

MassDEP Finally Tackles Greenhouse Gas Emissions Under the Global Warming Solutions Act



image credit: [Steve Johnson](#)

In January 2016, the Supreme Judicial Court issued a strong [climate change decision](#) under Massachusetts' 2008 Global Warming Solutions Act. The GWSA required the Massachusetts Department of Environmental Protection to adopt regulations reducing the state's greenhouse gas emissions to 25% below 1990 levels by 2020 and 80% below 1990 levels by 2050. In a case brought by four high school students and two non-profits, the SJC held that the regulatory steps that MassDEP had taken were insufficient to accomplish those goals. Anderson & Kreiger wrote a key *amicus* brief for the plaintiffs on behalf of a climate change scientist, Alternatives for Community & Environment and the Town of Duxbury.

On August 11, 2017, MassDEP published more ambitious regulations to try to meet the GWSA's emission reduction requirements. The new regulations will take effect on January 1, 2018.

The new [regulations](#) address six key areas: (1) Utilities must reduce sulfur hexafluoride emissions from gas-insulated switch gears. This is a narrow issue, but it is an important one because sulfur hexafluoride is a very potent greenhouse gas. (2) Natural gas distributors must eliminate leaks within their distribution systems to meet declining methane limits. The regulation adds a process for gas operators to petition MassDEP for part of a methane emissions "set-aside" due to system updates, distribution system growth, or other unanticipated issues. (3) The Commonwealth's fossil fuel plants must cut their emissions by 80%, from 8.96 million metric tons in 2018 to 1.8 million metric tons in 2050. This will be done in part through carbon dioxide allowance auctions scheduled to begin in 2019. (4) In 2018, utilities and competitive suppliers must have 16% of their electricity sales come from clean energy sources. That figure will increase by 2% annually to reach 80% by 2050. This regulation also requires MassDEP to review options for addressing pre-2010 resources and municipal utilities. (5) The Massachusetts Department of Transportation and the Massachusetts Bay Transportation Authority must reduce emissions in their mobile equipment and the heating systems in their buildings. (6) The Commonwealth's Executive Office must achieve reduced CO₂ emissions from its fleet of passenger vehicles.

Together, these regulations constitute a far more aggressive effort to comply with the GWSA than DEP's initial steps that prompted the [Kain](#) suit. They should substantially reduce Massachusetts' contribution to climate change.