

May 25, 2021

Congressman Frank Pallone, Jr.

Chairman, House Committee on Energy and Commerce

Congressman Bobby L Rush

Chairman, House SubCommittee on Energy

Congressman Paul Tonko

Chairman, House SubCommittee on Environment & Climate Change

2125 Rayburn House Office Building

Washington, DC 20515-6115

Dear Chairman Pallone, Congressman Rush and Congressman Tonko:

This letter provides several recommendations for the Clean Future Act[[1]](#endnote-2). These recommendations result from a recent assessment[[2]](#endnote-3) of several legislative bills, plans and other government documents. These are compared to carbon reduction scenarios (see Chart 1) in the Middletown Energy Plan V2 [[3]](#endnote-4) [[4]](#endnote-5).

**Recommendation 1 calls for including Carbon Emission Fees in the Clean Future Act:**

Legislation that specifies carbon emission fees such as the Energy Innovation and Carbon Dividend Act[[5]](#endnote-6) support all the primary carbon emission reduction scenarios called for in the Middletown Energy Plan V2, e.g., including the switch to 100% clean electricity, electric vehicles, and building electrification. Since there are already 41 congressional co-sponsors of the Energy Innovation and Carbon Dividend Act, it is recommended[[6]](#endnote-7) that Congress pass this bill or merge it with either the Clean Future Act or President Biden’s infrastructure bill.

**Recommendation 2 calls for changing the Clean Future Act to provide a clear objective for 100% clean electricity by 2035:**

Provide a specific and clear objective for 100% clean electricity by 2035[[7]](#endnote-8) in the Clean Future Act.

The Off Fossil Fuels Act[[8]](#endnote-9) has the following clear objective which is recommended for inclusion in the Clean Future Act.

**“**SEC. 201. CLEAN ENERGY MANDATES.

(a) Minimum Annual Percentage. —The minimum annual percentage of the quantity of electricity sold by a retail electric supplier that must be generated from clean energy resources shall be—

(1) in 2027, 80 percent; and

* 1. in 2035, and every year following, 100 percent.”

The Clean Future Act summary document[[9]](#endnote-10) calls for 100% clean electricity by 2035, but the same wording from the summary document (extracted below) is NOT[[10]](#endnote-11) found in the actual text of the Clean Future Act.

Extract from summary document missing in Clean Future Act:

“Accelerates the transition to clean electricity by requiring all retail electricity suppliers to reach 80 percent clean electricity by 2030 and 100 percent by 2035.”

**Recommendation 3 calls for changing the Clean Future Act to provide a clear objective for 100% Zero Emission Vehicles by 2035:**

Provide a specific and clear objective for 100% Zero Emission Vehicles by 2035 [[11]](#endnote-12). Our view is the current Clean Future Act (March 2021) does not provide a clear objective.

The Off Fossil Fuels Act has the following clear objective which is recommended for inclusion in the Clean Future Act.

SEC. 220. ZERO-EMISSION VEHICLE MANDATE.

“(a)In General. —The minimum annual percentage of the quantity of new motor vehicle sales of a vehicle manufacturer that shall be zero-emission vehicles shall be—

“(1) in 2027, 80 percent; and

“(2) in 2035, and every year following, 100 percent.

**Recommendation 4 calls for 100% electric heat pump penetration by 2050, along with supporting building codes for all-electric buildings and phaseout of combustion-based building technologies:**

Require substantial electric heat pump[[12]](#endnote-13) [[13]](#endnote-14) penetration by phased target year(s), with 100% by 2050. Adopt green building codes and practices that encourage or require zero-emission, all-electric buildings so that all new buildings are 100 percent electric by 2030 and retrofits for existing buildings are actively underway. Begin the phaseout of combustion building technologies and after 2030 ensure that all replacement furnaces and water heaters are zero-pollution, electrified appliances. Place a moratorium on gas hookups in new building construction starting 2025. The current Clean Futures Act does not do any of these (for example, it only mentions heat pumps twice as part of general equipment lists, and not as part of any specific objective nor requirement for heat pumps).

