

# The Natural Resource Reserve

A Guide to Energy, Environment and Agriculture Model Policies of  
the American Legislative Exchange Council



2014 Edition

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## About the American Legislative Exchange Council

The American Legislative Exchange Council (ALEC) is the nation's largest nonpartisan, individual membership organization of state legislators, with more than 2,000 members across the nation. ALEC is committed to advancing the Jeffersonian principles of free markets, limited government, federalism, and individual liberty. ALEC is classified by the Internal Revenue Service as a 501(c)(3) nonprofit, public policy, and educational organization. Individuals, philanthropic foundations, corporations, companies, or associations are eligible to support ALEC's work through tax-deductible gifts.

## About ALEC's Energy, Environment, and Agriculture Task Force

ALEC's Energy, Environment, and Agriculture Task Force promotes the mutually beneficial link between a robust economy and a healthy environment and seeks to enhance the quality and use of our natural and agricultural resources for the benefit of human health and well-being. The Task Force works with more than 250 public- and private-sector members to develop model best practices legislation on issues such as climate change, energy, agriculture, environmental health, regulatory reform, federalism, chemical regulation, property rights, waste management, and public lands. John Eick is the Legislative Analyst and Interim Director of the Task Force and can be reached at (571) 482-5008 or [jeick@alec.org](mailto:jeick@alec.org).

## *The Natural Resource Reserve: A Guide to Energy, Environment and Agriculture Model Policies of the American Legislative Exchange Council*

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## Foreword

Dear fellow state legislators:

As the current public sector co-chair of the Energy, Environment and Agriculture Task Force, I have seen firsthand the tremendous value the American Legislative Exchange Council (ALEC) provides to state legislators across the country. I joined ALEC in 2000, and every one of my years with the organization has been educational, enlightening, and extremely worthwhile.

ALEC is unique for a variety of reasons. It is the only venue where conservative state legislators can come together and share ideas with other legislators on how to put their respective states and this country on the right path toward economic prosperity. It provides numerous educational opportunities for not only freshman legislators, but also for the seasoned veterans. Lastly, ALEC provides the framework for sharing model policies with conservative state lawmakers across the country who share a common belief in the Jeffersonian principles of limited government, free markets, federalism, and individual liberty. Without question, my collaboration with ALEC has helped me to become a better legislator.

The Energy, Environment and Agriculture Task Force is one of eight task forces at ALEC that work to bring state legislators together based on a specific policy issue area. *The Natural Resource Reserve* is one tool that can help you as a state legislator find policies that can address some of the public policy issues you will face on a daily basis while representing your constituents. Although ALEC model policies are templates for any state to use, each state is unique. Often times, ALEC model policies will need to be slightly modified to specifically address your state's needs.

The ALEC staff has always proven to be a great resource for state legislators. Use them as your own staff and work with them to brainstorm new model policies. ALEC staff can also help you make sure that a particular ALEC model policy fits your state's needs. They are passionate and motivated experts on public policy that can aid you in your difficult, yet rewarding, positions as state lawmakers.

Lastly, thank you for being a member of ALEC, the nation's largest nonpartisan membership association for conservative state lawmakers who share common limited government principles. Through ALEC, we can work together, which means we can ultimately accomplish more.

Sincerely,

Rep. Thomas Lockhart (WY)

Public Sector Co-Chair  
ALEC Energy, Environment & Agriculture Task Force

# Introduction

The American Legislative Exchange Council (ALEC) was founded 40 years ago and during the ensuing years, the Energy, Environment & Agriculture (EEA) Task Force has developed hundreds of model policies that can aid legislators in solving problems and advancing free markets within their states.

ALEC model policies on energy, environmental health and regulation, and agriculture issues aim to promote the mutually beneficial link between a robust economy and a healthy environment, and seek to enhance the quality and use of our natural and agricultural resources for the benefit of human health and well-being.

The Task Force works to develop model policies in a wide variety of issue areas, including public lands, energy, climate change, chemical regulation, agricultural technology, regulatory reform, air and water quality, federal-state relations, environmental health, waste management, rural development, and property rights. Because of this wide variety of issue areas, *The Natural Resource Reserve* was designed to be an easy to reference guide that will help you find model policies according to key topics.

The *Reserve* provides ALEC's model principles for each major policy issue area (energy, environmental health and regulation, and agriculture). These model principles serve as the guiding light for future ALEC model policy and help to define the free market and limited government position on a specific Task Force issue area. The *Reserve* then divides each of policy areas into sub-topics for easier review.

Each model policy has a short summary of its purpose and objective. For a copy of the model policy, please visit [www.alec.org/model-legislation](http://www.alec.org/model-legislation) or email me at [jeick@alec.org](mailto:jeick@alec.org).

John Eick

Director,  
ALEC Energy, Environment & Agriculture Task Force



Energy is one of the most important public policy topics in the country. Energy is an input to everything we produce, consume, transport, and enjoy in society. Energy is embedded in every step along the way, from the extraction of a natural resource until the time a citizen enjoys the end product. When someone disposes of a product, they again use energy in the waste disposal and recycling processes. This means public policies that affect extraction, transportation, and use of energy affect every aspect of American life and are intricately tied to the standard of living of state citizens. The ever-increasing governmental control over energy supply, distribution, and use is threatening not only the nation's prosperity but also individual liberty.

This section provides ALEC's principles on energy policy and model policies that address electricity generation, resource use, federal-state relations, oil, natural gas, coal, nuclear, renewables, energy efficiency, and transportation fuels.



# American Legislative Exchange Council's Energy Principles

**Mission:** To define and promote a comprehensive strategy for energy security, production, and distribution in the states consistent with the Jeffersonian principles of free markets and federalism.

Energy affects all aspects of American life. It is indispensable for economic growth. Access to energy and the supply of energy will only become more important in the future as energy demand continues to increase.

**Energy Use Will Continue to Grow.** According to the Energy Information Administration (EIA), overall energy consumption in the United States will grow by 14 percent between 2008 and 2035 increasing from 100 quadrillion Btu used a year to 114 quadrillion Btu.<sup>1</sup> Over the same period, EIA projects that electricity demand will increase by 30 percent and demand for liquid fuels (such as gasoline and diesel) will increase by nearly 14 percent. At the same time, the American economy is becoming more energy efficient – carbon dioxide emissions per dollar of GDP declined 41.3 percent between 1981 and 2005, and will decline 42 percent through 2035, and the American economy's energy intensity – energy use per dollar of GDP – will decrease by 40 percent through 2035. While energy remains a critical component of economic growth, technological developments spurred by the market have improved efficiency and led to lower emissions, without government mandates or excessive regulation. The growth in global energy demand is expected to be approximately 65 percent lower through 2030 than it would have been without these improvements.

**Air Quality Has Improved As Energy Use Has Increased.** According to EPA, since 1980 gross domestic product has increased 124 percent, vehicle miles traveled have increased 103 percent, population has increased 33 percent, and energy consumption has increased 30 percent. Despite these increases, aggregate levels of air toxics have decreased 52 percent. Ambient levels of carbon monoxide are down 77 percent, ozone is down 21 percent, lead is down 94 percent and sulfur dioxide is down 68 percent.

**Global Climate Change is Inevitable.** Climate change is a historical phenomenon and the debate will continue on the significance of natural and anthropogenic contributions. ALEC will continue to monitor the issue and support the use of sound science to guide policy, but ALEC will also incorporate economic and political realism. Unilateral efforts by the United States or regions within the United States will not significantly decrease carbon emissions globally, and international efforts to decrease emissions have proven politically infeasible and unenforceable. Policy makers in most cases are not willing to inflict economic harm on their citizens with no real benefit. ALEC discourages impractical visionary goals that

ignore economic reality, and that will not be met without serious consequences for worldwide standard of living.

