

An Open Letter Supporting the “Cleanest” Clean Energy Standard Bill (S2978) -- October 20, 2023

We, the undersigned organizations representing environmental and social justice, business, health, and environmental groups, thank Senator Smith for his commitment to advancing clean energy policy in New Jersey and particularly, his incredible leadership on S2978.

The bill poses a critical opportunity to implement a strong nation-leading, forward-looking definition of clean energy. Clean energy laws that fail to account for co-pollutants (e.g., lead, mercury, arsenic, iodine, nitrogen oxides, volatile organic compounds, ozone precursors, black carbon) and/or that allow for net accounting are foregoing essential health gains and can even worsen air quality in environmental justice (EJ) communities and increase greenhouse gas emissions (GHG). Thus, to protect EJ communities and reduce GHG emissions to the greatest extent possible, the definition of “clean electricity production facility” must exclude facilities that emit co-pollutants as well as net accounting of GHG emissions.

Proposed definition language is included at the bottom of this letter for your consideration. We believe these additions will achieve the following:

- Ensure how NJ defines “clean” energy truly means clean to protect environmental justice communities from further harm in the energy transition and provides the greatest reductions in GHG emissions based on the whole life cycle of energy production; and
- Prevent polluting facilities like trash incinerators from receiving ratepayer subsidies when they violate air pollution emission permit limits.

Thank you for your attention to this matter as we seek a robust definition for “Clean Energy Production Facility” and “Co-Pollutants.” We look forward to continuing to work with you to ultimately advance equitable policy that will reduce emissions in New Jersey.

Sincerely,

Ironbound Community Corporation

NJ Environmental Justice Alliance

South Ward Environmental Alliance

EarthJustice

Action Together New Jersey

ANJEC

BlueWaveNJ

Ceres

Clean Water Action

Clinicians for Climate Action New Jersey

Delaware Riverkeeper Network

Don't Gas the Meadowlands Coalition

Empower NJ

Environment New Jersey

Fair Share Housing Center

Food & Water Watch

GreenFaith

Interfaith Neighbors, Inc.

Make the Road New Jersey

Metuchen-Edison-Piscataway, NJ, NAACP

MnM Consulting

New Labor

Newark Green Team

Newark Science and Sustainability Inc

NJ Citizen Action

NJ Conservation Foundation

NJ Forest Watch

NJ Highlands Coalition

NJ LCV	Salvation and Social Justice
NJ Policy Perspective	The Watershed Institute
NJ Sierra Club	Tri-State Transportation Campaign
NJ Sustainable Business Council	UU Faith Action NJ
NJ Working Families Party	Vote Solar
NY/NJ Baykeeper	Waterspirit
Pinelands Preservation Alliance	Wind of the Spirit, Immigrant Resource Center
Raritan Headwaters	

Proposed amended clean electricity production facility definition:

“Clean electricity production facility” means a nuclear, wind, solar, or hydroelectric electricity production facility; or (2) any other electricity production facility capable of producing electric energy in a manner that does not produce emissions of greenhouse gases or co-pollutants at the point of generation of the electric energy, or during upstream production and transportation of fuels used to produce electricity at the facility. A resource aggregation that is comprised solely of one or more of these resource types. Facilities seeking to be designated as Clean Energy Production Facilities will be certified and classified by the board in consultation with the Department of Environmental Protection. Resource recovery facilities do not qualify as clean energy production facilities.

Proposed co-pollutant definition:

“Co-pollutant” means all emissions not covered by the greenhouse gas definition. This includes mercury, arsenic, iodine, nitrogen oxides, Volatile Organic Compounds (VOC’s), Ozone precursors, black carbon (if it is not included in the GHG definition), and all air pollutants that NJDEP or EPA has designated as criteria pollutants or hazardous air pollutants. This includes pollutants that the Environmental Protection Agency defines as a criteria pollutant or a precursor to a criteria pollutant, now and at any future date, under 42 U.S.C. 7408(A)(1) of the Clean Air Act, including but not limited to Sulfur Dioxide, PM10, PM2.5, Carbon Monoxide, Ground Level Ozone, Lead, and Nitrogen Dioxides. “Co-pollutant” also includes any pollutant listed, at any time, as a Hazardous Air Pollutant at 42 U.S.C. 7412, and any pollutant added to that list at any time by EPA. “Co-pollutant” also includes pollutants listed by NJDEP at N.J.A.C. 7:27-17.9, now and at any future date, including but not limited to mercury and mercury compounds, arsenic and arsenic compounds, and iodine and iodine compounds. Co-pollutants include any pollutants EPA or NJDEP may designate beyond the passing of this bill. This bill’s provisions on co-pollutants shall not preclude any other action by the board or DEP to force co-pollutant emissions reductions by powerplants in overburdened communities.