

# VERMONT DIGGER

## Linda Joy Sullivan: Climate legislation needs careful crafting

By [Commentary](#)

Dec 8 2019 | 12 reader footnotes

[Share](#)28

[Tweet](#)

[Share](#)

[Email](#)

28<sup>SHARES</sup>

*Editor's note: This commentary is by Rep. Linda Joy Sullivan, of Dorset, a Democrat who represents the Bennington-Rutland District in the Vermont House of Representatives and is a member of the House Committee on Corrections and Institutions.*

I read with interest comments recently made by Vermont's Democratic Party leadership forecasting an ambitious legislative session ahead, promising the passage of laws that will put Gov. Phil Scott to the test while further vowing that the party "will put around [Scott's] neck" any vetoes he exercises.

I'm all for working aggressively to achieve worthwhile policy objectives and will not be shy to vote to override improvident vetoes. But I have been troubled over the last three years to have heard from time to time expressed in the corridors of the Statehouse a more sinister sentiment — that we need affirmatively to create veto opportunities in order to generate anti-Scott sentiment at election time. The recent "put around his neck" reference by party leadership, then, worries me, as it suggests that a once quietly-stated political strategy has now gone full public.

### **Get all of VTDigger's daily news.**

You'll never miss a story with our daily headlines in your inbox.

My plan is to go back to Montpelier with the singular aim of passing sound law. That doesn't mean we need to shy away from legislation that may prompt a veto. But creating polarizing veto

opportunities for the sake of influencing voters in coming elections is a waste of effort – and it comes at the wrong time.

The work immediately ahead of us is too important. Last year I expressed the imperative of acting on climate change (introducing proposed legislation along the way) and I fully supported the efforts to adopt practical solutions around the minimum wage and paid family leave proposals so as to ensure that these initiatives will meaningfully benefit Vermont workers and their families without decimating small, local employers essential to the health of our under-scaled economy. We did not make satisfactory progress on the climate front and, as for the economic measures, I'm hoping this year for greater collaboration between the Legislature and the governor on the one hand, and between the House and Senate on the other.

Climate change legislation remains an absolute imperative. One of the more popular approaches among my colleagues last year was a bill that would have set strict (and mandatory) carbon reduction goals for Vermont through 2050 while broadly assigning to the Agency of Natural Resources the job of writing regulations over the next 30 years to achieve them. That bill attracted a number of important sponsors and remains on the table.

I don't favor a "regulatory" strategy. Regulation-driven infrastructure fixes can work, particularly where the goals and means to achieve them are within sight and are fairly expressed in the laws we pass. But achieving aggressive, mandatory carbon emission reductions will take considerable effort, substantial creativity, serious belt tightening – and significant risk. Just as our homes require reliable, affordable and uninterrupted sources of energy, our entire Vermont economy requires the same. Jobs and our economic vibrancy will always be at stake when we pass laws that, to work, require profound changes to business, investment and operational behaviors.

Putting aside all of the good things ANR does for our state, I'm not the least bit sold on the idea that any one of our agencies has the ability to force broad changes in personal and business consumption without doing harms – even entirely unintended ones – to Vermont's economy. Even assuming, however, the existence of some omni-prescient administrative agency able harmlessly to do the work, the bill provides no substantive guidance as to how to meet these new goals. In that respect, the Global Warming Solutions Act would delegate way too much authority to a regulatory agency not directly accountable to voters to adopt rules that may be wildly unpopular (penalties? bans? rationing? costly retrofitting?).

This last point is critical. We should strive to maintain at the legislator level direct accountability to voters as to how we formulate hard and sometimes politically unpopular solutions to our most difficult challenges. There exists, to be sure, some indirect “institutional” accountability in Vermont’s rule-making processes that would apply to ANR’s efforts. The legislative “LCAR” (Legislative Committee on Administrative Rules) process gives one of our legislative committees the ability to review proposed regulations before they become final, but once regulatory rule-making authority is granted by statute our Legislature cannot just veto bad regulations that result – the “rules” adopted by our administrative agencies have the force of law without a vote of our Legislature and no matter the force with which objections might have been expressed by my colleagues during largely obscure, behind-the-scenes LCAR review processes. This applies even after adoption of new rules: a legislative committee can ask hard questions of regulators about the operation and effects of new regulations, and my fellow legislators can try to guide administrators via the appropriations and budget processes, but voters will be one or two steps removed from having a direct and effective voice on the matter with the legislators who represent them, a voice that can most powerfully be expressed from the ballot box.

