



ALEC EXPOSED

Corporate Polluters Undermining Clean Power in Virginia

In the 2016 legislative session, Virginia lawmakers introduced bills to curb climate change, promote clean energy sources, and rein in pollution. The state's fossil fuel industries in coordination with the Koch brothers' funded group, the American Legislative Exchange Council (ALEC) and their General Assembly allies worked to stop, block and stall progress on all of these fronts.

Virginia's utilities, coal companies, and natural gas companies are working from a nationally driven playbook developed over decades to protect their profits by stopping government action to reduce greenhouse gas emissions, promoting climate-science denial, thwarting the transition to clean energy, and limiting the oversight and regulatory power of the Environmental Protection Agency (EPA).

This report focuses primarily on ALEC's efforts to stop the Clean Power Plan (CPP), which establishes state-by-state targets for carbon emissions reductions and offers a flexible framework that allows states to meet those targets. The Clean Power Plan is also key to the U.S. commitment to reduce carbon pollution under the recent Paris international climate agreement.

Virginia lawmakers linked to ALEC have been trying to block implementation of the Clean Power Plan since the EPA announced the plan in June 2014. In 2016 lawmakers introduced three bills to stop movement on the development of Virginia's plan to curb emissions. None of them became law; but odds are high these bills will be introduced again next session, and if they do not succeed, the session after that. Meanwhile the seas continue to rise along Virginia's coasts and shorelines.

ALEC IN VIRGINIA:

For 40 years, Arlington, Virginia based ALEC has convened conservative state legislators and corporations to draft "model legislation" beneficial to ALEC corporate members, including some of Virginia's worst polluters.

- Dominion Resources, the parent company of Dominion Virginia Power, [the largest emitter of carbon-dioxide pollution in Virginia](#) according to its own reports to the EPA, is a member of ALEC's "Energy, Environment and Agriculture Task Force."
- Virginia's other major electric utility company, American Electric Power (parent of Appalachian Power) has formally quit ALEC, but remains connected to the organization through the Edison Electric Institute, a utility trade group.

ALEC model bills are then introduced in Virginia's General Assembly and in other state legislatures around the country.

- For example, in 2011 the Virginia-Pilot reported on a [word-for-word copy of an ALEC model bill](#), that was introduced in the Virginia House of Delegates, which would block the EPA from limiting greenhouse-gas pollution.
- In January 2015, E&E news reported on the ["legislative proposals by the conservative American Legislative Exchange Council that would make it harder to implement the greenhouse gas rule for the existing power plants" in Virginia and other states.](#)

VIRGINIA LEGISLATORS WITH ALEC TIES:

House of Delegates

Del. David B. Albo	Del. S. Chris Jones
Del. Richard P. Bell	Del. Terry G. Kilgore
Del. Kathy J. Byron	Del. R. Steven Landes
Del. Benjamin L. Cline	Del. Jim LeMunyon
Del. Mark L. Cole	Del. L. Scott Lingamfelter
Del. Marvin Kirkland Cox	Del. Daniel W. Marshall, III
Del. Thomas Greason	Del. Jimmie Massie
Speaker William Howell	Del. John O'Bannon
Del. Timothy D. Hugo	Del. Christopher Peace
Del. Riley E. Ingram	Del. Lee Ware

Senate

Sen. John A. Cosgrove, Jr.	Sen. Thomas K Norment, Jr.
Sen. Ryan T. McDougale	Sen. Frank M. Ruff, Jr.
Sen. Stephen D. Newman	Sen. Frank Wagner

IN 2014, VIRGINIA HOUSE SPEAKER BILL HOWELL WAS AWARDED BY ALEC FOR HIS “LEADERSHIP AND DEDICATION TO ADVANCING ALEC PRINCIPLE BOTH VIRGINIA AND WITHIN THE ORGANIZATION.”

