

Environment Council of Rhode Island

Rhode Island General Assembly

2010 Green Report Card

General Assembly Earns 'B-' for Environmental Legislation

It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness...

— **Charles Dickens**, *A Tale of Two Cities*

The last legislative session was a tale of two general assemblies. On one hand, it was the best of times as the Rhode Island General Assembly made momentous progress on significant legislation that will result in an improved environment in Rhode Island by promoting water conservation, preventing mercury pollution, addressing climate change, reducing diesel pollution, working toward sustainable transportation funding and protecting open space.

Unfortunately, the legislature also showed its worst side by pursuing a poorly designed renewable energy strategy. The General Assembly approved a bill making a special deal for a single corporation – Deepwater Wind – that has sent strong negative signals to the burgeoning renewable energy market.

The Environment Council of Rhode Island's (ECRI's) biannual Green Report Card evaluates the environmental voting records of General Assembly members on ECRI priority bills during the 2009-2010 legislative session.

This report card covers a broad range of environmental issues reflecting the diverse interests of our 60 member organizations including: clean air, clean water, protecting open space lands, clean and renewable energy, wildlife habitat, sustainable land

use, transportation, toxic chemicals and open accountable governance.

The Environment Council of Rhode Island gives the Rhode Island General Assembly an overall B-grade for its handling of environmental issues in 2009 and 2010. Highlights of the 2009-10 legislative session's environmental victories are listed below with their Senate and House sponsors:

- The **Water Use and Efficiency Act** will promote water conservation and efficiency to protect natural resources and promote economic development. (Sosnowski, Ferri)
- The **Mercury Thermostat Pollution Prevention Act** will require thermostat manufacturers to finance the collection and recycling of old mercury thermostats. This bill will prevent the release of over 100 pounds of mercury from old thermostats each year. (Ruggerio, Malik)
- The **Diesel Emissions Reduction Act** will begin a requirement for major state construction projects to significantly reduce diesel emissions. Rhode Island has some of the most polluted air in the country, ranking in the worst

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- **Gov. Carcieri: A Legacy of Inaction**
- **Deepwater Debacle Undermines R.I.'s Renewable Energy Market**
- **General Assembly Members' Grades**

Governor Carcieri: A Legacy of Inaction

When Governor Carcieri took office in January of 2003, global warming was walking up the front steps to knock on the door. More than seven years later, climate change is firmly ensconced in the living room, and it's not leaving anytime soon.

Rhode Island, and indeed the world, is in the midst of the hottest year ever recorded. Crops are weeks ahead of schedule while at the same time last year, they had been destroyed by unusually wet summer weather followed by drought. In Narragansett Bay, ocean life important to the ecosystem and the economy is disappearing due to warmer temperatures. Meanwhile, the loss of Rhode Island shoreline to rising sea levels is accelerating, and this spring the state suffered through record-breaking floods. The volatile destructive weather and increased temperatures that had been merely the forecasts of scientists are now the reality.

It is against this sobering backdrop of climate change and the related issue of the world's dwindling natural and energy resources that Governor Carcieri's environmental record must be judged. Strong action beginning in 2003, establishing the full range of projects necessary to reduce Rhode Island's greenhouse gas emissions and improve community resilience, would have positioned the state economy well for the post-carbon age that awaits, while providing resources and jobs for Rhode Island communities today. Carcieri never took such action. This Green Report Card describes how the Governor fell short, as well as what the incoming administration must now do to set Rhode Island on the right path.

Gov. Carcieri's staff was unresponsive to the environmental community, the concerns it raised, and solutions it offered about growing problems such as carbon pollution, water scarcity, over development, waste management, diesel pollution, and the deteriorating transit and transportation systems.

In truth, Rhode Island has made progress in addressing many environmental issues over the past eight years, but this progress has come through the General Assembly's leadership in spite of the Governor's office's inaction and frequent opposition. The result has often been that good policy was slow to develop and in the worst case, forgotten like transportation reform. The Governor convened Blue Ribbon Panel of experts on sustainable transportation, but then did nothing to implement the panel's recommendations adopted in 2008.