**ALEC Supports Free Markets.** ALEC supports free markets because markets are more effective than onerous regulation at achieving optimal economic and environmental outcomes. America's economy is becoming more energy efficient and less carbon intensive, not because of regulation, but because it saves money to be energy efficient. Free markets in energy produce more options, more energy, lower prices, and less economic disruptions. Free markets will not necessarily produce the vision of a green economy desired by supporters of government intervention, but they will produce the best outcome among realistic alternatives.

**ALEC Supports Affordable Fuels that Power Growth.** Mandates to transform the energy sector and use renewable energy sources place the government in the unfair position of choosing winners and losers, keeping alive industries that are dependent on special interest lobbying. As the history of ethanol indicates, these special interests are difficult to eliminate and can long outlast the exposure of their inefficiency. Forced changes in the economy produce unnecessary costs and threaten reliability. ALEC opposes these mandates, and therefore opposes infighting among fuel sources. Reliable, efficient fuels that power growth have a role in a free market energy sector. The ALEC Energy Principles are an expression of the Jeffersonian ideals of free markets and liberty. These principles are especially important today. Far too often government policies restrict energy options and limit access to vital energy resources. ALEC will work to establish public policies that reflect these principles.

### **ALEC Energy Principles**

**Reliance on the market to develop and produce new technologies:** The free market should be the principal determinant of which products reach the marketplace.

**Opposition to mandates that limit or dictate energy choices:** Government programs designed to encourage and advance energy technologies should not reduce energy choices or supply. They should not limit the production of electricity, for example, to only politically preferable technologies.

**Reliance on existing technology:** Energy policy should rely on technologies that exist, not on uncertain future technological advancements. Technological advancement will occur, but we cannot predict them ahead of time.

**Access:** North America has extremely large reserves of fossil fuels. Access to these resources should be expanded to provide America with low-cost and reliable energy. Barriers limiting the use of and access to public lands must be removed.



**Fuel Diversity:** Energy security requires a diversity of fuels to meet the demands of different geographic regions and different energy supplies.

**Protection & Safety:** North America's energy infrastructure must be protected from terrorist disruption. Plan for nuclear waste storage must be finalized.

**Environmental conservation and protection:** Conservation is an important component of a sound U.S. energy security policy, but conservation alone will not meet the nation's energy needs. There is a role for regulation in protecting the environment. The government should set minimum standards based on sound science, allowing the private sector to develop innovative technological solutions that meet or exceed those standards.

**Regulatory reform:** Streamlining of regulations is vital to maintain effective environmental protection. Regulations must be based on sound science and subjected to credible cost/benefit analyses. Regulations cannot be insulated by bureaucracy from citizens who experience their effects; legislative oversight and democratic accountability are critical components of our system of government. Duplicative regulatory processes among federal and state government must be coordinated.

**Regulatory predictability:** State and national legislation and regulation should result in predictability of process and enforcement resulting in the facilitation of investment certainty. The regulatory process should enhance, encourage, and expand energy production, transmission, and distribution.

**Energy efficiency:** State policies must allow free and competitive markets regarding pricing, technology deployment, energy efficiency, and selection of fuels and suppliers. Energy efficiency is enhanced most effectively through free market forces. State governments can conduct audits of their own energy usage and make appropriate market and cost-based adjustments to enhance efficiency in government-owned facilities.

**Infrastructure:** Reliable electricity supply depends upon significant improvement of the transmission grid. Interstate and intrastate transmission siting authority and procedures must be addressed to facilitate the construction of needed new infrastructure. New, expanded, and modified refineries, power plants, and transmission facilities require streamlining of siting and permitting processes.

**Trade:** State and federal government initiatives must promote free trade between nations. Government control should be discouraged to allow the market, not political machinations, to control energy resources.

**Federalism:** The federal government must allow states to develop their own approaches to energy policy based on their resources and demand. Misguided federal restrictions that ignore regional and local realities impose costs that are beyond the control of those whom they most affect. States know how best to utilize their land and natural resources, and their role in doing so must be preserved.

# Energy Model Policies

## A. Electricity Generation

### ALEC Electricity Transmission Principles

<http://www.alec.org/model-legislation/alec-electricity-transmission-principles/>

**Type:** Model Principles

**Issue Area:** Electricity Transmission

**Summary:** These principles clearly lay the foundation for ALEC's position on electricity transmission. The principles address that the electricity transmission system must be coordinated in a manner that satisfies current needs and future growths.

### Electric Transmission Line Siting Compact

<http://www.alec.org/model-legislation/electric-transmission-line-siting-compact/>

**Type:** Model Policy

**Issue Area:** Electric Transmission Siting

**Summary:** This compact is intended to improve efficiencies and create standardization during the siting process by establishing common applications, predetermined timelines, and uniform public comment periods. Such an agreement and its requirements would be triggered on an ad hoc basis and pertain only to those states that are both members of the compact and impacted by the proposed line.

### Electricity Freedom Act

[www.alec.org/model-legislation/electricity-freedom-act/](http://www.alec.org/model-legislation/electricity-freedom-act/)

**Type:** Model Policy

**Issue Area:** Renewable Portfolio Standards

**Summary:** The Electricity Freedom Act repeals a state's requirement that electric distribution utilities and electric services companies provide a certain percent of their electricity supplies from renewable energy sources by a certain year.

### Power Plant Siting Act

[www.alec.org/model-legislation/power-plant-siting-act/](http://www.alec.org/model-legislation/power-plant-siting-act/)

**Type:** Model Policy

**Issue Area:** Electricity Generation Siting

**Summary:** The Act creates a single board to address power plant siting in a state.

### Renewable Energy Credit Act

<http://www.alec.org/model-legislation/renewable-energy-credit-act/>

**Type:** Model Policy

**Issue Area:** Renewable Portfolio Standards

**Summary:** Some state RPS programs were designed to place artificial caps on the number of renewable energy credits that can be used to satisfy a state's renewable energy requirement. Furthermore, many of these programs limit where utilities can purchase credits. This

proposed model legislation would remove these caps and allow credits from any party—but not limited to private citizens, businesses, and merchant renewable electricity producers—to satisfy a state’s existing RPS program. This proposed legislation also contains a provision encouraging utilities to evaluate new and existing options for citizens and businesses to participate in voluntary markets for renewable energy credits and determine if increased advertising and marketing would increase participation levels.

#### **Resolution in Support of Electric Power Grid Modernization Principles**

<http://www.alec.org/model-legislation/resolution-support-electric-power-grid-modernization-principles/>

**Type:** Model Resolution

**Issue Area:** Grid Modernization

**Summary:** Several state legislatures and state public utility commissions are examining ways to modernize their electric power grids. These efforts to modernize electric power grids have raised significant issues relating to reliability, efficiency, privacy, and cyber-security, among others, for policymakers and consumers to consider. To assist policymakers as they consider these issues, this resolution establishes foundational principles for electric power grid modernization.

#### **Resolution in Support of Energy Security, Production, Distribution, Environmental Protection and Economic Growth in the United States**

[www.alec.org/model-legislation/resolution-in-support-of-energy-security-production-distribution-environmental-protection-and-economic-growth-in-the-united-states/](http://www.alec.org/model-legislation/resolution-in-support-of-energy-security-production-distribution-environmental-protection-and-economic-growth-in-the-united-states/)

**Type:** Model Resolution

**Issue Area:** Coal Electricity Generation

**Summary:** This resolution requests that Congress quickly pass legislation and take other actions as necessary so that the benefits of coal-fire-generated electricity to Americans and state economies are increased, not decreased; fuel diversity and grid reliability is improved, not restricted; and continuing emission reduction progress is made while minimizing capital costs, rate increases, and other economic impacts while meeting public health and environmental goals.

