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GOVERNMENT RELATIONS UPDATE

From Milliron & Goodman Government Relations, LLC.

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Cutler Elected Speaker of the House

Only third speaker to hail from Lancaster County, first in nearly a century

Following a confirmation by the majority of members, Rep. Bryan Cutler (R-Peach Bottom) is the Speaker of Pennsylvania's House of Representatives.

In remarks from the rostrum upon his confirmation vote, Cutler told his fellow members, "As we each carry the torch for the next generation, let me be the first to pledge to you what I hope you will pledge with me: First, let us treat each other, other elected leaders, and our constituents, with respect. Second, let us not ask someone else to do something that we ourselves would not do. And finally, when our term of service is concluded, let us leave things better than the way we found them. And let us do our work together."

Cutler was first sworn in to represent the 100th district in Lancaster County in 2007, making his 13 years of service to the speaker's chair the shortest tenure since 1967.

Cutler is only the third member from Lancaster County to serve as speaker in the chamber's history, and the first since Rep. Aaron Hess was speaker in 1929. He replaces the Hon. Mike Turzai of Allegheny County who retired from the House earlier this month.

"My entire mission in public service has been to give back to the community that gave so much to me and my family," Cutler said. "Carrying the voices of the 100th district has been the honor of my life, and I will continue to carry the values and lessons my community gave to me in my new role."

Cutler previously served as House majority leader and the majority whip. A lawyer and former x-ray technologist, he's made health care reforms a cornerstone of his extensive impacts in Harrisburg. His time in the Capitol is defined by finding bipartisan solutions to some of the state's most pressing issues, including authoring Pennsylvania's most comprehensive election reforms in the last 80 years and a statewide overhaul of the Affordable Care Act, both of which were signed into law this session.

"Our chamber, one of the oldest democratically elected bodies in the world, has never shied away from finding solutions to countless issues facing mankind," Cutler added. "This importance of this moment in history is not lost on me, and I give my word to all Pennsylvanians that the sincerity and fairness with which I serve will never be in question."

Source: Rep. Bryan Cutler Press Release, 6/22/2020

House Republicans Elect New Leader - Rep.

Benninghoff elected Majority Leader to replace Cutler

As House Republican leadership has helped facilitate one of the most successful session periods in the modern history of the chamber, new leaders were elected today who reflect the next generation of voices to lead Pennsylvania's House Republican Caucus.

"This group spanning varied backgrounds, experiences and regions of our Commonwealth reflect what Pennsylvanians have been asking for," Speaker Bryan Cutler (R-Lancaster) said. "The challenges and pathways to success are evolving, and our energized and effective leaders humbly accept the responsibilities entrusted to us by our districts and also now by our fellow caucus members."

Cutler was elected speaker by the full House <http://www.pahousegop.com/News/17653/Latest-News/Cutler-Elected-Speaker-of-the-House> Monday afternoon. Then the Republican Caucus held private elections to fill open leadership positions. House Republicans chose Rep. Kerry Benninghoff (R-Centre/Mifflin) to serve as the next majority leader.

"I am humbled and grateful for the opportunity to lead, but most importantly, the opportunity to serve," Benninghoff said. "Pennsylvania, like much of the nation, is at a critical crossroads. The good news is, we can see the challenges we face as opportunities to catapult change. If we work together, I believe we can usher in a bright and exciting future for our Commonwealth."

Most recently serving as majority whip, Benninghoff has held several leadership positions within the state House, including two terms as Majority Policy Committee chairman and chairman of the House Finance and State Government committees.

Members also elected Rep. Donna Oberlander (R-Clarion/Armstrong/Forest) to serve as whip and Rep. Martin Causer (R-Mckean/Cameron/Potter) as the Republican Policy Committee chair. Oberlander previously served as caucus secretary and Majority

Policy Committee chairman, while Causer is a new addition to the leadership team.

Appropriations Committee Chairman Stan Saylor (R-York) retains his position, as does Caucus Chair Marcy Toepel (R-Montgomery), Caucus Secretary Mike Reese (R-Westmoreland/Somerset) and Caucus Administrator Kurt Masser (R-Northumberland/Columbia/Montour).

