



## State JOINT STANDING COMMITTEE ON STATE AND LOCAL GOVERNMENT

Testimony of Naomi Albert, Project Manager, A Climate to Thrive

*March 16<sup>th</sup>, 2023*

### Testimony in Opposition

#### LD 894, An Act to Preserve Heating and Energy Choice by Prohibiting a Municipality from Prohibiting a Particular Energy System or Energy Distributor

Senator Nangle, Representative Stover and Members of the Joint Standing Committee on State and Local Government, my name is Naomi Albert, and I am Project Manager for A Climate to Thrive. I am testifying in opposition to LD 894, An Act to Preserve Heating and Energy Choice by Prohibiting a Municipality from Prohibiting a Particular Energy System or Energy Distributor.

LD 894 would narrow the home rule authority of Maine municipalities, expanding state control over municipal decision-making. Municipalities are best equipped to determine which energy policies fit their communities and should retain this authority. If enacted, LD 894 could trigger costly litigation for a broad array of local energy policies that could be interpreted as having “the effect of prohibiting” an entity from installing a heating or energy system. This broad language is problematic and could prevent municipalities from adopting a range of energy policies out of fear of litigation. Furthermore, this legislation sets a negative precedent for state overreach into municipal energy policy.

LD 894 prevents municipalities from protecting the health of their residents. Combustion of fuels, including heating oil, natural gas, kerosene, and propane, produce harmful air pollutants such as carbon monoxide, nitrogen oxides, sulfur dioxide, and formaldehyde.<sup>1</sup> Household air pollution contributes to premature death and increased risk from ischemic heart disease, stroke, chronic obstructive pulmonary disease (COPD), lung cancer, type 2 diabetes, and lower respiratory infections and is associated with increased asthma risks.<sup>2</sup> Even natural gas used in homes, a fuel often perceived as the “clean” option, has been found to contain toxic volatile organic chemicals linked to cancer.<sup>3</sup> Scientists have long understood that the byproducts of combustion are damaging for health, but recent research has shown that common residential appliances, such as gas stoves, produce dangerous levels of air pollution.<sup>4</sup> In fact, recent peer-reviewed research has shown that 12.7% of childhood asthma in the United States is

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<sup>1</sup> <https://www.lung.org/clean-air/outdoors/what-makes-air-unhealthy/residential>

<sup>2</sup>

[https://www.lung.org/getmedia/2786f983-d971-43ad-962b-8370c950cbd6/ICF\\_Impacts-of-Residential-Combustion\\_FINAL\\_071022.pdf](https://www.lung.org/getmedia/2786f983-d971-43ad-962b-8370c950cbd6/ICF_Impacts-of-Residential-Combustion_FINAL_071022.pdf)

<sup>3</sup> <https://www.hsph.harvard.edu/c-change/news/natural-gas-used-in-homes/>

<sup>4</sup> <https://rmi.org/insight/gas-stoves-pollution-health/>

attributable to pollution from gas stoves.<sup>5</sup> Meanwhile, asthma is a significant public health threat in Maine, where asthma rates are significantly higher than the national average.<sup>6</sup> Not only are these pollutants found in high levels indoors in homes that use combustion appliances, but they are also released into the surrounding neighborhood. In a 2022 report based on an extensive analysis of peer-reviewed literature, the American Lung Association concluded that indoor combustion significantly contributes to outdoor ambient air pollution. While a building's heating or energy system may be an individual choice, cumulatively, these individual systems significantly impact the air quality of the entire community. The evidence shows that many commercially available heating and energy systems may not be safe for public health. For this reason, communities should have a choice in the type of heating and energy systems allowed in new construction in their locality, as these systems will impact local air quality.