The Governor's efforts in relation to global warming are a case in point. He delayed participation in the Regional Greenhouse Gas Initiative and earlier this year he signed onto a letter supporting U.S. Senator Murkowski's attempt to revoke the U.S. Environmental Protection Agency's authority to regulate carbon emissions. The Governor also failed to actively support open space bond referenda after 2004. Fortunately, the General Assembly and the Attorney General's office stepped into leadership roles and fought through the administration's obstruction to make progress possible.

Unfortunately, Governor Carcieri's legacy of inaction and obstruction has left Rhode Island in a precarious situation. At a time when the resiliency of the environment will be seriously and continuously challenged by climate change, the environmental agencies that are tasked with meeting those challenges have been left woefully understaffed by the Governor's budget cuts.

The transportation system needs \$3 billion worth of repairs and maintenance over the next decade just to be safe and passable. That investment will be in addition to making the improvements necessary to give Rhode Island the 21st century transportation system it needs to be environmentally sensitive and economically competitive.

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Even in the field of clean energy where the Governor set important and ambitious goals, his staff would not collaborate with the nascent renewable energy industry or advocates. Instead, his legacy is an expensive deal constructed around a single preferred developer, Deepwater Wind, which threatens to turn the public away from support of renewable energy and continues to drive away competitive renewable energy development from the state.

This incoming administration will be charged with the task of addressing these critical issues. In order to succeed, the next Governor must:

- **Recognize the unprecedented challenges presented by climate change and resource depletion.** Rhode Island, in concert with the rest of the world, must make every possible effort to reduce its carbon footprint and become energy independent, and the Governor should be the leader of that effort in the State. The newly created Rhode Island Commission on Climate Change can play an essential role in identifying next steps.
- **Communicate and work with the scientific and environmental community.** The next Governor needs to engage a broad cross-section of Rhode Island residents in addressing environmental challenges.
- **Tackle transportation.** Transportation is a keystone issue that affects environmental issues from air quality and carbon pollution, to conservation and wetlands protection. The new Governor, in tandem with the General Assembly, needs to find a way to sustainably fund a transportation system that will allow Rhode Island to preserve its natural resources and reduce pollution. Looking to Gov. Carcieri's Blue Ribbon Panel recommendations will be the first step.
- **Put renewable energy back on the right foot.** There is a great future for clean energy

production in Rhode Island, but in order for renewable energy companies to be confident in bringing business to the state, it must be clear that there is a level playing field.

- **Support the EPA's right to regulate carbon dioxide as a pollutant.** It is critical that the Environmental Protection Agency maintain its right to regulate carbon emissions.
- **Conserve vulnerable open space.** Rhode Island has lost more than 80% of its farmland since the 1940s. Of the 67,000 acres left, only one fourth is protected. Saving this land is important for sustaining local food production, one of the few bright spots in the economy, and for preserving the other environmental qualities that farmland provides.

If the next Governor can make these basic changes, Rhode Islanders can be secure that their government will be ready and willing to deal with whatever difficulties arise in what promises to be an extremely uncertain environment.

Understanding the Report Card

The following pages contain the voting records and bill sponsor points that yield legislator grades. There were 21 priority issues that came to a vote on which ECRI took a position represented in the spreadsheets. For issues 1-14, a bill came to a vote in both the House and the Senate. Additionally, the Senate voted on two bills that the House did not, and the House voted on five bills that did not come to a vote in the Senate. A description of the bills behind these numbers can be found on page seven.

Not all bills on which ECRI took a position and the legislature came to a vote are included in the report card. Votes with the greatest environmental impact and votes that served to best distinguish legislators' voting records from one another were given priority. The ECRI bills that never came to a vote or are not included on the spreadsheet still factor into legislator grades in the assessment of bill sponsor points.

