

## **A Minute on Addressing Climate Change in Pennsylvania**

Since 1998, Philadelphia Yearly Meeting has united on five minutes related to the urgent need to address climate change, including commitments to “care for God's creation and for the future of humanity's children,” and a plea “to hold ourselves lovingly accountable.”

The time to act is now. An October 2018 report from the United Nations Intergovernmental Panel on Climate Change (IPCC) finds that climate change is proceeding much more rapidly than previously predicted, and that humankind has at most only twelve more years to dramatically reduce greenhouse gas emissions, if we are to avoid catastrophe.

In Pennsylvania, we have an opportunity to take action, building on our state’s Environmental Rights Act which guarantees all Pennsylvanians the right to clean air, clean water, and a healthy environment:

*“The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania’s public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.”*

The Clean Air Council has researched and developed a petition urging Governor Wolf to use his regulatory authority to uphold this constitutional right, to immediately put a price on the social costs of carbon emissions, establish a cap on such emissions statewide, distribute allowances to those businesses and entities which produce CO<sub>2</sub>, lower the cap every year and retire allowances.

Our faith community’s queries ask if our Meeting is “concerned that human interaction with nature be responsible, guided by a reverence for life and a sense of the splendor of God’s continuing creation.” They ask, “How does our Meeting learn about environmental concerns and then act in the community on its concerns?”

In response, [NAME OF MEETING] of the Religious Society of Friends, at Meeting for Business on [DATE], agrees to file as a co-petitioner to the Pennsylvania Environmental Quality Board, to establish this comprehensive program to limit greenhouse gas emissions, thus helping to stabilize the climate and conserve and maintain the public natural resources for which the Commonwealth is a trustee.

We urge Friends throughout our Quarterly and Yearly Meeting to examine this approach for reducing carbon emissions, and to join as co-petitioners in this process.

Some background notes:

Section 4005 of the Pennsylvania Air Pollution Control Act (“APCA”) provides the Environmental Quality Board (“EQB” or “Board”) the power and imposes upon the Board the affirmative duty to “[a]dopt rules and regulations, for the prevention, control reduction and abatement of air pollution . . . which shall be applicable to all air contamination sources.” 35 P.S. § 4005. Those regulations may “establish... maximum quantities of air contaminants” from any air pollution source” and “prohibit or regulate the combustion of certain fuels.” *Id.* Greenhouse gases are regulated air pollutants within the meaning of the federal Clean Air Act and the PaAPCA. *Massachusetts v. Environmental Protection Agency*, 549 U.S. 497 (2007); *Coalition for Responsible Regulation, Inc. v. EPA*, 684 F.3d 102 (D.C. Cir. 2012), *see also Utility Air Regulatory Group v. EPA*, 134 S. Ct. 2427 (2014); *Funk v. Wolf*, 144 A.3d 228, 250 n. 17 (Pa. Cmwlth. 2016), *aff’d without opinion* 158 A.3d 642 (Pa. 2017). Pollution caused by excessive levels of these contaminants pose an existential threat the Pennsylvania’s climate and other public natural resources for which the Commonwealth, including the Board, have a duty, as trustees, to maintain and conserve.

Excess allowances will be retired and the cap will be reduced to zero by the fifth decade of this century, consistent with the requirements of the United Nations Framework Convention on Climate Change, as defined in the Paris Agreement. These measures assure the beneficiaries of the constitutional environmental trust established by Article I, §27 of the Pennsylvania Constitution that the corpus of the trust will be conserved and maintained and that the beneficiaries and the Commonwealth will recover income from the sustainable husbanding of the remaining capacity of the atmosphere to absorb greenhouse gases.

The petition needs to be filed after the election and before the end of the calendar year. According to the Clean Air Council and the legal experts working on this, it’s best to do this before the holidays, so they have decided to file the petition in the middle of November.