



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF THE DIRECTOR
235 Promenade Street, Room 425
Providence, Rhode Island 02908

May 21, 2026

The Honorable Louis P. DiPalma
Chairman
Senate Committee on Finance
82 Smith Street
Providence, Rhode Island 02903

RE: S 2024 An Act Relating to State Affairs and Government – Rhode Island Climate Superfund Act of 2025

Dear Chairman DiPalma,

Thank you for providing the Department of Environmental Management (DEM) the opportunity to comment on S 2024, which would direct DEM to administer a cost recovery program whereby entities contributing to greenhouse gas emissions would be required to make payments to the state. DEM cannot implement this legislation with existing resources.

S 2024 directs DEM to identify “climate change response work” undertaken by the state and municipalities, as well as such work needed in the future, within 12 months. The legislation defines this term to include any planning, design, construction, operation, maintenance, repair, or improvement of projects necessary to protect the state from the impacts of climate change. After identifying all such projects, DEM would be tasked with determining, within 18 months, the proportionate share of costs for such projects among any entity which engaged in the trade or business of extracting or refining fossil fuels between January 1, 2000, and December 31, 2025, and is determined to have been responsible for more than one billion (1,000,000,000) tons of covered greenhouse gas emissions. The legislation would also direct DEM to issue cost recovery demands for such amounts within the same 18-month period.

Although DEM shares the sponsor’s concern regarding the impacts of climate change, we are also concerned about the potential for legal challenges to this legislation. Two states, Vermont and New York, have enacted comparable state laws to this legislation and have been subject to lawsuits filed on the grounds that their laws are unconstitutional. More recently, the U.S. Department of Justice has joined these lawsuits. We urge the General Assembly to consider allowing these legal processes to conclude before moving forward with this legislation.

We also do not believe that we can implement this legislation with existing resources. We estimate that 6.0 new FTEs at a total cost of nearly \$900,000 annually would be needed to assist with the implementation of this legislation, as detailed in a fiscal note provided to the Senate by the State Budget Office. Additionally, we anticipate that consultant support may be needed to support DEM staff with implementation of the legislation. These projected costs are consistent with those in Vermont, which has a dedicated Climate Action Office with a \$1.4 million annual budget and requested \$1.2 million for contractor support.

We appreciate the opportunity to offer comments on this legislation and would be pleased to make ourselves available as needed. Please feel free to contact Ryan Mulcahey, DEM Director of Legislative Affairs, at ryan.mulcahey@dem.ri.gov should you have any additional questions or wish to discuss this matter further.

Sincerely,

A handwritten signature in cursive script that reads "Terrence Gray".

Terrence Gray, P.E.
Director

cc: Members of the Senate Committee on Finance
The Honorable Linda L. Ujifusa
Kristen Silvia, Deputy Chief of Staff and Director of Legislation