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EMPOWER NJ

NO FOSSIL FUEL PROJECTS

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Empower NJ Calls on Gov. Murphy to Exercise his Authority and Order a Fossil Fuel Moratorium

Today Governor Murphy is speaking and answering questions from the public at Rider University. Empower NJ- No Fossil Fuel Coalition held a press conference and visibility event putting out a fact sheet rebutting Governor Murphy's most recent position that he does not have this authority, which the Governor has pursuant to the State constitution, statute and precedent. Last Friday thousands of people all across New Jersey rallied for action on climate change and the best way for Governor Murphy to respond is with a moratorium on new fossil fuel projects.

"Governor Murphy is wrong when he said he doesn't have the power to put in place a moratorium. In the last 40 years, 6 New Jersey Governors put in place moratoriums. They not only had the power but used these moratoriums to protect wetlands in the Pinelands, get rid of dirty incinerators, and move the environment forward. We are in a climate crisis and the Governor has decided not to use his own power he has to protect the people of New Jersey from climate change," **said Jeff Tittel, Director of the New Jersey Sierra Club.** "The only way to reach our goals of the Global Warming Response Act is to put in place a moratorium on the 15 proposed fossil fuel projects. Just because the Governor said he doesn't have the authority, doesn't make it so. It's just more hot air from the Administration."

"It is unquestionable that Governor Murphy has the authority to impose a moratorium on new fossil fuel projects based on the climate emergency that we are facing in New Jersey. The many examples of prior Governors exercising this power through executive orders and regulations provide strong precedents for the use of this power. The state is looking for strong and forthright leadership from the Governor to protect our state from the costly and destructive impacts of climate change, already

clearly causing harm. We are calling for Governor Murphy to enact a moratorium on all new fossil fuel projects to achieve essential climate goals and protect New Jersey's communities," **said Tracy Carluccio, Deputy Director, Delaware Riverkeeper Network.**

"New Jersey has yet to reduce greenhouse gas emissions by one molecule due to any efforts on the part of Governor Murphy. With his DEP's approved startup of the Sewaren 7 power plant in 2018, his refusal to implement a moratorium on the dozen or so new fossil fuel projects being planned and built and the length of time it will take the DEP to begin regulating greenhouse gases, it is highly likely that the legacy of his first term will only be an increase in New Jersey's greenhouse gas emissions," **said Ken Dolsky, Organizer, Don't Gas the Meadowlands Coalition.**

"When Phil Murphy became the first Governor elected during the Trump presidency, he did so with a commitment to fill the void of climate leadership nationally by moving our state quickly onto 100% clean energy sources. But now that he holds one of the most powerful Governorships in the country, he's cynically replaced his 100% clean energy target with a goal of "carbon-neutrality", thus extending the life of polluting fossil fuel power plants, trash incinerators, and other forms of dirty energy. And now he's hiding behind a false claim that he lacks the authority to enact common sense policies like a moratorium on new fossil fuel expansion projects in our state," **said Matt Smith, Senior Organizer, Food & Water Watch.** "As the climate crisis continues to worsen and impact the daily lives of Millions of New Jerseyans, we need Governor Murphy to unite behind the science and use his power to advance real solutions to the climate and environmental crisis."

"Governor Murphy's newfound rationale for not ordering a moratorium – that he doesn't have the legal authority – does not hold up. He has that power constitutionally, statutorily and by precedent. Governors of both parties have ordered moratoriums to protect the environment in far less compelling situations. The Governor claims to recognize that greenhouse gas emissions and climate change constitute an existential threat. Yet his actions don't match his rhetoric," **said John Reichman, Blue Wave NJ.** "The Governor must take the minimal, common sense step of not making the climate crisis worse by allowing new fossil fuel projects to go forward. He has to decide whose side he's on, the citizens of New Jersey or the fossil fuel companies."

