Corporation Commission approves an investor-owned electric unit that emits carbon.⁶⁸
- Virginia HB 118 would repeal provisions of the VCEA that require the Air Pollution Control Board to reduce carbon dioxide emissions from electricity-generating units and that prevent the board from approving new carbon dioxide-emitting energy projects. It also replaces language positioning solar and wind power as in the public interest with language promoting nuclear energy.⁶⁹
- Virginia SB 272 would give performance bonuses to contractors who use lower-carbon concrete products in state projects.⁷⁰
- Virginia SB 120 would redefine energy from waste coal, a byproduct of coal processing operations, as renewable energy. Exempt certain coal-fired plants in the coalfield region of Virginia from a state requirement to close carbon-emitting electricity plants by 2045.⁷¹

5. Seven Federally Recognized Tribes in Virginia

a. Governance Context

The seven federally recognized tribes in Virginia are the Pamunkey Indian Tribe (federally recognized in 2015), Chickahominy Indian Tribe, Chickahominy Tribe—Eastern Division, Upper Mattaponi Tribe, Rappahannock Tribe, Inc., Nansemond Indian Tribe, and Monacan Indian Nation. Following nearly two decades of work, the latter six tribes gained federal recognition in 2018.⁷² Only the Pamunkey and Mattaponi tribes have retained reservation lands assigned by 17th-century treaties made with the English colonists.⁷³ As this legislative review covers the EPA Region 3 entities, it includes only federally recognized tribes, not the four additional Commonwealth of Virginia recognized tribes.

b. Indigenous and Non-Indigenous Climate Governance and Knowledge Co-Production Collaboration

i. Federal

In November 2021, the Biden Administration held a Tribal Nations Summit and announced the Building a New Era of Nation-to-Nation Engagement initiative.⁷⁴ This initiative highlights the Biden Administration's effort to partner with tribal nations in their recovery from the COVID-19 pandemic, advance equity and opportunity for all American Indians and Alaska Natives, and help tribal nations overcome new and long-standing challenges, including climate change. With a focus on the Administration's respect for the unique nation-to-nation relationships, commitment to the country's trust and treaty responsibilities, and desire to strengthen tribal sovereignty and advance tribal self-determination, the following climate-focused actions are applicable to all federally recognized tribes:

Supporting Financial Recovery for Tribal Nations—Under the American Rescue Plan (ARP) Act (see National Legislative Review section), \$32 billion is allocated to tribal nations and Native people. The funding goes in part help tribes advance climate resilience in their communities as well as strengthening and rebuilding economies negatively affected by the pandemic.

Building Physical and Human Infrastructure in Indigenous Communities—Through the Building a Better America Act (BBA Act), also known as the Bipartisan Infrastructure Act (see National Legislative Review section), this Act contains funding to in part address climate change in tribal communities, including transformative investments spanning transportation, water, sanitation, energy, environmental restoration, telecommunications, and climate resiliency—totaling more than \$13 billion in direct investments, with the ability to access hundreds of billions more in grants and other funding opportunities.

Combatting Climate Change and Protecting Tribal Lands—In addition to working across the country to protect tribal lands and mitigate the effects of climate change on Indigenous communities and advancing environmental justice, the President has set a goal of conserving 30% of America's lands and waters by 2030 and is working in collaboration with tribal nations to focus on the most ecologically important lands and waters, which enhances efforts to advance climate change mitigation and adaptation.

ii. Other Partnerships

A tribal outreach initiative (November 2020), funded by a NOAA grant through the Virginia Coastal Zone Management (CZM) program, the Virginia Coastal Policy Center (VCPC) at William & Mary Law School, engaged representatives of Virginia's state and **federally recognized tribes** to identify what questions, concerns, and priorities the tribes have regarding natural and cultural resources in Virginia's coastal zone to encourage future collaboration. Representatives from six of the seven federally recognized tribes participated. The resulting report identified key findings of areas of highest need from these tribal nations, including capacity building assistance, planning assistance, land acquisition, use of Traditional Ecological Knowledge, compiling histories, legal and administrative efforts, and improving communication within, between, and outside of tribes. Specifically with regard to climate change, tribes prioritized:

- The need for planning assistance, especially with regard to capacity building to increase community resilience and adaptation in the face of climate change. Need to modernize infrastructure, roads, and water supply to withstand precipitation and sea level rise impacts.
- At the broader level, developing a comprehensive planning document, similar to the plans used by many Virginia localities. In addition to assistance with the development of such a plan, some tribes expressed interest in determining how their tribal plan would connect to and be integrated with local and state plans on similar topics. Some tribes have already partnered with academic institutions (e.g., Virginia Institute of Marine Science) to implement shoreline stabilization and living shorelines. Other tribes have land that would benefit from such projects but need state assistance to engage in the process. All of the tribes expressed the desire to have their projects to be properly integrated with local plans, including the state Coastal Resilience Master Plan effort.⁷⁵

The **Pamunkey Tribe** and Old Dominion University (ODU) researchers partnered on a participatory mapping project to address sea level rise on a reservation. During the project, the tribe shared knowledge with ODU on how the Pamunkey Tribe perceives its traditional resources in light of flooding and sea level rise on its lands near West Point in King William County. Members of the tribe participated in surveys and used online maps (due to the pandemic, focus group and oral history collection could not be done in person) to mark areas of concern for potential erosion, flooding, and habitat loss, including the potential loss of historically important sites. This is an example of co-production of knowledge between Indigenous and non-Indigenous partners to help democratize information sharing that is expected to be increasingly used as climate change impacts intensify.⁷⁶ The data collected will inform a hazard mitigation plan and grant applications for structural and natural flood prevention measures to be developed by tribe members and, because the Pamunkey Tribe is recognized at both the state and federal levels, the data can inform knowledge sharing and partnerships at both levels.