Environment Council of Rhode Island

2010 Green Report Card

State Senate

	Dist.	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	Bill Points	Sponsor Points	Total Points	Grade
Dennis L. Algieri	38	+	+	+	+	+	-	+	+	+	+	+	+	+	+	+	+	91	0	91	A
David E. Bates	32	+	+	+	+	+	-	+	+	+	+	+	+	+	+	+	+	91	0	91	A
Leo R. Blais	21	+	+	+	+	+	-	+	+	+	+	+	+	+	+	+	+	91	2	93	A
Daniel P. Connors	19	+	+	+	+	+	-	+	+	+	+	+	+	+	-	+	+	78	3	81	B
Marc A. Cote	24	+	+	+	+	+	-	-	+	-	+	+	+	+	+	+	+	65	0	65	D
Elizabeth A. Crowley	16	+	+	+	+	+	-	+	+	o	+	o	+	+	-	+	+	65	0	65	D
Daniel DaPonte	14	+	+	+	+	+	-	+	+	+	+	+	+	+	-	+	+	78	0	78	C
Frank A. Devall	18	+	+	+	+	+	-	+	+	+	+	+	+	+	-	+	+	78	0	78	C
Louis P. DiPalma	12	+	+	+	+	+	-	+	+	+	+	+	+	+	-	+	+	78	15	93	A
James E. Doyle II	8	+	+	+	+	+	-	+	+	+	+	+	+	+	-	+	+	78	0	78	C
Walter S. Felag, Jr.	10	+	+	+	+	+	-	+	+	-	+	+	+	+	-	+	o	59	3	62	D
Paul W. Fogarty	23	+	+	+	+	+	-	+	+	+	+	+	+	+	-	+	+	78	0	78	C
Hanna M. Gallo	27	+	+	+	+	+	-	+	+	+	+	+	+	+	-	+	+	78	0	78	C
Maryellen Goodwin	1	+	+	+	+	+	o	+	+	+	+	+	+	+	-	+	+	85	0	85	B
Paul V. Jabour	5	+	+	+	+	+	-	+	+	+	+	o	+	+	+	+	+	85	0	85	B
Beatrice A. Lanzi	26	+	+	+	+	+	-	+	o	+	+	+	+	+	-	+	+	72	0	72	C
Charles J. Levesque	11	o	+	+	+	+	-	+	+	+	+	+	+	+	-	+	+	72	0	72	C
Erin P. Lynch	31	+	+	+	+	+	-	+	+	+	+	+	+	+	-	+	+	78	0	78	C
Francis T. Maher	34	+	+	o	+	+	-	+	o	+	+	+	+	+	+	+	+	78	0	78	C
Christopher Maselli	25	+	+	+	+	+	-	+	+	+	+	+	+	+	-	+	+	78	-2	76	C
John F. McBurney, III	15	+	+	o	+	+	o	+	+	+	+	+	+	+	-	o	+	72	0	72	C
Michael J. McCaffrey	29	+	+	+	+	+	-	+	+	+	+	+	+	+	-	+	+	78	0	78	C
Harold M. Metts	6	+	+	+	+	+	-	+	+	+	o	+	o	+	o	+	+	72	0	72	C
Joshua B. Miller	28	+	+	+	+	+	-	+	+	+	+	+	+	+	-	+	+	78	22	100	A+
Edward O'Neill	17	+	+	+	+	+	-	+	+	+	+	+	+	+	+	+	+	91	3	94	A
M. Teresa Paiva-Weed	13	o	+	+	+	+	-	+	+	+	+	+	+	+	-	+	+	72	0	72	C
Rhoda E. Perry	3	o	+	+	+	+	-	+	+	+	+	+	+	+	-	+	+	72	0	72	C
Roger A. Picard	20	+	+	+	+	+	-	-	+	-	+	+	+	+	-	+	+	52	0	52	F
Juan M. Pichardo	2	+	+	+	+	o	-	+	+	+	+	+	+	+	+	+	+	85	3	88	B
Michael J. Pinga	9	+	+	+	+	+	-	+	+	+	+	+	+	+	+	+	+	91	0	91	A
Leonidas P. Raptakis	33	+	+	+	o	+	o	o	+	o	+	o	+	+	+	+	+	72	0	72	C
Dominick J. Ruggerio	4	o	+	+	+	+	-	+	+	+	+	+	+	+	-	+	+	72	3	75	C
James C. Sheehan	36	+	-	+	+	+	o	+	+	+	+	+	+	+	-	+	+	72	0	72	C
V. Susan Sosnowski	37	+	+	+	+	+	-	+	+	+	+	+	+	+	-	+	+	78	3	81	B
John J. Tassoni, Jr.	22	+	+	+	+	+	-	+	+	+	+	+	+	+	-	+	+	78	3	81	B
William A. Walaska	30	+	+	+	+	+	-	+	+	+	+	+	+	+	-	+	+	78	4	82	B