#### **Resolution on Best Available Control Technology For Coal-Based Electric Generation**

[www.alec.org/model-legislation/resolution-on-best-available-control-technology-for-coal-based-electric-generation/](http://www.alec.org/model-legislation/resolution-on-best-available-control-technology-for-coal-based-electric-generation/)

**Type:** Model Resolution

**Issue Area:** Coal Electricity Generation and the U.S. EPA

**Summary:** This resolution offers guidance to state regulatory agencies on how to interpret “Best Available Control Technology” (BACT) when issuing Prevention of Significant Deterioration permits for the BACT requirements for greenhouse gases from coal-based electric generation. The language expresses the need for new electric generation that is efficient and economically practicable. It also encourages accommodation of highly efficient power technologies, like super-critical and ultra-super-critical coal-fired electric generating units, to serve the dual purpose of reducing the overall emissions profile of the electricity generation unit while providing efficient, affordable, and available power today and into the future.

### **Resolution on Mandatory Electricity Consumer Disclosure Information**

[www.alec.org/model-legislation/resolution-on-mandatory-electricity-consumer-disclosure-information/](http://www.alec.org/model-legislation/resolution-on-mandatory-electricity-consumer-disclosure-information/)

**Type:** Model Resolution

**Issue Area:** Electricity Generation Information Disclosure

**Summary:** This resolution establishes ALEC principle that ALEC is opposed to mandatory requirements to disclose electricity information such as price, variability, fuel mix, and emissions. It also asks Congress to encourage voluntary disclosure but not make it mandatory.

### **Resolution on Renewable Energy Resources in a Competitive Electricity Marketplace**

[www.alec.org/model-legislation/resolution-on-renewable-energy-resources-in-a-competitive-electricity-marketplace/](http://www.alec.org/model-legislation/resolution-on-renewable-energy-resources-in-a-competitive-electricity-marketplace/)

**Type:** Model Resolution

**Issue Area:** Renewable Electricity Generation

**Summary:** This resolution establishes an ALEC principle that is opposed to renewable energy mandates and subsidies at the federal level.

### **The Energy Affordability and Reliability Act**

[www.alec.org/model-legislation/the-energy-affordability-and-reliability-act/](http://www.alec.org/model-legislation/the-energy-affordability-and-reliability-act/)

**Type:** Model Policy

**Issue Area:** Affordability and Reliability of Electricity Supply

**Summary:** This policy requires the {Public Service Commission (PSC)/Public Utility Commission (PUC)/related agency} to evaluate economic impact, reliability, and other objectives in decisions affecting electricity supplies for a state.

### **The Market-Power Renewables Act**

<http://www.alec.org/model-legislation/market-power-renewables-act/>

**Type:** Model Policy

**Issue Area:** Renewable Portfolio Standards

**Summary:** This bill is designed for states with a renewable portfolio standard (RPS) on the books where passage of the ALEC model Electricity Freedom Act would be unlikely. Instead of an entire repeal of a state's RPS, this bill removes the regulatory burdens that prevent electricity ratepayers from purchasing Renewable Energy Credits (RECs), in effect creating a voluntary market for renewable energy. The state's existing RPS is recalculated annually, reducing the existing renewable energy requirement by the state's voluntary RECs share. The remaining RPS is then eliminated in 2025.

### **Updating Net Metering Policies Resolution**

<http://www.alec.org/model-legislation/updating-net-metering-policies-resolution/>

**Type:** Model Resolution

**Issue Area:** Net Metering and Distributed Generation

**Summary:** This resolution encourages states to revisit their existing net metering policies and to create a fixed grid charge or other rate mechanism that recovers grid costs from distributed generation (DG) systems to cover the cost to build and maintain the grid DG customers utilize.

### **Utility Construction Review Act**

[www.alec.org/model-legislation/utility-construction-review-act/](http://www.alec.org/model-legislation/utility-construction-review-act/)

**Type:** Model Policy

**Issue Area:** Electricity Generation Construction

**Summary:** This Act establishes guidelines for reducing uncertainties and risks associated with state permitting of electricity generation construction.



## B. Resource Use and Federal vs. State Relations

### **Intrastate Coal and Use Act**

[www.alec.org/model-legislation/intrastate-coal-and-use-act/](http://www.alec.org/model-legislation/intrastate-coal-and-use-act/)

**Type:** Model Policy

**Issue Area:** Coal Mining and the U.S. EPA

**Summary:** This bill establishes that the environmental regulation of coal and certain coal products mined and used within the state are exclusively regulated by the {state} Department of Environmental Protection. The bill states the legislative authority and defines terms.

### **Intrastate Oil and Gas Use Act**

<http://www.alec.org/model-legislation/intrastate-oil-and-natural-gas-use-act/>

**Type:** Model Policy

**Issue Area:** Oil and Gas and Federal vs. State Relations

**Summary:** This bill establishes that the environmental regulation of oil and natural gas extracted and used within the state are exclusively regulated by the {relevant state agency}. The bill states the legislative authority and defines terms.

### **Resolution on Responsible Resource Development**

[www.alec.org/model-legislation/resolution-on-responsible-resource-development/](http://www.alec.org/model-legislation/resolution-on-responsible-resource-development/)

**Type:** Model Resolution

**Issue Area:** Hydraulic Fracturing and Federal vs. State Relations

**Summary:** This resolution also focuses on the jurisdiction of regulating hydraulic fracturing. It describes in detail the benefits of resource development in the states, and encourages responsible resource development practices, balanced efforts to ensure reliable U.S. energy resources, and continued jurisdiction of the states to appropriately regulate oil and gas production in their unique geological and geographical circumstances.

### **Resolution Requesting that the Federal Government Confer and Consult with the States on Management of Public Lands and Energy Resources**

[www.alec.org/model-legislation/resolution-requesting-that-the-federal-government-confer-and-consult-with-the-states-on-management-of-public-lands-and-energy-resources/](http://www.alec.org/model-legislation/resolution-requesting-that-the-federal-government-confer-and-consult-with-the-states-on-management-of-public-lands-and-energy-resources/)

**Type:** Model Resolution

**Issue Area:** Public Lands and Federal vs. State Relations

**Summary:** This resolution requests Congress and the Administration to acknowledge and respect the role of states in a federal constitutional republic. It calls on Congress and the Administration to commit to greater consultation with the states, and to recognize cost-benefit and job-impact analyses must be addressed in order to understand how federal regulations impact states and their respective citizens.

## **Resolution to Retain State Authority over Hydraulic Fracturing**

[www.alec.org/model-legislation/resolution-to-retain-state-authority-over-hydraulic-fracturing/](http://www.alec.org/model-legislation/resolution-to-retain-state-authority-over-hydraulic-fracturing/)

**Type:** Model Resolution

**Issue Area:** Hydraulic Fracturing and Federal vs. State Relations

**Summary:** This resolution anticipates the EPA's planned regulation of hydraulic fracturing. It explains that reservoirs producing oil and gas are highly variable geologically, and separated geographically across the oil- and gas-producing states such that state regulatory agencies are best suited, through local expertise and experience, to effectively regulate hydraulic fracturing.

## C. Oil and Gas

### **Pipeline Replacement and Infrastructure Modernization and Enhancement Act**

<http://www.alec.org/model-legislation/pipeline-replacement-and-infrastructure-modernization-and-enhancement-act/>

**Type:** Model Policy

**Issue Area:** Natural Gas Infrastructure

**Summary:** This Act is to accelerate the replacement of any existing deteriorating natural gas pipe with upgraded pipe by allowing utilities to immediately recover eligible costs of the replacement through a plan filed with and approved by the state public utility commission. The Act is intended to remove any limits in utilities' ability to make needed natural gas pipeline replacements that will improve reliability of the system and reduce repairs, maintenance costs, and service interruptions for ratepayers.

