



The Oregon Conservancy Foundation

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Before the House Committee on Energy and Environment

Testimony of Cathryn Chudy Oregon Conservancy Foundation March 22, 2021

Madame Chair, members of the Committee, and the public, my name is Cathryn Chudy and I am a Board Member of the Oregon Conservancy Foundation (OCF). We are testifying in response to proposed HB 2021-1 Amendments.

OCF supports generated electricity that does not emit greenhouse gas into the atmosphere, but limiting the examination of emissions of greenhouse gases to just the generation of electricity presents problems. Examples of those problems are highlighted in Attachment 2 of this testimony.

Section 1(4) of HB 2021-1 Amendments defines:

“(4) Nonemitting electricity’ means electricity that is generated or stored in a manner that does not emit greenhouse gas into the atmosphere.”

Because this legislation does not compare the fuel cycle of all generating resources any kind of commercial nuclear generating reactor could meet this definition.

Section 2(1) states: "It is the policy of the State of Oregon:"

“(1) That retail electricity consumers be supplied only with electricity generated in a manner that produces zero greenhouse gas emissions.”

The existing "policy of the State of Oregon" is broader than this, due to the ballot measure law passed in 1980 that prevents the licensing of commercial nuclear reactors until there is a permanent federally licensed repository for high level radioactive waste and a statewide vote of the people. The policy statement in HB 2021-1 should acknowledge this, as proposed in OCF's Attachment 1 amendments.

Section 15 of HB 2021-1 creates a "work group to examine opportunities to encourage development of small scale renewable energy projects in this state that contribute to economic development and local energy resiliency." Nowhere in the list of appointees are representatives of consumer interest groups like the Citizens Utility Board, public interest groups and public health organizations like Physicians for Social Responsibility, and environmental groups and environmental justice organizations like the Sierra Club, Columbia Riverkeeper, and the Oregon Just Transition Alliance.

OCF understands the desperate need for promoting generating resources that mitigate catastrophic climate change, promote environmental justice, and avoid substituting one form of significant environmental degradation for another. We are not convinced that the approach of HB 2021-1, as written, will truly render that result.

We thank you for the opportunity to testify on HB 2021-1.

No degree of prosperity could justify the accumulation of large amounts of highly toxic substances which nobody knows how to make safe and which remain an incalculable danger to the whole of creation for historical or even geological ages. To do such a thing is a transgression against life itself, a transgression infinitely more serious than any crime perpetrated by man. The idea that a civilization could sustain itself on such a transgression is an ethical, spiritual, and metaphysical monstrosity. It means conducting the economical affairs of man as if people did not matter at all.

– E. F. Schumacher "Small is Beautiful"

OCF Proposed Amendments to HB 2021-1 Amendments

1 On page 2, lines 7-10 of HB 2021-1:

2
3 “SECTION 2. Policy. It is the policy of the State of Oregon:

4 “(1) That retail electricity consumers be supplied only with electricity generated in
5 a manner that produces zero greenhouse gas emissions, **and is not generated by**
6 **nuclear fission unless there is a federally licensed repository for its high level**
7 **radioactive waste, and a statewide vote of the people, as provided for in ORS**
8 **469.595 and ORS 469.597.**

9
10 On page 15, lines 1-18 of HB 2021:

11
12 “SECTION 15. (1) The State Department of Energy shall convene a work group
13 to examine opportunities to encourage development of small scale renewable energy
14 projects in this state that contribute to economic development and local energy
15 resiliency. The work group shall include:

16 “(a) One state representative appointed by the Speaker of the House;

17 “(b) One senator appointed by the President of the Senate; and

18 “© Individuals who represent:

19 “(A) Renewable energy developers;

20 “(B) Investor owned electric utilities in this state;

21 “(C) Consumer owned utilities in this state;

22 “(D) Energy service suppliers;

23 “(E) Residential, commercial and industrial rate payers;

24 “(F) Cities and counties;

25 “(G) Tribal governments;

26 “(H) Business Oregon; [*and*]

27 “(I) The Department of Land Conservation and Development;

28 **“(J) Consumer Protection Groups;**

29 **“(K) Public Interest Groups and Public Health Organizations; and**

30 **“(L) Environmental Groups and Environmental Justice Organizations.**

<https://www.commondreams.org/news/2021/03/18/house-dems-urged-cut-fossil-fuels-and-false-solutions-clean-future-act>

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House Dems Urged to Cut 'Fossil Fuels and False Solutions' From CLEAN Future Act

Over 300 groups called the bill a "prime example of the type of half-measure we must avoid."