Key to the Grades: + = vote for ECRI position, - = vote against ECRI position, o = no vote cast

Environment Council of Rhode Island

2010 Green Report Card

State House of Representatives

	Dist.	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	Bill Points	Sponsor Points	Total Points	Grade
Edith H. Ajello	3	+	+	+	+	+	-	+	+	+	+	+	+	+	-	+	+	+	+	+	90	0	90	A
Joseph S. Almeida	12	+	+	+	+	+	-	+	0	+	+	+	+	+	-	0	+	+	0	+	72	0	72	C
Samual A. Azzinaro	37	+	+	+	+	+	-	+	+	+	0	+	+	+	-	+	+	+	+	+	84	0	84	B
Lisa Baldelli-Hunt	49	-	+	+	-	+	-	-	+	+	-	+	+	+	-	0	+	0	+	0	24	0	24	F
Jon D. Brien	50	+	+	+	+	+	-	-	+	+	0	+	+	+	-	+	+	+	+	+	72	0	72	C
David A. Caprio	34	+	+	+	+	+	-	+	+	+	+	+	+	+	-	+	+	+	+	+	90	0	90	A
John M. Carnevale	13	+	+	+	+	+	-	+	+	+	+	0	0	+	-	+	+	+	+	+	78	0	78	C
Kenneth Carter	31	+	+	+	+	+	-	+	+	0	-	+	+	+	-	+	+	+	+	+	72	-2	70	C
Elaine A. Coderre	60	+	+	0	+	+	0	+	+	+	+	+	+	+	-	+	+	+	+	+	90	0	90	A
Arthur J. Corvese	55	+	+	+	+	+	-	+	+	+	-	+	+	+	-	+	+	+	+	+	78	3	81	B
Steven M. Costantino	8	+	+	+	+	+	-	+	+	+	+	+	+	+	-	+	+	+	+	+	90	0	90	A
Roberto DaSilva	63	+	+	+	+	+	-	-	+	+	+	+	+	+	-	+	+	+	+	+	78	0	78	C
Elizabeth M. Dennigan	62	+	+	+	+	+	-	+	+	0	0	0	0	0	0	+	+	+	+	0	84	3	87	B
John J. DeSimone	5	+	+	+	0	+	-	+	+	0	+	0	+	+	-	+	+	+	0	+	66	0	66	D
Grace Diaz	11	0	+	0	0	+	-	+	+	+	+	+	+	0	+	+	+	+	+	+	78	0	78	C
Rodney D. Driver	39	+	+	+	-	+	-	+	+	+	+	0	0	+	+	+	+	+	+	+	78	0	78	C
John G. Edwards	70	+	+	+	+	+	-	+	+	-	+	+	+	+	-	+	+	+	+	+	78	3	81	B
Laurence Ehrhardt	32	+	+	+	-	+	-	-	+	-	-	+	+	+	+	+	+	-	+	+	42	0	42	F
Deborah A. Fellela	43	+	+	+	+	+	-	+	+	+	+	0	0	0	0	+	+	+	+	0	72	0	72	C
Frank Ferri	22	+	+	+	+	+	-	+	+	+	+	+	+	0	-	+	+	+	+	+	84	5	89	B
Christopher Fierro	51	+	+	+	+	+	-	+	+	+	+	+	+	+	-	+	+	+	+	+	90	2	92	A
Robert E. Flaherty	23	+	+	0	0	+	0	+	0	0	0	0	0	0	0	0	0	+	+	+	42	0	42	F
Gordon D. Fox	4	+	+	+	+	+	-	+	+	+	+	+	+	+	-	+	+	+	+	+	90	6	96	A
Douglas W. Gablinske	68	+	+	+	+	+	-	+	0	+	+	+	+	+	-	0	+	+	0	+	72	0	72	C
Raymond E. Gallison, Jr.	69	+	+	+	+	+	-	+	+	+	+	+	+	+	+	+	+	+	+	+	102	2	104	A+
Al Gemma	20	-	+	+	+	+	-	-	+	+	+	+	+	+	-	-	+	-	+	+	42	0	42	F
Joanne M. Giannini	7	+	+	+	0	+	-	+	+	+	+	+	+	+	-	+	+	+	+	+	84	0	84	B
Scott J. Guthrie	28	+	+	+	+	+	-	+	+	+	+	+	+	+	-	+	+	+	+	+	90	0	90	A
Arthur Handy	18	+	+	+	+	+	0	+	+	+	+	0	+	+	-	+	+	+	+	+	90	7	97	A
Joy Hearn	66	+	+	+	+	+	0	+	+	+	+	+	+	+	+	+	+	+	+	+	108	0	108	A+
J. Russell Jackson	73	+	+	+	+	+	-	+	+	0	+	+	+	+	-	+	0	+	+	+	78	0	78	C
Robert B. Jacquard	17	+	0	0	+	0	0	+	+	+	0	0	+	0	0	+	0	+	0	+	54	0	54	F
Brian Patrick Kennedy	38	+	+	+	-	+	-	+	+	+	+	+	+	+	+	+	+	+	+	+	90	0	90	A
Peter F. Kilmartin	61	+	+	+	0	+	-	+	+	0	+	+	+	0	-	+	+	+	+	+	72	0	72	C
Donald J. Lally, Jr.	33	+	+	0	0	+	0	+	+	+	+	0	+	+	-	+	+	+	+	+	78	6	84	B
Charlene M. Lima	14	+	+	+	+	+	-	+	+	+	+	+	+	0	-	+	+	0	+	+	78	0	78	C