6. West Virginia

a. GHG Emissions Reduction Target

West Virginia has not developed a statewide action/adaptation plan nor set a climate target.⁷⁷

b. Climate Legislation and Legislation in Process

West Virginia has made several major decisions to not address climate change and to block progress on GHG emissions reduction nationally and within the state. In the absence of an act by the West Virginia legislature or federal mandate, West Virginia law prohibits state agencies from setting any regulations that reduce the emissions of GHGs from residential, commercial, industrial, electric utility, or transportation sectors to comply with the Kyoto Protocol.⁷⁸ However, the state does allow participation in voluntary programs to reduce GHG emissions. West Virginia was a plaintiff in the case resulting in the 2022 U.S. Supreme Court decision limiting the ability of EPA to regulate GHG emissions under the Clean Air Act (*West Virginia vs. EPA*, see National Legislative Review section). Also in 2022, the West Virginia State Treasurer announced that the state has severed financial ties with banks that do not fund fossil fuel projects.⁷⁹ This means that large financial institutions, such as BlackRock, Goldman Sachs, JPMorgan Chase, Morgan Stanley, and Wells Fargo, cannot receive state banking contracts because of their choices to not invest in companies that develop fossil fuels for energy production.

IV. STATE OF MARYLAND

A. State Legislative Context

Establishment of the Maryland Climate Change Commission

In 2007, the State of Maryland joined the Regional Greenhouse Gas Initiative (RGGI) (see Regional Legislative Review section) and established the Maryland Commission on Climate Change (MCCC). The MCCC subsequently led development of the state Climate Action Plan in 2008 and was instrumental in passing the Greenhouse Gas Reduction Act (GGRA) in 2009. MCCC also develops state-relevant scientific knowledge of climate science and impacts as well as educates government agencies and the public on climate change.

Joining the U.S. Climate Alliance

In January 2018, Maryland joined the U.S. Climate Alliance, a group of 25 states and territories committed to meeting the obligations under the Paris Climate Agreement while continuing to grow their economies. Maryland plays a mentorship role in the Alliance as many participating states have looked to Maryland to learn about its efforts in combating climate change, including RGGI and the Maryland Climate Leadership Academy, among others.

Launching the Maryland Climate Leadership Academy

The Maryland's Climate Leadership Academy is the nation's first state-sponsored institution providing continuing education and executive training programs specifically designed for state and local government officials, infrastructure executives, and business leaders.

GHG Emissions Reduction Target

Statutory Target (enacted in 2022)— Maryland has set one of the nation's most ambitious interim goals of a 60% GHG emissions reduction below 2006 GHG emissions levels by 2031, with a requirement to reach net-zero by 2045.⁸⁰

Previous Statutory Target (enacted in 2016)—Reduce GHG emissions 40% below 2006 GHG emissions levels by 2030.

The State of Maryland is implementing climate **mitigation** and **adaptation** strategies that focus on market-based strategies and partnerships that link the state's energy, environmental, economic, and justice/equity goals. The state reviews program and policy outcomes to ensure that they are meeting climate change targets and enhancing the economy through:

- **Mitigation**—GHG reduction strategies, clean energy/energy efficiency, and smart transportation and development.
- **Adaptation**—Resilience building, particularly those approaches that include nature-based solutions, and public health measures.

B. Legislation

This section highlights bills related to climate change mitigation and adaptation that became law in Maryland during 2020 to 2022. More detail on these bills is provided in Table 1, including currently identified local government impacts. The legislation includes multiple climate-related subject areas, including:

- Greenhouse gas (GHG) emissions reduction
- Renewable energy development
- Transportation
- Environmental justice and equity
- Resilience
- Climate finance
- State climate capacity building
- State lands
- Incorporating climate science into water management decision-making
- Climate and labor

As described in the Regional Legislative Review section, there is interest in the region in enshrining environmental rights into state constitutions. An amendment of this type was sent to the House Environment and Transportation Committee of the Maryland General Assembly in February 2022 (HB0596/SB0783) but has not yet become law. If passed, it would amend the state constitution to establish that every person has the fundamental and inalienable right to a healthful and sustainable environment as well as require that the state serve as trustee of the state's natural

resources, including the air, land, water, wildlife, and ecosystems, and must conserve, protect, and enhance these resources for the benefit of every person, including present and future generations. This proposed law would help advance progress in climate mitigation, adaptation, equity, and justice for all current and future residents of Maryland.

1. Bills Passed 2020-2022

GHG Emissions Reduction

The most significant recent climate legislation is the landmark **Climate Solutions Now Act of 2022** (SB528) which features the following actions and requirements:

- Requires the state to reduce statewide GHG emissions by altering statewide GHG emissions goals as referenced above.
- Establishes a net-zero statewide GHG emissions goal by 2045.
- Establishes a Building Energy Performance Standard that requires large buildings to be net-zero by 2040.
- Requires 100% of the state passenger fleet to be zero-emissions by 2031.
- Creates a comprehensive definition of “overburdened” and “underserved” communities that should receive targeted benefits from climate-related funding, mitigation, and adaptation efforts.
- Pilots an electric school bus program that includes vehicle-to-grid technology.
- Incorporates long-term, ongoing electric distribution planning to facilitate decarbonization.
- Require state agencies to consider the long-term climate and equity impacts of their policies.
- Creates the Climate Catalytic Fund to leverage private investment, with at least 40% being directed to qualified projects in low- and moderate-income households.
- Instructs state agencies and commissions to pursue federal funds.