By [Jessica Corbett, staff writer](#)



Over 300 advocacy groups argue that the CLEAN Future Act's Clean Electricity Standard "should rigorously define clean energy to include proven solutions like wind, solar, storage, and efficiency—and exclude all fossil fuels and other false solutions." (Photo: [David Clarke/cc/flickr](#))

As a U.S. House panel [held](#) a hearing Thursday on clean energy legislation introduced earlier this month by key Democrats, more than 300 environmental and justice organizations sent a letter to Congress raising alarm about the role of "false solutions" including fossil fuels, biomass, and nuclear power in the proposal.

The Climate Leadership and Environmental Action for our Nation's (CLEAN) Future Act is being [spearheaded](#) by House Energy and Commerce Committee Chair Frank Pallone (D-N.J.), Environment and Climate Change Subcommittee Chair Paul Tonko (D-N.Y.), and Energy Subcommittee Chair Bobby L. Rush (D-Ill.).

According the advocacy groups' [letter](#) (pdf), "The CLEAN Future Act (H.R. 1512) is a prime example of the type of half-measure we must avoid."

Specifically, they assert that the legislation's nationwide Clean Electricity Standard (CES), which would require all retail electricity suppliers to obtain 100% clean power by 2035, "should rigorously define clean energy to include proven solutions like wind, solar, storage, and efficiency—and exclude all fossil fuels and other false solutions."

"Sacrificing the very definition of 'clean' in order to achieve 100% clean energy is self-defeating," says the letter, which further warns that the bill "contradicts itself" by including "encouraging environmental justice provisions that would benefit communities disproportionately exposed to pollution and climate impacts," but also pushing policies "that do not stop emissions or other pollution at their source."

Pallone and the other sponsors [made clear](#) when unveiling the legislation that they believe overhauling the U.S. energy system is essential. He said the bill's introduction "promises that we will not stand idly by as the rest of the world transitions to clean economies and our workers get left behind, and that we will not watch from the sidelines as the climate crisis wreaks havoc on Americans' health and homes."

While the measure received some praise from climate campaigners, progressive green groups have [reiterated](#) concerns raised when Pallone [put forth](#) the bill during the previous congressional session.

In the words of Mitch Jones, policy director at Food & Water Watch, "While this bill has been marginally improved, it fails to grasp the fundamental truth of fighting climate change: We must stop extracting and burning fossil fuels as soon as possible."

The letter—whose signatories include Food & Water Watch, Friends of the Earth, the Center for Biological Diversity, several Our Revolution and 350.org chapters, and scores of other organizations—[argues that fossil fuels, biomass, and nuclear power are not clean energy, "carbon capture and storage \(CCS\) is not a climate solution," and "false solutions do not align with the principles of environmental justice."](#)

Highlighting the impacts that coal, oil, and gas production have on the health of nearby communities as well as the climate, the letter says that "the idea that any fossil fuels should qualify under a CES even on the basis of 'partial credits' is an astounding concession that would subsidize existing fracked gas infrastructure and slow the deployment of cleaner and cheaper renewables."

"Burning biomass is uniquely dangerous to both the climate and public health," the letter continues, noting that "biomass power plants and garbage incinerators emit more carbon dioxide and harmful air pollutants per unit of energy than coal plants, including nitrogen oxides, volatile organic compounds, heavy metals, and particulate matter, the leading cause of air pollution-related deaths in the country."

"The fuel chain for nuclear power begins with mining, milling, and enriching uranium, all of which are carbon-intensive processes that generate vast amounts of radioactive and toxic wastes," the groups add. "As a consequence, the industry is rooted in environmental injustice and human rights violations."

As for CCS, the groups point out environmental, health, and safety risks, and warn that "technological carbon capture applied to high-emitting sources like petrochemical or fossil fuel power plants acts as a license to continuing polluting."

The letter declares that "increasing the use of false solutions increases environmental racism, undercutting the environmental justice proposals in the current version of the CLEAN Future Act and rendering them specious."

"Environmental justice must not be viewed as or reduced to a theory or political talking point," the groups emphasize. "It is a set of living principles that must be practiced in an effort to dismantle years and decades of systemic racism, dehumanization, extraction, and the rendering of Black, brown, Indigenous, and poor communities into sacrifice zones."

"As we look to combat the climate crisis, it will be crucial to resist the disingenuous efforts of polluters to co-opt clean energy," they conclude. "Allowing dirty energy to be bundled with clean energy under a CES would prolong the existence of sacrifice zones around dirty energy investments and delay the transition to a system of 100% truly clean energy."

The pressure on Democrats to clean up the bill comes as President Joe Biden is [planning](#) to host a climate summit next month and hundreds of advocacy groups from across the globe [are pushing](#) his administration to commit the United States to its "[fair share](#)" of climate action, including by [ending subsidies](#) for the fossil fuel industry.

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