Key to the Grades: + = vote for ECRI position, - = vote against ECRI position, 0 = no vote cast

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State House of Representatives Continued

	Dist.	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	Bill Points	Sponsor Points	Total Points	Grade
John J. Loughlin II	71	+	+	+	-	+	-	+	+	-	-	0	+	+	+	+	+	-	+	+	48	0	48	F
Ken L. MacBeth	52	+	+	+	+	+	-	-	+	+	0	+	+	+	-	+	+	-	+	+	60	0	60	D
Jan P. Malik	67	+	+	+	0	+	0	+	+	+	+	+	+	+	-	+	+	+	+	+	90	8	98	A
Michael J. Marcello	41	+	0	+	+	+	0	-	+	+	0	+	+	+	+	+	+	+	+	+	84	0	84	B
Peter F. Martin	75	+	+	+	-	+	-	+	+	+	-	+	+	+	-	+	+	+	+	+	66	2	68	D
Nicholas A. Mattiello	15	+	+	+	+	+	-	+	+	+	+	+	+	+	-	+	+	+	+	+	90	0	90	A
John J. McCauley, Jr.	1	+	+	0	-	+	0	+	0	0	+	0	0	+	-	0	0	+	0	0	30	0	30	F
Joseph M. McNamara	19	+	+	+	+	+	0	+	+	+	+	+	+	+	-	+	+	+	+	+	96	0	96	A
Helio Melo	64	+	+	+	+	+	-	+	+	+	+	+	+	+	-	+	+	-	+	+	78	0	78	C
Rene R. Menard	45	0	+	+	-	+	-	-	+	+	-	+	+	+	-	+	+	-	+	0	30	0	30	F
Mary Duffy Messier	62	0	0	0	0	0	0	0	0	+	+	+	+	+	-	0	0	0	0	+	72	0	72	C
William J. Murphy	26	+	+	+	+	+	-	+	+	0	0	0	0	0	-	+	+	+	+	+	60	0	60	D
Eileen S. Naughton	21	+	+	+	+	+	-	+	+	0	+	+	+	+	+	+	+	+	+	+	96	0	96	A
Brian C. Newberry	48	+	+	+	-	+	-	-	+	-	-	+	+	+	+	+	+	-	+	+	42	0	42	F
J. Patrick O'Neill	59	+	+	+	+	0	-	+	+	+	+	+	+	+	-	+	+	-	+	+	72	-3	69	D
Edwin R. Pacheco	47	+	0	+	+	+	-	+	+	+	+	+	+	+	-	+	+	+	+	+	84	3	87	B
Peter G. Palumbo	16	+	0	0	+	0	0	0	+	+	0	0	+	+	-	+	+	+	+	+	60	2	62	D
Peter John Petrarca	44	+	+	+	0	+	-	-	+	0	0	0	+	+	-	+	+	-	+	+	42	2	44	F
Scott M. Pollard	40	+	+	0	+	+	-	+	+	+	+	+	+	+	-	+	+	+	+	+	84	2	86	B
