

February 20, 2020

To: House Committee On Rules

Testimony OPPOSING 2020 HB 4167 "Relating to greenhouse gas emissions; ...and declaring an emergency." (Ref. 1)

Hello. My name is Mike Berry. I am a legal citizen, a resident of Oregon senate district 01 and house district 02, and a voter. I was born and raised in Oregon- part of a family involved in log trucking, logging, mill work, and other activities. I became a mechanical engineer, left the state for work opportunities, and returned for (mostly) family considerations. For decades, I've observed the struggle of some of our communities whose economies are traditionally resource-based. I see them still suffering from the effects of a pendulum that swung to a position of loving nature to death after a period of over-exploitation. If you care to know more about what motivates me to get involved in this, please see my testimony (Ref. 2) on the senate's LC 19 (Ref. 3), an apparent predecessor to this bill. Otherwise, here goes...

**BOTTOM LINE:** I am categorically opposed to HB 4167 in its entirety. If passed, struggling individuals would likely be hurt the most, in a sense making this a regressive tax. I consider it demeaning to create a situation where people would be required to admit their low-income status to obtain assistance needed to procure a necessity such as a fuel (e.g. natural gas) or other energy source used for space heating, cooking, water heating, etc. I do not intend insult to those who care about our state who have worked hard on this bill- but its foundation appears to be prepared for the benefit of the established greenhouse gas emissions trading program of California and provinces of Canada (as though it was prepared by them, or at least greatly influenced by them- or people affiliated with them). It does not appear to have been prepared with the intent of making life better for Oregonians (except maybe those in line for prevailing-wage jobs building the new things needed to transition away from "fossil fuels"). Nor does it appear that such legislation would accomplish anything significant to help "save the planet", even IF human-caused GHG emissions are as big of a problem as claimed by those sounding the alarms about climate change. If my elected representatives choose to participate in a boycott, or a walkout, or other legal and ethical tactics to slow down or defeat this legislation- then I will approve of it. I will support them. If, as society, we are forced to go down this road- then the matter should be referred to the voters.

More specifically-

1. Oregon's GHG emissions are a TINY fraction of total global human-caused emissions. In the "big picture", reducing Oregon's emissions to ZERO would be almost inconsequential. Therefore, no physical emergency exists that this legislation would help to directly mitigate by any meaningful amount. The inclusion of an "emergency clause" in the bill appears to be another instance of its frequent and abusive use as a tool for political advantage and convenience.
2. The argument that the State of Oregon can serve as a model that others can then follow to help "save the planet" rings hollow. The country of China (among others) is a huge emitter of greenhouse gases, and a big consumer of coal (with an increasing appetite for it). China has recently built and may be building more electric power plants fueled by coal. Those plants are typically dirtier than U.S. coal-burning plants, and are definitely dirtier than U.S. gas-fired plants. Furthermore, China absolutely dominates the production of much of the stuff of "clean energy", including polysilicon material and rare-earth metals. These types of materials and/or the added-value products that require them as inputs are now shipped across an ocean to build the infrastructure that North America would need to transition away from "fossil" fuels. (Perhaps we should encourage North American production of things like these.) U.S. states, other countries, and regions with combined emissions great enough to "move the needle" on human-caused GHG emissions (like China, India, & Southeast Asia) are not likely to follow Oregon's lead. In effect, passing this bill would codify the "off-shoring" of the emissions of much of civilization's current and future industries. Not too bright. We should not export even more of our emissions and jobs to other countries, especially ones with horrible records for environmental stewardship.
3. There is a school of thought that (globally) human-caused emissions of CO2 are less a problem than is the reduction in things that serve as carbon sinks, e.g. deforestation. This might be improved by better

forest management and planting trees- LOTS OF THEM. Globally. I believe the non-partisan group Timber Unity presented a variation of this idea specific to public land already under the stewardship of the State of Oregon to Oregon Governor Brown during the week of Feb. 3, 2020. Ideas like this should be considered in lieu of expensive "pie-in-the-sky" approaches.

4. As I understand it, fears about effects of climate change are based on projections of simulations using computer models. I have done some computer modeling myself (although not on systems as large and complex as a planet). I once attended a conference where building energy simulation was one of the topics. A person considered to be an expert in the field said- "All models are wrong, but some are useful." (He was apparently not the first person to utter this phrase.) In my experience, he was totally right. Even luminaries like Hansen, NASA, IPCC, and others should step back and recognize this (I'm going to call it...) FACT. "All models are wrong, but some are useful"- repeat. I believe there also has been some controversy over whether the computer models that serve as the basis for climate alarmism are accurately CALIBRATED. Very important...

5. Corollary to that is THIS: even if there is a relationship between atmospheric levels of GHGs and temperature, it is not necessarily true that increasing temperatures are CAUSED by increasing atmospheric GHG levels. Thermodynamics might support the reverse.