Renewable Energy

The **Renewable Energy Portfolio Standard (RPS) and Geothermal Heating and Cooling Systems legislation** (HB10007/SB0810)⁸³ alters the RPS in certain years to require a certain percentage of energy from Tier 1* renewable sources each year to be derived from certain geothermal heating and cooling systems; requires a certain percentage of energy required to be derived from certain geothermal heating and cooling systems to be from systems installed on certain property; alters the methods for calculating certain energy savings; provides for the regulation and enforcement of certain requirements by the Department of Labor, among other requirements.

The **Renewable Energy Development and Siting (REDS) Evaluations and Tax and Fee Exemptions legislation** (SB0281/HB0336)⁸⁴ advances the adoption of renewable energy by requiring MDE waive application fees for the Voluntary Cleanup Program (VCP) for a qualifying applicant who intends to use eligible property to generate clean or renewable energy and expands the definition of “eligible property,” as it applies to VCP, among other requirements. The bill also exempts specified public-private partnerships formed for the generation of clean or renewable energy from the public service company franchise tax.

* Tier 1 includes solar, wind, qualifying biomass, methane from a landfill or wastewater treatment plant, geothermal, ocean, fuel cell that produces electricity from a Tier 1 source, hydroelectric power plants of less than 30 MW capacity, poultry litter-to-energy, waste-to-energy, and refuse-derived fuel.

Transportation

The **Clean Cars Act of 2021** (HB044)⁸⁵ includes extending (FY 2021 through 2023) and altering the Electric Vehicle (EVs) Recharging Equipment Rebate Program for the purchase of certain EVs and increasing from \$1.2 million to \$1.8 million the amount of rebates that the Maryland Energy Administration may issue, among other requirements.

The **Maryland Zero Emission Electric Vehicle Infrastructure Council (the Council)—Reporting, Membership, and Sunset Extension Act** (HB0232)⁸⁶ alters the deadlines for the interim and final reporting requirements for the Council; alters the membership of the Council by adding one representative of an EV driver advocacy organization instead of the Baltimore EV Initiative, two (up from one) representative of the environmental community; and one from a new vehicle dealer association in the State; and extending until June 30, 2026, the termination date for the Council.

The **Zero-Emission Bus Transition Act** (SB0137/HB0334)⁸⁷ prohibits, beginning in fiscal year 2023, the Maryland Transit Administration from purchasing buses for the Administration's State transit bus fleet that are not zero-emission buses, subject to a certain exception, and authorizes the Administration to purchase alternative-fuel buses under certain circumstances, among other requirements.

Environmental Justice and Equity

The **Commission on Environmental Justice and Sustainable Communities (CEJSC) Reform legislation** (HB1207/SB0674)⁸⁸ was designed in part to expand access to meetings that involve climate-related decision making. The law alters the membership of CEJSC; requiring CEJSC membership to reflect the diversity of the State to the extent practicable; requires CEJSC to meet at least six times a year and host at least four community listening sessions a year; requires CEJSC to conduct its meetings/sessions in different geographic locations in the state and to make meetings/sessions accessible to all attendees, in addition to other requirements. It also requires CEJSC to coordinate with the Maryland Office of Minority Health and Health Disparities and the Commission on Climate Change in addition to the Children's Environmental Health and Protection Advisory Council on recommendations related to environmental justice and sustainable communities.

Resilience

The **Office of Resilience in the Maryland Department of Emergency Management Act** (SB630/HB0706)⁸⁹ established an office to catalyze development of the policy and infrastructure needed to help Maryland adapt to climate change in the coming decades. The bill requires the appointment of a Chief Resilience Officer to coordinate state and local efforts to build resilience to risks identified in the Maryland Hazard Mitigation Plan and to develop a State Resilience Strategy. The bill also asserts that it is the intent of the General Assembly that state agencies and entities coordinate and cooperate with the office to carry out resilience strategies and programs.

To help fund and implement resilience building projects locally, the **Local Governments Resilience Authorities Authorization Act** (HB0539/SB0457)⁹⁰ was passed. This bill authorizes counties and municipalities to solely or jointly establish and fund resilience authorities. Specifically, it authorizes local governments to create a Resilience Authority by local law; specifies certain requirements for the adoption of a local law establishing an Authority; specifies the powers that a local government may grant an Authority; authorizes an Authority to issue certain bonds for certain purposes; authorizes a local governing body to dedicate certain revenues of the local government to the repayment of bonds for certain operations and projects of an Authority, among other requirements. Under this law, resilience authorities may issue and sell state and local tax-exempt bonds for resilience infrastructure projects and other related financing purposes.

The **Bay Restoration Fund Authorized Uses legislation** (HB0078/SB0172)⁹¹ alters the criteria for determining the use of funds in the Bay Restoration Fund to include climate resiliency and flood control and specifying that certain grants to certain local governments may be used for stormwater management measures, including those that relate to water quality, climate resiliency, or flood control.

