

METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS
777 North Capitol Street NE
Washington, DC 20002

MEMORANDUM

Date: April 1, 2009

To: COG Board of Directors

Through: David J. Robertson, Executive Director ***DJR***

From: Stuart A. Freudberg, Director ***SAF***
Department of Environmental Programs

Subject: Recommendation to Establish COG Climate, Energy and Environment
Policy Committee

Recommendation:

I recommend that the COG Board of Directors adopt Resolution R18-09, establishing a *Climate, Energy and Environment Policy Committee* and the climate and the proposed energy work program. This recommendation was unanimously endorsed by the COG Climate Change Steering Committee on March 27, 2009.

The Climate, Energy, and Environment Policy Committee would be responsible for guiding implementation of COG's Climate Change Report recommendations, providing policy advice to the Board on climate change, energy, green building, alternative fuels, solid waste and recycling issues, as well as to oversee annual work programs and budgets for these program areas. Upon approval of Resolution R18-09 by the Board, appointments will be solicited from COG members and state environmental, energy, and transportation agencies and state legislatures. Bylaws for the new committee will be presented to the Board for consideration on May 13, 2009. The bylaws will include specific recommendations concerning participation by stakeholders, regional and sub-regional agencies as well as citizens. The COG Board Chair will appoint a Chair and Vice-Chairs to the committee on May 13, 2009.

Background:

The Board created its "Climate Change Initiative" on April 11, 2007 and established a Climate Change Steering Committee (CCSC) to carry out the initiative. The Board adopted the CCSC's *National Capital Region Climate Change Report* on November 12, 2008 (R60-08), and also asked the committee to prepare a recommendation to the Board on a work program and committee structure to guide implementation of the report recommendations. The CCSC, which the Board requested remain in place until a new committee structure for COG's climate and energy programs was established, has met several times since November to advance the Climate Change Report recommendations,

consider a staff proposal for COG's climate and energy work program, and examine options for a new policy advisory committee structure.

As part of its deliberations, the CCSC reviewed the history of COG's environmental committee structure. This review noted that there have been several evolutions in COG's environmental policy committee structure over the past thirty years:

- In the 1970s through the mid-1980s, there were four major environmental policy committees reporting to the Board: air quality, water resources, energy and hazardous waste, and airport noise.
- In the late 1980s, an environmental policy committee was created that covered all environmental media except airport noise.
- In 1987, as a result of the creation through interstate compact of the Metropolitan Washington Airports Authority, the Committee on Noise Abatement for National and Dulles Airports (CONANDA) was created as a COG policy advisory committee and identified as the "preferred mechanism" for input on aircraft noise policy to the new authority.
- In 1992, the Metropolitan Washington Air Quality Committee (MWAQC) was certified by the governors of Maryland and Virginia and the mayor of the District of Columbia pursuant to Section 174 of the Clean Air Act to prepare regional air quality plans. Primary staff support to MWAQC was provided by COG.
- In 1995, the Board replaced the Environmental Policy Committee with the Environment and Public Works Directors Committee (EPWDC).
- In 1998, the Board established the Chesapeake Bay Policy Committee (CBPC) reflecting a substantially increased focus on Bay restoration policy.
- In 2005, the Board expanded the mission of the CBPC to include water resources, renamed it the Chesapeake Bay and Water Resources Policy Committee (CBPC), and dissolved the EPWDC.
- In 2006, the Board created the Aviation Policy Committee with an expanded mission concerning aircraft noise, as well as aviation policies concerning environment and economic development.
- In 2007, as noted, the Board created the Climate Change Steering Committee.

What began in the 1970s with a disaggregated policy structure, evolved in the 1980s into a more consolidated policy structure, and in recent years has returned back to a more disaggregated policy structure. In addition, since 2005, there has been a gap in the Board's policy oversight structure in the energy, alternative fuels, solid waste/recycling, and green building programs that was filled by the COG Chief Administrative Officers Committee and by the Board directly. This approach, while not ideal, has maintained a COG policy presence for these issues which, with the exception of green building, have until recently largely focused on technical topics rather than policy development.

Rationale for Recommendation to form Climate, Energy and Environment Policy Committee

With the dramatic increase in activity at the federal, state, and local level on the issues of climate change, energy, alternative fuels, green building, green jobs, as well as renewed interest in solid waste and recycling policy, it is clear that COG requires an ongoing high-

level policy committee presence to develop integrated policy for these program areas and to guide implementation of the Climate Change Report recommendations.