Furthermore, the alternatives to combustion heating and energy systems are affordable and cost effective. As heating oil, propane, and kerosene costs rise, municipalities should have the authority to encourage cost-effective, clean heating and energy systems in new construction that will best serve their residents (such as heat pumps and induction stoves) without fear of lawsuit. In fact, Efficiency Maine Trust's home heating cost comparison tool shows that with current fuel prices, homes heated with heat pumps have significantly lower annual energy costs than those heated with fuel oil, propane, or kerosene. Municipalities should have the authority to choose cleaner, cost-effective, and more environmentally friendly systems that will best serve their community's long-term goals.

This legislation is part of a troubling trend of state laws to preempt local control over energy policy. There is evidence that "energy choice" legislation, introduced in other states, has been heavily influenced by the American Gas Association and other fossil fuel interests.<sup>7</sup> While the bill language is framed around preserving "choice," its implementation will have the opposite effect for municipal choice over energy policy in Maine. This legislation better serves fossil fuel interests than the people of Maine.

Finally, LD 894 is not supportive of the state of Maine's climate action goals. Buildings account for about one third of Maine's greenhouse gas emissions, mainly from fossil fuel combustion.<sup>8</sup> Transitioning from fossil fuel use in buildings will be essential in realizing the state's climate goal of carbon neutrality by 2045. Yet, LD 894 severely limits the ability of municipalities to reduce carbon emissions from buildings.

In closing, this legislation would preempt municipal choice and conflict with municipal and state public health, climate action, and building efficiency goals. Prohibiting municipalities from

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<sup>5</sup> <https://www.mdpi.com/1660-4601/20/1/75>

<sup>6</sup>

[https://www.maine.gov/dhhs/mecdc/population-health/mat/information-and-publications/2014%20Factsheets/Statewide\\_factsheet%202-8-16.pdf](https://www.maine.gov/dhhs/mecdc/population-health/mat/information-and-publications/2014%20Factsheets/Statewide_factsheet%202-8-16.pdf)

<sup>7</sup> <https://www.cnn.com/2022/02/17/politics/natural-gas-ban-preemptive-laws-gop-climate/index.html>

<sup>8</sup> <https://www.cnn.com/2022/02/17/politics/natural-gas-ban-preemptive-laws-gop-climate/index.html>

phasing out of archaic heating and energy systems will lock in years of emissions and subject Mainers to unnecessary exposure to harmful pollutants with known linkages to serious health risks. I urge the Committee to vote Ought Not To Pass on LD 894.

Sincerely,

Naomi Albert  
Bar Harbor, ME  
A Climate to Thrive Project Manager

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A Climate to Thrive  
LD 894

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LD 894 prevents municipalities from protecting the health of their residents. Combustion of fuels, including heating oil, natural gas, kerosene, and propane, produce harmful air pollutants such as carbon monoxide, nitrogen oxides, sulfur dioxide, and formaldehyde. Household air pollution contributes to premature death and increased risk from ischemic heart disease, stroke, chronic obstructive pulmonary disease (COPD), lung cancer, type 2 diabetes, and lower respiratory infections and is associated with increased asthma risks. Even natural gas used in homes, a fuel often perceived as the “clean” option, has been found to contain toxic volatile organic chemicals linked to cancer. Scientists have long understood that the byproducts of combustion are damaging for health, but recent research has shown that common residential appliances, such as gas stoves, produce dangerous levels of air pollution. In fact, recent peer-reviewed research has shown that 12.7% of childhood asthma in the United States is attributable to pollution from gas stoves. Meanwhile, asthma is a significant public health threat in Maine, where asthma rates are significantly higher than the national average. Not only are these pollutants found in high levels indoors in homes that use combustion appliances, but they are also released into the surrounding neighborhood. In a 2022 report based on an extensive analysis of peer-reviewed literature, the American Lung Association concluded that indoor combustion significantly contributes to outdoor ambient air pollution. While a building’s heating or energy system may be an individual choice, cumulatively, these individual systems significantly impact the air quality of the entire community. The evidence shows that many commercially available heating and energy systems may not be safe for public health. For this reason, communities should have a choice in the type of heating and energy systems allowed in new construction in their locality, as these systems will impact local air quality.

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