Source: House Republican Communications, 6/22/2020

Oberlander Becomes First Woman to Ascend to House Republican Whip Position

Rep. Donna Oberlander (R-Clarion/Armstrong/Forest) was chosen today to become the first woman to serve as Republican Caucus whip during leadership elections held at the state Capitol in Harrisburg. Oberlander succeeds Rep. Kerry Benninghoff (R-Centre/Mifflin), who was selected as majority leader, and Majority Leader Bryan Cutler (R-Lancaster), who became Speaker of the House.

"I'm honored and humbled that my colleagues have chosen me to serve as their majority whip," said Oberlander, who also becomes the first state representative from the 63rd District to ascend to the position, which is considered the third highest in the House Republican Caucus. "I will continue to represent the members at the leadership table and ensure that their concerns from all over the Commonwealth are listened to. We have a unified leadership team, which is imperative during this critical time in our state, as we work toward a strong recovery from the COVID-19 crisis."

As majority whip, she will be responsible for tracking House votes and informing her other 109 Republican colleagues on upcoming issues and legislation.

This is Oberlander's third role in House Republican leadership. She was elected as caucus secretary in 2014 and majority Policy Committee

chairman in 2018, a position she has most recently held.

"As I have done as majority Policy Committee chairman, the residents of 63rd District remain my top priority in the House, and this elevated leadership position allows me to ensure that their hometown values and principles are heard when major policy and budget decisions are made in the Pennsylvania General Assembly," Oberlander added.

The House leadership team consists of Speaker Bryan Cutler (R-Lancaster), Majority Leader Kerry Benninghoff (R-Centre/Mifflin), Appropriations Chairman Stan Saylor (R-York), Policy Chairman Marty Causer (R-Cameron/McKean/Potter), Caucus Administrator Kurt Masser (R-Columbia/Montour/Northumberland), Caucus Chairman Marcy Toepel (R-Montgomery) and Caucus Secretary Mike Reese (R-Westmoreland).

The new leadership team takes effect immediately and will serve until the end of the current legislative session on Nov. 30, 2020.

Source: Rep. Oberlander Press Release, 6/22/2020

Causer Joins House Leadership as Policy Committee Chairman

Rep. Martin Causer (R-Turtlepoint) has been selected by his peers to join the House Republican Leadership team by serving as chairman of the House Majority Policy Committee for the remainder of the 2019-20 legislative session.

He is the first member from McKean County to serve on the leadership team since Victor J. Westerberg of Kane, who served as minority policy committee chairman in the 1975-76 session.

"I came to the state House to give our rural residents and communities a stronger voice at the state Capitol, and that will always be my top priority," Causer said. "Joining the ranks of our leadership team puts me in an even better position

to work with fellow lawmakers to address the many issues and challenges we are facing in the Northern Tier, as well as across the Commonwealth."

The Majority Policy Committee is made up of all members of the Republican Caucus and is charged with helping to examine an array of issues identified as top priorities by lawmakers. The information gathered by the committee through hearings, informational meetings and on-site visits helps to drive the caucus' policy agenda for the session.

Causer has spent most of the last eight years in a leadership role for the House, serving as chairman of the House Agriculture and Rural Affairs Committee since the 2015-16 session and prior to that as chairman of the House Game and Fisheries Committee in the 2013-14 session.

The leadership position came open as a result of the retirement of former House Speaker Mike Turzai (R-Allegheny) earlier this month. Today, the state House elected Rep. Bryan Cutler (R-Lancaster), who had been serving as majority leader this session, to the role of speaker. Additional changes in the House Republican Caucus' leadership ranks include Rep. Kerry Benninghoff (R-Centre/Mifflin) as majority leader and Rep. Donna Oberlander (R-Clarion/Armstrong/Forest) as majority whip. Appropriations Committee Chairman Stan Saylor (R-York) retains his position, as does Caucus Chair Marcy Toepel (R-Montgomery), Caucus Secretary Mike Reese (R-Westmoreland/Somerset) and Caucus Administrator Kurt Masser (R-Northumberland/Columbia/Montour).