### **Resolution Concerning Oil and Gas Production on Federal Lands**

<http://www.alec.org/model-legislation/resolution-concerning-oil-gas-production-federal-lands/>

**Type:** Model Resolution

**Summary:** This resolution calls upon the Bureau of Land Management to expedite the approval of existing oil and gas development and permitting requests on public lands and that Congress pass legislation designed to further streamline the National Environmental Policy Act (NEPA) process.

### **Resolution in Support of the Keystone XL Pipeline**

[www.alec.org/model-legislation/resolution-in-support-of-the-keystone-xl-pipeline/](http://www.alec.org/model-legislation/resolution-in-support-of-the-keystone-xl-pipeline/)

**Type:** Model Resolution

**Issue Area:** Oil and Gas Infrastructure

**Summary:** This resolution urges support for continued and increased development and delivery of oil derived from North American oil reserves to American refineries; urges Congress to support continued and increased development and delivery of oil from Canada to the United States; and urges Congress to ask the U.S. Secretary of State to approve the Keystone XL pipeline project that has been awaiting a presidential permit since 2008 to ensure America's oil independence, improve our national security, reduce the cost of gasoline, create new jobs, and strengthen ties between the United States and Canada.

### **The Disclosure of Hydraulic Fracturing Fluid Composition Act**

[www.alec.org/model-legislation/the-disclosure-of-hydraulic-fracturing-fluid-composition-act/](http://www.alec.org/model-legislation/the-disclosure-of-hydraulic-fracturing-fluid-composition-act/)

**Type:** Model Policy

**Issue Area:** Oil and Gas Regulation

**Summary:** This act requires the operator of any well on which the hydraulic fracturing treatment is performed to disclose the amount of water used and composition of chemicals on a specific online registry.

## D. Efficiency

### **Energy Efficiency and Savings Act**

[www.alec.org/model-legislation/energy-efficiency-and-savings-act/](http://www.alec.org/model-legislation/energy-efficiency-and-savings-act/)

**Type:** Model Policy

**Issue Area:** Energy Efficiency and Tax Reform

**Summary:** This bill provides an exemption from state and local sales and use taxes for certain appliances and products that meet EPA green energy standards.

### **Resolution on Energy Conservation**

[www.alec.org/model-legislation/resolution-on-energy-conservation/](http://www.alec.org/model-legislation/resolution-on-energy-conservation/)

**Type:** Model Policy

**Issue Area:** Energy Conservation

**Summary:** This resolution establishes an ALEC principle on energy conservation asserting that it should remain an option for utilities but should be done at the state level not from the federal government.

## E. Nuclear

### **Resolution Urging Quick Congressional Action on the Recommendations of The Blue Ribbon Commission on America's Nuclear Future**

<http://www.alec.org/model-legislation/resolution-urging-quick-congressional-action-on-the-recommendations-of-the-blue-ribbon-commission-on-americas-nuclear-future/>

**Type:** Model Resolution

**Issue Area:** Nuclear Waste Storage

**Summary:** This resolution urges the Federal Administration and U.S. Congress to adopt legislation enabling the construction of one or more centralized interim fuel storage facilities through directives to the U.S. Department of Energy and through incentives to interested communities funded through access to the accumulated Nuclear Waste Fund. It also calls for recognition that there are willing host communities and states that are ready to voluntarily accept used fuel and defense waste shipments.

### **Resolution Urging the President and Congress to Act Expeditiously in Procuring a Site or Sites for the Storage of High-Level Radioactive Waste**

[www.alec.org/model-legislation/resolution-urging-the-president-and-congress-to-act-expeditiously-in-procuring-a-site-or-sites-for-the-storage-of-high-level-radioactive-waste/](http://www.alec.org/model-legislation/resolution-urging-the-president-and-congress-to-act-expeditiously-in-procuring-a-site-or-sites-for-the-storage-of-high-level-radioactive-waste/)

**Type:** Model Resolution

**Issue Area:** Nuclear Waste Storage

**Summary:** This resolution urges for the President and Congress to act quickly and efficiently in attaining a site or sites for the storage of high-level radioactive waste.



## F. Transportation Fuels

### Resolution on Alternative Fuels

[www.alec.org/model-legislation/resolution-on-alternative-fuels/](http://www.alec.org/model-legislation/resolution-on-alternative-fuels/)

**Type:** Model Resolution

**Issue Area:** Transportation Fuel Mandates

**Summary:** This resolution establishes an ALEC principle that is opposed to fuel mandates.

### Restrictions on Participation in Low-Carbon Fuel Standards Programs

[www.alec.org/model-legislation/restrictions-on-participation-in-low-carbon-fuel-standards-programs/](http://www.alec.org/model-legislation/restrictions-on-participation-in-low-carbon-fuel-standards-programs/)

**Type:** Model Policy

**Issue Area:** Transportation Fuel Mandates

**Summary:** This policy prohibits the State from participating in any low-carbon fuel standard or similar program requiring quotas, caps, or mandates on fuels used for transportation, industrial purposes, or home heating without prior legislative approval.



Environmental health is of critical importance to human life. Americans need and desire clean air, clean water, and safe consumer products in order to be able to live full and healthy lives. One of the foundational purposes of government is to protect property rights, which includes protecting American citizens from environmental harms.

ALEC model environmental health and regulation policy covers a wide variety of topics from air and water quality to regulatory reform and solid waste. ALEC's Chemical Policy Principles generally cover ALEC's stance on environmental health and regulation and serve as the guiding light for the Task Force on these issues.

# American Legislative Exchange Council's Chemical Policy Principles

**Mission:** To promote human progress, health, and safety by advancing a free-and-open marketplace in which competition and innovation guide the development and application of valuable chemical products.

Free markets and resulting competition has advanced the development of numerous chemical technologies that provide critically important benefits to society. Market disciplines supported by well-functioning legal systems ensure that private companies have substantial incentives to ensure public health and safety and that the benefits of their products far outweigh any risks.

**Chemicals in consumer products pose very low risks.** The best available evidence indicates that the risks associated with trace chemicals in consumer products are negligible and that these products provide substantial benefits. In fact, as mankind has increased use of synthetic chemicals in developed nations, such as the United States, humans are living longer and healthier lives. While at the turn of the 20th century, life expectancy was just 47 years, by 2007, it had risen to 78 years. And according to the National Cancer Institute's annual reports to the nation on cancer, both cancer incidence and mortality have declined.

**Chemical technologies greatly enhance human health and well-being.** Chlorine for example is used to make 85 percent of pharmaceuticals, and thanks to its use to clean our water supply, tens-of-thousands, if not millions, of deaths and illnesses are prevented every year. In fact, since cities began using chlorination to sanitize water starting in the 1880s, waterborne-related deaths in the United States dropped from 75 to 100 deaths per 100,000 people to less than 0.1 deaths per 100,000 people annually by 1950.

Chemicals used to produce our food ensure that more people have access to affordable food than ever before, and these products have environmental benefits. For example the use of herbicides to control weeds decreases the need for tilling soil, which, in turn, reduces soil erosion by 50 to 98 percent. High-yield farming, which includes the use of chemical fertilizers, and pesticides, makes it possible for farmers to feed a larger population of people while allowing more land to wildlife conservation. For example, researcher Indur Goklany points out: "If U.S. agricultural technology had been frozen at 1910 levels—i.e. if cropland per capita had stayed at 1910 levels—then to produce the same output as achieved in 2004, U.S. Farmers would have had to utilize ...more than four times the total amount of land and habitat under special protection in the U.S. in 1999—including National Parks, National Wildlife Refuges, and National Wilderness Areas. Quite possibly, the increase in land productivity averted a potential catastrophe for U.S. wildlife and perhaps even biodiversity more generally.