ALEC CORPORATE FUNDERS ACTIVE IN VIRGINIA

Altria
American Petroleum Institute
American Coalition for Clean Coal Electricity
AT&T
Chevron
CSX
Devon Energy
Dominion
Edison Electric Institute
ExxonMobil Corporation
Koch Companies Public Sector
Norfolk Southern
Peabody Energy
Pfizer

In recent years, over 100 corporate members of ALEC have [cut ties with the organization](#), many due to concerns about the group’s promotion of climate change denial and its opposition to renewable energy. Among them are American Electric Power (AEP), parent company of Appalachian Power (ApCo) which serves customers in

Southwest Virginia, and Microsoft, which operates data centers in the state.

- In December 2015, [AEP decided that it would not renew its membership in ALEC](#), stating: “We are reallocating our resources as we focus on our work with the states around the Clean Power Plan.”
- Microsoft [separated from ALEC](#) in 2014. In a release covered by Bloomberg, “Microsoft is a leader on carbon issues—in 2012, it committed to becoming carbon neutral, and is one of the largest corporate purchasers of renewable energy.” “Thus, we believe that its affiliation with ALEC, which is actively fighting policies that promote renewable energy, was incongruous. In addition, there were numerous other ALEC actions that conflicted directly with Microsoft’s values.”
- When Google quit ALEC in September 2014, citing concerns about ALEC’s promotion of climate change denial, Chairman Eric Schmidt told National Public Radio that “they’re just literally lying” and they “are really hurting our children and our grandchildren and making the world a much worse place.” “I think the consensus within the company was that that was some sort of mistake, and so we’re trying to not do that in the future,” Schmidt [told Diane Rehm](#).

Headquartered in Arlington’s Crystal City area, ALEC operates in close proximity to the nation’s capital while retaining a Virginia address. Based just 15 minutes away in Old Town Alexandria, are Donors Trust and Donors Capital Fund, the “secretive funding route” used by conservative billionaires to [“channel nearly \\$120m \(£77m\) to more than 100 groups casting doubt about the science behind climate change;”](#) as reported by The Guardian in 2013, and further detailed in Jane Mayer’s 2016 book *Dark Money*.

ALEC’s sister organization, the State Policy Network (SPN) is a network of 65 state-based trade associations of right wing think tanks that appear to operate independently but actually provide nationally coordinated “academic” cover for ALEC’s energy and anti-environmental agenda. A 2013 [article by Jane Mayer in the New Yorker](#) revealed that Tracie Sharp, President of SPN, speaking at a private meeting that year, described the network of think tanks as “the IKEA model” providing a “catalogue” to its member groups of “what success would look like.”

In Virginia, there are two affiliates of SPN. One of these,



the Thomas Jefferson Institute has been actively opposing the Clean Power Plan and providing Virginia legislators with what seems to be objective “academic” support and cover. Though the organization does not disclose its funders, bankruptcy filings in 2015 from the coal company Alpha Natural Resources list the Thomas Jefferson Institute as a recipient of company funding. Alpha also provides funding to ALEC. Dominion’s top lobbyist, James Beamer, is a member of the Thomas Jefferson Institute’s board of directors.

David Schnare, Director of the Center for Energy and the Environment at the Thomas Jefferson Institute, [a self-described climate skeptic](#), provided testimony at a December 2014 Virginia legislative subcommittee hearing on the Clean Power Plan. In his presentation, Schnare, who is a former EPA lawyer who espouses something he calls “free-market environmentalism,” argued that the Clean Power Plan was “All Pain and No Gain” and that the “EPA has blood on its hands” in promoting the rule. Instead, Schnare advocated for the “Reliable, Affordable, Safe Power (RASP) Act,” an ALEC-model bill designed to block action to comply with the EPA rule (see below for more on this bill).

In addition to his staff role at the Thomas Jefferson Institute, David Schnare is also General Counsel at the DC-based Energy and Environment Legal Institute (E&E Legal) and Director of the Burke, Virginia-based Free-

Market Environmental Law Clinic (FMELC). Both of these organizations receive funding from coal companies mining in Virginia: E&E Legal (Arch Coal), FMELC (Alpha Natural Resources).

