

March 8, 2022

Herb Simmens Silver Spring Maryland commenting as an individual on 3-22 the climate assessment bill:

No single climate action is more potentially transformational than the application of a well designed and carefully executed climate assessment requirement.

A climate assessment helps assure that the expenditures and policy, planning and regulatory decisions that are routinely being made by Montgomery county will be more closely aligned to achieve the county's incredibly ambitious yet absolutely necessary greenhouse gas and other climate goals.

A second critical advantage is that an assessment has the potential to help change the culture of county government by creating processes that make county staff in virtually every department and agency and office much more aware of the need to integrate climate into legislative and key executive decisions.

A third reason why a thorough and careful deliberation is especially needed is that few governments have such an assessment. The county will be breaking important ground in sorting out the many novel issues that are almost inevitably arise as these assessments are conducted

Lastly as a result of Montgomery County's leadership on climate in general and specifically with this legislation it is highly likely that other governments will be looking to Montgomery County's model for application and use in their jurisdictions. Thus the decisions the council makes on the specifics of the legislation as well as the substance of the assessments will likely have national implications.

It cannot be emphasized enough that however successful Montgomery County is in sharply reducing emissions and beginning to remove large scale quantities of carbon dioxide from the atmosphere this will mean little in a world with close to 40,000,000,000 tons of CO2 equivalent emitted annually. Thus everything should be done in this legislation and in every legislative and planning effort to maximize the incentives and opportunities for other jurisdictions and the private sector to accelerate their emission reductions and greenhouse gas removals

Montgomery County having declared the first climate emergency in the United States and having set the most ambitious climate target of an 80% reduction in countywide GHG by 2027 as well as complete elimination by 2035 must avail itself of every opportunity to assess its activities for compatibility with these targets.

I feel that the current draft legislation is entirely inadequate particularly in its absence of criteria to be employed in undertaking the assessments. The sparse language that is in the bill is often duplicative and ambiguous and needs significant rewriting.

It is essential that specific assessment criteria be included in the legislation as they are essential to ensure that a comprehensive and multifactorial assessment is accomplished. The OLO staff will still have significant discretion in applying these criteria

The absence of criteria and the confusing contradictory and duplicative language in the bill leads me to strongly recommend that this draft should be set aside and a new bill created from scratch. This new draft should be informed by the following recommendations:

Recommendations by sections of the current draft

Section (1) (B) what does 'a description of the variables that could affect the assessment' even mean? Virtually any variable out of millions could potentially affect the assessment so this language should be either entirely eliminated or clarified to better reflect the intent of whoever proposed the language. I would remove this section in its entirety.

Section (1) (C) this section is unnecessary since any action being assessed will have a description of its positive neutral or negative impacts. To single out only those bills that will have no effect is redundant and confusing.

Sections (2) (A) and (B) there is a lack of clarity, as well as inconsistencies, contradictions, and redundancies in these two sections

Positive and negative impacts are required on climate change and carbon dioxide removal in (A) yet quantitative and qualitative effects of identified effects are required for analysis of community resilience and adaptive capacity in (B)

I have great familiarity with both legislation and climate change and yet even after reading this multiple times I have no idea why the terms quantitative and qualitative are used for one category of climate action impacts and positive and negative are used for another category of climate impacts. This needs to be clarified and entirely rewritten after consultation with the original author of the section.

While I see no reason why both positive and negative and quantitative and qualitative impacts cannot be used for all aspects of climate action - greenhouse gas reduction, carbon dioxide removal, community resilience and adaptive capacity what is so puzzling is that quantitative measures are much more relevant to greenhouse gas reductions and carbon dioxide removal than they are to adaptive capacity and community resilience. Yet this language only requires quantitative assessments of the two items - community resilience and adaptive capacity - that are least amenable to quantification.

(d)(3) this section requires proposed amendments to ameliorate negative consequences of the action being assessed while making no mention of the need for proposed amendments to turn a neutral action into a positive one and a positive one into a more positive one. This clause needs

to be rewritten to support the need for recommendations focused on positivity as well as negativity.

The bill also needs clear definitions. For example what does adaptive capacity mean? How is it different than climate resilience and what does climate resilience mean?

Sequestration, carbon drawdown, drawdown, and carbon dioxide removal are terms that are used in two sections. In common practice they are generally used synonymously. The authors of this legislation should therefore be asked why they list all four of these terms but only list three in one clause and two in another clause. I am unable to discern any rationale for either the use of multiple terms or the listing of a different combination of terms in two different clauses.

The bill should either define and clarify the distinctions between these four largely synonymous terms or choose just one term to be used and eliminate the others. It is puzzling that in a bill that otherwise is so absent basic assessment criteria has such a plethora of words and terms that are essentially indistinguishable.

I would strongly suggest using just the term 'carbon dioxide removal' as that is the term used in the Emergency Climate Mobilization Resolution and it is most clearly understandable to the general public.

Provisions that should be included in this legislation include the following. The category headings include items many of which overlap more than one category.

