

EXECUTIVE ORDER NO. 100

WHEREAS, the international scientific community has reached an overwhelming consensus that the Earth is warming due to increasing atmospheric levels of carbon dioxide and other greenhouse gases; and

WHEREAS, there is also overwhelming consensus that such temperature increases are contributing to rising sea levels, an increase in the frequency and intensity of severe weather events, and numerous other adverse environmental impacts that have threatened and will continue to threaten our communities, economies, and public health; and

WHEREAS, it is also widely accepted that human activity, and in particular society's emissions of greenhouse gases, has driven and continues to drive global climate change and its corresponding impacts on our natural environment; and

WHEREAS, the United Nations Intergovernmental Panel on Climate Change ("IPCC") has found that greenhouse gas emissions are the highest in human history and continued emissions will cause further warming and long-lasting changes in all components of the climate system, increasing the likelihood of severe, pervasive, and irreversible impacts for people and ecosystems; and

WHEREAS, the IPCC has also concluded that the world's oceans and ice sheets are under severe stress due to rapidly increasing temperatures, causing global sea level rise to accelerate; and

WHEREAS, this acceleration has and will continue to result in increases in intensity of winds, rainfall, wave action, and other extreme sea level events and coastal hazards, as well as impacts to coastal ecosystems; and

WHEREAS, New Jersey is especially vulnerable to the impacts of sea level rise, increased flooding and numerous other adverse impacts of climate change, with potentially disastrous consequences for public health and safety, as well as for the social and economic vitality of the State; and

WHEREAS, the 2019 report "New Jersey's Rising Seas and Changing Coastal Storms" that was prepared by Rutgers University for the Department of Environmental Protection ("DEP") shows that sea-level rise projections in New Jersey are more than two times the global average and that the sea level in New Jersey could rise from 2000 levels by up to 1.1 feet by 2030, 2.1 feet by 2050, and 6.3 feet by 2100, underscoring the urgent need for action to protect the State from adverse climate change impacts; and

WHEREAS, according to a study released by the Rhodium Group in October 2019, rising temperatures and sea levels in New Jersey has significantly increased the economic risk to New Jerseyans with an estimated \$60 billion worth of homes and buildings facing increased risk of flooding from hurricanes, and the estimated annual potential loss to New Jersey from hurricane-related wind and flooding has increased between \$670 million and \$1.3 billion; and

WHEREAS, the National Oceanic and Atmospheric Administration estimates that annual damages from climate change could measure in the hundreds of billions of dollars by the end of the century; and

WHEREAS, minority and low-income communities are disproportionately affected by climate change, including by the health effects of higher temperatures and increased air pollution and by the displacement of coastal and low-lying neighborhoods from sea level rise and flooding; and

WHEREAS, the State's ability to reduce the severity of adverse climate change impacts will depend on the collective effort and commitment of our political and community leaders, businesses, industries, and government entities to undertake considerable efforts to reduce greenhouse gas emissions on an economy-wide basis; and

WHEREAS, traditional methods of energy production that rely on the burning of fossil fuels release harmful emissions of greenhouse gases, which in turn contribute to global climate change; and

WHEREAS, the only method to begin mitigation of these effects is through steep and immediate reductions in greenhouse gas emissions; and

WHEREAS, in the absence of action at the federal level, states must take the lead in reducing greenhouse gas emissions to avoid the most catastrophic impacts of climate change; and

WHEREAS, it is the policy of this State that, as a key part of its efforts to curtail the serious impacts of global climate change caused by greenhouse gas emissions, New Jersey must pursue a just and smooth transition away from its reliance on fossil fuels as a primary energy source and build a stronger and fairer economy that relies primarily upon clean and renewable energy sources; and

WHEREAS, on July 6, 2007, the State enacted the Global Warming Response Act, N.J.S.A. 26:2C-37, ("GWRA") which calls for the reduction in greenhouse gas emissions to 1990 levels by 2020 with further reductions to 80% below 2006 levels by 2050; and

WHEREAS, climate pollutants include not only greenhouse gases such as carbon dioxide, methane, hydrofluorocarbons, and perfluorocarbons, but also black carbon and other pollutants

determined by DEP to be significant contributors to the problem of global warming; and

