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Testimony of:
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On behalf of the Sierra Club Pennsylvania Chapter

To the Senate Local Government and Environmental Resources & Energy Committees

On Sierra Club's OPPOSITION to Senate Bill 275

The Pennsylvania Chapter of the Sierra Club opposes Senate Bill 275 (P.N. 263). This bill would prohibit local governments from restricting or prohibiting utility connections based on the type of energy provided.

In response to cities in some other states banning gas connections in new construction,¹ the American Gas Association, a trade organization 'representing energy companies that deliver natural gas', is working to ensure state legislatures across the country pass laws prohibiting these local bans. So far, four states have passed legislation to preempt local governments and similar legislation has been introduced in twelve other states,² including SB 275 in Pennsylvania.

Cities and towns are responsible for the health and safety of their residents and should have the authority to enact policies in the best interest of their communities. Plainly stated, SB 275 would usurp this local authority. Local elected officials represent the level of government closest to the people they govern. They focus on the critical issues that matter most to local people, and these priorities differ widely across the Commonwealth. Gas companies know that residents in many parts of Pennsylvania are becoming increasingly aware of the climate, health, and safety risks of using methane in our buildings.

In 2019, residential and commercial buildings accounted for 27% of total U.S. gas consumption.³ To meet our climate goals, we must decarbonize our entire economy and any additional gas infrastructure will make meeting that goal more expensive and disruptive. It is already cheaper to build new homes with electric-only appliances, to say nothing of the cost of

¹ Berkeley, California was the first city to pass a gas ban in 2019. Within the state of California, 42 cities have adopted bans or restrictions on gas hook ups for new construction. Last month, Seattle adopted a partial gas ban and Denver has a proposed ban that would still allow gas for cooking.

² <https://insideclimatenews.org/news/05032021/gas-industry-fights-bans-in-homes-businesses/>

³ <https://www.washingtonpost.com/climate-environment/2021/02/23/climate-change-natural-gas/>

³ <https://www.eia.gov/energyexplained/natural-gas/use-of-natural-gas.php>

future retrofits. Furthermore, the expansion of gas distribution infrastructure into new areas is fiscally irresponsible as the need to decarbonize our economy before the end of its useful life leads to significant stranded assets; a cost that will be borne by ratepayers.

Additionally, gas appliances are a threat to health. Like any fossil fuel, methane emits pollutants when burned. The resulting mix of nitrogen dioxide (NO₂), fine particulates, formaldehyde, and other pollutants can have serious health ramifications. Research also suggests that long-term average NO₂ exposure can increase the risk of diabetes, cancer, and premature mortality.⁴ A UCLA study found that gas stoves and ovens lead to indoor air pollution levels that exceed state and federal standards for acute outdoor air pollution in 90% of homes after just one hour of use.⁵ As a consequence, children who grow up in a home with a gas stove are 42% more likely to develop asthma than those who don't.⁶

A recent study from the Harvard TH Chan School of Public Health⁷ examined the health impacts of combustion of all fuels for various end uses and found that in 2017:

- Pennsylvania ranked second among all states in premature deaths attributable to fuel combustion in buildings (over 1500 people),
- nearly a quarter of those deaths were attributable to burning methane, and
- the cost of negative health impacts of burning gas in buildings in PA was over \$4.2 billion per year.

Explosions and fires are also a concern that stems from the use of gas, and the responsibility for responding to these disasters, such as the explosion in South Philadelphia that killed two people in late 2019,⁸ falls squarely on local governments. It is estimated that local fire departments respond to an average of 340 gas leaks per day (a number that is increasing as infrastructure ages), and that methane ignition is the cause of 4200 structure fires and 40 deaths per year.⁹

Finally, this bill is likely unconstitutional. Pennsylvania courts have a history of striking down a wide variety of state laws that preempted local governments, including Act 192 of 2014¹⁰ (gun control) and Act 13 of 2012¹¹ (regulating oil and gas development). Language slipped into a recent budget that prohibits municipal bans or taxes on plastic bags or packaging is currently

⁴ *Id.*

⁵ <https://ucla.app.box.com/s/xyzt8jc1ixnetiv0269qe704wu0ihif7>

⁶ <https://pubmed.ncbi.nlm.nih.gov/23962958/>

⁷ Buonocore, JJ et al, 2021, A decade of the U.S. energy mix transitioning away from coal: historical reconstruction of the reductions in the public health burden of energy. *Environ. Res. Lett.* 16 (2021) 054030, available at <https://iopscience.iop.org/article/10.1088/1748-9326/abe74c/pdf>.

⁸ <https://www.inquirer.com/news/south-philly-explosion-fire-cause-gas-main-leak-crack-20200116.html>

⁹ National Fire Protection Association, 2018, National Gas and Propane Fires, explosions, and Leaks Estimates and Incident Descriptions.

¹⁰ <https://www.phillymag.com/news/2016/06/21/pa-supreme-court-rules-nra-backed-law-unconstitutional/>

¹¹

<https://blogs.law.widener.edu/envirolawcenter/2013/12/21/the-pennsylvania-supreme-courts-robinson-tow-nship-decision-a-step-back-for-marcellus-shale-a-step-forward-for-article-i-section-27/>

being challenged in Commonwealth Court.¹² Specifically, given the climate and health risks posed by gas burning and infrastructure, this bill violates Article I, Section 27 of the Pennsylvania constitution, which establishes a trustee responsibility for the Commonwealth of the environment, including clean air. If the state prevents its municipalities from protecting air quality (as this bill would do), it violates this responsibility.

We ask that you vote NO on SB 275.

¹²

<https://www.usnews.com/news/best-states/pennsylvania/articles/2021-03-03/pennsylvania-hauled-to-court-over-blocking-plastic-bag-bans>