Other examples include various chemicals that make plastics. The final products are used to ensure longevity and storage of our blood supply; compose various medical devices; transport emergency water

supplies; package food to extend shelf life and prevent dangerous food-borne contamination, as well as meet other important needs.

**Regulatory action in the absence of scientific certainty increases public health risks.** Policies based on the precautionary principle pose substantial risks to society by undermining market-driven innovation and access to valuable chemical products. Excessive precaution places many products that protect our food, make our medicines, and improve quality of life at risk.

**Indirect regulatory action undermines access to valuable chemical products.** In addition to direct regulation, the U.S. Environmental Protection Agency (EPA) and a number of state governments have begun to list chemicals on “concern lists,” suggesting they are dangerous without much of any evidence. As a result, these products are suffering in the marketplace as manufacturers pursue product reformulations and replacements to avoid negative publicity. Hence, they divert resources from other valuable enterprises to research and develop substitutes for useful, low risk products already on the market.

### **ALEC Chemical Regulation Principles**

**Reliance on the market to develop and produce new technologies.** The free market should be the principal determinant through which products reach the marketplace. A free-market is the best vehicle for the advancement of human progress, health, and wellbeing because it facilitates innovation, experimentation, and consumer choice.

**Reliance on existing chemical products.** ALEC members support continued use existing products and the benefits they provide to society as well as market-driven substitutes. ALEC members recognize that a competitive market process is the best means for product development and selection and that government forced-product substitution and reformulation undermines economic well-being, innovation, and consumer choice.

**Public Safety.** ALEC members recognize that market disciplines that include product liability offer the strongest incentives for businesses to promote public health and safety. These disciplines are superior to government regulations, which are largely driven by political considerations and incentives rather than consumer needs and demands.

**Risk-based standards.** Before governments set additional safety standards they should demonstrate that the existing public exposures pose unreasonable risks to public health based on the best available, peer reviewed science that employs a weight-of-the evidence test.

**Regulations should do no harm.** Chemical laws should employ a risk benefit analysis and demand that regulations or product bans do not inadvertently increase public health risks. For example, laws should require regulators to demonstrate that substitute products exist that will reduce—and not increase—risks to public health before regulating any product.

**Cost-Benefit Analysis.** Chemical laws should demand that all state regulations pass cost-benefit analysis before issuance, ensuring that the benefits outweigh the costs to businesses in general, small businesses, consumers, and society as a whole.

**Regulatory Burden.** Chemical laws should demand that regulators choose the least burdensome regulations to achieve their objectives, with special consideration of the impact on small businesses, consumer choice, and prices.

**Regulatory Accountability.** Chemical laws should prevent state regulators from undermining valuable chemical technologies by placing them on concern lists or regulating them without demonstration of risk and without offering opportunity for public comments.

**Chemical regulation reform.** ALEC members support policies that streamline regulations to ensure public health, economic well-being, and market innovation. Regulatory bodies should periodically review chemical regulations to ensure they pass credible cost-benefit analyses and to eliminate duplicative and unnecessary chemical regulations.

**Trade.** ALEC members support free-trade between U.S. states and countries. States should avoid chemical policies that undermine the free-flow of goods by employing unnecessary regulations. Specifically, ALEC members oppose policies that force manufacturers to reformulate products based on questionable science and those that fail to follow the principles outlined in this policy statement.

# Environmental Health and Regulation Model Policies

## A. Regulatory Reform

### **Environmental Audit Privilege and Qualified Disclosure Act**

[www.alec.org/model-legislation/environmental-audit-privilege-and-qualified-disclosure-act/](http://www.alec.org/model-legislation/environmental-audit-privilege-and-qualified-disclosure-act/)

**Type:** Model Policy

**Issue Area:** Environmental Audit

**Summary:** This Act enables industry to voluntarily perform an environmental audit and correct any violations without impunity as long as the violations were not done intentionally in any manner.

### **Economic Impact Statement Act**

[www.alec.org/model-legislation/economic-impact-statement-act/](http://www.alec.org/model-legislation/economic-impact-statement-act/)

**Type:** Model Policy

**Issue Area:** Regulatory Accountability

**Summary:** This bill is designed to provide environmental protection without compromising economic growth, by requiring an economic analysis of new environmental regulations. Key components of the bill include: detailed short-term and long term projections of the economic effects of regulation, and legislative review of regulators.

### **Environmental Priorities Act**

[www.alec.org/model-legislation/environmental-priorities-act/](http://www.alec.org/model-legislation/environmental-priorities-act/)

**Type:** Model Policy

**Issue Area:** Environmental Prioritization

**Summary:** This act recognizes the importance of both environmental stewardship and fiscal concerns by creating an Environmental Priorities Council that uses sound science and cost-benefit analysis to create a list of environmental priorities.

### **Opportunity to Correct**

[www.alec.org/model-legislation/opportunity-to-correct/](http://www.alec.org/model-legislation/opportunity-to-correct/)

**Type:** Model Policy

**Issue Area:** Regulatory Procedure Reform

**Summary:** This Act provides a "fix it" ticket approach to regulatory violations with certain provisions for cases that are egregious.

### **Performance Based Permitting Act**

[www.alec.org/model-legislation/performance-based-permitting-act/](http://www.alec.org/model-legislation/performance-based-permitting-act/)

**Type:** Model Policy

**Issue Area:** Permitting



**Summary:** This Act establishes a process for expedited permitting for applicants that have a track record of compliance with environmental regulations and rules.

**Regulatory Review and Rescission Act**

[www.alec.org/model-legislation/regulatory-review-and-rescission-act/](http://www.alec.org/model-legislation/regulatory-review-and-rescission-act/)

**Type:** Model Policy

**Issue Area:** Regulatory Accountability

**Summary:** Section 1 of this Act institutes a system allowing state lawmakers to examine the efficacy of regulations before implementation, reviewing costs, benefits, and potential impacts on employment. Section 2 provides a system of retrospective review of regulations three years after they take effect. Section 2 grants the governor the power to rescind regulations after the retrospective review.

**Resolution to Repeal Section 526**

[www.alec.org/model-legislation/resolution-to-repeal-section-526/](http://www.alec.org/model-legislation/resolution-to-repeal-section-526/)

**Type:** Model Resolution

**Issue Area:** Alternative Fuels

**Summary:** This resolution calls for the repeal of Section 526 of the “Energy Independence and Security Act of 2007,” which attempts to prohibit government entities from purchasing fuels that are derived from alternate or synthetic fuels.

**Resolution in Support of Modernizing the Federal Toxic Substances Control Act of 1976**

<http://www.alec.org/model-legislation/resolution-in-support-of-modernizing-the-federal-toxic-substances-control-act-of-1976/>

**Type:** Model Resolution

**Issue Area:** Chemicals and Federal vs. State Relations

**Summary:** This resolution encourages Congress to enact federal legislation to modernize the Toxic Substances Control Act of 1976.

**Resolution in Support of the Regulations from the Executive In Need Of Scrutiny (REINS) Act**

[www.alec.org/model-legislation/resolution-in-support-of-the-regulations-from-the-executive-in-need-of-scrutiny-reins-act/](http://www.alec.org/model-legislation/resolution-in-support-of-the-regulations-from-the-executive-in-need-of-scrutiny-reins-act/)

**Type:** Model Resolution

**Issue Area:** Federal vs. State Relations

**Summary:** This resolution calls on Congress to support the passage of an Act that would require that Congress must pass a joint resolution of approval to be signed by the President for each new major regulation proposed by the executive branch before it may be enforced against the American people.