Through these groups, Schnare, along with another coal-funded lawyer, Chris Horner, have a history of filing extremely broad public record requests with climate scientists and their universities, seeking records that include personal emails and unpublished research, often taking the scientists to court when they don’t turn everything over. The lawsuits often drag on for years. In one such case, in 2011 Schnare and Horner demanded that the University of Virginia hand over the personal correspondence of notable climate scientist Dr. Michael Mann, a case they eventually lost when the Virginia Supreme Court unanimously [found in favor of Mann](#), but not until three years later in 2014. The Union of Concerned Scientists has described these actions against climate scientists as “harassment.”

- The Jefferson Institute has worked with the [Beacon Hill \(another SPN member\) Institute to produce a report critical of the EPA’s Clean Power Plan](#).
- An [event](#) organized by the Jefferson Institute in 2015, featured well-known climate- science denier Marc Morano as the keynote. The invitation promised guests the “real story about climate change” including a promise that Morano would disprove the overwhelming consensus that the climate is changing as a result of carbon pollution.



- An [in-depth investigation](#) by the Center for Media (CMD) and Democracy shows that SPN and its member think tanks including the Thomas Jefferson Institute share ties to ALEC and the Koch brothers.
- The Jefferson Institute website currently features a [supportive message](#) for the organization from convicted former Virginia Governor Bob McDonnell, who praised the “kind of influence” that the organization provides.
- At the national level, the Thomas Jefferson Institute organizes an annual invitation-only “State Energy/Environment Leadership Summit,” which takes place alongside the annual conference of the State Policy Network. The events are co-sponsored by the Consumer Energy Alliance, a non-profit group that advocates against regulations affecting the fossil fuel industry, and which itself [receives funding](#) from the Virginia based coal company, Alpha Natural Resources.
- Koch Industries is a top spender on oil and gas lobbying, according to [data](#) from the Center for Responsive Politics: In 2014, it [spent](#) \$13.7 million.
- The Koch brothers have also funneled [\\$79 million dollars into climate-science-denial groups](#) working to block or delay policies and regulations aimed at stopping climate change. Most of these recipients are part of the State Policy Network.

ALEC BILLS

ALEC has received substantial funding from fossil fuel interests since the 1970s, and has consistently advocated against state and federal regulations that would impact the profits of these funders. Following the international adoption of the Kyoto climate agreement in 1997, ALEC became more heavily involved in opposing action to tackle climate change, [promoting climate science denial](#) to legislators at its annual conferences and in its published materials.

Current ALEC model legislation continues to falsely claim there is a “great deal of scientific uncertainty” around the existence of climate change and that changes to the climate may be “beneficial.”

Much of this agenda is funded by the coal industry, with Peabody Energy and the pro-coal American Coalition for Clean Coal Electricity (ACCCE) sponsoring and participating in numerous workshops, presentations, and other events targeting state legislators attending ALEC conferences.

- At one session organized by Peabody Energy during the ALEC annual meeting in July 2014, a Peabody

THE KOCH BROTHERS

For decades, billionaires Charles and David Koch have invested in and supported ALEC and SPN and their state-based work promoting the interests of fossil fuel companies. Top beneficiaries include Koch Industries, an oil and gas corporation that is the second largest privately held company in America and that has an especially [poor environmental record](#).

- In 2013, CMD identified [77 bills](#) that were introduced in state legislatures around the nation based on ALEC model legislation aimed at blocking the development of renewable energy and increasing extraction of fossil fuels. A 2014 internal ALEC bill document from its Energy, Environment and Agriculture Task Force tracked [131 bills](#) relating to this agenda.

Energy lobbyist called for a “political tsunami” against the EPA Clean Power Plan.

- At another ALEC meeting in 2013, Peter Glaser, a lawyer with Troutman Sanders who represents both Peabody Energy and the National Mining Association, called for legislators to engage in “[guerrilla warfare](#)” against the proposed EPA carbon standards.

