



HOUSE OF REPRESENTATIVES

2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002

(207) 287-1400

TTY: (207) 287-4469

Elsie Flemings

23 Kennebec Street

Bar Harbor, ME 04609

Residence: (207) 669-2073

Business: (207) 288-5015

State House E-Mail:

RepElsie.Flemings@legislature.maine.gov

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Contact Rep Elsie Flemings: 207-669-2073

Rep. Elsie Flemings to introduce “Dirty Energy Public Disclosure Bill” with goal of curbing use of coal and Canadian tar sands

Rep. Elsie Flemings (D-Bar Harbor) wants Maine people to have more information about the environmental and public health impacts of the energy that they use, particularly information about the impacts of coal mining in places like Appalachia, Venezuela, and Colombia. She also wants Maine to avoid becoming a market for gasoline created from Canadian tar sands, which generate three times the amount of greenhouse gas emissions as regular gasoline and have significant public health and local environmental impacts. That is why she has drafted legislation that would require a new level of public disclosure and reporting about what she calls “the dirtiest forms of energy,” including mountain top removal, open pit and “long wall” coal mining, and tar sands extraction.

“It is important for us to know about the harm caused by the energy we use, so that we can help speed up the transition to cleaner forms of power,” said Rep. Flemings. . “This is a right-to-know bill. Consumers have a right to know where their energy comes from, so that they can make informed decisions about possible alternatives.”

Rep. Flemings’ legislation, *An Act Regarding Coal from Mountain Top Removal, Oil from Canadian Tar Sands, and other High Polluting Energy Sources*, would require electricity suppliers that sell electricity generated from coal and tar sands to provide Maine ratepayers each year with a new disclosure statement. The new statement would be prepared by Maine’s Department of Environmental Protection, and would include representative photographs and environmental and public health impact information for each source of coal involved. Electricity suppliers currently are required to provide an annual disclosure statement to consumers with information about fuel sources used and air emissions. This bill would add additional environmental and public health impacts.

“When we turn on the lights in our homes, we don’t think about the people getting sick and the mountains being destroyed in Appalachia to provide us with our power,” said Flemings. “Nor do we think about the huge open pit coal mines in Colombia and Venezuela that have devastated communities and indigenous people so that more coal

could be shipped to world markets, including to power plants that provide electricity in Maine homes. My legislation would help change that, by equipping Maine people with more information about our dirtiest sources of power.”

According to the Maine Public Utilities Commission, approximately 12 percent of the electricity sold in Maine in 2008 came from coal – mostly from plants in Massachusetts, New Hampshire, and Connecticut. Nine New England power plants burned more than 5.2 million tons of coal from Colombia, Venezuela, Indonesia, West Virginia, Virginia and Pennsylvania. Coal is widely considered to be the dirtiest form of fossil fuel used for electricity generation, in terms of greenhouse gas pollution, air pollution, mercury pollution, toxic sludge settling ponds, landscape impacts, public health risks, and community impacts. Rep. Flemings was joined in announcing her bill by two people from Appalachia, who were visiting Maine to give presentations about the harm caused by mountain top coal mining.

“Mountain top coal mining has turned 470 mountains in Appalachia into moonscapes and destroyed or polluted more than 1,200 miles of streams. We all are partly to blame for this damage, and we can help stop the harm by switching to cleaner sources of energy that do not involve coal,” said Flemings.

The legislation, which Rep. Flemings calls the “Dirty Energy Public Disclosure Bill” also would require the Maine DEP to report to the Legislature about any liquid fuels sold in or transported through Maine that were derived from tar sands, oil shale, or coal gasification techniques – each of which causes more significant environmental impacts than conventional oil extraction.

Canadian tar sands operations in Alberta Canada involve massive surface mines in the middle of the boreal forest, threatening wildlife habitat for millions of migratory birds. In 2008, a large petroleum corporation, Enbridge, proposed establishment of a pipeline project that would bring up to 128,000 barrels daily of heavy crude oil from Canadian tar sands to South Portland, for further transporting and processing. In early 2009, the Enbridge project was suspended. Rep. Flemings’ bill is intended to ensure that Mainers have important information about the impacts of tar sands extraction. “Maine and the rest of New England are relatively free of tar sands gasoline at the present time, and I hope it stays that way. Ideally, a low carbon fuel standard will be adopted at the national level and the U.S. will reduce its dependence on tar sands nationwide,” added Flemings.

“Our society is too dependent on fossil fuels, and we don’t have the information we need to fully appreciate the harm that we are causing to individuals, communities and the environment,” said Flemings. “Information is power, and I want Maine consumers to have the information they need to make energy choices that move us toward a truly clean, healthy and sustainable energy future.”