The CCSC considered four alternatives as it formulated its recommendation to the Board:

- Option A - Create a COG Climate, Energy and Environment Policy Committee
- Option B - Integrate with Metropolitan Washington Air Quality Committee
- Option C - Reorganize COG environmental committees and establish an “Environmental Policy Committee” that would include climate change and energy as well as Chesapeake Bay, water resources, and other environmental issues
- Option D - Form a public-private partnership housed within COG to oversee implementation of the Climate Change Report.

Option A – Create Climate, Energy and Environment Policy Committee

The CCSC is recommending Option A, creation of a Climate, Energy and Environment Policy Committee as the best approach at this time. Creation of a Climate, Energy and Environment Policy Committee provides an appropriate focus on a range of interrelated policy and technical issues in the areas of climate change, energy, alternative fuels, green building, solid waste and recycling. Much of its policy work is distinct from Chesapeake Bay and water resources issues (and aviation policy), and in areas where there is clear overlap, such as climate change adaptation, coordination with the appropriate policy and technical committees can occur in a straightforward manner. COG’s Department of Environmental Programs staffing is organized in an effective manner to support the work of the Climate, Energy and Environment Committee using existing resources. Over the past two years staff supporting the CCSC has coordinated effectively with water resources staff, as well as staff in transportation planning, health, public safety, and community planning. In short, Option A is an approach with a strong track record that will provide a policy oversight home for a major part of COG’s environmental programs.

Option B – Integrate with Metropolitan Washington Air Quality Committee

The CCSC did also carefully consider Options B, C, and D. With respect to Option B, integration with MWAQC, the CCSC felt that until such time as federal law results in regulation of greenhouse gas emissions and the regional role is defined, it is premature to integrate climate change and energy with air quality planning that is carried out to meet federal regulatory requirements.

Option C – Create Environmental Policy Committee

The option of creating an “Environmental Policy Committee” (Option C) is an attractive alternative, but the CCSC and staff believe that the work programs in climate and energy, as well as for Chesapeake Bay and water resources, and the different local, state and stakeholder interests involved make this alternative more difficult in practice to implement. The proposed Climate, Energy and Environment Committee will have a very large set of issues and programs to address and attempting to expand its mission beyond these issues will likely dilute its effectiveness and focus. Similarly, the Chesapeake Bay and Water Resources Policy Committee has a large and active and largely distinct work program with a somewhat different membership focus that makes creation of a single committee likely to be less effective at this time. It is recommended that the option of an

integrated Environmental Policy Committee should be revisited periodically to determine whether it would be a more appropriate alternative for COG as issues and areas of focus continue to evolve.

Annual Joint Environmental Policy meeting

In recognition of the need to insure regular consideration of cross-cutting environmental issues and policies, the CCSC agreed with the staff proposal to convene an annual joint environmental policy meeting among MWAQC, CBPC, and the Climate, Energy and Environment Policy Committee members.¹

The CCSC also concluded that membership on the new committee should include elected officials who are also members of MWAQC or the Transportation Planning Board, to insure effective coordination with these independent policy bodies.

Option D – Create Public-Private Partnership

The last option (Option D) considered was creation of a public-private partnership within the COG structure. The CCSC and staff felt that this alternative, while having some attractive features, is premature given the regulatory uncertainties at the federal level, and the belief that the Climate, Energy and Environment Policy Committee, with appropriate stakeholder participation, is likely to be equivalent in effectiveness to a public-private partnership, while insuring a comprehensive policy advisory structure on environmental issues is directly available to the COG Board.

Recommendation on *Mission* for the Climate, Energy, and Environment Policy Committee

The recommended mission for the Climate, Energy and Environment Policy Committee is to:

- Guide implementation of COG’s Climate Change Report recommendations;
- Provide policy advice to the Board on climate change, energy, green building, alternative fuels, solid waste and recycling issues; and to
- Oversee annual work programs and budgets for these program areas.

The Board may also wish to assign the new committee other environmental issues not otherwise addressed in the COG environmental committee structure. Examples for which there is no currently active COG environmental program, but there has been at some point in the past, include radon, brownfields, and gypsy moth infestation management.