Beginning in December 2013, ALEC began organizing [regular conference calls](#) with its members, asking them-- in addition to introducing model legislation opposing the Clean Power Plan--to speak with their state’s attorney general and to encourage them to prepare for and engage in litigation against the Clean Power Plan. Twenty-seven states subsequently filed suit against the Clean Power Plan.

On February 9, 2016, in a surprising 5-4 decision the Supreme Court granted a stay of the Clean Power Plan until the U.S. Court of Appeals for the DC Circuit has heard and ruled on a challenge to the plan from a number of energy companies and the 27 states. The stay puts on hold any actions that the EPA can take to implement the plan, but many states, including Virginia, have already indicated that they will continue to move forward with cuts in carbon pollution.

In response, legislators in some states, including Kansas and Missouri, have introduced legislation that would require all work on their state pollution reduction plan to stop immediately. A similar measure has been issued by executive order in Wisconsin. Although this legislation did not originate with ALEC, it reflects the agenda in many of the model bills being promoted by ALEC.

ALEC has numerous model bills opposing the Clean Power Plan:

- The [Environmental Impact Litigation Act](#), adopted by ALEC in September 2015, would establish a slush fund financed by gifts from corporations and individuals to be used to pay for states to litigate against the Clean Power Plan and other federal environmental protections. It would also create a board to control the fund including representatives from “energy trade associations.”
- The [State Power Accountability and Reliability Charter \(SPARC\)](#), would effectively block states from complying with the Clean Power Plan, by disallowing

essential pollution reduction tools, such as promoting energy efficiency, the use of renewable energy, and the use of natural gas. The coal company Peabody Energy promoted this model bill to ALEC at its July 2015 Annual Meeting, at which it was adopted.

- The [Act Requiring Legislative Approval of a State Compliance Plan](#), adopted by ALEC in December 2015, would require state legislators to vote to approve their state’s plan to reduce carbon pollution before it is sent to the EPA, causing inevitable delay and politicization. A version of this was introduced and passed in both houses of the Virginia General Assembly in 2016. Fortunately, Governor Terry McAuliffe vetoed it.
- The [Reliable, Affordable and Safe Power \(RASP\) Act](#), would block the use of state funds to comply with the requirements of the Clean Power Plan, mirroring the “just say no” approach advocated by Senate Majority Leader Mitch McConnell. The model legislation was developed and promoted by the Koch-funded Americans for Prosperity, and discussed at an ALEC meeting in December 2015, though it has not been formally adopted to date.
- ALEC has also adopted and promoted numerous resolutions opposing the Clean Power Plan, including: [Resolution Concerning EPA’s Proposed Guidelines for Existing Fossil Fuel-Fired Power Plants and a, Resolution in Response to EPA’s Plan to Regulate Greenhouse Gases under the Clean Air Act.](#)

Other elements of ALEC’s anti-environmental agenda include:

- The [Electricity Freedom Act](#), would repeal individual state requirements for utilities to generate a proportion of the energy they produce from renewable energy sources.
- The [Disclosure of Hydraulic Fracturing Fluid Composition Act](#), would allow oil and natural gas companies to keep secret the details about chemicals they pump into the ground during the fracking process. The bill was brought to ALEC by the U.S.’s leading fracking company, ExxonMobil.
- The [Environmental Literacy Improvement Act](#), would require that public schools teach students about scientific issues including climate change from “a range of perspectives.” Although human-caused



climate change is not a scientifically disputed fact, the bill would require that students hear about “countervailing scientific and economic views.” This is much like the bogus “teach the controversy” position advanced by creationists with respect to evolution science.

- The [Disposal and Taxation of Public Lands Act](#) is one of several ALEC model bills that would ostensibly allow states to take control of and then sell federal lands to corporations for the extraction of coal, oil and gas.
- The [Updating Net Metering Policies Resolution](#) would increase costs for energy users who generate their own electricity through solar panels at their home or business. An ALEC staffer described home solar users to the media as “free riders on the system.”
- The [State Withdrawal From Regional Climate Initiatives](#) would withdraw a state from regional efforts to lower carbon pollution.
- The [Resolution To Retain State Authority Over Coal Ash As Non-Hazardous Waste](#) makes the case for states to have jurisdiction over regulating coal ash pollution, rather than the Environmental Protection Agency.

