September 8, 2022

Members of the Virginia Air Pollution Control Board
c/o Office of Regulatory Affairs
Department of Environmental Quality
P.O. Box 1105
Richmond, Virginia 23218

Sent via email: CitizenBoards@DEQ.Virginia.gov

Dear Members of the Air Pollution Control Board:

As current members of the Virginia General Assembly who voted for the Clean Energy and Community Flood Preparedness Act in 2020 or voted against changes to that same law in 2022, we write to express our continued support for Virginia’s participation in the Regional Greenhouse Gas Initiative (RGGI). Further, we write to articulate the reality that Virginia’s participation in RGGI is mandated by law. Therefore, ultimately only a change in the law that passes both chambers of the General Assembly and is signed by the Governor can remove Virginia’s participation. No proposed regulation, emergency regulation, regulatory act, or any subsequent administrative process can do so.

In addition to the Commonwealth’s participation being mandated, RGGI is already delivering benefits to the residents of Virginia. As legislators, we believe it is important that you consider and understand the following benefits to Virginians from our participation in RGGI:

- RGGI has generated $378 million to support low-income energy efficiency programs and flood resilience infrastructure in Virginia.¹
  - Energy efficiency upgrades are the best way to lower electricity bills, and Virginia’s funds are directed to helping those households most in need.²
  - Flood resilience infrastructure protects Virginians against increased flooding and extreme weather events.
- RGGI has demonstrated Energy Cost Savings.
  - Electricity prices in RGGI states dropped by almost 6% while they went up by almost 9% throughout the rest of the country.³ RGGI is a proven tool to reduce utilities’

² [https://vaeecc.org/rggi/](https://vaeecc.org/rggi/)
reliance on fossil fuels—a move that will benefit customers by helping avoid high electricity bills caused by volatile fossil fuel costs.

- RGGI is the ultimate path to Pollution Reduction.
  - RGGI states reduce climate-warming emissions 90% faster than the rest of the country—while growing 31% faster economically.\(^4\)
  - DEQ’s own report to Governor Youngkin shows Virginia’s emissions remained constant from 2010 to 2020,\(^5\) while RGGI states saw their emissions drop by 30%.\(^6\)

Based on those facts alone, Virginia should remain in RGGI. RGGI is good for Virginians. However, the Governor and the Department of Environmental Quality have initiated a process for the Air Pollution Control Board to repeal RGGI regulations.

At present, the only increases on customers' electricity bills in Virginia are solely attributable to drastic rising fossil fuel costs being billed by utilities and are not at all related to RGGI. RGGI plays a critical role in stopping those massive cost fluctuations by pursuing an end to Virginia's reliance on fossil fuel electricity generation, in accordance with the goals defined in the Commonwealth’s Clean Energy Policy. Renewable energy, and its immunity from market fluctuations in fossil fuel sectors is the answer to stable energy prices.

What the Governor and the Department of Environmental Quality are asking you to do, according to the contents of Executive Order 9, in your capacity as a member of the Air Pollution Control Board is just not lawful. The Clean Energy and Community Flood Preparedness Act was passed, signed into law and enacted. No proposed regulation, emergency regulation, regulatory act, or any subsequent administrative process can remove Virginia from RGGI because our membership in RGGI is mandated by that law. The authority to execute the action that the Governor and the Department of Environmental Quality describe and assert that you take rests solely with the General Assembly. As recently as the 2022 Session of the General Assembly, we rejected the changes to the law that the Governor seeks.

In summary, the Regional Greenhouse Gas Initiative is a program that is delivering benefits to Virginia's residents, is not cost prohibitive, and the Department of Environmental Quality is mandated by the Code of Virginia to maintain Virginia's participation in this program. The Air Pollution Control Board is a creation of statute; you have only the powers that the General Assembly grants you. As such, the Air Pollution Control Board cannot simply repeal a regulation that the General Assembly specifically required you to issue. As legislators, we urge you to vote against the action proposed by the Governor and the Department—such an act is outside the scope of your duties as a member of the Air Pollution Control Board. Through the General Assembly’s passage of the Clean Energy and Community Flood Preparedness Act in 2020 it is our clear intent for Virginia to participate in RGGI.

Thank you for your volunteer service on the Air Pollution Control Board and for your willingness to be of service to your fellow Virginians.

Sincerely,

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\(^5\) [https://www.deq.virginia.gov/home/showpublisheddocument/13813/637829669069026180](https://www.deq.virginia.gov/home/showpublisheddocument/13813/637829669069026180) Page 14 (“Virginia’s emissions of CO2 from the Virginia power sector have remained fairly constant over the last 10 years…”); see also Figure 3 (Virginia actual CO2 emissions)

\(^6\) ibid Figure 8 (RGGI Region CO2 emissions) for 2010 to 2020 time period
Senator Jennifer L. McClellan
9th District

Delegate Dawn M. Adams
68th District

Senator Jeremy McPike
29th District

Delegate Lamont Bagby
74th District

Senator Joe Morrissey
16th District

Delegate Elizabeth Bennett-Parker
45th District

Senator Chap Petersen
34th District

Delegate Jeff Bourne
71st District

Senator Lionell Spruill, Sr.
5th District

Delegate David Bulova
37th District

Senator Scott A. Surovell
36th District

Delegate Betsy B. Carr
69th District
Delegate Nadarius Clark
79th District

Delegate Kelly Convirs-Fowler
21st District

Delegate Karrie Delaney
67th District

Delegate Eileen Filler-Corn
41st District

Delegate Jackie Glass
89th District

Delegate Wendy Gooditis
10th District

Delegate Elizabeth Guzman
31st District

Delegate Cliff Hayes
77th District

Delegate Dan Helmer
40th District

Delegate Patrick Hope
47th District

Delegate Sally Hudson
57th District

Delegate Clinton Jenkins
76th District
Delegate Alfonso Lopez
49th District

Delegate Candi Mundon King
2nd District

Delegate Kaye Kory
38th District

Delegate Paul Krizek
44th District

Delegate Michelle L. Maldonado
50th District

Delegate Delores McQuinn
70th District

Delegate Mike Mullin
93rd District

Delegate Kathleen Murphy
34th District

Delegate Kenneth R. Plum
36th District

Delegate Sam Rasoul
11th District

Delegate Danica Roem
13th District

Delegate Don Scott
Minority Leader
80th District

Delegate Briana Sewell
51st District
Delegate Irene Shin
86th District

Delegate Mark Sickles
43rd District

Delegate Marcus Simon
53rd District

Delegate Shelly Simonds
94th District

Delegate Suhas Subramanyam
87th District

Delegate Richard C. "Rip" Sullivan
48th District

Delegate Kathy Tran
42nd District

Delegate Schuyler Van Valkenburg
72nd District

Delegate Jeion A. Ward
92nd District

Delegate Vivian Watts
38th District

Delegate Rodney T. Willett
73rd District

Delegate Angelia Williams Graves
90th District