Executive Order 2010-06

Governor's Policy on Climate Change

WHEREAS, Arizona is a growing state in which greenhouse gas (GHG) emissions have been projected to rise, based on historical trends, as Arizona will experience population and economic growth in the future;

WHEREAS, Arizona's state per capita GHG emissions have been about one-third less than the national average, partially due to its use of nuclear power and its overall warmer climate;

WHEREAS, the transportation and electricity sectors account for more than three-fourths of Arizona's total GHG emissions;

WHEREAS, Arizona was one of the first states in the nation to implement a graduated renewable energy requirement (starting with 1.25% in 2006 and ending with 15% by 2025) for its electric utilities;

WHEREAS, Arizona was a founding member of the Western Climate Initiative (WCI) in February 2007;

WHEREAS, all eleven Western continental states participate in WCI as either voting members or non-voting observers;

WHEREAS, WCI released the design of its GHG cap-and-trade program on September 23, 2008, which begins in participating states and Canadian provinces on January 1, 2012 and is fully implemented in 2015;

WHEREAS, while WCI is best-known for its GHG cap-and-trade program, it is working on other pro-active, complementary policies to reduce GHG emissions involving, among other things, energy efficiency and renewable energy programs and incentives, carbon sequestration, adaptation, worker transition training and green job creation, and research and development in areas, such as algae biofuels;

WHEREAS, the United States Environmental Protection Agency (USEPA) finalized regulations mandating GHG reporting, effective on December 29, 2009, which generally require facilities subject to the regulations to begin data collection and compliance;

WHEREAS, there may be additional federal legislation or regulations adopted on the topic of climate change, GHG emissions, GHG reporting and a cap on national, regional, and individual state GHG emissions; and

WHEREAS, Governor Brewer's approach to climate change is that, together with Arizona citizens, businesses and communities, we strive for pragmatic, pro-active approaches to climate change mitigation and adaptation by advancing clean and-renewable energy, including solar power, nuclear energy, smart growth, fuel efficient transportation and energy efficiency policies and practices that make sense for Arizona;

WHEREAS, while politicians and scientists debate regulatory responses to climate change, Arizona is becoming a leader in the field of solar and renewable energy;

WHEREAS, imposing costs on Arizona's economy associated with a GHG cap-and-trade system that are not borne by national and international rivals would cost investment and jobs in Arizona and put Arizona at a competitive disadvantage without effectively addressing what is a national and global issue;

WHEREAS, Arizona recognizes the risk that a GHG cap-and-trade system may be designed in such a way that disadvantages Arizona as compared to other states; and

WHEREAS, it is critical that Arizona stay informed of and influence any federal regulation and legislation relating to climate change and capping of GHG emissions.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and laws of this State, hereby order and direct as follows:

1. Arizona will continue to be a member of the Arizona-Sonora Regional Climate Change Initiative to further cooperation with its important neighbor on developing a regional inventory of GHG emissions and identifying emissions reduction and energy efficiency opportunities.

2. Arizona will continue to be a member of The Climate Registry, however, businesses will only be asked to join as reporters voluntarily since USEPA promulgated the final federal GHG reporting rule, which became effective on December 29, 2009.

3. Arizona will continue to be a member of the WCI to ensure that Arizona's unique perspective will be advanced and considered by the WCI partner jurisdictions as they work to develop the Initiative. However, Arizona will not implement the GHG cap-and-trade proposal advanced by the WCI, which begins on January 1, 2012, particularly during this economic downturn. The adoption of any rules by ADEQ to regulate GHG emissions would require clear statutory authority.

4. The Climate Change Oversight Group ("Group") is established and charged with monitoring the continued work of the WCI and providing advice to the Governor for consideration when providing Arizona's input to other members of the WCI and to the Congress, USEPA, and other federal agencies.

5. The Group shall also monitor any legislation, rules, or executive orders introduced at the national level, which address climate change, GHG emissions, or cap and trade of emissions. The Group's mission is to advise the Governor on the intent and progress of any federal actions, to provide recommendations on how best to assert Arizona's position on these matters, and to share timely and accurate information with the Arizona State Legislature as it reviews climate change issues and opportunities.

6. The Group shall be organized, staffed and coordinated by ADEQ, and shall be chaired by a Policy Advisor of the Governor.

7. The Group shall not exceed 15 members--each of who shall be appointed by and serve at the pleasure of the Governor. The members should include representatives from some or all of the following sectors:

a. General Public
b. Electric Power Utility
c. Non-Governmental Organizations, including environmental conservation
d. Mining
e. Local Government
f. Agriculture, including forestry
g. Tribes and Tribal Nations
h. Transportation
i. Manufacturing

8. The Group members shall meet at the call of the Chairman, shall vote in person and not by proxy, and may not send a designee for voting purposes. The Chairman may form subcommittees and workings groups as required. The Governor shall appoint the Chairman.

9. In compliance with requirements developed by the Arizona Department of Administration in consultation with ADEQ all state agencies, boards and commissions shall continue to purchase only vehicles that are hybrids, meet low-GHG emission standards, or use E-85 fuel, bio-fuels, or other low-GHG alternative fuels, with the goal that by January 2012 all state vehicles shall be hybrids, meet low-GHG emission standards, or use E-85 fuel, bio-fuels, or other low-GHG alternative fuels. Certain state law enforcement vehicles, including "pursuit-rated" and covert vehicles shall be exempt from these requirements.

10. The Group and ADEQ will monitor and review closely the USEPA and U.S. Department of Transportation's jointly proposed national standards for new cars and trucks released on September 28, 2009. The ADEQ Director shall convene a stakeholder process to consider what action Arizona should take with its tailpipe emissions rules. ADEQ's current rules do not affect the manufacture of automobiles until the 2012 model year for traditional pollutants like ozone, and not until the model year 2013 for greenhouse gases. ADEQ will consider the federal action and consult with the Legislature, state and local agencies and interested parties including Auto Dealers and Manufacturers and environmental and public health organizations, and recommend a final regulatory action to be taken before Arizona's rules become effective. Arizona's participation in WCI will help ensure Arizona has a voice in the development of the national rules.

11. The Group and this Executive Order shall expire December 31, 2012.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Janice K. Brewer
GOVERNOR

DONE at the Capitol in Phoenix, Arizona this 2nd day of February in the Year Two Thousand and Ten and of the Independence of the United States of America the Two Hundred and Thirty-Fourth.

ATTEST:

Ken Bennett
SECRETARY OF STATE