



STATE OF RHODE ISLAND
OFFICE OF GOVERNOR DANIEL J. MCKEE

March 30, 2021

The Honorable David A. Bennett
Chairman, House Environment and Natural Resources Committee
State House
Providence, RI 02903

RE: 2021- Senate Bill 78

Dear Chairman Bennett:

This letter is to offer commentary with respect to Senate Bill 78 (also referred to herein as the “Bill”), the 2021 Act on Climate. Climate change continues to have widespread impacts on Rhode Island, the United States and the world at large having significant implications not only for all of us today but for generations to come. This administration applauds and strongly supports the goals and objectives of Senate Bill 78 regarding the reduction of greenhouse gas emissions.

Of serious concern, however, is the language contained in Section 46-62-10, “Enforcement.” Section 42-62-10 (e) affords a broad array of parties the right to bring civil action to enforce the law including, “The Rhode Island Attorney General, any Rhode Island resident and any Rhode Island corporation, company, organization, nonprofit or other Rhode Island legal entity or organization registered with the Rhode Island secretary of State”. The preceding list of potential parties’ plaintiff is unduly broad and likely to lead to expensive, protracted and vexatious litigation against the State of Rhode Island. Such litigation will divert resources and attention from pursuing the primary objective of the Bill – the betterment of the State’s environment through the reduction of greenhouse gases that contribute to climate change. Any action to enforce the statute must be limited to the Attorney General of the State of Rhode Island, as the State’s chief law enforcement officer. Any deviation from that standard will result in a diversion of resources and the imposition of unduly burdensome costs on Rhode Island taxpayers through an unnecessary litigation process. The Attorney General is charged with a wide variety of environmental responsibilities under State law. There is no valid reason for deviating from these long-established principles.

We can achieve bold target levels established under the Bill by working together, promulgating meaningful rules and regulations which reduce emissions, without putting Rhode Island in unnecessary and unproductive legal jeopardy.

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This legislation sets a bold yet achievable goal to reach net-zero carbon emissions by 2050. With other states across the country, and including the private sector, making a commitment to sustainability, now is the time that our State should make such a commitment. This commitment is not only to ourselves but also to future generations that will follow.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel J. McKee". The signature is written in a cursive, flowing style.

Daniel J. McKee

Governor

CC: The Honorable Members of the House Environment and Natural Resources Committee