Causer has served as representative for the 67th Legislative District since 2003.

Source: Rep. Causer Press Release, 6/22/2020

House Democrats ready to work with new Republican leaders

On June 22, 2020, House Democratic Caucus leaders congratulated newly chosen leaders of the Republican Caucus and expressed

hope that more constructive bipartisan action can take place for the remainder of 2020.

"To quote House Speaker Bryan Cutler, 'This House of Representatives does not have time to waste. At this time, in this hour, and under our watch, our Commonwealth needs the best of what this institution was designed to be.'

"House Democrats completely agree. Many urgent matters like policing reform, economic justice, criminal justice, support for our marginalized communities and educational equity and adequacy for all children demand and deserve our immediate attention," said the Democratic leaders. "We also must confront the serious health and financial threats facing Pennsylvanians because of the current pandemic.

"It has been 216 days without any action by the House on an increase to the minimum wage that was passed by the Senate. We will continue to work to ensure a sustainable and just recovery from the pandemic crisis, and we expect that the new Republican leaders will work with us on these goals."

House Republicans chose Rep. Kerry Benninghoff of Centre County as the new majority leader, succeeding Peach Bottom Rep. Bryan Cutler who became House speaker today. Additionally, they selected Rep. Donna Oberlander of Clarion County to serve as majority whip and Rep. Martin Causer of McKean County to be majority Policy Committee chairman. The current two-year legislative session ends on Nov. 30, 2020.

Source: House Democratic Caucus, 6/22/2020

PUC Chair Gladys Brown Dutrieuille Elected to Strong, Diverse Leadership Team for Regional Utility Regulators Organization; Also Named to National Task Force on

Utility Responses to Severe Weather and COVID-19

On June 24, 2020, the Pennsylvania Public Utility Commission (PUC) announced that PUC Chair Gladys Brown Dutrieuille has been elected as part of a strong and diverse 2020-2021 leadership team for the **Mid-Atlantic Conference of Regulatory Utilities Commissioners** <http://macruc.org/> (MACRUC).

Chairman Dutrieuille will serve as MACRUC Second Vice President for the coming year following an election by fellow utility regulators from states across the Mid-Atlantic region - including Delaware, the District of Columbia, Kentucky, Maryland, New Jersey, New York, Ohio, Pennsylvania, the U.S. Virgin Islands, Virginia and West Virginia.

The incoming MACRUC leadership team includes President Willie Phillips, from the District of Columbia Public Service Commission; First Vice President Tony O'Donnell, from the Maryland Public Service Commission; and Secretary/Treasurer Joseph Fiordaliso, from the New Jersey Board of Public Utilities.

Pennsylvania has a history of leadership in regional and national utility affairs, and Chairman Dutrieuille acknowledged the responsibility to advance key issues and contribute to the public good, noting, "from everyone who has been given much, much will be demanded; and from the one who has been entrusted with much, much more will be asked."

The mission of MACRUC is to promote the region-wide advancement of public utility regulation and the related regulatory, legislative, and policy interests of MACRUC membership, consistent with MACRUC member state public utility commissions.

In addition to joining the newly-elected leadership team at MACRUC, Dutrieuille has also been named to a new national **Task Force on Emergency Preparedness, Recovery and Resiliency** <https://www.naruc.org/about-naruc/press-releases/naruc-creates-emergency->

[preparedness-recovery-and-resiliency-task-force/](#), created by the National Association of Regulatory Utility Commissioners (NARUC). The task force will explore utility issues related to weather emergencies and examine the national utility response to COVID-19.

Additionally, Dutrieuille also leads the **NARUC Committee on Critical Infrastructure** <https://maxxwww.naruc.org/forms/committee/CommitteeFormPublic/viewExecCommittee?id=764000C03B8&multicolumns=1>, which is a forum for discussing and promoting solutions to utility infrastructure security and delivery concerns.