**Recommendation 5 calls for the Clean Future Act to provide requirements, incentives, and funding to achieve 100% Zero Emission Vehicles by 2035:**

Given that Recommendation 3 above recommends an objective of 100% Zero Emission Vehicles by 2035 in the Clean Future Act, it is also recommended that the Clean Future Act specify in detail any supporting requirements, incentives, and funding to achieve this objective, and ensure that all segments of American society benefit from the incentives and funding, along with due consideration for under served communities.

**Recommendation 6 calls for the Clean Future Act to provide requirements, objectives and funding for electrification of state and local government vehicle fleets, school buses, transit buses, package delivery vehicles, ride share vehicles, refuse trucks, and light to medium shipping trucks:**

In light of Recommendation 3 above, it is also recommended that the Clean Future Act clearly specify the same objective as Recommendation 3 above for electrification of state and local government vehicle fleets, school buses, transit buses, delivery vehicles, ride share vehicles, refuse trucks, and other trucks. And where vehicles are owned or contracted by state or local governments or other public entities, provide substantial funding for vehicle conversion to electric vehicles with funding starting in 2022. Note that the conversion of diesel vehicles such as school, delivery, transit, refuse, and trucks to electric vehicles is also expected to result in substantial improvements in air quality and noise reduction, and therefore, reduce healthcare costs and increase life expectancy, as well as make residential neighborhoods more palatable. Underserved communities also need to be a focus in this transition.

**Recommendation 7 calls for the Clean Future Act to provide an annual report on barriers to 100% clean electric by 2035:**

It is far too late to learn the barriers to 100% clean electric in 2034, just one year before 100% clean electric is sought by 2035. It would be almost impossible to address changes needed within 1 year. Thus, it is recommended that an annual report to Congress start as soon as the bill is passed, not as late as 2034 which the Clean Future Act currently calls for.

Extract of existing Clean Future Act text with possible changes:

“SEC. 207. REPORT TO CONGRESS.

**Starting 2022,** ~~Not later than January 1, 2034,~~ the Administrator shall submit **an annual** report to Congress **and the American public** with an evaluation and a forecast of the remaining barriers to achieving 100 percent generation of electric energy with no emissions of carbon dioxide by calendar year 2035.”

**Recommendation 8 calls for the deletion of escape clauses and alternate schemes from the Clean Futures Act that appear to detract from getting to 100% clean electric:**

Open ended escape clauses such as the one extracted from the current Clean Future Act at the bottom of this section, or any clauses that allow escape from the 100% clean electric by 2035 via payments or carbon credit schemes are recommended for deletion from the Clean Future Act. How could the American people actually expect that 100% clean electric will be implemented by 2035 if there are escape clauses built into the bill and without a clear objective? Escape clauses give license to continue with business as usual, pollute with carbon emissions, and continue the escalating path to global warming, and thus can be perceived as defeating the purpose of Clean Future Act.

Such an escape clause should not reduce (see “deduct” below) calculations of energy consumed and thus apparently undercut the 100% clean electric goal.

Thus, the extracted escape clause below is recommended for removal from the Clean Future Act in its entirety (as indicated by the crossed-out text below). Alternatively, consider removing “the Administrator shall deduct the quantity of megawatt-hours of electricity generated by such generating unit during such calendar year” while adding a sunset clause such as no such designations being allowed beyond 2035. Only if necessary, include a clear requirement that such designated resources, if fossil fuel based, shall only be used to handle peak loads under government declared emergency or limited peak demand situations; e.g. only allow such designated resources to be used on < 2% of the days of any calendar year when peak demand occurs.

~~“(B) SYSTEM SUPPORT RESOURCE.—For any calendar year in which a generating unit that is owned by a retail electricity supplier has been designated a System Support Resource by the Federal Energy Regulatory Commission and is thereby required, by an Independent System Operator or Regional Transmission Organization, or under a State-regulated resource planning process, to remain in operation because retirement of the generating unit would harm the reliability of the electric energy transmission system, in calculating the total quantity of electric energy consumed by electric consumers of the retail electricity supplier under subparagraph (A)(i), the Administrator shall deduct the quantity of megawatt-hours of electricity generated by such generating unit during such calendar year.~~**~~”~~**

Thank you in advance for considering the recommendations included in this letter. We look forward to potential revisions to the Clean Future Act in accordance with the above recommendations.



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Chart 1 Extracted from Middletown Energy Plan V2

 Representative Scenarios for Middletown GHG (Carbon) Emission Reduction

Chart shows estimated tons of GHG emission reduction for each scenario in 2030 relative to 2018.