### **Resolution Opposing EPA's Regulatory Train Wreck**

[www.alec.org/model-legislation/resolution-opposing-epas-regulatory-train-wreck/](http://www.alec.org/model-legislation/resolution-opposing-epas-regulatory-train-wreck/)

**Type:** Model Resolution

**Issue Area:** Federal vs. State Relations

**Summary:** This resolution calls on Congress to slow and stop the EPA's train wreck. This resolution highlights the impact and scope of the EPA's recent regulatory offensive. It also calls on Congress to adopt legislation prohibiting the EPA by any means necessary from regulating greenhouse gases, impose a moratorium on any new air quality regulation for at least two years, and requires the Administration to undertake a multi-agency study identifying all EPA regulatory activity and the cumulative effect on the economy, jobs, and American competitiveness.

### **Resolution to Retain State Authority over Coal Ash as Non-Hazardous Waste**

[www.alec.org/model-legislation/resolution-to-retain-state-authority-over-coal-ash-as-non-hazardous-waste/](http://www.alec.org/model-legislation/resolution-to-retain-state-authority-over-coal-ash-as-non-hazardous-waste/)

**Type:** Model Resolution

**Issue Area:** Coal and Federal vs. State Relations

**Summary:** This resolution agrees with EPA's 2000 findings that States are in the best position to regulate coal combustion byproducts as a nonhazardous waste.

### **State Data Access Act**

[www.alec.org/model-legislation/state-data-access-act/](http://www.alec.org/model-legislation/state-data-access-act/)

**Type:** Model Policy

**Issue Area:** Regulation Data Access

**Summary:** This Act addresses the issue of access to data and information on state funded studies used in the promulgation of rules and regulations.

### **State Science Advisory Board Act**

[www.alec.org/model-legislation/state-science-advisory-board-act/](http://www.alec.org/model-legislation/state-science-advisory-board-act/)

**Type:** Model Policy

**Issue Area:** Regulatory Procedure Reform

**Summary:** This act creates a state science advisory board with the purpose of rendering scientific assessment, risk-based analysis, and consensus advice upon questions of science posed by the Governor or a Legislative Committee having jurisdiction over science matters.

### **State Regulatory Responsibility Act**

[www.alec.org/model-legislation/state-regulatory-responsibility-act/](http://www.alec.org/model-legislation/state-regulatory-responsibility-act/)

**Type:** Model Policy

**Issue Area:** U.S. EPA and Federal vs. State Relations

**Summary:** This Act clearly establishes the role of a state environmental agency when confronted with attempted intrusive and unauthorized actions by the federal government. The purpose of the Act is to ensure the division of governmental responsibilities between the federal government and the states under the principles of federalism, so those state agencies are free to implement their powers without unauthorized federal interference.

**State Sovereignty through Local Coordination Act**

[www.alec.org/model-legislation/state-sovereignty-through-local-coordination-act/](http://www.alec.org/model-legislation/state-sovereignty-through-local-coordination-act/)

**Type:** Model Policy

**Issue Area:** Federal vs. State Relations

**Summary:** This act recognizes the importance of local government by saying that any city, town, county or special district that has laws, regulations, or plans less restrictive than similar federal government laws, regulations, or plans, the federal government should coordinate with the city, town, county, or special district before implementing these new laws.

**The Common Sense Scientific and Technical Evidence Act**

[www.alec.org/model-legislation/the-common-sense-scientific-and-technical-evidence-act/](http://www.alec.org/model-legislation/the-common-sense-scientific-and-technical-evidence-act/)

**Type:** Model Policy

**Issue Area:** Regulatory Procedure Reform

**Summary:** The Act establishes a framework to ensure state courts follow the same method of allowing expert testimony on scientific issues.

**The Environmental Buffer Disclosure Act**

[www.alec.org/model-legislation/the-environmental-buffer-disclosure-act/](http://www.alec.org/model-legislation/the-environmental-buffer-disclosure-act/)

**Type:** Model Policy

**Issue Area:** Land Use

**Summary:** The Act allows for disclosure of environmental buffer zones for property owners.

**Uniform State Environmental Audit Privilege Act**

[www.alec.org/model-legislation/uniform-state-environmental-audit-privilege-act/](http://www.alec.org/model-legislation/uniform-state-environmental-audit-privilege-act/)

**Type:** Model Policy

**Issue Area:** Environmental Audit

**Summary:** This Act allows for industry to protect information and communications in regards to a voluntary environmental audit.

**Verifiable Science Act**

[www.alec.org/model-legislation/verifiable-science-act/](http://www.alec.org/model-legislation/verifiable-science-act/)

**Type:** Model Policy

**Issue Area:** Regulation Data Access

**Summary:** The Act enables citizens to access data (through freedom of information act requests) that has been used in promulgation of a new law or regulation.

## B. Greenhouse Gases

### **Climate Accountability Act**

[www.alec.org/model-legislation/climate-accountability-act/](http://www.alec.org/model-legislation/climate-accountability-act/)

**Type:** Model Resolution

**Issue Area:** Regulatory Accountability

**Summary:** This model bill requires that before implementation of any government expenditure to reduce greenhouse gas emissions, the respective agency must provide the overall cost per ton of carbon dioxide–equivalent to be achieved by the policy. This bill is designed to ensure that states receive the greatest return possible on environmental expenditures.

### **Interstate Research Commission on Climatic Change Act**

[www.alec.org/model-legislation/interstate-research-commission-on-climatic-change-act/](http://www.alec.org/model-legislation/interstate-research-commission-on-climatic-change-act/)

**Type:** Model Policy

**Issue Area:** Climate Change Assessment

**Summary:** This Act sets up a commission to study the potential impacts of climate change and specifically assess the cost and possibility of success of mitigation options.

### **Resolution Concerning EPA Proposed Greenhouse Gas Emission Standards for New and Existing Fossil-Fueled Power Plants**

<http://www.alec.org/model-legislation/resolution-concerning-epa-proposed-greenhouse-gas-emission-standards-for-new-and-existing-fossil-fueled-power-plants/>

**Type:** Model Resolution

**Issue Area:** Greenhouse Gases and EPA

**Summary:** This resolution establishes a state’s responsibility for establishing emission standards and recognizes the EPA’s responsibility for establishing guidelines which, when done properly, will lead to cost effective reductions in greenhouse gas emissions without requiring units retirement or a curtailment of operations.

### **Resolution in Opposition to a Carbon Tax**

<http://www.alec.org/model-legislation/resolution-opposition-carbon-tax/>

**Type:** Model Resolution

**Issue Area:** Carbon Tax

**Summary:** This resolution opposes all federal or state efforts to impose a carbon tax whether or not it is revenue neutral.

### **Resolution in Opposition to the EPA’s “Greenhouse Gas Tailoring Rule” and the Treatment of Biomass Energy**

[www.alec.org/model-legislation/resolution-in-opposition-to-the-epas-greenhouse-gas-tailoring-rule-and-the-treatment-of-biomass-energy/](http://www.alec.org/model-legislation/resolution-in-opposition-to-the-epas-greenhouse-gas-tailoring-rule-and-the-treatment-of-biomass-energy/)

**Type:** Model Resolution

**Issue Area:** Greenhouse Gases and U.S. EPA

**Summary:** This resolution calls upon governors, legislatures and Members of Congress to compel the EPA to overturn the "Greenhouse Gas Tailoring Rule" and stop its' assault on renewable, domestic, biomass and other forms of energy.

**Resolution in Response to EPA's Plan to Regulate Greenhouse Gases under the Clean Air Act**

<http://www.alec.org/model-legislation/resolution-response-epas-plan-regulate-greenhouse-gases-clean-air-act/>

**Type:** Model Resolution

**Issue Area:** Greenhouse Gases and EPA

**Summary:** This resolution opposes action by the EPA to regulate greenhouse gases and opposes any regulation where States are not allowed to play their proper roles in making the significant policy judgments that are required in adopting any such regulation.