Amy G. Rice	72	+	+	+	0	0	-	+	+	+	+	+	+	+	+	+	+	+	+	+	90	2	92	A
Michael A. Rice	35	+	+	+	+	+	-	+	+	+	+	+	+	+	+	+	+	+	+	+	102	0	102	A+
Deborah L. Ruggiero	74	+	+	+	+	+	-	+	+	+	+	+	+	+	-	+	+	+	+	+	90	3	93	A
William San Bento, Jr.	58	+	+	+	+	+	0	+	+	0	+	0	+	+	-	+	0	+	+	+	78	0	78	C
John A. Savage	65	+	+	+	+	+	-	-	+	0	-	+	+	+	+	+	+	-	+	+	60	0	60	D
Gregory J. Schadone	54	+	+	0	+	+	-	+	+	+	-	+	+	+	-	+	+	+	+	+	72	0	72	C
David A. Segal	2	0	+	+	+	+	-	+	+	+	+	0	+	+	-	+	+	+	+	+	78	13	91	A
Patricia A. Serpa	27	+	+	+	+	+	-	+	+	+	+	+	+	+	-	+	+	-	+	+	78	0	78	C
MaryAnn Shallcross	46	+	+	+	+	+	-	+	+	+	+	+	+	+	-	+	+	+	+	+	90	0	90	A
Agostinho Silva	56	+	+	+	+	+	-	+	+	+	+	0	+	+	-	+	+	+	0	+	78	2	80	B
Scott Slater	10	0	0	0	0	0	0	0	0	+	0	0	+	+	-	0	0	0	0	+	43	0	43	F
Raymond J. Sullivan, Jr.	29	0	+	0	0	+	0	+	+	0	+	0	+	+	-	+	+	0	+	+	60	5	65	D
Joseph A. Trillo	24	-	+	-	-	+	-	-	0	-	-	+	-	+	-	+	+	-	+	+	-12	0	-12	F
Stephen R. Ucci	42	+	0	+	+	0	-	-	+	+	+	0	+	+	-	0	+	+	+	0	48	0	48	F
Kenneth A. Vaudreuil	57	+	+	+	+	+	-	+	+	+	+	+	+	+	+	+	+	+	+	+	102	0	102	A+
Donna Walsh	36	+	+	+	+	+	-	+	+	+	+	+	+	+	-	+	+	+	+	0	84	9	93	A
Peter N. Wasylyk	6	0	+	+	+	+	-	+	+	+	+	0	+	0	-	+	0	+	0	+	60	0	60	D
Robert A. Watson	30	-	0	+	-	+	0	-	0	-	-	0	+	+	+	-	0	-	0	+	-6	0	-6	F
Anastasia P. Williams	9	+	+	+	+	0	-	+	+	+	+	+	+	+	-	+	+	+	+	+	84	0	84	B
Timothy A. Williamson	25	+	0	+	+	0	-	+	+	+	0	+	+	+	0	+	0	+	0	+	66	0	66	D
Thomas Winfield	53	+	+	+	+	+	-	-	0	+	-	+	+	+	-	0	+	+	0	+	48	0	48	F

Key to the Grades: + = vote for ECRI position, - = vote against ECRI position, 0 = no vote cast