Climate Finance

Among other environmental outcomes, the **Conservation Finance Act** (SB0348/HB0653)⁹² provides that the Maryland Department of Agriculture, Department of Natural Resources, and Environmental Trust must allow participants in certain cost-sharing programs to participate in and receive compensation from GHGs markets, carbon credits, or soil carbon programs under certain circumstances to advance GHG reduction and carbon sequestration.

State Climate Capacity Building

The **State Retirement and Pension System (SRPS)/Investment Climate Risk/Fiduciary Duties law** (HB0740/SB0566)⁹³ requires a fiduciary of the SRPS to consider climate risks on SRPS assets and requires a climate risk assessment to include a review of the SRPS investment portfolio to determine the level of climate risk across certain sectors and asset classes, identification of investment opportunities in certain energy sectors, a process for regular reassessment of certain impact of climate risk, and utilization of the best data and practices for climate risk analyses, among other requirements.

Office of the People's Counsel (OPC) Environmental Reform Act (HB0030)⁹⁴ authorizes OPC to retain or hire experts in the field of climate change and requires the OPC to consider the public safety, economic welfare, and environmental interests of the state and its residents in determining whether a matter affects the interests of residential and noncommercial users, among other requirements.

State Lands

For Maryland State Parks and the Maryland Park Service, the **Great Maryland Outdoors Act** (SB0541/HB0727)⁹⁵ addresses infrastructure, capacity, and accessibility needs, including establishing systems and processes for surveying infrastructure and critical maintenance needs (which are impacted by climate change), increasing the number of Maryland Park Service full-time employees, requiring the Department of Budget and Management to conduct certain staff reviews, and requiring the Department of Natural Resources to develop a capital improvement plan and a comprehensive long-range strategic plan (for which climate will be an important consideration), among other requirements.

Incorporating Climate Science into Water Management Decision-making

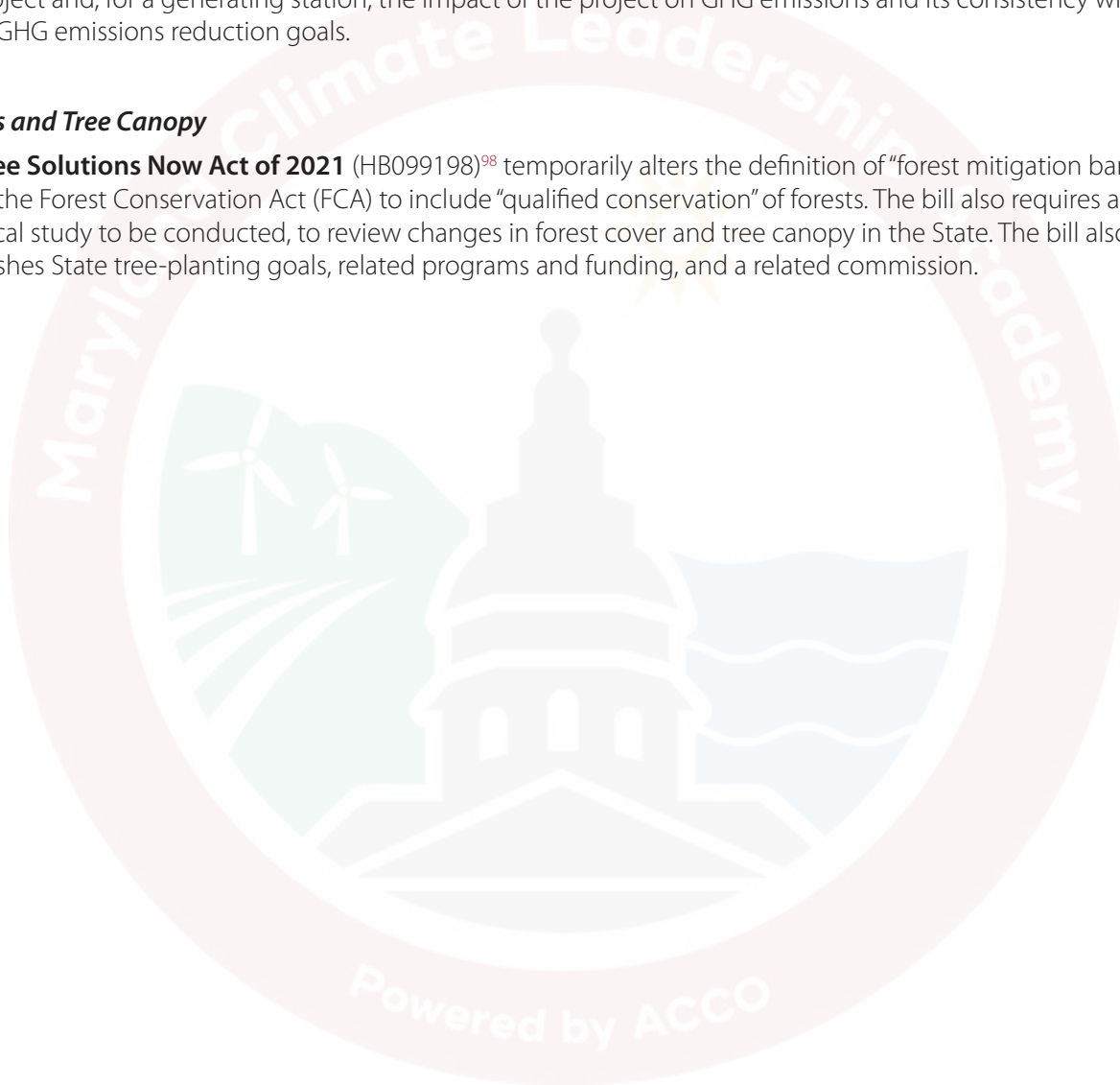
The **Water Pollution, Stormwater Management Regulations, and Watershed Implementation Plans Review and Update legislation** (HB0295/SB0227)⁹⁶ requires MDE to update specified stormwater management regulations and criteria once every five years to incorporate updated precipitation data. The bill also requires MDE to submit a climate load allocation addendum and updated two-year milestones that fully offset additional nitrogen, phosphorus, and sediment loads attributable to the impacts of climate change as determined and allocated by the Chesapeake Bay Program to the Chesapeake Bay Total Maximum Daily Load (TMDL) Phase III Watershed Implementation Plan (WIP) as well as updated two-year milestones to U.S. EPA by December 31, 2025.