WHEREAS, in accordance with the GWRA, N.J.S.A. 26:2C-41, DEP will deliver, by June 30, 2020, a GWRA report that will: (1) identify all significant sources of Statewide greenhouse gas emissions, including short-lived climate pollutants; (2) monitor progress toward the 2020 limit, the 2050 limit and any interim limits; and (3) inform further actions the State must take to reduce greenhouse gas emissions, including short-lived climate pollutants such as black carbon; and

WHEREAS, in one of my earliest actions as Governor, I signed Executive Order No. 7 (2018) authorizing the State to rejoin the Regional Greenhouse Gas Initiative (RGGI), a cooperative program to cap and reduce carbon dioxide emissions from power plants in the participating states, to begin limiting carbon dioxide emissions from New Jersey's power sector, while simultaneously allowing New Jersey to make transformational investments in clean energy to further reduce greenhouse gas emissions; and

WHEREAS, Executive Order Nos. 8 (2018) & 92 (2019) similarly emphasized the vital importance of offshore wind energy to aid in the State's just and smooth transition to a clean energy economy, setting a goal of procuring 7,500 megawatts of the state's energy from offshore wind by 2035, which will further reduce greenhouse gas emissions; and

WHEREAS, on October 29, 2019, I issued Executive Order No. 89 (2019), directing, in part, the creation of an Interagency Council on Climate Resilience to assist DEP in the development of a Statewide Climate Change Resilience Strategy by September 1, 2020; and

WHEREAS, pursuant to Executive Order No. 28 (2018), on January 27, 2020, the New Jersey Board of Public Utilities (BPU) issued a much-needed update to New Jersey's Energy Master Plan ("EMP"), setting forth a strategic vision for the production, distribution, consumption, and conservation of energy in the State that recognizes the need for significant investment in and support for clean energy sources necessary to effect a just and smooth transition away from the State's reliance on fossil fuels that contribute to global climate change; and

WHEREAS, the EMP provides a comprehensive, forward-thinking blueprint for the transition of the State's energy profile to 100% clean energy sources on or before January 1, 2050; and

WHEREAS, during the State's transition to a clean energy economy, the unrestrained development of new fossil fuel energy-generating infrastructure will result in further increases of harmful greenhouse gas emissions that will exacerbate the current climate crisis and may prevent the State from reaching its clean energy goals, contrary to the GWRA; and

WHEREAS, once the State achieves a just and smooth transition to 100% clean energy, fossil fuel infrastructure assets may become stranded throughout the State, making unlimited present day and future investments in expanded fossil fuel infrastructure a potential waste of both private and public resources; and

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The DEP shall, within two years of the date of this Order and consistent with applicable law, adopt Protecting Against Climate Threats ("PACT") regulations. The PACT regulations shall:

a. Establish a greenhouse gas monitoring and reporting program to identify all significant sources of Statewide greenhouse gas emissions, including carbon dioxide and short-lived climate pollutants, and monitor progress towards the limits set forth in the Global Warming Response Act in accordance with N.J.S.A. 26:2C-41;

b. Establish criteria that shall govern and reduce emissions of carbon dioxide and, where necessary, short-lived climate pollutants, including but not limited to, black carbon, hydrofluorocarbons, and methane; and

c. Integrate climate change considerations, such as sea level rise, into its regulatory and permitting programs, including but not limited to, land use permitting, water supply, stormwater and wastewater permitting and planning, air quality, and solid waste and site remediation permitting.

2. Within 30 days of the date of this Order, the DEP Commissioner shall issue an administrative order, to be updated from time to time, that identifies the DEP regulations that the Department plans to update in order to integrate climate change considerations in accordance with Paragraph 1(c) of this Order.

3. Nothing in this Order shall be construed to confer any legal rights upon entities whose activities are regulated by State entities, nothing shall be construed to create a private right of action on behalf of any such regulated entities, and nothing shall be used as a basis for legal challenges to rules, approvals, permits, licenses, or other action or inaction by a State entity. Nothing in this Order shall be construed to supersede any federal, state, or local law.

4. Should any part of this Order be declared to be invalid or unenforceable or should the enforcement of or compliance with any part of this Order be suspended, restrained or barred by the final judgment of a court of competent jurisdiction, the remainder of this Order shall remain in full force and effect.

5. This Order shall take effect immediately.

GIVEN, under my hand and seal this
27th day of January,
Two Thousand and Twenty, and
of the Independence of the
United States, the Two
Hundred and Forty-Fourth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Robert L. Garrenger III

Acting Chief Counsel to the Governor