

THE GOVERNOR

GOVERNOR'S OFFICE

Notice of Veto

January 10, 2022

To the Honorable Senate of the
Commonwealth of Pennsylvania
and the Honorable House of
Representatives of the
Commonwealth of Pennsylvania

Pursuant to Article III, Section 9 of the Pennsylvania Constitution and Section 7(d) of the Regulatory Review Act, I veto and disapprove, and return herewith, Senate Concurrent Regulatory Review Resolution Number 1, which disapproves the Department of Environmental Protection's Final-Form Regulation 7-559.

I am vetoing, disapproving, and returning this concurrent resolution for two reasons. First, the Concurrent Resolution is procedurally defective. In adopting the Concurrent Resolution, the General Assembly failed to comply with the Regulatory Review Act (RRA), which creates the concurrent resolution process as applied to regulations. The RRA provides:

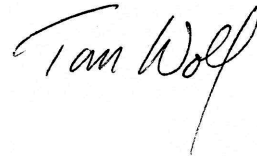
Upon receipt of the commission's order. . .one or both of the committees may, within 14 calendar days, report to the House of Representatives or Senate a concurrent resolution and notify the agency. . .If either committee reports a concurrent resolution before the expiration of the 14-day period, the Senate and the House of Representatives shall each have 30 calendar days or ten legislative days, whichever is longer, from the date on which the concurrent resolution has been reported, to adopt the concurrent resolution.

71 P.S. § 745.7(d). Although the Senate adopted the Concurrent Resolution within the statutory timeframe, the House of Representatives failed to adopt it within the 30 calendar days or ten legislative days from the date that the Senate committee reported the Concurrent Resolution. Given the House's failure to adopt the Concurrent Resolution in a timely and effective manner, the General Assembly has failed to comply with the RRA. Likewise, the General Assembly also failed to adopt the House's version of the concurrent resolution within the statutory timeframe. As such, the RRA directs that the General Assembly is deemed to have approved Final Form Regulation 7-559.

Second, I am vetoing, disapproving, and returning the Concurrent Resolution because Final Form Regulation 7-559 is a vital step for Pennsylvania to reduce carbon emissions and achieve our climate goals. Addressing the global climate crisis is one of the most important and critical challenges we face. Final Form Regulation 7-559 authorizes Pennsylvania's participation in the Regional Greenhouse Gas Initiative (RGGI) under the authority of the Air Pollution Control Act. While the Republican-controlled General Assembly has failed to take any measures to address climate change, by joining RGGI, my Administration will take a historic, proactive, and progressive approach that will have significant positive environmental, public health, and economic impacts. In addition to the environmental benefits, participating in this initiative will allow Pennsylvania to make targeted investments that will support workers and communities affected by energy transition.

For the reasons set forth above, I must veto, disapprove, and withhold my signature from Senate Concurrent Regulatory Review Resolution Number 1.

Sincerely,

A handwritten signature in black ink that reads "Tom Wolf". The signature is written in a cursive style with a long, sweeping tail on the letter "f".

Governor

[Pa.B. Doc. No. 22-157. Filed for public inspection January 28, 2022, 9:00 a.m.]