Sectors/Jobs/Economy

The **Utility Regulation—Consideration of Climate and Labor** (HB0298/SB0083)⁹⁷ law requires the Power Plant Research Program to include an evaluation of the impact of electric power plants on climate change as part of its ongoing research, as specified. In addition, it requires the Public Service Commission (PSC), in supervising and regulating public service companies, to consider: (1) the maintenance of fair and stable labor standards for affected workers and (2) additional specified climate effects and GHG emissions. Also, it specifies that PSC may not take final action on a Certificate of Public Convenience and Necessity without considering the effect of climate change on the project and, for a generating station, the impact of the project on GHG emissions and its consistency with the state's GHG emissions reduction goals.

Forests and Tree Canopy

The **Tree Solutions Now Act of 2021** (HB099198)⁹⁸ temporarily alters the definition of “forest mitigation banking” under the Forest Conservation Act (FCA) to include “qualified conservation” of forests. The bill also requires a technical study to be conducted, to review changes in forest cover and tree canopy in the State. The bill also establishes State tree-planting goals, related programs and funding, and a related commission.



2. TABLE 1

MARYLAND CLIMATE-RELATED LEGISLATION PASSED 2020-2022

Bill	Summary	Local Government Impact*
2022		
<p>Bill Number: SB0528</p> <p>Crossfile: N/A</p> <p>Title: Climate Solutions Now Act of 2022</p> <p>Effective Date: 6/1/2022</p>	<p>This bill requires the state to reduce statewide greenhouse gas (GHG) emissions by altering statewide GHG emissions goals, establishing a net-zero statewide GHG goal by 2045, developing certain energy efficiency and emissions reduction requirements for certain buildings, requiring electric companies to increase their annual incremental gross energy savings, establishing certain zero-emission vehicle requirements for the state fleet, and establishing an electric school bus pilot program, among other requirements.</p>	<p>“Although a reliable estimate of the bill’s impacts on local finances cannot be made at this time, the bill may result in a significant increase in local expenditures. Local personal property tax revenues decrease in some counties. Local finances may also be affected as a result of the bill’s provisions related to school construction and the Electric School Bus Pilot Program. This bill imposes a mandate on a unit of local government.”</p>
<p>Bill Number: SB630</p> <p>Crossfile: HB0706</p> <p>Title: Maryland Department of Emergency Management - Office of Resilience</p> <p>Effective Date: 10/1/2022</p>	<p>This bill establishes the Office of Resilience in the Maryland Department of Emergency Management (MDEM); requires the appointment of a Chief Resilience Officer to coordinate state and local efforts to build resilience to risks identified in the Maryland Hazard Mitigation Plan and to develop a State Resilience Strategy; specifies the duties and responsibilities of the office and establishes that it is the intent of the General Assembly that State agencies and entities coordinate and cooperate with the office to carry out strategies and programs related to resilience; establishes specific requirements for the University of Maryland Center for Environmental Science to coordinate with the office, among other requirements.</p>	<p>“The bill does not directly affect local finances, but local finances could be indirectly affected due to the various activities undertaken as a result of the bill.”</p>
<p>Bill Number: SB0348</p> <p>Crossfile: HB0653</p> <p>Title: Conservation Finance Act</p> <p>Effective Date: 7/1/2022</p>	<p>This bill makes changes to a broad variety of existing programs related to environmental conservation and natural resources management and expands opportunities for agencies to obtain private investment and financing for state environmental projects, including conservation efforts, restoration projects, and the installation and repair of green and blue infrastructure (which overlaps with climate mitigation/adaptation efforts). Among other environmental outcomes, the Act provides that the Maryland Department of Agriculture, Department of Natural Resources, and Environmental Trust must allow participants in certain cost-sharing programs to participate in and receive compensation from GHGs markets, carbon credits, or soil carbon programs under certain circumstances to advance GHG reduction and carbon sequestration. The bill also alters existing and establishes new state policies for several related programs and establishes a new workgroup, commission, task force, and review and reporting requirements. The primary agencies that are affected are the Maryland Department of Agriculture, the Maryland Department of the Environment, the Maryland Environmental Service (MES), and the Department of Natural Resources, but there are changes to procurement and contracting opportunities that affect additional agencies. Provisions related to a new task force terminate June 30, 2024, and provisions related to a new commission terminate June 30, 2025.</p>	<p>“Local expenditures may increase beginning in FY 2026 to reimburse MES for reviews/evaluations of local pay-for-success contracts. Overall, a reliable estimate of other impacts on local finances cannot be made at this time. However, local governments could benefit from the expansion of funding opportunities for certain local projects....” See Fiscal and Policy Note for more detail on local funding opportunities.</p>
<p>Bill Number: HB0740</p> <p>Crossfile: SB0566</p> <p>Title: State Retirement and Pension System/ Investment Climate Risk/Fiduciary Duties</p> <p>Effective Date: 6/1/2022</p>	<p>This bill requires a fiduciary of the State Retirement and Pension System to consider certain climate risks on the System’s assets; requires a climate risk assessment to include a certain review of the System’s investment portfolio to determine the level of climate risk across certain sectors and asset classes, identification of investment opportunities in certain energy sectors, a process for regular reassessment of certain impact of climate risk, and utilization of the best data and practices for climate risk analyses, among other requirements.</p>	<p>“No material effect on pension liabilities or contribution rates for participating governmental units. No effect on local revenues.”</p>