Recommendation on *Membership* for the Climate, Energy, and Environment Policy Committee

The CCSC spent considerable time discussing the membership of the new committee. The proposed membership based on the committee deliberations is as follows:

¹ In addition, it is noted that an active effort is underway to consider the mission and focus for COG’s aviation policy program, with a goal of further integration of missions and/or reduction of the number of policy advisory committees to the COG Board. A recommendation to the Board is anticipated in June, 2009.

Local² and State Government:

- One representative each from the District of Columbia, Montgomery County, and Prince George's County Executive Branch.
- One representative each from the Council of the District of Columbia, Montgomery County Council, and Prince George's County Council.
- Two representatives from the Fairfax County Board of Supervisors.
- One elected official representative from all other COG member governments.
- The State Secretary or Department Directors or their designees representing state environmental, energy, and transportation departments in the District of Columbia, Maryland, and Virginia.
- One representative each from the Maryland and Virginia legislatures.

Stakeholders and Citizen Representatives

- Three representatives of the business community
- Three representatives of the environmental community
- Three representatives of electric and gas utilities
- The Chair of the Air Quality Public Advisory Committee³

Other Potential Members

The CCSC felt that participation by the following entities would be beneficial but some concern was expressed regarding the effectiveness of a committee of such a large size.

- Representative(s) of the academic community
- Representation from regional/sub-regional agencies (Washington Metropolitan Area Transit Agency, Northern Virginia Regional Commission, Maryland National Capital Park and Planning Commission)
- Representation from federal agencies (Environmental Protection Agency, Department of Energy, National Capital Planning Commission)

Other Recommendations

Technical Committees

The CCSC discussed the need for creating a Climate and Energy Technical Committee to support the new policy committee. This technical committee would replace the existing Energy Advisory Committee. In addition, it is recommended that the (existing) Recycling Committee would report to the new policy committee, and the (existing) Intergovernmental Green Building Group might become a workgroup of the new technical committee.

² As appointments from local governments are solicited, the CCSC recommends that representation be sought that includes elected officials who are also members of MWAQC or the Transportation Planning Board.

³ The Air Quality Public Advisory Committee has offered to serve as the citizen advisory committee to the Climate Energy and Environment Policy Committee. The CCSC supports this approach.

Workplan

The CCSC has endorsed an amended staff proposal for the climate and energy workplan that would be overseen by the new Climate Energy and Environment Policy Committee. This workplan, for the period April 1, 2009 through June 30, 2010, can be carried out using existing staff and existing budgeted resources. The workplan also contains several recommendations for new initiatives that would be undertaken if additional grant funds are obtained. There are nine task areas in the recommended work program (including new initiatives) as follows:

1. Development of Regional Climate Change Plans
2. Energy Initiatives
3. Transportation Initiatives
4. Measuring Progress/Technical Tools
5. Adaptation Initiatives
6. Legislative Tracking and Advocacy
7. Outreach and Education
8. Committee Support
9. Proposed New Initiatives

Next Steps

The Board is requested to adopt Resolution R18-09 which would create the Climate, Energy and Environment Policy Committee. Upon adoption, staff will solicit appointments from COG members, state environment, energy, and transportation departments, and the state legislatures.

With regard to appointment of other members including the selection process for non-governmental stakeholders, it is recommended that the COG Board Chair appoint a small sub-group to work with the staff to assist with identification of stakeholder member categories, the process by which stakeholders will be selected/appointed, and consideration of their rights/responsibilities as committee members. Staff will then prepare bylaws recommendation for consideration by the Board at its May 13, 2009 meeting.

Assuming the Board adopts bylaws on May 13th, and sufficient local government appointments have been received by that time, on May 13th the COG Board Chair would also appoint the Chair and Vice-Chairs of the Climate, Energy and Environment Policy Committee. Its first meeting would then be scheduled for sometime in late June, 2009, thereby allowing sufficient time to obtain the remaining committee appointments.

I am excited about the potential for the new Climate, Energy and Environment Policy Committee and look forward to working closely with its new membership. I believe the interests of the COG Board, COG's members and the region will be very effectively advanced through the new committee.

Thank you very much for your consideration of these recommendations. If you have any questions please feel free to contact me at 202/962-3340 or sfreudberg@mwkog.org.