6. The "do nothing" alternative should not be discarded without due consideration of its merits. By some accounts, the current trend of the U.S. and Oregon with respect to per-capita emissions of GHGs is already trending downward.

I will likely miss some things here. As for the specifics of this bill right now-

1. SECTION 111 - There it is, the "emergency clause". Undermines voter rights to referendum and bypasses Oregon's constitution.

2. SECTION 87, SECTION 88, SECTION 89 - It appears that this bill includes some skillful legal maneuvering that would define revenues from auctions as something different from a tax. Come on. It's tax. The appearance, if not the intent, is that the State Constitution's requirement for voter approval of taxes would be circumvented. After decades of appointments of judges favored by members of the Democratic Party of Oregon, it seems likely that it would be affirmed that revenues from auctions are not tax. Regardless of that, it would seem the right and proper thing to do would be put the matter to a vote.

3. SECTION 32 - This would appear to allow the program to operate behind a veil of secrecy, with the identities of market participants disclosable only to a select few privileged parties. There is already more than enough corruption in Oregon government- e.g.

a) the funneling of taxpayer-provided funds that should have been used to provide services to Medicaid patients to political purposes, and

b) legislation like 1999's SB 1149 (Ref. 4, by the way- also included an "emergency clause"), which resulted in the "Public Purpose Charge" (another tax) for customers of many of Oregon's energy utility companies. This one not only circumvented voters, but I believe also deprived them of proper representation of their interests by the Public Utility Commission as is the PUC's duty. Care should be taken not to create legislation that increases legal systemic corruption and cronyism in Oregon. The well-connected individuals who currently comprise the "cottage industry" in play here should not receive benefit unfairly.

4. SECTION 55, SECTION 56 - It appears that there may be some chicanery taking place here- perhaps a sort of "shell-game". Language that would explicitly allow utility companies to raise rates (or not) to recover costs of compliance appears to be being moving around (e.g. to HB 4159 [Ref. 5] or SB 1574 [Ref. 6]- or, to amendments)- perhaps in an attempt to make this bill more palatable to lower-income customers. If these provisions are being moved around in an attempt to achieve "sleight-of-hand", that is not OK. Transparency, please.

5. SECTION 86 - You may think I'm joking here, but I am not. Bill says- "A person may not sell or offer for sale in this state a new general service lamp manufactured on or after January 1, 2020, unless the efficiency of the new general service lamp meets or exceeds 45 lumens per watt, when tested in accordance with the applicable federal test procedures for general service lamps prescribed in 10 C.F.R. 430.23 in effect as of January 3, 2017." Not a good idea. I love LED lamps, but consumers should be allowed the option of purchasing other types, including the traditional incandescent type. They might be selected for the purpose using as a HEAT source! Think about it. Incandescent light bulbs are frequently used for freeze protection of water service during those brief cold snaps. People might use them to heat

a chicken house or a rabbit hutch. There are probably PEOPLE who need these at times as well- to avoid extreme discomfort or worse.

6. If HB 4167 goes forward, bureaucracy would be expanded. Bureaucracies tend to be like zombies that resist being phased out when no longer useful. This is likely to bring with it much burden for taxpayers. We are already facing a crisis as a result of undisciplined spending. At least put a sunset date on this (if not already included).

In closing- please consider killing this bill, or at least modify it to be less harmful. At least let the citizens of the state vote on this tax as intended by the State Constitution. I think we would do fine without this money-grab that would benefit mostly the well-connected. I do not see this through the eyes of a frightened child who has been manipulated by adults. Rather, I see this through the eyes of an adult who likes to solve problems. One who has recognized the stench of corruption in our state government. One who cheered (although not out loud) when Kate Brown took over the reins as Oregon's Governor. Now, I'm very disappointed. Again, as it stands right now- I would fully support my elected representatives if they chose to employ unconventional tactics to obstruct this bill from becoming law.

Thank you.

References:

1. The bill HB 4167: <https://olis.oregonlegislature.gov/liz/2020R1/Measures/Overview/HB4167>
2. My testimony on LC 19, submitted via email on 1/27/2020: <https://olis.leg.state.or.us/liz/201911/Downloads/CommitteeMeetingDocument/209554>
3. "LC0019\_DRAFT\_2020\_Regular\_Session" (LC 19): <https://olis.oregonlegislature.gov/liz/201911/Downloads/CommitteeMeetingDocument/208874>
4. Link to 1999 HB 1149: [https://www.oregonlegislature.gov/bills\\_laws/lawsstatutes/1999orLaw0865.html](https://www.oregonlegislature.gov/bills_laws/lawsstatutes/1999orLaw0865.html)
5. Link to HB 4159: <https://olis.oregonlegislature.gov/liz/2020R1/Measures/Overview/HB4159>
6. Link to SB 1574: <https://olis.oregonlegislature.gov/liz/2020R1/Measures/Overview/SB1574>

Signed,  
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Resident, Oregon senate district 01 and house district 02

cc:  
State Sen. for District 01  
State Rep. for District 02