Bill	Summary	Local Government Impact*
<p>Bill Number: SB0541</p> <p>Crossfile: HB0727</p> <p>Title: Natural Resources - Maryland Park Service and State Parks - Alterations (Great Maryland Outdoors Act)</p> <p>Effective Date: 6/1/2022</p>	<p>This bill addresses infrastructure, capacity, and accessibility needs within the Maryland Park Service and Maryland State Parks, including establishing systems and processes for surveying infrastructure and critical maintenance needs, increasing the number of Maryland Park Service full-time employees, requiring the Department of Budget and Management to conduct certain staff reviews, and requiring the Department of Natural Resources to develop a certain capital improvement plan and a comprehensive long-range strategic plan, among other requirements.</p>	<p>“Local government fiscal impacts resulting from the bill include the following:</p> <ul style="list-style-type: none"> • Local POS funding decreases as a result of the repeal of appropriations distributed through the transfer tax formula (provision 4) – by \$2.1 million in fiscal 2023, \$3.7 million in fiscal 2024, \$2.1 million in each of fiscal 2025 and 2026, \$2.7 million annually from fiscal 2027 through 2030, and \$5.7 million in fiscal 2031. • Local governments may have greater operating costs associated with their role in MALPF’s purchase of easements due to the accelerated MALPF appropriation in fiscal 2024 (provision 5). MALPF indicates that local governments play an integral role in the process of purchasing easements and subsequent ongoing monitoring and stewardship of the easements. • Local governments may benefit from additional grants for land conservation under the Rural Legacy Program as a result of the accelerated Rural Legacy Program appropriation in fiscal 2024 (provision 6). • Baltimore City’s direct grant funding received from POS State funding (provision 8) increases by \$4.0 million each fiscal year, beginning in fiscal 2024; Baltimore City expenditures may increase to the extent additional personnel are needed to administer the additional grant funding. • Similar to the impact on DNR expenditures, above, local government expenditures may increase beginning in fiscal 2023 to pay for workers’ compensation benefits, due to the bill’s expansion of the State’s occupational disease presumption for Lyme disease (provision 16), to the extent local government employees qualify as forest rangers, park rangers, or wildlife rangers. • Similar to the impact on State general fund revenues, local income tax revenues decrease by approximately \$65,000 annually beginning in fiscal 2023, as a result of subtraction modifications claimed against the personal income tax (provision 16). • Cecil County and Town of Port Deposit property tax revenues may decrease, as early as fiscal 2024 (the timing of any revenue decreases is unclear but it is assumed for the purposes of this analysis that revenues could decrease as early as fiscal 2024) due to the transfer of the land for the Port of Deposit State Historical Park to DNR (provision 27) if, in the absence of the bill, the land, or a portion of the land, is otherwise transferred to a private entity (causing the land to be subject to State and local property tax); the extent of any decrease in property tax revenues for Cecil County and the Town of Port Deposit cannot be quantified at this time.”

*Analysis from the bill’s Fiscal and Policy Note as listed on the Maryland General Assembly website.