The Pennsylvania Public Utility Commission balances the needs of consumers and utilities; ensures safe and reliable utility service at reasonable rates; protects the public interest; educates consumers to make independent and informed utility choices; furthers economic development; and fosters new technologies and competitive markets in an environmentally sound manner.

Visit the PUC's website at <http://www.puc.pa.gov/> for recent news releases and video of select proceedings. You can also follow us on Twitter, Facebook, LinkedIn, Instagram and YouTube. Search for the "Pennsylvania Public Utility Commission" or "PA PUC" on your favorite social media channel for updates on utility issues and other helpful consumer information.

Source: PUC Press Release, 6/24/2020

General Assembly Passes Bill to Increase River Safety, Gillespie Says

On June 25, 2020, Rep. Keith Gillespie (R-Hellam) announced that both chambers of the General Assembly have passed his bill, **House Bill 1003** <https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2019&sInd=0&body=H&type=B&bn=1003>, which would strengthen the Pennsylvania Fish and Boat Commission's (PFBC) ability to

enforce the marking of low head or run-of-the-river dams.

The PFBC is charged with ensuring low head dams are properly marked both upstream and downstream with signage and buoys. Currently, the only way to enforce these provisions is through a civil process, which is prolonged, costly and often ineffective. This legislation would allow the PFBC to directly issue citations to owners who fail to mark their dams. It would also update the definition of run-of-the-river dams to ensure every one of these structures is adequately marked for public safety.

"Forty-nine individuals have lost their lives in dam-related boating accidents since 1989. Most of these accidents take place near low head dams - small, private or municipally owned structures that span the entire width of a waterway. There are over 300 of these dams across the Commonwealth, many originally constructed to support a local mill or factory and are now obsolete," said Gillespie. "Boaters are often caught in the dangerous hydraulic boil behind the structure, which is often referred to as a 'drowning machine' It's far past time to strengthen our warnings for these dangerous structures and protect those who take advantage of the recreational opportunities that Pennsylvania's rivers offer."

The bill was passed unanimously by both the House of Representatives and the Senate, and now awaits the governor's signature.

Source: Rep. Keith Gillespie Press Release, 6/25/2020

Gov. Wolf: Last PA County will Move to Green on July 3

On June 26, 2020, Governor Tom Wolf announced that Lebanon County is slated to move to the green phase of reopening on July 3, putting all 67 counties in green. Twelve counties moved to green today, joining 54 already in the least restrictive phase of reopening.

"We will soon have all of our counties in green," Gov. Wolf said. "A milestone worth a cautious

celebration of the hard work and collaborative spirit of Pennsylvanians. But we must remember that the restrictions that remain in the green phase will help us continue to enjoy the freedoms this phase allows for."

Green phase restrictions include:

Work and Congregate Settings Restrictions

- Continued Telework Strongly Encouraged
- Businesses with In-Person Operations Must Follow **Updated Business and Building Safety Requirements**
<https://www.governor.pa.gov/covid-19/business-guidance/>
- All Businesses Operating at 50% Occupancy in the Yellow Phase May Increase to 75% Occupancy
- Child Care May Open Complying with Guidance
- Congregate Care Restrictions in Place
- Prison and Hospital Restrictions Determined by Individual Facilities
- Schools Subject to **CDC**
<https://www.cdc.gov/coronavirus/2019-ncov/community/index.html> and Commonwealth Guidance

Social Restrictions

- Large Gatherings of More Than 250 Prohibited
- Masks Are Required in Businesses
- Restaurants and Bars Open at 50% Occupancy
- Personal Care Services (including hair salons and barbershops) Open at 50% Occupancy and by Appointment Only
- Indoor Recreation, Health and Wellness Facilities, and Personal Care Services (such as gyms and spas) Open at 50% Occupancy with Appointments Strongly Encouraged
- All Entertainment (such as casinos, theaters, and shopping malls) Open at 50% Occupancy
- Construction Activity May Return to Full Capacity with Continued Implementation of Protocols

The data dashboard of county cases and criteria for reopening consideration can be found here

<https://www.health.pa.gov/topics/disease/coronavirus/Pages/County-Dashboard.aspx>.

