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New Jersey: Meet moral, legal obligations to reduce climate pollution Empower NJ files legal petition calling for 50% cut by 2030

Trenton, NJ - EmpowerNJ, a coalition of 123 environmental, community, faith and grassroots groups located in New Jersey, and scores* of supporters throughout the State, [filed a formal petition today](#) with the NJ Department of Environmental Protection (DEP) demanding DEP meets legal and moral obligations and the scientific necessity to combat the climate crisis by adopting rules requiring greenhouse gas (“GHG”) emissions be reduced 50% by 2030, implementing how that reduction is to be achieved and denying the issuance of permits for new fossil fuel facilities.

Under the NJ Administrative Procedures Act, DEP is legally required to act on the petition within 60 days. The 21 page petition cites state law, federal delegated authority, and international scientific and economic authorities as it argues:

- State law requires and federal law permits DEP to act
- NJ is not honoring its commitment to reduce GHG 50% by 2030
- GHG emissions are killing us and the environment
- New green energy costs less and creates more jobs than fossil fuels
- Other states and the federal government are doing more and acting faster than NJ
- Climate science demands carbon emissions must be drastically reduced by 2030
- NJ’s offshore wind plans alone while admirable won’t meet the needed reductions

Climate devastation is accelerating and environmental changes are happening far faster than anyone had predicted. Each day literally brings a new horror story: record breaking heat waves and deaths, raging wildfires, droughts, and unprecedented hurricanes and floods. Despite this reality NJ has yet to establish a legally binding target to reduce GHG pollution by 2030, a target the International Panel on Climate Change has concluded must be reached to avoid the worst case scenarios of runaway climate catastrophe. The filing of the petition is the launch of the coalition’s campaign to have Governor Murphy and the DEP honor the Global Warming Response Act (GWRA) and other state laws and the commitment the State made as a member of the Climate Alliance to cut GHGs emissions 50% below their 2005 levels by the end of the decade.

New Jersey is an outlier in the 20+ state U.S. Climate Alliance **by not setting any binding, let alone aggressive 2030 GHG reduction targets.** To date 14 other states have already established binding 2030 emissions reduction targets including New York, Maryland, California, Michigan, Oregon, Maine, North Carolina and Massachusetts, a commitment the Biden Administration has also made.

DEP’s 2050 reduction goals are not achievable without significant 2030 reductions. Under laws signed by Governor Murphy in 2019, NJDEP is required, but past due, in proposing rules to reduce GHG emissions by 80% by 2050, establish interim benchmarks, and factor in the global warming potential of climate pollutants on a 20 year time horizon. NJDEP is also omitting certain types of emissions such as fugitive methane leaks from natural gas pipelines and other

gas infrastructure from their inventory, making it impossible to determine progress towards the state's goals.

Any GHG reduction strategy must not make the problem worse by building new fossil fuel infrastructure. DEP should deny permits for any new fossil fuel project unless it certifies that i) all GHG reduction targets are being met, ii) there are no renewable energy alternatives and iii) New Jersey's energy requirements cannot be met by any other means. Numerous new fossil fuel projects have been approved by the Murphy Administration including a proposed expansion of the TN Gas Pipeline through the Highlands, and a massive expansion of a fracked gas compressor station in Roseland, NJ, among others. Many more projects are in various stages of planning and development in the State. There is simply no place for any of them.

The EmpowerNJ coalition is launching a new campaign in support of these goals. The campaign will kick off this summer with a statewide public education campaign designed to engage residents concerned about the climate emergency in the public process precipitated by this legal petition. The campaign will build towards a series of escalating actions through the fall to pressure the Murphy administration to create and implement a real plan to halve greenhouse gas pollution in NJ by the end of the decade.

“The relief sought in the petition is anything but radical,” **said John Reichman, Chair BlueWaveNJ Environment Committee.** “The International Energy Agency is calling for an immediate end to investments in new fossil fuel infrastructure; last month, PSE&G announced its goal of achieving net-zero climate emissions by 2030, 20 years ahead of its previous goal; and 84% of new energy production in 2021 is expected to come from renewable energy sources because wind and solar are now less expensive than coal or natural gas. And this is before even considering the significant economic, health and environmental costs of fossil fuel production, which are unjustly and disproportionately borne by communities of color and low-income communities. DEP must act now to ensure a 50% reduction in GHGs by 2030.”

