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Contact: John Reichman, 917.626.8025, john@johnreichmanlaw.com;
Matt Smith, 201.321.1967, msmith@fwwatch.org
Eric Benson, 908.510.0196, ebenson@cleanwater.org
Jeff Tittel, 609-558-9100, jeff.tittel@verizon.net
Tracy Carluccio, 215-692-2329, tracy@delawareriverkeeper.org

Climate Coalition Sues Murphy Administration Over Inaction

Trenton, NJ -- EmpowerNJ sued the Murphy administration today for its failure to take enough meaningful action to reduce greenhouse gas (GHG) emissions in the face of the escalating climate crisis and follow state law and its own policies. Today's appeal to the Appellate Division of the Superior Court highlights the disconnect between the Administration's words and actions.

Six months ago, [EmpowerNJ](#), a coalition of more than 120 environment, community, faith and grassroots groups, [formally legally petitioned the NJ Department of Environmental Protection \(DEP\)](#) to follow state law by setting and enforcing benchmarks to achieve a 50% reduction in climate pollutants by 2030 (50x30).

Two months after Hurricane Ida hit last September, Governor Murphy officially declared 50x30 to be state policy yet [DEP soundly rejected the advocates' petition](#) in December. EmpowerNJ called the rejection a dereliction of duty and is appealing that decision in court today.

"Ida was not a wake-up call, but yet another five alarm fire. There are only two ways to look at DEP's outright denial of our petition: DEP has gone rogue or this Administration is uninterested in pursuing its own stated policies and state law. If the Governor's recent State of the State address is any indication, where climate change was virtually ignored, the latter appears to be the case. Anything less than 50x30 would be too little and too late so we're taking DEP to court," said **John Reichman, Esq., Chair of BlueWaveNJ's Environment Committee**.

In 2007, New Jersey passed the Global Warming Response Act (GWRA), which requires reducing greenhouse gas emissions 80% by 2050 to avert the climate crisis. However, the earth is warming far faster than climate science initially predicted -- causing unprecedented, destructive and unpredictable climate events around the globe and in New Jersey on an increasingly regular basis. [Hurricane Ida caused the deaths of at least 30 New Jerseyans](#), the most of any state, and [an estimated \\$16 to \\$24 billion in property damage](#).

In 2018, [the universal scientific consensus](#) called for a 45% reduction in GHG emissions from 2010 levels by 2030 to avoid climate catastrophe, [which is comparable to the Biden Administration's goal](#) of a 50% reduction from 2005 levels by 2030. In 2019, Governor Murphy signed amendments to the GWRA that require interim benchmarks to meet the target of reducing GHGs 80% by 2050. In July 2021, EmpowerNJ filed its legal petition with the DEP demanding it adopt rules following the law and science to meet the critical interim benchmark of 50x30.

On November 10, 2021, Governor Murphy appeared to agree when he issued [Executive Order 274](#), which made it "the policy to reduce greenhouse gas emissions to 50% below 2006 levels by the year 2030." EO 274 cited the undeniable reasons for this policy: the continued burning of fossil fuels is already causing catastrophic weather events around the world; New Jersey is

“uniquely vulnerable to the devastating effects of climate change”; disadvantaged communities are disproportionately affected by climate change; and addressing climate change “requires steep and immediate reduction in greenhouse gas emissions on an economy-wide basis.”

EmpowerNJ noted the governor could have added additional reasons, e.g., that [renewable energy is now generally less expensive than fossil fuels](#); the [economic cost of inaction is greater than the cost of action](#); and that [fossil fuel plants create direct, heavy and unacceptable health costs](#).

Advocates say all of this should have led to the DEP granting the petition and initiating rules to accomplish the purported state policy of reducing climate pollutants by 50% by 2030. Instead, DEP denied the petition outright a week after proposing rules to limit carbon pollution from power plants that fail to even acknowledge let alone follow EO 274 and state law.

“None of the administration's existing or proposed climate rules will prevent the continued proliferation of dirty pipelines, power plants and other new sources of climate destroying pollution in New Jersey. The proposed power plant rule doesn't even require polluters to use the best available technology, let alone do anything to stop new fossil fuel plants, like the one proposed by the Passaic Valley Sewerage Commission in Newark, from being approved”, **added Matt Smith, NJ State Director for Food & Water Watch.**

The groups say DEP’s denial of EmpowerNJ’s Petition is not an outlier. For every good decision the Governor has made, such as developing offshore wind and opposing the PennEast pipeline, there have been bad ones such as allowing a gas pipeline to be built through the Pinelands; thus far refusing to stop the development of the huge liquified natural gas export project in Gibbstown and spending \$16 billion on unneeded highway expansion projects, instead of spending that money on electrifying our transportation system and supporting public transportation.