Brief Description of Bills

- 1. Green Light Extension, 2009** (S160, H5010) A vote to authorize RIPTA buses to extend green lights at intersections. ECRI supported and the bills passed.
- 2. Long Term Contracts, 2009** (S111, H5002) A vote to require National Grid to procure at least 9% of their load through long-term contracts for renewable energy. ECRI supported and bills passed.
- 3. Energy Performance in Buildings, 2009** (S232, H5355) A vote to create green building standards. ECRI supported and the bills passed.
- 4. Protect Open Spaces, 2009** (S685, H5053) A vote to ensure Camp Meehan remains as open space. ECRI supported and the bills passed.
- 5. Support Conservation Easements, 2009** (S261, H5490) A vote to enable estates and their executors to convey a conservation easement that has not been specified in a will. ECRI supported and the bills passed.
- 6. Support Incinerator Ban Act, 2009** (S933, H6053) A vote to study lifting Rhode Island's ban on municipal solid waste incineration. ECRI opposed and the bills passed.
- 7. Mercury Thermometer Pollution Prevention Act, 2009** (S668, H5794) A vote to require thermostat manufacturers to pay for the safe collection and recycling of mercury thermostats. ECRI supported and the bills passed.
- 8. Raise Maximum Polluter Fines, 2009** (S50, H5061) A vote to raise maximum fines for big polluters from \$1,000 to \$25,000 per day. ECRI supported and the bills passed.
- 9. Funding for Mass Transit, 2010** (S2247, H7497) A vote calling on RI's federal delegation to pass national legislation that will bring transportation funding to Rhode Island. ECRI supported and the bills passed.
- 10. Climate Change Commission, 2010** (S2439, H7719) A vote to create a commission to study projected impacts and identify methods of adapting, including the protection of vital infrastructure, of climate change. ECRI supported and the bills passed.
- 11. Conservation Easement Defense, 2010** (S2161, H7247) A vote to codify the Attorney General's authority to enforce conservation easements that protect open space lands. ECRI supported and the bills passed.
- 12. Mercury Thermometer Pollution Prevention Act, 2010** (S2353, H7199) A vote to require thermostat manufacturers to finance the safe collection and recycling of mercury containing thermostats. ECRI supported and the bills passed.
- 13. Diesel Emissions Reduction Act, 2010** (S2440, H7850) A vote to require the State's diesel powered construction vehicle fleet to be retrofitted. ECRI supported and the bills passed.
- 14. Deepwater Wind Deal, 2010** (S2819, H8083) A vote to bypass the PUC's decision to deny Deepwater Wind's proposal for its offshore wind power generation demonstration project and grant Deepwater Wind the right to proceed. ECRI opposed and the bills passed.
- 15. Diesel Study Commission, 2009 Senate Only** (S491) A vote to establish a Senate study commission to make recommendations for legislation to limit diesel emissions in RI. ECRI supported and the bill passed.
- 15. Clarify Net Billing, 2009 House Only** (H5461) A vote to clarify that net billing should be for unlimited accounts and should not accrue at rates lower than the customer is charged for the electricity. ECRI supported and the bill passed the House.
- 16. Finance Public Transit, 2009 Senate Only** (S525) A vote to provide funds for the RIPTA operating budget which was under pressure from a growing demand for service and decreasing revenues. ECRI supported and the bill passed the Senate.
- 16. State Energy Conservation Code, 2009 House Only** (H5986) A vote to bring the state into compliance with federal regulatory standards for energy efficiency. ECRI supported and the bill passed the House.
- 17. Water Use and Efficiency, 2009 House Only** (H5828) A vote to promote water conservation and efficiency through a reliable system of supply and distribution. ECRI supported and the bill passed the House.
- 18. Producer Responsibility Study, 2009 House Only** (H5616) A vote requesting DEM develop recommendations for a comprehensive product stewardship approach to solid waste issues in RI. ECRI supported and the bill passed the House.
- 19. Extend Net Metering, 2010 House Only** (H7713) A vote to extend the net billing provisions to all types of renewable energy. ECRI supported and the bill passed the House.