ALEC’S CLIMATE DENIAL EFFORTS AND INFLUENCE ON STATE CLEAN POWER PLAN IMPLEMENTATION

When the Environmental Protection Agency (EPA) released its Clean Power Plan in June 2014, environmentalists celebrated America’s first serious

response to global climate disruption and the first-ever limit on the greenhouse gas pollutant, carbon dioxide. In reaction, Virginia legislators linked to ALEC introduced bills that mandated delays and protected the fossil fuel status quo.

2014

[House Bill 207](#), introduced by Del. Richard Bell (R-20), was a so-called “academic freedom” statute, one of several Orwellian-named laws that appeared around the country originally to insert creationism in science classrooms. Creationists want science teachers to “teach the controversy” about evolution vs. creationism, when in fact there is no such scientific controversy. In 2014, climate-science deniers and misinformers promoted this bill to require science teachers in public schools to teach a non-existent controversy about whether human-caused greenhouse gas emissions cause climate change. This bill reported from the House Subcommittee on Elementary and Secondary Education on a 4-3 vote, and then was re-referred to the House Committee for Courts of Justice when constitutional concerns were raised in the Full House Committee on Education. The House Courts of Justice Committee then re-referred the bill back to the Committee on Education like a hot potato, where it was left to languish until the 2014 session came to a conclusion. The bill effectively died for lack of a motion.

2015

During the 2015 Virginia General Assembly session, seven

bills and resolutions were introduced in Virginia that reflect ALEC's anti-climate science agenda.

[Senate Bill 740](#), introduced by Sen. Bill Carrico (R-40), was the first of several bills introduced to the General Assembly over the next two years seeking to reject or undermine the EPA's authority and hobble Virginia's ability to implement the Clean Power Plan.

This bill, had it passed, would have instructed Virginia's Department of Environmental Quality (DEQ) to hold hearings and examine witnesses in the development of its compliance plan. DEQ would also have been required to get approval from the General Assembly for the plan before it could submit it to the EPA for approval—effectively giving the General Assembly a legislative veto. If either chamber of the Legislature opposed the plan, DEQ would have to do it over again, until the time allowed for state compliance ran out.

Virginia legislators did not invent the attack-challenge-delay approach that is the common thread in these nine bills. The strategy came straight from ALEC. **SB 740** was defeated in the Senate Agriculture, Conservation and Natural Resources Committee on an 8-7 vote when now-retired Sen. John Watkins (R-10) crossed party lines to vote with Democrats and kill the bill.

[House Bill 2291](#), introduced by Del. Israel O'Quinn, was another bill requiring DEQ to prepare a report detailing the potential impacts of compliance with the Clean Power Plan and receive approval from the General Assembly in an up or down vote in both houses before moving forward. While this legislation sailed through a Special Subcommittee on Energy and then the House Commerce and Labor Committee on party-line votes, it was killed on the House floor in a parliamentary move by the Speaker of the House, who ruled the bill out of order.

[Senate Bill 1365](#), introduced by the same Sen. Watkins whose vote was critical to stopping **SB 740**, started its life in the Virginia General Assembly as another ALEC attack on the Clean Power Plan, with an identical companion bill in the House carried by Delegate O'Quinn. However, in Senate Finance Committee Sen. Watkins walked back his legislation which gave the DEQ direction on what factors to consider in developing the plan, and required DEQ to

consult with the State Corporation Commission and meet with General Assembly members. The benign substitute bill passed out of Senate Finance Committee unanimously, and it appeared to be smooth sailing for the bill until unexpected drama unfolded on the Floor of the House.