"There is a strong legacy of bipartisan gubernatorial executive orders using moratoriums to stop environmental damage. Student climate strikers can't unilaterally stop the expansion of fossil fuel projects nor can climate science alone. But Gov. Murphy clearly has the legal authority to issue moratoriums to stop the expansion of fossil fuel projects," **said Doug O'Malley, director of Environment New Jersey.** "All current projects don't take into account carbon pollution. If we are going to act on the climate science and show solidarity with climate strikers, a moratorium to stop a seemingly endless number of fossil fuel pipelines and power plants should be the first step towards climate action."

"It's great Governor Murphy posted on facebook on Friday that he is 'standing in solidarity' with climate strikers. To make those words actionable, the governor must issue a moratorium on new fossil

fuel projects," said **Clean Water Action's David Pringle**. "Governors Byrne, Kean, Florio and Whitman on multiple occasions, at least some of which were of less environmental consequence than the climate emergency we face today, have taken more action with less authority than Governor Murphy has in 2019."

Empower NJ is a coalition of over 90 environmental, citizen, faith, and progressive groups leading a grassroots campaign calling on Governor Murphy to act quickly on climate change by stopping all pending fossil fuel expansion projects.

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Moratoriums Implemented by New Jersey Governors

- **Governor Byrnes**
 - Moratorium on all development in the Pinelands until the Pinelands law was passed.
- **Governor Kean**
 - Moratorium on all new development hooking into sewer plants until the sewer plants were upgraded to protect clean water.
 - Moratorium on freshwater wetlands to protect us from flooding until a wetlands protection law was passed.
- **Governor Florio**
 - Moratorium on all new incinerators and stopped them under construction to protect our air quality from toxic emissions.
- **Governor Whitman**
 - Moratorium on water quality plan amendments until water quality management plans are updated
 - Moratorium on the harvesting of horseshoe crabs to protect the red knot

New Jersey's Authority to Regulate Greenhouse Gases

Since 2005 the DEP has had the power to regulate greenhouse gases and carbon dioxide. The DEP has the authority to regulate greenhouse gases and carbon as well and deny air permitting and Title V permits.

- The Department determines, based on the evidence outlined herein, that regulating carbon dioxide (CO₂) as an air contaminant is in the best interest of human health, welfare, and the environment. This statement shall fulfill the Department's requirement to advise the public of its determination and justification for this determination, pursuant to N.J.S.A. 26:2C-9.2i.
- The Department's determination is based on compelling scientific evidence of existing and projected adverse impacts due to climate change on the environment, ecosystems, wildlife, human health, and enjoyment of property in the State. **The Department also bases this determination in part on the expected impacts of climate change on the formation of ground-level ozone. Increases in average temperature and related extreme heat events will increase the formation of ground-level ozone** and further undermine the State's attempts to meet national ambient air quality standards (NAAQS) for NO_x, with attendant increases in adverse human health and environmental impacts, as well as State compliance costs.
 - **DEP should mandate standards for CO₂, require all emissions to be regulated with permits and permit fees, just like we do for NO_x and SO_x. This would require permits**

for mobile and stationary sources like powerplants, pipelines, mobile sources and fugitive emissions.

Global Warming Response Act

- Section 4.A-4: the rules and regulations establish a series of enforceable limits that will gradually limit GHG emission levels.
- We also have to meet 2050 goals. The response calls for a 80% reduction in greenhouse gases from baseline year 2006 by 2050.
- Nothing in this act shall impose any limit of existing authority of any department to limit or regulate greenhouse gas emissions.

New Jersey has the authority to do to deny Title V permits for Natural Gas Power Plants

- BPU has the authority to regulate GHG's and deny projects that increase GHG's
- DEP has the authority to set standards for air deposition, especially from NOx.
- Under RGGI, NJ is supposed to be reducing CO2 emissions
 - We want a Cap for 13 tons of CO2- NJ is currently at 18 and these new natural gas power plants will put us at 25 tons probably more.