**Resolution on U.S. Conference of Mayors Climate Protection Agreement Accountability**

[www.alec.org/model-legislation/resolution-on-u-s-conference-of-mayors-climate-protection-agreement-accountability/](http://www.alec.org/model-legislation/resolution-on-u-s-conference-of-mayors-climate-protection-agreement-accountability/)

**Type:** Model Resolution

**Issue Area:** Regulatory Accountability

**Summary:** This resolution creates accountability for U.S. cities who were signers of the Conference of Mayors Climate Protection Agreement. It calls for cities within the state to provide evidence whether they have achieved the goals outlined in the Agreement, or if they failed to do so. It also calls for the cities to report the results to the US Conference of Mayors for compilation in a final assessment of the results of the Agreement. In addition, cities that have failed to achieve the target are called to remove themselves as signatories to the Climate Protection Agreement.

**State Withdrawal from Regional Climate Initiatives**

[www.alec.org/model-legislation/state-withdrawal-from-regional-climate-initiatives/](http://www.alec.org/model-legislation/state-withdrawal-from-regional-climate-initiatives/)

**Type:** Model Resolution

**Issue Area:** Greenhouse Gas Initiatives

**Summary:** This resolution urges the Governor of a State to withdraw from a regional climate initiative.



## C. Air Quality

### **Conditioning Regulation of Non-Pollutant Emissions on Science Act**

[www.alec.org/model-legislation/conditioning-regulation-of-non-pollutant-emissions-on-science-act-summary/](http://www.alec.org/model-legislation/conditioning-regulation-of-non-pollutant-emissions-on-science-act-summary/)

**Type:** Model Policy

**Issue Area:** Regulatory Accountability

**Summary:** This model policy requires a state environmental administrator to perform an assessment prior to implementing regulation of an emission not explicitly listed as a “pollutant” under the Clean Air Act. This includes a “regulatory right to know” disclosure, to include: reasonable demonstration that authority is necessary to protect public health or welfare; whether there is a significant impact on energy availability or price; and if the regulation is feasible and superior to alternatives.

### **Regional Air Quality Interstate Compact**

[www.alec.org/model-legislation/regional-air-quality-interstate-compact/](http://www.alec.org/model-legislation/regional-air-quality-interstate-compact/)

**Type:** Model Policy

**Issue Area:** Federal vs. State Relations

**Summary:** The Regional Air Quality Interstate Compact asserts the right of states to retain authority over their own implementation plans to enforce the Clean Air Act. The interstate compact has throughout constitutional history been a tool for states to exercise joint authority over a common issue, and the Supreme Court has held in recent decades that it can be an effective means for states to preserve their sovereignty and push back against federal overreach.

### **Resolution Supporting a Reasonable Compliance Timeline and Economy-wide impact study of EPA’s Mercury and Air Toxics Rule**

[www.alec.org/model-legislation/resolution-supporting-a-reasonable-compliance-timeline-and-economy-wide-impact-study-of-epas-mercury-and-air-toxics-rule/](http://www.alec.org/model-legislation/resolution-supporting-a-reasonable-compliance-timeline-and-economy-wide-impact-study-of-epas-mercury-and-air-toxics-rule/)

**Type:** Model Resolution

**Issue Area:** Air Quality and the U.S. EPA

**Summary:** This resolution urges support for federal energy policy that subjects the EPA’s Mercury and Air Toxic Standards (MATS) to analysis for its negative impacts on jobs, state economies and their recovery, electricity prices and consumers’ ability to afford them, domestic manufacturing, and international competitiveness, and policy that would not change MATS’ stringency or reduction levels but harmonize MATS compliance deadlines with pre-construction and construction timelines to install emission reduction technologies, construct replacement capacity, or implement transmission reinforcement or other mitigation measures to assure electricity price increases are reasonable and the reliability of the electric grid is maintained.

### **State Sovereignty for Air Quality and Visibility Act**

[www.alec.org/model-legislation/state-sovereignty-for-air-quality-and-visibility-act/](http://www.alec.org/model-legislation/state-sovereignty-for-air-quality-and-visibility-act/)

**Type:** Model Policy

**Issue Area:** Federal vs. State Relations

**Summary:** This Act addresses the issue of state sovereignty over air quality and visibility.

## D. Privatization

### **Environmental Services Public-Private Partnership Act**

[www.alec.org/model-legislation/environmental-services-public-private-partnership-act/](http://www.alec.org/model-legislation/environmental-services-public-private-partnership-act/)

**Type:** Model Policy

**Issue Area:** Privatization of Environmental Services

**Summary:** This Act establishes process to use the private sector for public environmental services.

### **Resolution on Environmental Laboratory Privatization**

[www.alec.org/model-legislation/resolution-on-environmental-laboratory-privatization/](http://www.alec.org/model-legislation/resolution-on-environmental-laboratory-privatization/)

**Type:** Model Resolution

**Issue Area:** Tax Reform

**Summary:** This resolution condemns use of taxpayer dollars to the construction of state owned labs and supports the use of private labs for government purposes.

## E. Pollution and Solid Waste

### Limited Immunity for Persons Responding to Oil Spills Act

[www.alec.org/model-legislation/limited-immunity-for-persons-responding-to-oil-spills-act/](http://www.alec.org/model-legislation/limited-immunity-for-persons-responding-to-oil-spills-act/)

**Type:** Model Policy

**Issue Area:** Oil Spills

**Summary:** This Act allows for limited liability for an entity responding to an oil spill.

### Pollution Control or Abatement Flexibility Act

[www.alec.org/model-legislation/pollution-control-or-abatement-flexibility-act/](http://www.alec.org/model-legislation/pollution-control-or-abatement-flexibility-act/)

**Type:** Model Policy

**Issue Area:** Regulatory Reform

**Summary:** The Act establishes a framework for flexibility of a regulated entity to meet pollution regulation standards. It allows state agency to contract with entity to allow for alternative methods of abating or controlling pollution as long as it meets or exceeds existing control options and does not conflict with federal law.

### Pollution Prevention Act

[www.alec.org/model-legislation/pollution-prevention-act/](http://www.alec.org/model-legislation/pollution-prevention-act/)

**Type:** Model Policy

**Issue Area:** Pollution Reduction

**Summary:** This Act sets up a framework for reducing the use and release of toxic chemicals. It also includes tech assistance for waste reduction programs, waste reduction plans, and progress reports from generators and committee construction.

### Recycled/Refined Oil Labeling Act

[www.alec.org/model-legislation/recycledrefined-oil-labeling-act/](http://www.alec.org/model-legislation/recycledrefined-oil-labeling-act/)

**Type:** Model Policy

**Issue Area:** Pollution Reduction

**Summary:** This Act establishes standard for reused oil in order to increase the amount of used oil to be reused and not improperly disposed of.

### Resolution on Packaging and the Municipal Solid Waste Stream

[www.alec.org/model-legislation/resolution-on-packaging-and-the-municipal-solid-waste-stream/](http://www.alec.org/model-legislation/resolution-on-packaging-and-the-municipal-solid-waste-stream/)

**Type:** Model Resolution

**Issue Area:** Product Packaging and Solid Waste

**Summary:** This resolution states principles on the lack of support for government intervention into product packaging.

### The Environmental Good Samaritan Act

[www.alec.org/model-legislation/the-environmental-good-samaritan-act/](http://www.alec.org/model-legislation/the-environmental-good-samaritan-act/)

**Type:** Model Policy

**Issue Area:** Regulatory Reform

**Summary:** The Act allows for land that is abandoned and polluted to be cleaned up by an entity without the liabilities associated with the pollution. It sets up a structure to allow for clean-up of abandoned and polluted lands that would otherwise not be cleaned up due to potential liabilities.