Upon reaching the Floor after crossover, the companion bill's patron, Del. O'Quinn, attempted a coup by introducing substitute language that would inject ALEC hyperbole and transform the bill once again into an offensive blitz on the EPA and the Clean Power Plan. SB 1363 was pulled off the Senate calendar (killed) by its patron Sen. Watkins after the hostile changes were approved by the House of Delegates.

[Senate Joint Resolution 273](#), introduced by Sen. Frank Wagner, passed both houses of the General Assembly and resulted in a study, [Analysis of Projected Health Co-Benefits in EPA's Proposed Clean Power Plan](#), published by the Department of Environmental Quality on December 18, 2015. The legislation directed DEQ to study whether the health benefits of the Clean Power Plan differed from benefits already expected from compliance with other air quality regulations. The reason, according to the bill, was that "if the EPA is claiming the same health benefits under two different sets of regulations, its effort to attribute future pollution reductions to the proposed Plan amounts to 'double counting.'" Rather than propose constructive steps or solutions, this Resolution introduced yet another attack on the EPA and the Clean Power Plan to the already acrimonious General Assembly.

[Senate Bill 1202](#), introduced by Sen. Wagner, would have prohibited DEQ or any other state agency from preparing a state implementation plan or other document with respect to the EPA's Clean Power Plan, unless the State Corporation Commission finds that the final version of the Clean Power Plan incorporates amendments or revisions that address 18 criticisms of the proposed version to an extent that makes it unlikely that compliance with the final version will increase electricity rates or reduce the reliability of electric service. This bill was stricken at the request of the patron (the bill was withdrawn) when it became clear that it did not have the votes to be reported out of Senate Agriculture, Conservation and Natural Resources Committee.

[Senate Bill 1442](#), another bill from Sen. Wagner, would have prohibited DEQ from expending funds to develop or implement a Clean Power State Implementation Plan until federal judicial review as to the legality of a final EPA rule has been fully resolved. This bill was stricken at the request of the patron, and never brought to a vote.

[House Joint Resolution 608](#), introduced by Del. Terry Kilgore, was a simple declaration of opposition to the EPA's Clean Power Plan, and another attempt to obstruct the authority of Virginia's agencies to develop a responsible plan to comply with the EPA. Furthermore, passage of this resolution would have been entirely political, as the final Clean Power Plan was not made public until July of 2015—six full months after this resolution came to a vote. This resolution passed the House of Delegates, but was left in the Senate Committee on Rules where it was not taken up and effectively died for lack of a motion.

Del. Alfonso Lopez, an environmental champion in the Virginia legislature, made a motion on the House Floor to add an amendment to the resolution noting that the vast majority of scientists have concluded that climate change is caused by our pollution and threatens public health, particularly that of children, the elderly, and the poor. This amendment was voted down.

2016

This year, three ALEC bills that sought to obstruct Virginia's implementation of the Clean Power Plan were introduced in the Virginia General Assembly. These bills would have required legislative approval of the state's compliance standards under the Clean Power Plan, limiting the governor's authority to develop a carbon emission reduction plan as required by the EPA under the federal Clean Air Act.

House Bill 2, introduced by Delegate Israel Quinn, was the first ALEC bill introduced in the lower chamber of the Virginia legislature this session, submitted in November of 2015. It is a carbon copy of model legislation drafted by ALEC, dubbed on their website as an Act [Requiring Approval of State Plan to Implement EPA's Carbon Guidelines](#). This bill gained [33 co-patrons](#) in the House of Delegates, all Republicans and nine documented ALEC members, including Del. Kathy Byron, Del. Benjamin Cline,



On March 2, 2016, Gov Terry McAuliffe vetoed SB 21, stopping an obstructionist attack on the Clean Power Plan

Del. Mark Cole, Del. Marvin Cox, Del. Timothy Hugo, Del. Terry Kilgore, Del. Jimmie Massie, Del. John O'Bannon, and Del. Lee Ware. **HB 2** reported from Commerce and Labor Committee on a party line vote, 14-6, with Del. Peter Farrell (son of Dominion Resources CEO Thomas Farrell II) abstaining and Del. Ward not voting. One week later, **HB 2** was successfully passed by the House 64-34, once again on party lines.