(Continued from page 1)

10% of all states for health risks caused by diesel pollution. (Miller, Sullivan)

- The **Study Commission on Sustainable Transportation Funding** will recommend strategies to develop and implement new funding sources for the Department of Transportation and the Rhode Island Public Transit Authority. (Connors)
- The **Climate Risk Reduction Act** will establish the creation of the Rhode Island Climate Change Commission to review the climate change risks Rhode Island faces and make recommendations for strategies to adapt. Regrettably, provisions that would have given Rhode Islanders the “right to dry” and eased restrictive covenants that exist for some residential scale renewable energy resources were removed from the bill. Looking forward, these issues must be successfully embodied in new legislation. (Miller, Segal)
- The General Assembly requested that the Department of Environmental Management study and develop recommendations for a **comprehensive product stewardship approach to solid waste issues in Rhode Island** – expanding manufacturers’ role in collecting and recycling the products they put into the market. The resulting report will be the basis for legislation to be introduced in the coming session. (Walsh)
- A 2009 bill requiring **Long Term Contracts for Renewable Energy** directed National Grid to procure a specific percentage of their electricity through long term contracts for renewable energy that would help businesses secure the necessary financing. (Miller, Fox)

The Rating System

Rating systems cannot adequately account for work that goes on behind the scenes at the legislature. Good bills are often defeated in committee or through procedural maneuvers that do not result in floor votes that can be counted. By the same token, bad bills are often defeated the same way. Counting only votes on the floor of the Assembly, therefore, would fail to capture the true contribution of individual legislators to the outcome of environmental legislation.

In an attempt to allocate credit more accurately, we include not only floor votes, but also sponsorship of bills, both good and bad, in our tally.

For the floor votes included in the tally, individual legislators are graded based on the percentage of times they voted with the ECRI position rather than against it. In the Senate this 2009-2010 sessions, we counted 16 priority issue votes, and in the House we counted 19 priority issue votes. Representatives Dennigan, Messier, and Slater are graded only on the votes made during the sessions when they were in office. Representative Tom Slater’s and Senators Lenihan and Ciccone’s voting records have been removed because they were unable to make it to the State House to vote due to illness.

Principal sponsorship of environmental bills earns an additional +3 points (good for the environment and passed), +2 (good for the environment but did not pass), -3 (bad for the environment and passed), -2 (bad for the environment but did not pass).

We recognize that leadership in both the House and Senate plays a role far beyond their individual votes in setting the tone for and against environmental protection. Although leadership control cannot be as objectively measured as the votes, it is useful to remember that leadership should be held responsible for the overall tone of the session on environmental matters.

Deepwater Debacle Undermines R.I.'s Renewable Energy Market

ECRI has a long history of strong support for renewable energy development and the laws that facilitate that development. This is only one aspect of our wider efforts to combat climate change.

In 2008 and 2009, ECRI strongly supported General Assembly passage of the Long-Term Contracting Statute (LTC Statute) for renewable energy. Long-term contracts are critical for developers of new renewable resources to obtain the loans most need to build their projects.

However, ECRI strongly opposed the 2010 amendments to the LTC Statute. The amendments were not designed to promote renewable energy. Rather they were designed to facilitate one project for one specific developer, Deepwater Wind. In order to build a strong renewable energy future for Rhode Island, our state laws need to establish a clear set of rules that guide renewable energy development. The rules should be set in advance and must be applicable to all developers.

The 2010 amendments to the LTC statutes changed the rules for offshore wind projects only after the proposed Deepwater project had been considered by the Public Utilities Commission (PUC). Changing the rules after the game is played creates an unstable business environment and therefore is bad for business and, ultimately, bad for developing renewable energy.

Furthermore, legislative re-opening of the quasi-judicial PUC decision after the fact also violates separation of powers and is therefore unconstitu-

tional. ECRI believes that long-term renewable energy development is not helped or fostered by creating illegal and unconstitutional processes.

Finally, the 2010 amendments to the LTC Statute also created a new set of rules applicable only to Deepwater. Building a strong renewable energy future for Rhode Island will take multiple developers building multiple projects utilizing a variety of technologies. Legislation crafted to benefit a single corporation is, again, bad for business and, ultimately, bad for developing renewable energy.

ECRI continues to support a renewable energy future, and believes that the best way to get there is to create a clear path forward so that all developers can see their way through a fair process that is applied equally to all.



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The Environment Council of Rhode Island is a coalition of organizations and individuals whose mission is to serve as an effective voice for developing and advocating policies and laws that protect and enhance the environment.