Gov. Wolf's Process to **Reopen Pennsylvania**
<https://www.governor.pa.gov/process-to-reopen-pennsylvania/> outlines remaining restrictions for counties in yellow or green. Effective today, there are 66 counties in green and one in yellow. Philadelphia County is in green beginning today based on the state's metrics; however, local officials will maintain some additional restrictions until July 3.

As counties reopen, Pennsylvania continues to see a steady decline in cases, a positive indicator that its phased, measured reopening plan is working to balance public health with economic recovery.

The CDC's analysis of proprietary state case data puts Pennsylvania among states with a 42-day steady decline in cases. Pennsylvania has maintained this distinction for three weeks to date.

Research indicates that mask-wearing is a vital strategy to help stop the spread of the virus, especially as we plan for a possible surge in the fall. Gov. Wolf continues to remind Pennsylvanians of the mask-wearing requirement and was joined yesterday by business owners
<https://www.governor.pa.gov/newsroom/gov-wolf-pennsylvania-businesses-endorse-mask-wearing-to-protect-employees-customers-communities/> endorsing this measure
<https://www.governorpa.gov/newsroom/gov-wolf-pennsylvania-businesses-endorse-mask-wearing-to-protect-employees-customers-communities/> to protect customers, employees and communities.

The state continues to use risk-based **metrics**
<https://www.governor.pa.gov/wp-content/uploads/2020/06/20200625-CMU-Risk-Based-Decision-Support-Tool.pdf> from Carnegie Mellon University and the Department of Health and Pennsylvania Emergency Management Agency **data dashboard** available here
<https://pema.maps.arcgis.com/apps/opsdashboard/index.html#/034bec0bab3b450888a32012f81b8fe4> .

The state is increasing testing and contact-tracing efforts. The Department of Health received a total of 106,076 test results in the past seven days,

an average of 15,154 a day. The 30-day average of test results received is more than 13,000.

There were 3,524 COVID-19 total cases added to investigations for the week of June 19 through 25. There are currently 521 contact tracers with the Department of Health.

The latest **business guidance**, including outdoor recreation guidance. <https://www.governor.pa.gov/covid-19/business-faq/>.

Preliminary sports guidance
<https://www.governor.pa.gov/covid-19/sports-guidance/>.

Source: Governor Wolf's Press Release, 6/26/2020

Statewide Water Resources Committee and Regional Committees; Virtual Meetings Scheduled for 2020

The Statewide Water Resources Committee and the six regional committees associated with the State Water Plan update being coordinated by the Department of Environmental Protection (Department) have scheduled meetings for the remainder of 2020. In accordance with Governor Tom Wolf's emergency disaster declaration and based on advice from the Department of Health regarding the mitigation of the spread of the novel coronavirus (COVID-19), these will be held as virtual meetings.

Individuals wishing to join a meeting may do so remotely. Information will be provided on each Committee's webpage. Individuals interested in providing public comments during a meeting must sign up prior to the start of each meeting by contacting Mark Matlock at marmatlock@pa.gov or (717) 783-2285.

Information on how to join each meeting, as well as the schedule, agenda and meeting materials, will be available on each Committee's webpage, found on the Department's web site at www.dep.pa.gov

(select "Businesses," then "Water," then "Division of Planning and Conservation," then "State Water Plan," then "Committees" icon found at the top of the page).

Individuals are encouraged to visit each Committee's webpage to confirm meeting date, time and location prior to each meeting. Questions can be directed to Mark Matlock, Office of Water Resources Planning, at marmatlock@pa.gov or (717) 783-2285.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 783-2285, or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

Following is a list of virtual meetings that have been scheduled.