Procedures:

The county executive is strongly encouraged to provide written feedback on the proposed action as early in the process as possible and to attend pre-proposal pre-legislative meetings with OLO staff

An Intergovernmental agreement with the Washington metropolitan COG to support the use of this methodology by the COG and by its member governments should be sought. Agreements and data sharing with other governments, private entities and the state of Maryland should also be encouraged to improve the quality of the data, the quality of the assessment and to encourage the dissemination of these assessment methodologies to neighboring communities and jurisdictions

The bill should make clear that given the existential emergency that Climate presents and the critical need to act as fast as humanly possible that all participants in this process shall be strongly encouraged to perform their duties as quickly as humanly possible and that in general speed will be preferred over thoroughness.

Council members, executive staff and the public with ideas for actions requiring assessment are strongly encouraged to meet with OLO as early as possible in the process to discuss the aims

of the action, the kinds of criteria likely to be used to evaluate the process and to establish an agreed upon arrangement for ongoing coordination during the development of the action.

Wherever possible coordinated and multidisciplinary reviews of subject actions incorporating budgetary economic, RESJ and climate impact assessments shall be undertaken by OLO. These efforts are likely to result in a more efficient process and equally importantly identify issues that are best evaluated through an interdisciplinary lens.

Staff:

Staff shall be trained to undertake multiple categories of assessments

The Certified Climate Change Professional® (CC-P®) credential or equivalent should be obtained by OLO staff within six months or as soon as practicable

Assessment coverage:

All General Plans, functional plans such as housing, transportation and open space, and facilities plans shall be covered in addition to the categories already enumerated in the current bill.

Within one year after establishment of these assessments, council will consider upon recommendation of OLO extending the assessment efforts to cover affiliated governmental agencies such as the MCPS, MCC and WSSC to the extent allowed by law.

Data:

The assessments should utilize ranges of values given the inherent high level of uncertainty in projecting future impacts

Climate costs should be characterized by:

cost to the county

cost to other governmental agencies or by the

Cost to the general public or to

Specific sectors or geographic areas as appropriate

GHGe shall utilize a methane multiplier of 84 rather than the hundred year global warming potential methane multiplier of 26 given the additional risk of short term heating that could activate multiple tipping points leading to catastrophic impacts. These multipliers can be changed provided the changes are justified with reference to qualified expert sources.

While the use of data methodologies and other information published by government agencies and the IPCC is encouraged to be used the OLO is also encouraged to use any authoritative data source given the well known problems and deficiencies with IPCC reports

Public engagement:

A *Climate Assessment Advisory Board* is created consisting of five citizens, at least three of whom have substantial experience in climate change or a related field. This board shall meet at least quarterly to review recommended improvements in assessments and also shall serve to communicate to the broader public the activities and conclusions undertaken and reached by the OLO. It will also be given the opportunity to review the draft annual report and make comments as necessary to improve it

Periodic reevaluations of adopted legislation based upon actual in addition to projected GHG's and other data should be periodically undertaken to improve the accuracy of the modeling and projections done by OLO.

Reevaluation results should be included in an annual report to be prepared by OLL that describes the number of assessments, salient observations about the assessments that have had the most positive or negative impacts, trends from past years and recommendations for legislative or administrative improvements to facilitate the assessment process

Assessment guidelines and Criteria:

1 All estimated greenhouse gas reductions shall be calculated annually and cumulatively to the target years enumerated in the emergency Climate Mobilization Resolution of 80% by 2027 and 100% by 2035.

2. The estimated carbon dioxide removal and other potential greenhouse gas removals shall be calculated annually and cumulatively up through the target years of 2027 and 2035.

2 The likely cobenefits and co-costs of the action shall be calculated annually and cumulatively to the target years enumerated in the emergency Climate Mobilization Resolution of 2027 and 2035.

4. In order to operationalize the emergency climate resolution goal of helping to lead a worldwide mobilization the GHG, CDR and adaptive resilience goals must be described and calculated both inside and outside the county annually and cumulatively through the target years of 2027 and 2035.

5. A statement recognizing the degree of consistency of the action with the most recent climate action plan (CAP) as well as other key county plans and regulations including Thrive2050, local master plans, functional plans and plans adopted by affiliated agencies and governmental entities including but not limited to the Montgomery county public schools, Montgomery county

college, Maryland National Park and Planning Commission, WSSC and others fitting this category shall be included in the assessment.

6. Climate actions shall be categorized as either direct or indirect. Examples of direct emission reduction include the acquisition of low carbon vehicles that directly replace ICE vehicles and installation of heat pumps that replace gas powered systems. Programs that reduce demand for high carbon goods or services or that facilitate the acquisition and use of low carbon products such as vehicle electric chargers and programs that generally increase public awareness of climate action generally or specifically are considered to be indirect.

7. The cost per ton of GHG's reduced to be estimated through the target years of 2027 and 2035.

8. For a project that emits significant emissions alternatives that should be considered and analyzed to reduce its impact include cancellation, delay, relocation, redesign or reconception.

I am writing to add an additional recommendation to my earlier testimony on the climate assessment bill.

All regulations that come in front of counsel for review and or approval shall be subject to the provisions of this legislation.

Herb Simmens Silver Spring Maryland built 3-22 climate assessment

This is an addendum to the testimony I just submitted a few minutes ago.

Another key criteria that must be included in the bill is to ensure that data is requested and obtained where available to estimate the embedded or upfront emissions of buildings, vehicles and other capital items that generate greenhouse gas emissions during their construction or fabrication.