Bill	Summary	Local Government Impact*
2021		
<p>Bill Number: HB0298</p> <p>Crossfile: SB0083</p> <p>Title: Utility Regulation - Consideration of Climate and Labor</p> <p>Effective Date: 10/1/2021</p>	<p>This bill requires the Power Plant Research Program (PPRP) to include an evaluation of the impact of electric power plants on climate change as part of its ongoing research, as specified. Separately, the Public Service Commission (PSC), in supervising and regulating public service companies, must consider: (1) the maintenance of fair and stable labor standards for affected workers and (2) additional specified climate effects and GHG emissions. PSC may not take final action on a Certificate of Public Convenience and Necessity without considering the effect of climate change on the project and, for a generating station, the impact of the project on GHG emissions and its consistency with the state's GHG emissions reduction goals. PSC must consider the protection of the global climate in supervising and regulating certain public service companies, among other requirements.</p>	<p>"The bill does not materially affect local government finances or operations."</p>
<p>Bill Number: HB0030</p> <p>Crossfile: N/A</p> <p>Title: Office of People's Counsel - Alterations (Office of People's Counsel Environmental Reform Act)</p> <p>Effective Date: 10/1/2021</p>	<p>This bill requires the Office of People's Counsel (OPC), in determining whether the interests of residential and noncommercial users are affected, to consider the public safety, economic welfare, and environmental interests of the state and its residents, including the state's progress in meeting its GHG emissions reductions goals. It also alters the maximum amount that may be charged to a public service company for a state fiscal year; requires OPC to hire at least one assistant people's counsel to focus on environmental issues; authorizes OPC to retain or hire experts in the field of climate change; requires OPC to consider the public safety, economic welfare, and environmental interests of the state and its residents in determining whether a matter affects the interests of residential and noncommercial users, among other requirements.</p>	<p>"The bill does not materially affect local government finances or operations."</p>
<p>Bill Number: HB0044</p> <p>Crossfile: N/A</p> <p>Title: Clean Cars Act of 2021</p> <p>Effective Date: 7/1/2021</p>	<p>This bill extends and alters, for fiscal years 2021 through 2023, the Electric Vehicle Recharging Equipment Rebate Program for the purchase of certain electric vehicles; increases from \$1,200,000 to \$1,800,000 the amount of rebates that the Maryland Energy Administration may issue; requires the Motor Vehicle Administration and the Maryland Department of the Environment to submit a report by January 15, 2022, to certain committees of the General Assembly providing information on proposed changes to the vehicle emissions inspection program; among other requirements.</p>	<p>"None."</p>
<p>Bill Number: HB0295</p> <p>Crossfile: SB0227</p> <p>Title: Water Pollution - Stormwater Management Regulations and Watershed Implementation Plans - Review and Update</p> <p>Effective Date: 6/1/2021</p>	<p>This law requires MDE to update specified stormwater management regulations and criteria once every five years to incorporate specified updated precipitation data. Among other requirements, in updating the regulations, MDE must conduct specified public outreach and consult with specified entities. The bill also establishes new related reporting requirements for MDE and requires MDE to submit a climate load allocation addendum and updated two-year milestones that fully offset additional nitrogen, phosphorus, and sediment loads attributable to the impacts of climate change as determined and allocated by the Chesapeake Bay Program to the Chesapeake Bay Total Maximum Daily Load (TMDL) Phase III Watershed Implementation Plan (WIP) as well as updated two-year milestones, to the U.S. EPA by December 31, 2025.</p>	<p>"Local government finances and operations may be affected depending on the content of the updated regulations and any subsequent changes to discharge permits as well as any changes in the WIP" (see the Fiscal and Policy Note for more detail). "Local revenues are not directly affected."</p>

Bill	Summary	Local Government Impact*
<p>Bill Number: HB1007</p> <p>Crossfile: SB0810</p> <p>Title: Renewable Energy Portfolio Standard and Geothermal Heating and Cooling Systems</p> <p>Effective Date: 10/1/2021</p>	<p>This bill alters the renewable energy portfolio standard in certain years to require a certain percentage of energy from Tier 1 renewable sources each year to be derived from certain geothermal heating and cooling systems; requires a certain percentage of energy required to be derived from certain geothermal heating and cooling systems to be from systems installed on certain property; alters the methods for calculating certain energy savings; provides for the regulation and enforcement of certain requirements by the Department of Labor, among other requirements.</p>	<p>“The bill does not materially affect local government finances or operations.”</p>
<p>Bill Number: HB1207</p> <p>Crossfile: SB0674</p> <p>Title: Environment - Commission on Environmental Justice and Sustainable Communities - Reform</p> <p>Effective Date: 10/1/2021</p>	<p>This bill alters the membership of the Commission on Environmental Justice and Sustainable Communities (CEJSC); requires CEJSC membership to reflect the diversity of the state to the extent practicable; requires CEJSC to meet at least six times a year and host at least four community listening sessions a year; requires CEJSC to conduct its meetings and sessions in different geographic locations in the state; requires CEJSC sessions and meetings to be accessible to all attendees, among other requirements. The bill also requires CEJSC to coordinate with the Maryland Office of Minority Health and Health Disparities and the Commission on Climate Change (in addition to the Children’s Environmental Health and Protection Advisory Council) on recommendations related to environmental justice and sustainable communities.</p>	<p>“The bill is not anticipated to have a material, direct effect on local government operations or finances.”</p>
<p>Bill Number: SB0137</p> <p>Crossfile: HB0334</p> <p>Title: Maryland Transit Administration – Conversion to Zero-Emission Buses (Zero-Emission Bus Transition Act)</p> <p>Effective Date: 10/1/2021</p>	<p>This bill prohibits, beginning in fiscal year 2023, the Maryland Transit Administration from purchasing buses for the Administration’s State transit bus fleet that are not zero-emission buses, subject to a certain exception; authorizes the Administration to purchase alternative-fuel buses under certain circumstances; requires the Administration, on or before January 1, 2022, and each January 1 thereafter, to submit a report to certain committees of the General Assembly on the implementation of the Act, among other requirements.</p>	<p>“The bill does not directly affect local government operations or finances.”</p>
<p>Bill Number: HB0991</p> <p>Crossfile: N/A</p> <p>Title: Tree Solution Now Act of 2021</p> <p>Effective Date: 6/1/2021</p>	<p>This bill temporarily alters the definition of “forest mitigation banking” under the Forest Conservation Act (FCA) to include “qualified conservation” of forests. The bill also requires a technical study to be conducted, to review changes in forest cover and tree canopy in the State. The bill also establishes State tree-planting goals, related programs and funding, and a related commission.</p>	<p>“Local government operations and finances are affected, as discussed below: Forest Mitigation Banking Provisions - DNR advises that historically, it has interpreted FCA to allow for retention mitigation banks (preservation/conservation of existing forest) and has approved local governments’ use of this type of mitigation. The bill restores this interpretation temporarily (through June 30, 2024), with respect to such retention (“qualified conservation”) mitigation banks approved on or before December 31, 2020. As noted above, in response to OAG’s recent opinion, at least some local governments have suspended the granting of credits for existing forests. According to the Maryland-National Capital Park and Planning Commission (M-NCPPC), as of December 31, 2020, there are no remaining forest mitigation bank credits available for purchase in Montgomery County. M-NCPPC further advises that in Prince George’s County, the credits that qualify under OAG’s interpretation are likely to be depleted in the near future. Although the overall fiscal effect of the OAG opinion is unknown, M-NCPPC advises that it has potential impacts on local forest conservation programs, costs related to mitigation, the value of existing mitigation banks, farmers and other landowners, and related economic development. By restoring the historical interpretation of mitigation banking under FCA with respect to existing retention forest mitigation banks, through June 30, 2024, these effects are avoided temporarily.</p> <p>Tree Planting Provisions - The bill’s redirection of funding from BRP and the 2010 Trust Fund for tree planting programs/ purposes may affect local governments and small businesses. Some may benefit from the funding provided for tree planting (including nurseries and farmers), while others may be negatively affected if they otherwise would have benefited from existing uses of the funds.”</p>