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An Act Regarding Coal from Mountain Top Removal, Oil from Canadian Tar Sands, and other High Polluting Energy Sources

The Legislature makes the following findings:

1. Maine has a strong interest in reducing the environmental impacts caused by the generation and use of energy.
2. Although Maine consumers benefit from renewable energy resources such as hydropower and wind power, the State receives electricity generated at power plants utilizing a broad range of fuels, including coal extracted through open pit mining operations in Venezuela and Colombia, and coal from mountain top removal mining in Appalachia.
3. An estimated 800 square miles of land in Appalachia has been destroyed, and more than 1,200 miles of streams have been buried or polluted, due to mountain top coal mining.
4. If mountaintop removal mining continues at current levels, then as much as 1.4 million acres will have been affected – an area the size of Delaware.
5. Competitive electricity providers in Maine currently are required to provide a fact sheet to customers disclosing information about the price, power sources and air emissions associated with their electricity product. Customers could make more informed decisions about their electricity purchases if suppliers also were required to provide information about the environmental and public health impacts associated with the portion of the supplier's mix derived from coal.
6. At a time when Maine is seeking to reduce carbon emissions associated with energy generation, it is important to understand the full life cycle impacts of petroleum sources, including of unconventional petroleum sources such as oil derived from tar sands, oil shale, or coal gasification.
7. The production of a barrel of oil from Canadian tar sands produces up to three times more greenhouse gas emissions than a barrel of conventional oil.

8. Canadian tar sands extraction is projected to result in the strip mining of hundreds of thousands of acres of forests and wetlands, resulting in the loss of breeding habitat for millions of birds, pollution of the Athabasca River, and creation of vast tailing ponds containing toxic pollutants.
9. In August 2008, a corporation with its headquarters in Maine announced that it was considering a project that would involve the delivery of up to 128,000 barrels daily of heavy crude oil from Canadian tar sands to South Portland, for further transport and processing. In early 2009, the developer announced that the project would be suspended, but the project could be revived in the future.

In order to reduce the contribution by Maine people to the environmental and public health impacts caused by the combustion of coal for electricity or the extraction tar sands or other unconventional petroleum products, the following actions shall be taken:

1. **Report.** The Commissioner of the Maine Department of Environmental Protection, with input from the Maine Public Utilities Commission, Office of Energy Independence and Security, and other appropriate entities, shall submit a report by January 1, 2010, and biennially thereafter, to the Committee on Natural Resources, that shall include the following:
 - a. Coal Use in New England
 - i. Information about the source, volume, and power plants that utilize coal to generate electricity within the New England electrical power grid, and estimates concerning the amount of this electricity provided to Maine ratepayers by competitive electricity suppliers.
 - ii. Information about the environmental harm and public health risks associated with the extraction, processing, transportation, and combustion of coal from such sources, including human health impacts from emissions, risks associated with toxic pollution, habitat loss, and water quality impacts.
 - iii. Recommendations for regulation, taxation, or voluntary measures that would reduce the use by Maine consumers of electricity generated through the combustion of coal.
 - b. Oil from Tar Sands and Other High Pollution Sources of Oil
 - i. Information about the amount and sources of liquid fuels utilized by Maine citizens derived from tar sands, oil shale, or coal gasification techniques. The report should include information about any proposed pipeline projects that would transport into Maine or through Maine any petroleum products that contain oil derived from tar sands.
 - ii. Information about the environmental harm and public health impacts caused by the extraction, processing, and utilization of energy derived from tar sands, oil shale, or coal gasification techniques.

- iii. Recommendations for regulation, taxation, or voluntary measures that would prevent the use in Maine of petroleum products derived from tar sands and the transportation into or across Maine of petroleum products derived from tar sands.

c. Report Summary for Product Disclosure Purposes

The Department of Environmental Protection shall prepare summary documents by December 31st of each year that includes the following:

- i. A representative photograph for each State or Country which is a source of coal to a New England electricity generation facility that is under contract with a supplier of electricity to Maine consumers.
- ii. A summary of environmental and public health impacts that have been identified with coal mining operations in each State or Country that supplies coal to New England electricity generation facilities that supply electricity to Maine consumers, including information in the following areas:
 - 1. Impacts on wildlife and loss of wildlife impact,
 - 2. Impacts on human health, including increased incidence of disease, cancer, or premature loss of life,
 - 3. Acres of land affected,
 - 4. Toxic pollution generated; and
 - 5. Water quality impacts.
- iii. This summary information shall be created in a format that enables each competitive electricity supplier operating in Maine to provide to ratepayers the information relevant for their electricity supply product or products.

2. **Consumer Information Disclosure Requirement.**

- a. Entities that sell electricity in Maine shall include with each product disclosure statement to Maine consumers information prepared by the Department of Environmental Protection concerning the sources and impacts of coal utilized by New England electricity generation facilities. An electricity supplier may remove from the Department of Environmental Protection fact-sheet information concerning any source of coal that was not utilized by a generating facility that sold electricity to the supplier during the calendar year period covered by the disclosure statement.