Delaware Water Resources Regional Committee

The Delaware Water Resources Regional Committee will hold a virtual meeting/conference call at 9 a.m. on the following dates:

- July 14, 2020
- October 13, 2020

Lower Susquehanna Water Resources Regional Committee

The Lower Susquehanna Water Resources Regional Committee will hold a virtual meeting/conference call at 9 a.m. on the following dates:

- July 15, 2020
- October 14, 2020

Potomac Water Resources Regional Committee

The Potomac Water Resources Regional Committee will hold a virtual meeting/conference call at 1 p.m. on the following dates:

- July 16, 2020

- October 15, 2020

Ohio Water Resources Regional Committee

The Ohio Water Resources Regional Committee will hold a virtual meeting/conference call at 1 p.m. on the following dates:

- July 28, 2020
- October 27, 2020

Great Lakes Water Resources Regional Committee

The Great Lakes Water Resources Regional Committee will hold a virtual meeting/conference call at 9 a.m. on the following dates:

- July 29, 2020
- October 28, 2020

Upper/Middle Susquehanna Water Resources Regional Committee

The Upper/Middle Susquehanna Water Resources Regional Committee will hold a virtual meeting/conference call at 9:30 a.m. on the following dates:

- July 30, 2020
- October 29, 2020

Statewide Water Resources Committee

The Statewide Water Resources Committee will hold a virtual meeting/conference call at 9 a.m. on the following dates:

- August 19, 2020
- November 12, 2020

Source: Pennsylvania Bulletin, 6/27/2020
<http://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol50/50-26/819.html>

Davis introduces Water Hardship Fund legislation House Bill 2620 would help

residents with overdue water, wastewater bills

On June 23, 2020, state Rep. Austin Davis, D-Allegheny, introduced legislation that would assist customers who may be unable to pay on outstanding water or wastewater bills.

House Bill 2620

<https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2019&sInd=0&body=h&type=b&bn=2620>, which Davis hopes will be voted by the full House soon, would create the Pennsylvania Water Hardship Fund. Through this program, customers would be able to donate a minimum of one dollar to a fund that would go directly to fellow customers with delinquent water bills and who need support.

The funds would be collected and administered by the water service and sewer companies with additional support from the Public Utility Commission, Davis said.

"COVID-19 showed us that we're stronger when we work together," Davis said. "Families across the state took a major hit when the pandemic occurred in the commonwealth. But residents - time and time again - did their part to help their neighbors make it through one of our state's darkest times. This bill draws from that mindset, and I believe it could have a positive impact for working class families in Pennsylvania."

Davis said a similar program, the Dollar Energy Fund, is already established in Allegheny County and aids customers who are behind on their energy bill.

Source: Rep. Austin Davis Press Release, 6/23/2020

DEP Launches Expanded Online Permitting Options to Assist Businesses

The Pennsylvania Department of Environmental Protection (DEP) announced a new online permit application tool that will

help permit applicants submit their permit applications electronically. The new tool, **OnBase-DEP Upload Form** <https://www.dep.state.pa.us/OBProdAppNet/UnityForm.aspx?key=UFKey>, will allow applicants to submit applications for all DEP authorizations.

"Online permit applications will allow for faster processing and more focus on parts of the permit application that relate to the environment and public health," said DEP Secretary Patrick McDonnell. "Paper applications will still be accepted, but applicants are strongly encouraged to use this new electronic permit application submission tool to improve the efficiency of the permit application submission and review processes as DEP employees continue to telework to help control the spread of COVID-19."

DEP had previously developed several online permit applications in its e-Permitting system under the Wolf administration and has reduced the backlog of permits under review by nearly 90 percent. Payment for application fees is not a part of the tool, and applicants will still need to submit payment under separate cover. Applications for permits that are included in DEP's e-Permitting system should only be submitted in the e-Permitting system.

"As we begin to recover from the impacts that COVID-19 has had on Pennsylvania, improving the permit application process will help businesses get back on their feet and people back to work," said McDonnell. "Electronic permitting is an important new tool for applications, and will continue to allow DEP staff still under telework orders to efficiently review applications."

Benefits of the online tool include:

- Lower costs for DEP and applicants - no paper and mailing envelopes
- Better efficiency for DEP staff; applications can more easily be moved between staff to prevent backlog
- Allows DEP staff to continue to process applications without going into an office, ensuring continued operations through pandemic conditions

"These applications will still be scrutinized for impacts to the environment and public health - but we can cut down on needless back and forth letters between DEP and applicants over missing information or incorrectly submitted applications," said McDonnell.