In the Virginia Senate, **Senate Bill 21** was introduced and conformed to have identical language to **HB 2**. Chief patron and chief co-patron, Senators Benton Chafin and Mark Obenshain, are not documented members of ALEC, but another co-patron, Sen. John Cosgrove, is a known member of the [ALEC Commerce, Insurance and Economic Development Task Force](#). **SB 21** reported from Senate Agriculture, Conservation and Natural Resources Committee on a party line vote, 8-7.

On the Senate floor, Sen. Richard Stuart (R-28) took note that the bill carried a fiscal impact of \$350,000 to the General Fund. This figure was derived from the bill's requirement that DEQ work in conjunction with the State Corporation Commission to prepare a report to the General Assembly on the state's implementation plan as

developed by DEQ. This report was to detail the plan's potential impact on the electric power sector; electricity consumers; employment; economic development; the competitive position of the Commonwealth relative to neighboring states and other economic competitors; and state and local governments including any changes in tax revenue and the need for any new state laws to implement the plan. Noting that any bill with a fiscal impact should be heard by the Finance Committee, Committee Co-chair Sen. Emmett Hanger (R-24) made a motion to re-refer the bill, which carried unanimously.

The Senate Finance Committee voted along party lines to report **SB 21**, 9-4. The next day, the full Senate voted to pass the bill on a party-line vote, 21-19. Gov McAuliffe vetoed **SB 21**, effectively stopping this obstructionist attack on the Clean Power Plan. In the [explanation of his veto](#), Gov. McAuliffe cited the bill's unconstitutional mandate to override the separation of powers between the executive and legislative branches of government.

Senate Bill 482 was also introduced as a companion to **HB 2**, but it was incorporated into **SB 21** early on in Agriculture, Conservation and Natural Resources Committee. The bill's patron, Sen. Obenshain, was made chief co-patron of **SB 21** when it was selected as the vehicle to move forward.

HB 2, SB 21 and SB 482 infringe upon the authority of the Governor to develop a state plan with the agencies responsible for protecting health and the environment. The bill was expressly written to obstruct state agencies who must draft a plan that fits the unique needs of Virginia and waste our opportunity to develop a plan that works best for Virginia's economy and our communities threatened by rising sea levels and other consequences of the changing climate. In addition, two days before the 2016 General Assembly session closed, lawmakers (anonymously) amended the state budget in an effort to impede development of Virginia's plan to curb emissions until after the Supreme Court stay is lifted, contrary to the Governor's intentions.

CONCLUSION

As leaders in Virginia and across the globe grapple with the challenge of implementing clean energy solutions to mitigate climate change, ALEC and its corporate-polluter-funded allies continue to seek to stymie progress that would protect public health and the environment.

Each year since the introduction of the Clean Power Plan, building on decades of earlier public policy obstruction, ALEC and its General Assembly allies in Virginia have worked to block action to address climate change. Although their bills had limited success in Virginia this year, their success continues in the defeat of forward progress in reducing greenhouse gas emissions and opening markets to renewable energy. The defeat of the latest ALEC-inspired bills can be attributed to the actions of Governor Terry McAuliffe, who has vetoed one attempt to undermine his authority to implement the Clean Power Plan, and vowed to do the same for the rest.

Despite the recent Supreme Court decision to stay the Clean Power Plan, many states, including Virginia, continue to develop plans to meet their targets for carbon emissions reductions. This progress is critical to fulfilling the United States' commitment to reduce carbon pollution under the Paris international climate agreement, and will continue to require defense against ALEC and the polluters who put profits over people in their policy advocacy. Further ALEC-driven attacks on the Clean Power Plan, solar net metering, and other policy proposals to transition to cleaner sources of energy are anticipated in Virginia in the years ahead.

Thank Governor McAuliffe for his veto, and [urge him to develop a strong Clean Power Plan](#) that cuts carbon and ensures the health and prosperity of Virginians for generations to come.



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