



For a thriving New England

CLF Rhode Island 235 Promenade Street
Suite 560, Mailbox 28
Providence, RI 02908
P: 401.351.1102
F: 401.351.1130
www.clf.org

BY EMAIL

March 3, 2021

The Honorable David A. Bennett
Chair, House Committee on the Environment and Natural Resources
House Lounge, State House
Providence, RI 02903

RE: CLF Opposes House Bill No. 5278 – Energy Facility Siting Act

Dear Chair Bennett:

Thank you for the opportunity to provide testimony on House Bill 5278, which would make a number of changes in the Energy Facility Siting Act (EFSA), the 1986 statute that created the Energy Facility Siting Board (EFSB). The Conservation Law Foundation (CLF) opposes this bill.

CLF is a member-supported non-profit environmental advocacy organization working throughout New England to counter climate change, restore the health of our oceans, embolden new energy infrastructure, and safeguard health, quality of life, and economic prosperity for future generations. We have worked extensively on renewable energy issues.

CLF has extensive, first-hand experience with both the EFSA and the EFSB. From 2015 through 2019, CLF was a full party to the EFSB case that considered the controversial Invenenergy power plant proposal for Burrillville (EFSB Docket 2015-06). In addition, in 2017 and 2018, I served on the House Study Commission on the Energy Facility Siting Act.

Despite the fact that CLF opposes this bill, we are pleased to see the inclusion of a new provision for a public advocate. This public advocate is to represent the public interest of the people of Rhode Island. CLF has long urged the creation of a Public Advocate role at the EFSB.

However, CLF is disappointed that concerns pertaining to environmental justice and the extra burdens often borne by low-income people and communities of color were ignored in this bill, despite the urging of CLF and other stakeholders during the House Study Commission. The challenges faced by environmental justice communities are compounded by the fact that these communities often lack economic, political, and legal clout to fight against large corporations and the biggest polluters. In CLF's view, this bill's failure to take account of environmental justice concerns is a serious shortcoming.

In addition, there are several other provisions of the current bill, H-5278, that CLF opposes:

First, CLF and others advocated strongly and consistently for inclusion in the bill of the carbon emission reduction goals contained in the Resilient Rhode Island Act, R.I. Gen. Laws § 42-6.2-1, et

seq. The Resilient Rhode Island Act was enacted by the General Assembly six years ago, in 2014; it is well past time for the climate goals of the Resilient Rhode Island Act to be incorporated into the Energy Facility Siting Act. The failure to do so is a major shortcoming of this bill.

Second, CLF opposes adding the Secretary of Commerce to the membership of the EFSB. Adding an additional EFSB member who sits at the pleasure of the Governor may further reduce the independence of the EFSB.

Third, CLF opposes the newly added provision that would allow all EFSB members to name a designee to sit for the actual member. By opening the door to lower-level agency personnel taking the role of knowledgeable agency heads, we would be debasing the role and function of the EFSB.

For these reasons, CLF respectfully opposes passage of H-5278.

Thank you for your consideration.

Sincerely,



Amy Moses
Vice President and Rhode Island Director

cc: HouseEnvironmentandNaturalResources@rilegislature.gov
rep-edwards@rilegislature.gov