Guidance for the new permit application tool can be found **here** http://files.dep.state.pa.us/DataAndTools/ApplicationFormUpload/OnBase_form_May132020.pdf.

Instructions for applicants to submit permit fees can be found **here** http://files.dep.state.pa.us/DataAndTools/ApplicationFormUpload/OnBase_payment_submission_form_06182020.pdf.

More information on the online permitting tool can be found **here**: <https://www.dep.pa.gov/DataandTools/Pages/Application-Form-Upload.aspx>

Source: DEP Press Release, 6/22/2020

Governor Wolf Reaffirms Commitment to Combat Climate Change, Provides Update on RGGI Process

Governor Tom Wolf reaffirmed his commitment to combat climate change by providing the Pennsylvania Department of Environmental Protection (DEP) with a six-week extension to develop a proposed rulemaking to allow Pennsylvania to participate in the Regional Greenhouse Gas Initiative (RGGI).

Initially, the governor through executive action instructed DEP to develop a plan to present to the Pennsylvania Environmental Quality Board (EQB) by July 31, 2020. Under the **amended executive order** <https://www.governor.pa.gov/wp-content/uploads/2020/06/20200622-EO-19-07-As-Amended.pdf>, the deadline has been extended to September 15, 2020.

"Addressing the global climate crisis is one of the most important and critical challenges we face. Even as we continue work to mitigate the spread of COVID-19, we cannot neglect our responsibility and our efforts to combat climate change," Gov. Tom Wolf said. "Amending this order will provide DEP with more time to develop a strong plan without impacting our over goals for implementing the regulation."

"Given the feedback from members of our advisory committees and the general public comments, and the disruption caused by the COVID-19 pandemic, we plan to continue our conversations and outreach among the environmental justice community, affected communities, and general public throughout this summer," said DEP Secretary Patrick McDonnell. "Gathering additional feedback prior to promulgation will allow us to strengthen the regulation and work with affected communities and will not affect the ultimate timeline for the regulation go into effect."

RGGI is a market-based collaboration among 10 Northeast and Mid-Atlantic states to reduce greenhouse gas emissions while generating economic growth. Governor Wolf issued an **Executive Order** <https://www.governor.pa.gov/newsroom/governor-wolf-takes-executive-action-to-combat-climate-change-carbon-emissions/> in October 2019 instructing DEP to begin the regulatory process of participating in RGGI.

The RGGI states have reduced power sector CO2 pollution by 45 percent since 2005, while the region's per-capita GDP has continued to grow. Through its first six years of existence, RGGI investments were found to return \$2.31 billion in lifetime energy bill savings to more than 161,000 households and 6,000 businesses that participated in programs funded by RGGI proceeds, and to 1.5 million households and over 37,000 businesses that received direct bill assistance.

Pennsylvania exports nearly a third of the electricity it produces, and the cost of RGGI compliance for exported electricity will be paid by electric customers in the states where that electricity is ultimately used.

Reducing CO2 emissions as part of combating climate change is a top priority for the Wolf Administration. In January 2019, Governor Wolf signed an **executive order** <https://www.governor.pa.gov/newsroom/executive-order-2019-01-commonwealth-leadership-in-addressing-climate-change-and-promoting-energy-conservation-and-sustainable-governance/> to set Pennsylvania's first statewide climate goals, aiming to reduce greenhouse gas emissions by 26 percent by 2025 and by 80 percent by 2050, compared to 2005 levels.

Source: Governor Wolf's Press Office, 6/23/2020

43rd Statewide Grand Jury Finds Pennsylvania Failed To Protect Citizens during Fracking Boom

Report calls for new laws to protect water supplies and manage air pollution.

AG Shapiro calls for "cleanup" at the Department of Environmental Protection.