“Putting aside how devastatingly wrong, arbitrary and capricious DEP’s denial of the Petition is, it is also illegal. The Global Warming Response Act requires DEP to set interim benchmarks for reducing climate pollutants – it is not ‘discretionary’ as DEP maintains,” **Reichman concluded.**

By this appeal and other concerted actions, EmpowerNJ says it will continue to hold Gov. Murphy and his Administration accountable each time he breaks his pledge to treat climate change as the existential threat that it is.

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Additional quotes by EmpowerNJ Steering Committee members

“We are facing mounting environmental impacts, pollution incidents, property and infrastructure destruction, community disruption, and increasing threats to public health and safety as a result of climate change right here in New Jersey. The Governor and his DEP must recognize the urgency to measurably reduce greenhouse gas emissions and they must specifically demonstrate how NJ plans to achieve what Governor Murphy says he wants - a 50% cut back by 2030. Furthermore, the state simply cannot rationalize issuing permits for greenhouse gas-emitting projects by saying it is “impractical” not to. It’s not practical for residents to drown in basement apartments nor for our communities to face catastrophic loss either. Devastating times require bold and quantifiable action to stop new sources of the problem – greenhouse gasses – and put every state agency to work towards this mission,” said **Tracy Carluccio, Deputy Director, Delaware Riverkeeper Network.**

"Since Governor Murphy first took office, the climate emergency, as well as racial and democratic crises, have accelerated. Urgent action on climate change is needed now to create a healthier future for New Jersey families and generations to come," **said Eric Benson, Clean Water Action, NJ Campaigns Director.** "Governor Murphy, with control over the DEP, DOT, BPU and DCA, already has the authority and moral obligation to act faster to combat climate change. Preventing new climate projects from coming online, and rapidly reducing emission will save life and limb, property and money, and keep lights, furnaces, and stoves lit."

"Climate devastation is accelerating - floods fires Hurricane Ida its more an alarm bell going off. There is not a community or person in NJ that is unaffected by the climate crisis. We are seeing these impacts getting worse and happening more frequently. While we are on the frontline in the climate battle, DEP denied our petition and is allowing fossil fuel projects to go forward," **said Jeff Tittel, NJ Sierra Club former director.** "We are number 2 in the country for temperature increase and building in flood prone areas. While climate change is literally killing us, the DEP is not coming close to meeting its challenges with weak rules and lack of action. By rejecting our petition, it is violating the law and the Governor's EO and is putting us more at risk. We are going to court to get the DEP to follow the law and fight climate change. New Jersey needs to implement the Global Warming Response Act and put in benchmarks to reduce GHG pollution by 50% by 2030. We are in court to do the job DEP should be doing."

"It is not enough for Governor Murphy to say he wants to reduce GHG emissions; he must act and he must act now. We have until 2030 to reduce GHG's by half to avoid climate catastrophe. Each day the Governor and other leaders refuse to act makes the climate crisis worse. Neither DEP nor the Governor has offered a rational explanation for why, if the state's stated policy is to reduce GHG's by 50%, DEP is refusing to recognize that policy and take action needed to implement it. The Governor must order not only DEP, but all other State agencies, to take the steps needed to reduce GHG pollution by 50% by 2030, **said John Reichman, Chair of BlueWaveNJ's Environment Committee.**

"The Murphy administration has yet to take the bold action needed in response to a climate reality dominated by increasingly destructive events like superstorm Ida, out-of-season Colorado wildfires, the December tornados that ripped through the Midwest, and a terrifying new assessment of the "doomsday glacier" in Antarctica" **said Matt Smith, NJ State Director for Food & Water Watch.** "Thankfully, communities across the state are confronting the polluters responsible for this destruction by stressing, above all else, the need to shut down new sources of planet-destroying emissions. New Jerseyans have rallied by the thousands to stop dirty pipelines and power plants and fight for the big picture agenda that prioritizes environmental justice. Governor Murphy must follow their lead."

"The DEP denial of EmpowerNJ's petition for rulemaking states, 'Statewide climate policy development [has been] underway since January 29, 2018.' Yet there is no mention of any GHG reduction it has achieved over the past four years due to any of its policies, nor has any such estimate been found in any Administration announcements. Essentially, the administration has spent four years issuing Executive Orders, conducting studies, writing reports and updates, proposing regulations, and reorganizing itself," **observed Ken Dolsky, Co-Leader of the Don't Gas the Meadowlands Coalition.** "It is past time for real action and clearly the Administration will not do so without being sued," he continued.