“Climate devastation is accelerating. There is no small town, city or rural community that is unaffected by the climate crisis and Americans are seeing and feeling the impacts up close, with increasing regularity. We are seeing the impacts getting worse. Wildfires are bigger, and starting earlier in the year; hurricanes are stronger; heat waves are more frequent; seas are warmer; flooding is five times more likely in many areas of the United States since the 1960s. The air is getting hotter. Climate change is literally killing us. We must act now,” **said Jeff Tittel, former director NJ Sierra Club.** “New Jersey needs to put a prohibition on fossil fuels or else this administration won't even come close to their modest goals. We need New Jersey to deal with the climate crisis and act bolder and quicker.”

“New Jersey has the laws needed and decent long term goals (2050) but is lacking the urgency, rules and short-term (2030) targets to lead in avoiding climate catastrophe. DEP's even holding a hearing tomorrow on a proposed rule that violates a law the Governor signed 18 months ago to regulate climate pollutants like methane and deadly black carbon that are orders of magnitude more potent as GHGs than CO2. Natural gas is not a bridge to the future but a highway off a cliff. The state also has to act faster if we are to save the money, create the jobs, and achieve the clean energy targets envisioned and mandated by the Global Warming Response Act and the 2019 NJ Energy Master Plan,” **said David Pringle, a steering committee member of EmpowerNJ.**

“We have known about climate change for decades, but that change is occurring at a far faster rate than anyone had previously predicted. With each passing day, the crisis becomes more acute, the need for immediate action becomes greater, and the economic cost and human toll

from inadequate action increases,” **said Eric Benson, Clean Water Action, NJ Campaign Director.**

“If Governor Murphy wants to live up to his clean energy, environmental justice, and climate commitments, then he must take bold action to cut climate pollution in half by the end of this decade” **said Matt Smith, Food & Water Watch NJ State Director.** “Expanding renewable energy is essential, but if the Governor continues permitting new fossil fuel infrastructure in our state he’ll be running in place in the race to avert climate catastrophe.”

“Fossil fuel projects emit greenhouse gases and increase atmospheric warming, accelerating the climate crisis. They also release non-carbon pollution that carries a direct, heavy and unacceptable health impact to our lungs with black and brown communities and communities with low incomes carrying a disproportionate burden. The burning of fossil fuels generates fine particulate matter, PM 2.5. EPA considers PM 2.5 to be a great risk to human health and one of the most dangerous environmental pollutants. The solution is to stop further polluting projects and cleanup emissions where they are already occurring,” **said Tracy Carluccio, Deputy Director, Delaware Riverkeeper Network.**

“One report after another demonstrates that renewable energy is the safest bridge fuel. Renewal adoption is an environmental imperative so we can stop building polluting fossil fuel facilities -- which will increasingly become economic albatrosses. The renowned Rocky Mountain Institute issued a report finding that clean energy facilities can provide the same energy, capacity, and flexibility as new gas plants, often at significantly lower costs, and that building new fossil fuel projects would result in one of two outcomes: stranded assets for which ratepayers remain liable or the inability to meet our clean energy goals,” **said Doug O’Malley, Director, Environment New Jersey.** “DEP should follow the science and the advice of experts and stop approving new fossil fuel facilities.”

"As part of any effort to reduce GHGs the NJDEP must stop its current programs to log our public forests. Logging increases GHGs in two ways,” **explained Ken Dolsky, VP of NJ Forest Watch and EmpowerNJ Steering Committee member.** “First, most of the wood in felled trees is discarded and a lot of its carbon ends up in the atmosphere. Second, cutting mature trees greatly reduces the forest’s ability to sequester more carbon. New Jersey is counting on increased rates of sequestration to meet its GHG goals, which will not be reached if it continues to log its public lands.”

“Reducing greenhouse gases will not only save lives but boost our economy. The cost benefit analysis of transitioning away from fossil fuels, reducing pollution is literally worth billions of dollars. Meanwhile we can create green jobs, move forward with solar and energy efficiency, and save lives. The quicker New Jersey reduces GHGs, the faster we will see the economic and health benefits that come with it,” **said Taylor McFarland, Acting Director of the Sierra Club- NJ Chapter.**

The Petitioners listed in the Petition are: BlueWaveNJ, Clean Water Action, Delaware Riverkeeper Network, Don’t Gas the Meadowlands Coalition, Environment New Jersey, Food & Water Watch, New Jersey Sierra Club. **Download a copy of the Petition here:**
<https://www.cleanwateraction.org/sites/default/files/Final%20petition%207-21-21.pdf>

* The 58 groups supporting the petition are listed in the appendix on the last page of the petition.

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