Bill	Summary	Local Government Impact*
2020		
<p>Bill Number: HB0078</p> <p>Crossfile: SB0172</p> <p>Title: Bay Restoration Fund - Authorized Uses</p> <p>Effective Date: 7/1/2020</p>	<p>This bill expands the criteria used to determine how to allocate funding from the Bay Restoration Fund (BRF) Wastewater Account by including climate resiliency and flood control as issues for MDE to consider when determining the priority of funding for specified projects. The bill also specifies that the types of stormwater control measures that a local government can receive BRF funding for under current law (if the local government has implemented a system of charges to fully fund a stormwater management program) to include stormwater measures relating to water quality, climate resiliency, or flood control.</p>	<p>“Local grant revenues and expenditures are likely affected by the change in priority ranking and could also be affected to the extent that BRF funding is provided for stormwater measures relating to water quality, climate resiliency, or flood control instead of other authorized uses. Any such impact cannot be reliably estimated at this time.”</p>
<p>Bill Number: HB0232</p> <p>Crossfile: N/A</p> <p>Title: Maryland Zero Emission Electric Vehicle Infrastructure Council - Reporting, Membership, and Sunset Extension</p> <p>Effective Date: 6/1/2020</p>	<p>This bill alters the deadlines for the interim and final reporting requirements for the Maryland Zero Emission Electric Vehicle Infrastructure Council; alters the membership of the Council by adding one representative of an electric vehicle driver advocacy organization instead of the Baltimore Electric Vehicle Initiative, two, instead of one, representative of the environmental community, and one from a new vehicle dealer association in the State; and extends until June 30, 2026, the termination date for the Council. This bill also extends, from June 30, 2020, to June 30, 2026, the termination date for the Maryland Zero Emission Electric Vehicle Infrastructure Council (ZEEVIC) and establishes new interim and final reporting deadlines for ZEEVIC. The bill also alters the membership of ZEEVIC.</p>	<p>“None.”</p>
<p>Bill Number: HB0539</p> <p>Crossfile: SB0457</p> <p>Title: Local Governments - Resilience Authorities -Authorization</p> <p>Effective Date: 7/1/2020</p>	<p>This bill authorizes counties and municipalities to solely or jointly establish and fund resilience authorities, subject to specified requirements. Specifically, this bill authorizes a local government to create a Resilience Authority by local law; specifies certain requirements for the adoption of a local law establishing an Authority; specifies the powers that a local government may grant an Authority; authorizes an Authority to issue certain bonds for certain purposes; authorizes a local governing body to dedicate certain revenues of the local government to the repayment of bonds for certain operations and projects of an Authority, among other requirements. Resilience authorities may issue and sell state and local tax-exempt bonds for resilience infrastructure projects and other related financing purposes. Bonds issued by resilience authorities are limited obligations and are not a pledge of the faith and credit or taxing power of the local governments.</p>	<p>“Local revenues increase from bonds issued under the bill beginning as soon as FY 2021 to the extent that local governments choose to establish resilience authorities. Local expenditures from bond proceeds and/or direct local government support increase beginning that same year for authorized purposes. Local revenues further increase, likely beginning no earlier than FY 2022, from income and/or property tax revenues to the extent that resilience projects funded as a result of the bill maintain or generate additional economic growth. The amounts, if any, cannot be reliably estimated at this time.”</p>
<p>Bill Number: SB0281</p> <p>Crossfile: HB0336</p> <p>Title: Renewable Energy Development and Siting (REDS) – Evaluations and Tax and Fee Exemptions</p> <p>Effective Date: 10/1/2020</p>	<p>This bill: (1) requires the Maryland Department of the Environment to waive application fees for the Voluntary Cleanup Program (VCP) for a qualifying applicant who intends to use eligible property to generate clean or renewable energy and (2) expands the definition of “eligible property,” as it applies to VCP. The bill also exempts specified public-private partnerships formed for the generation of clean or renewable energy from the public service company franchise tax, among other requirements.</p>	<p>“Potential decrease in local expenditures. . . . Local revenues are not affected.” See Fiscal and Policy Note for more detail.</p>

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