LIVESTREAM AVAILABLE HERE:

<https://www.attorneygeneral.gov/stream>

On June 25, 2020, Attorney General Josh Shapiro announced the findings and recommendations of Pennsylvania's 43rd Statewide Investigating Grand Jury report on the unconventional oil and gas industry. The Grand Jury's two-year investigation uncovered systematic failure by government agencies in overseeing the fracking industry and fulfilling their responsibility to protect Pennsylvanians from the inherent risks of industry operations.

In addition to exposing failures on the part of Pennsylvania's Department of Environmental Protection and the Department of Health, the Grand Jury made eight recommendations to create a more comprehensive legal framework that would better protect Pennsylvanians from the realities of industry operations.

“This report is about preventing the failures of our past from continuing into our future,” said Attorney General Shapiro in a press conference Thursday. “It’s about the big fights we must take on to protect Pennsylvanians — to ensure that their voices are not drowned out by those with bigger wallets and better connections. There remains a profound gap between our Constitutional mandate for clean air and pure water, and the realities facing Pennsylvanians who live in the shadow of fracking giants and their investors.”

This report follows the findings of the Grand Jury’s previous criminal presentments against two fracking companies — Range Resources and Cabot Oil & Gas — for their repeated and systematic violation of Pennsylvania environmental law. Range has since pleaded no contest to environmental crimes committed in Washington County, Pennsylvania. These cases were referred to the Office of Attorney General by local District Attorneys.

The report details the initial failure of the Department of Environmental Protection to adequately respond to the unconventional oil and gas industry and also points out that missteps continue to this day. These failures harmed Pennsylvanians living in close proximity to this industry. The grand jurors found that, while the Wolf administration has forced through some improvements at the agency, there continues to be room for meaningful change to occur.

The Grand Jury also heard from many Pennsylvania residents who suffered severe health consequences and lived near unconventional drilling sites. Residents testified that their well water was “black sludge,” “cloudy,” and using the contaminated water caused “problems with breathing whenever we were in the shower.” Pennsylvania farmers testified that their livestock, which used the same water source as the families, would sometimes become violently ill, infertile, and die. Other residents spoke of problems with their air, which became so polluted from stray gas or other chemicals used during industry operations that they could not leave windows open or let their children play outside. Parents testified that their children would repeatedly wake up at night with

severe nosebleeds caused by increased levels of gas in the air around the fracking sites.

In response to the failures of government oversight and in order to ensure that the regulators have the tools necessary to hold this industry accountable, the Grand Jury’s report details eight recommendations. These recommendations would better protect Pennsylvanians from the risk posed by fracking operations and confront the culture of inadequate oversight in the unconventional gas industry and government agencies that oversee their activities:

1. Expanding no-drill zones in Pennsylvania from the required 500 feet to 2,500 feet;
2. Requiring fracking companies to publicly disclose all chemicals used in drilling and hydraulic fracturing before they are used on-site;
3. Requiring the regulation of gathering lines, used to transport unconventional gas hundreds of miles;
4. Adding up all sources of air pollution in a given area to accurately assess air quality;
5. Requiring safer transport of the contaminated waste created from fracking sites;
6. Conducting a comprehensive health response to the effects of living near unconventional drilling sites;
7. Limiting the ability of Pennsylvania Department of Environmental Protection employees to be employed in the private sector immediately after leaving the Department;
8. Allowing the Pennsylvania Office of Attorney General original criminal jurisdiction over unconventional oil and gas companies.

“Our government has a duty to set, and enforce, ground rules that protect public health and safety. We are the referees, we are here to prevent big corporations and the powerful industries from harming our communities or running over the rights of citizens,” said Attorney General Shapiro. “When it comes to fracking, Pennsylvania failed. Now it’s time to face the facts, and do what we can to protect the people of this commonwealth by encouraging the Department of Environmental Protection to partner with us and by passing the Grand Jurors’ common-sense reforms.”

A copy of the report can be found **here**
<https://www.attorneygeneral.gov/wp-content/uploads/2020/06/FINAL-fracking-report-w-responses-with-page-number-V2.pdf>.

Fact sheets and press kit available **here**
<https://www.attorneygeneral.gov/fracking/>.

Source: AG Josh Shapiro Press Release, 6/25/2020

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