



Date: February 28, 2017

To: Senate Environment and Natural Resources Committee; House Energy & Environment Committee

From: Gordon Levitt, Climate Law Fellow, Our Children's Trust

RE: HB 2468 & SB 557

Dear Chair Helm, Chair Dembrow, and Members of the Committees,

In order to protect our planet's climate system and vital natural resources on which human survival and welfare depend, and to ensure that young people's and future generations' fundamental and inalienable human rights are protected, government climate pollution policies *must* be based on the best available climate science. There are numerous scientific bases for setting 350 parts per million (ppm) as the uppermost safe limit for atmospheric carbon dioxide (CO₂) concentrations. It is imperative that all states and governments around the world set greenhouse gas (GHG) emission limits targeted at limiting the long-term global temperature increase to no more than 1°C, or a maximum of 350 ppm in global CO₂ levels, in order to avoid the cascading, irreversible impacts that will occur with a 2°C or 450 ppm default policy based on political feasibility rather than scientific necessity.

To reduce global atmospheric CO₂ to below 350 ppm by the end of this century, assuming global CO₂ emissions peaked in 2012 (they did not), would have required 6% CO₂ emission reductions per year beginning in 2013, alongside global reforestation and improved agricultural practices that sequester 100 gigatons of carbon (GtC) throughout this century. If global CO₂ emissions peak and reductions begin in this year, the annual rate of reduction will be ~ 8% per year and 100 GtC of carbon sequestration will still be necessary. If reductions are delayed, the necessary emission reductions become steeper and steeper, rendering a return to safe levels of atmospheric CO₂ increasingly unlikely.¹

Continued delay makes it harder and harder for youth and future generations to protect a livable world. It is imperative that the State of Oregon establish emission limits consistent with a trajectory aimed at returning atmospheric CO₂ to below 350 ppm by 2100. Current statutory targets are outdated, irresponsible and inequitable, and place the State on an unsafe path.

¹ James Hansen et al., *Assessing "Dangerous Climate Change": Required Reduction of Carbon Emissions to Protect Young People, Future Generations and Nature*, PLOS ONE 8:12 (2013).



HB 2468 replaces the State’s voluntary, outdated GHG emission reduction targets with mandatory GHG emission limits that are tiered to today’s best available climate science. The bill also:

- Sets forth annual emission reduction requirements to ensure that the State stays on track to not exceed emission limits for 2035 and 2050;
- Requires the Environmental Quality Commission (EQC) to consult with all responsible state agencies to develop a comprehensive action plan that ensures the State does not exceed emission limits for 2035 and 2050;
- Requires the action plan to utilize the most comprehensive GHG emissions inventory available, identify necessary adjustments to existing laws and policies, and protect and benefit vulnerable communities; and
- Grants authority to the EQC to update the emission limits based on periodic reports from the Department of Environmental Quality on new climate science analysis.

Below is a table that shows 8% annual emission reductions in Oregon from a 2015 emission baseline (63.4 MtCO₂e), with reductions beginning in 2018. Reductions from the updated GHG emission baseline yields a **2035 state emission limit that is 72.7% below 1990 levels, and a 2050 state emission limit that is 92.2 % below 1990 numbers.** These emission limits are slightly more aggressive than the emission limits currently in HB 2468 (which were based on previous data) and should be reflected in future amendments to the bill so that Oregon’s emission limits are based on today’s best available climate science and Oregon’s updated GHG emission inventory.

Year	Total Annual Emissions	%/Year Reduction	Absolute Reduction/Year (MtCO ₂ e)
1990	56.4	NA	NA
2018	63.4	0.08	5.072
2019	58.328	0.08	4.66624
2020	53.66176	0.08	4.2929408
2021	49.3688192	0.08	3.94950554
2022	45.4193137	0.08	3.63354509
2023	41.7857686	0.08	3.34286149
2024	38.4429071	0.08	3.07543257
2025	35.3674745	0.08	2.82939796
2026	32.5380795	0.08	2.60304636
2027	29.9350331	0.08	2.39480265
2028	27.5402304	0.08	2.20321844
2029	25.337012	0.08	2.02696096





2030	23.310051	0.08	1.86480408
2031	21.4452469	0.08	1.71561975
2032	19.7296272	0.08	1.57837017
2033	18.151257	0.08	1.45210056
2034	16.6991564	0.08	1.33593252
2035	15.3632239	0.08	1.22905791
2036	14.134166	0.08	1.13073328
2037	13.0034327	0.08	1.04027462
2038	11.9631581	0.08	0.95705265
2039	11.0061054	0.08	0.88048844
2040	10.125617	0.08	0.81004936
2041	9.31556764	0.08	0.74524541
2042	8.57032223	0.08	0.68562578
2043	7.88469645	0.08	0.63077572
2044	7.25392073	0.08	0.58031366
2045	6.67360707	0.08	0.53388857
2046	6.1397185	0.08	0.49117748
2047	5.64854102	0.08	0.45188328
2048	5.19665774	0.08	0.41573262
2049	4.78092512	0.08	0.38247401
2050	4.39845111	0.08	0.35187609

Given the steepness and sustained nature of these emission reductions, it is important that any adopted legislation have effective oversight that ensures fair and equitable outcomes for communities across the State.

One of the most essential purposes of government is to protect crucial natural resources, such as our air and water, for the survival and welfare of both present and future citizens. States, including the legislature, have an affirmative fiduciary legal obligation to preserve these crucial natural resources and cannot sit by idly while they are destroyed. This fiduciary obligation is firmly rooted in the law – specifically the public trust doctrine and our inalienable constitutional rights, reserved by the People, for the People.

The U.S. Supreme Court declared in *Geer v. Connecticut* that “it is the duty of the legislature to enact such laws as will best preserve the subject of the trust, and secure its beneficial use in the future to the people of the state.” This ruling was affirmed by the Oregon Supreme Court in 2015 in *State v. Dickerson* when the court said the state has “power and duties” over trust resources.



It is incumbent upon the legislature to protect the public trust resources of our State, as well as the constitutional rights of our youngest citizens. Nothing poses a larger threat to those rights than climate destabilization. The State of Oregon can and must do its part to protect those resources and rights. To meet this obligation, the legislature should move quickly to pass HB 2468 or SB 557 with GHG emission limits based on the best available science. Time is of the essence and your leadership is crucial at this time.

Thank you for your consideration of this testimony and for your service to our State.

Sincerely,

Gordon Levitt

P.O. Box 5181, Eugene, OR 97405
gordon@ourchildrenstrust.org
www.ourchildrenstrust.org