If implemented, reductions projected for 2030 total 266K tons or 38% of Middletown's 705K pro-rata tons in 2018.

1. https://www.congress.gov/bill/117th-congress/house-bill/1512 [↑](#endnote-ref-2)
2. The assessment spreadsheet “Map Middletown V2 to Legislation [date]” covering 17 comparisons is available upon request. [↑](#endnote-ref-3)
3. <http://climate.smiller.org/energy-plan/Middletown-2020-Energy-Plan/MiddletownEnergyPlan-V2-2020-8-8.pdf>

 The Middletown Energy Plan is currently under review for inclusion in the 2021 update of the Middletown Master Plan. [↑](#endnote-ref-4)
4. The Middletown Energy Plan V2 and this letter do not address the need to drastically reduce certain other sources of carbon or Greenhouse Gas (GHG) emissions e.g. emissions from cryptocurrency generation, agriculture, oil and gas production, chemical production, cement production, other industry, heavy trucking, long distance buses, airplanes, seaports, ferries, ships, consumer and business consumption, nor miscellaneous point sources such as off road vehicles. Nor do these two documents discuss improvements such as carbon sequestration, forestry, rail travel and rail transportation, Green Buildings other than some specific aspects, etc. Nor is environmental justice covered directly, though this is mentioned in the Middletown Energy Plan V2. We do however recommend that the Clean Future Act address all these topics. [↑](#endnote-ref-5)
5. https://energyinnovationact.org/ [↑](#endnote-ref-6)
6. We also recommend incorporating the highest of either the carbon fee or alternate compliance payment from either the Energy Innovation and Carbon Dividend Act or Clean Future Act spanning all years for equivalent Greenhouse Gas emissions. [↑](#endnote-ref-7)
7. "….on the path to achieving 100 percent carbon-free electricity by 2035.” https://www.whitehouse.gov/briefing-room/statements-releases/2021/03/31/fact-sheet-the-american-jobs-plan/ [↑](#endnote-ref-8)
8. https://www.congress.gov/bill/115th-congress/house-bill/3671/text [↑](#endnote-ref-9)
9. https://energycommerce.house.gov/sites/democrats.energycommerce.house.gov/files/documents/CLEAN%20Future%20Act%20Fact%20Sheet%20FINAL.pdf [↑](#endnote-ref-10)
10. The March 2021 Clean Future Act does include a DEFINITION with wording that may imply the possibility of 100% clean electric by 2035, but such a requirement nor objective is not explicitly found nor directly referenced without exception or alternate schemes in any actual requirements or stated objectives of the bill. Therefore, a reader can readily infer there is no such requirement, or, that its plausible that it’s not enforced due to exceptions and alternate schemes; in any event, there currently is no explicitly worded requirement nor objective. Extract from Clean Future Act DEFINITION section: “MINIMUM PERCENTAGE OF ZERO-EMISSION ELECTRICITY.—The term “minimum percentage of zero-emission electricity” means, with respect to a retail electricity supplier……...(vii) for calendar year 2035 and each calendar year thereafter, 100 percent.” [↑](#endnote-ref-11)
11. “Congress….…..enacting a national sales standard to achieve 100% sales of zero emission cars by 2035 and heavy-duty trucks by 2040….” https://climatecrisis.house.gov/sites/climatecrisis.house.gov/files/Climate%20Crisis%20Action%20Plan.pdf [↑](#endnote-ref-12)
12. Accelerating America’s Pledge page 2 extract: “Phasing Out Gas Heating in Favor of Cost-Effective Electric Heat Pumps”. https://www.bbhub.io/dotorg/sites/28/2019/12/Accelerating-Americas-Pledge.pdf [↑](#endnote-ref-13)
13. 2019 New Jersey Energy Master Plan page 136 extract: “In the Least Cost and other scenarios with high uptake of heat pumps, the Integrated Energy Plan does not model significant efficiency investment in fossil-fueled heating equipment, as the majority of such equipment is gradually replaced with heat pumps by 2050…..” http://d31hzlhk6di2h5.cloudfront.net/20200127/84/84/03/b2/2293766d081ff4a3cd8e60aa/NJBPU\_EMP.pdf [↑](#endnote-ref-14)