

Environment & Energy

Coalition Intervenes in Challenges to Oregon's Climate Program

By Zach Bright

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- Cap-and-trade program faces three lawsuits
 - Could determine emissions reductions in Oregon
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A coalition of environmental justice, climate, and business organizations filed a motion to intervene on Wednesday to defend Oregon's cap-and-trade program in a suit brought by oil and gas organizations in the Oregon Court of Appeals.

It's the latest development in three lawsuits from groups including the Western States Petroleum Association, Oregon Farm Bureau and Oregon Business & Industry Association. What happens in those cases could set a "vital precedent," the Environmental Defense Fund, a member of the coalition, said in a statement.

The coalition wants to keep the state's mandated greenhouse gas emissions reductions of 50% by 2035 and 90% by 2050.

Opponents argue in their suit that Oregon's Climate Protection Program has economic costs that outweigh the climate benefits, and that the Oregon Environmental Quality Commission shouldn't have adopted the plan.

"The rule limits the availability of covered fuels and will increase energy costs for small businesses and negatively impact their bottom line," said Karen Harned, executive director of the National Federation of Independent Businesses' small business division. "The Oregon state legislature failed to pass cap-and-trade legislation in recent years and the agency is overstepping its authority by using administrative fiat to pass statewide rules with financial penalties."

But advocates for the plan said in a statement that lowering emissions will improve public health, boost technological innovation, and help uplift low-income and rural communities. They added that the plaintiffs had the chance to express concerns in the 18-month rulemaking period that preceded the cap-and-trade program's adoption in December 2021.

"If left untouched by fossil fuel industry opposition, the Climate Protection Program has the potential to make a positive difference in the lives of Oregonians through strong emissions reductions," said Teryn Yazdani, staff attorney and climate policy manager at Beyond Toxics, an intervening organization.

Other groups intervening include Oregon Business for Climate, the Oregon Environmental Council, and the Environmental Defense Fund. They are represented by the Crag Law Center and the Natural Resources Defense Council.

The Climate Protection Program works in tandem with existing Oregon statute that requires electric utilities to transition Oregon's electricity grid to 100% clean, emissions-free energy sources by 2040.

The cases are *Nw. Nat. Gas Co. v. Env'tl. Quality Cms'n*, Or. Ct. App., No. A178216, motion to intervene 9/7/22, *W. States Petroleum Ass'n. v. Env'tl. Quality Comm'n*, Or. Ct. App., No. A178218, motion to intervene 9/7/22, *Oregon Farm Bureau Fed. v. Env'tl. Quality Comm'n*, Or. Ct. App., No. A178217, motion to intervene 9/7/22.

To contact the reporter on this story: Zach Bright at zbright@bloombergindustry.com

To contact the editor responsible for this story: Renee Schoof at rschoof@bloombergindustry.com

Documents

Petition

[Motion to Intervene](#)

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