**Used Oil Collection Act**

[www.alec.org/model-legislation/used-oil-collection-act/](http://www.alec.org/model-legislation/used-oil-collection-act/)

**Type:** Model Policy

**Issue Area:** Pollution Reduction

**Summary:** This Act establishes the process and regulatory structure for used oil collection.

**Waste Tire Abatement Act**

[www.alec.org/model-legislation/waste-tire-abatement-act/](http://www.alec.org/model-legislation/waste-tire-abatement-act/)

**Type:** Model Policy

**Issue Area:** Waste Tires

**Summary:** This Act establishes a waste tire abatement fund and grants for the beneficial disposal of waste tires. It also imposes additional powers and duties on the environmental agency to address nuisance cases.

## F. Water Quality

### Groundwater Protection Act

[www.alec.org/model-legislation/groundwater-protection-act/](http://www.alec.org/model-legislation/groundwater-protection-act/)

**Type:** Model Policy

**Issue Area:** Groundwater

**Summary:** This Act sets up state regulatory framework to ensure groundwater protection.

### State Implementation of Clean Water Act (TMDL) Requirements

[www.alec.org/model-legislation/state-implementation-of-clean-water-act-tmdl-requirements-amended/](http://www.alec.org/model-legislation/state-implementation-of-clean-water-act-tmdl-requirements-amended/)

**Type:** Model Policy

**Issue Area:** Water Quality and U.S. EPA

**Summary:** This Act addresses state assessment of implementing Total Maximum Daily Loads for Clean Water Act compliance.

### Non-Potable Groundwater Use Act

[www.alec.org/model-legislation/non-potable-groundwater-use-act/](http://www.alec.org/model-legislation/non-potable-groundwater-use-act/)

**Type:** Model Policy

**Issue Area:** Groundwater

**Summary:** This Act addresses the use of non-potable water for purposes other than drinking water.

### Wetlands Mapping and Protection Act

<http://www.alec.org/model-legislation/wetlands-mapping-and-protection-act/>

**Type:** Model Policy

**Issue Area:** Water and Ecosystem Protection

**Summary:** This Act establishes procedures, guidelines and administration for a wetlands program in the state.

## G. Environmental Education

### Environmental Literacy Improvement Act

[www.alec.org/model-legislation/environmental-literacy-improvement-act/](http://www.alec.org/model-legislation/environmental-literacy-improvement-act/)

**Type:** Model Policy

**Issue Area:** Education

**Summary:** The Act sets up system for an unbiased education curriculum on environmental topics and issues.



The United State is one of the world's largest producers and consumers of agricultural products, making the agriculture sector a significant part of the nation's economy and livelihood of state citizens. Agriculture is a critically important public policy area and it is intricately linked to environmental regulation and energy policy. Agriculture at ALEC covers a wide variety of topics from farming and forestry to private property rights and public lands. ALEC's Agriculture Policy Principles cover ALEC's stance on agriculture and serve as the guiding light for the Task Force on this issue.



# American Legislative Exchange Council's Agriculture Policy Principles

The proper role of government involvement in agriculture is to limit and remove barriers for agricultural production, trade, and consumption throughout our innovative food system. In developing public policy options for agriculture, forestry, and related sectors, policymakers should recognize that the United States currently possesses the safest, highest quality, and most innovative food system in the world.

Global demand for agricultural and forest products are expected to increase substantially in the coming decades, and legislators should seek policy options that will allow our system of high-yield, modern agriculture to flourish in order to help meet this demand while meeting environmental and land use challenges. ALEC also recognizes that agricultural productivity is an essential counterpart to robust economic growth. As Thomas Jefferson wrote in a 1787 letter to George Washington, “[a]griculture is our wisest pursuit, because it will in the end contribute most to real wealth, good morals, and happiness.”

## **Reduced Barriers to Agricultural Commerce**

Agricultural markets are global and the United States represents one of the largest and most efficient agricultural economies in the world. As a net exporter of agricultural goods, legislators should focus on expanding market access and removing barriers to food trade in ways consistent with international obligations. Enhancing productive commerce in this sector reduces consumer prices, increases prosperity, and provides opportunities for American producers.

## **Free Markets, Competition, and Reduced Regulatory Burdens**

Consistent with existing antitrust requirements, ALEC opposes unnecessary government imposed restrictions on agricultural businesses, including company structure, operation size, business diversification, coordination, or marketing methods. The vast majority of U.S. farms (98 percent in 2007) are family-owned. Considering both the limited resources of state and federal agencies and the disproportionate impact of burdensome regulations on small farmers and ranchers, care should be taken to avoid unnecessary rules and bureaucratic hurdles for producers competing in our global agriculture environment. ALEC encourages policies that avoid market distortion through the selection of winners-and-losers, including government preferences and support. As Senator Barry Goldwater explained, “[farmers] have a more intimate knowledge than most of us of the consequences of unlimited government power, and so, it would seem, a greater interest than most in returning agriculture to freedom and economic sanity.”

## **Science-Based Decision Making**

Processes for safety regulations should incorporate a least restrictive approach for ensuring public safety and confidence, economics, definitive risk data, and food security.

Legislators should look skeptically upon reliance on the precautionary principle as well as risk assessments based on speculation, anecdotes, statistical correlation, and nonreplicable or non-independent studies. Instead, a science-based approach that involves cost-benefit analysis, publically-available data, cost-benefit analysis and scientifically validated data should be part of any state risk assessment.

### **Animal Welfare**

ALEC agrees with basic animal care principles that maintain the wellbeing and health of animals used for food, companionship, clothing, recreation, assistance, and medical research, but opposes extremist attempts to establish animal rights as a public policy objective. There are significant human costs to the animal rights movement's attempt to destroy human exceptionalism and along with it our system of animal husbandry and tradition of pet ownership. Similar to ALEC efforts related to animal and ecological terrorism and environmentally corrupt organizations, ALEC's principles include a commitment to transparency and honesty among these groups and their allies.

### **Stewardship**

ALEC supports the establishment of policies and incentives to empower private landowners and agricultural producers to enhance stewardship efforts.

### **State Role**

While much attention is paid to federal farm bill deliberations, states have a unique and critical role to play in the administration of agriculture programs and policies. The United States Department of Agriculture noted in a 2004 report that "a central agency administering a program at the national level may lack the information needed to accommodate State-level difference." While states should seek regulatory uniformity in order to not unnecessarily impact producers, opportunities to empower state officials to creatively address agriculture and food issues should be fully explored. As declared in *The Federalist No. 17*, the "supervision of agriculture and of other concerns of a similar nature...are proper to be provided for by local legislation, can never be desirable cares of a general jurisdiction." Furthermore, the federal government should avoid intruding on state sovereignty over intrastate agriculture matters and the proliferation of local agriculture regulations should be discouraged.

### **Right to Farm**

Recognizing the essential role of agriculture in our economy, ALEC supports protection of generally accepted agricultural and management practices from public or private nuisance suits.

### **The Value of High-Yield Farming**

Our modern, high-tech, and high-yield agriculture system, a product of the 20th Century's Green Revolution, is critical to provide food to billions while minimizing damage to natural habitats and biodiversity. As stated in the *Declaration in Support of Protecting Nature With High-Yield Farming and Forestry*, "additional high-yield practices, based on advances in biology, ecology, chemistry, and technology, are critically needed in agriculture and forestry not only to achieve the goal of improving the human condition for all peoples but also the simultaneous preservation of the natural environment and its biodiversity through the conservation of wild areas and natural habitat."

# Agriculture and Land Use Model Policies

## A. Public Lands

### **Disposal and Taxation of Public Lands Act**

[www.alec.org/model-legislation/disposal-and-taxation-of-public-lands-act/](http://www.alec.org/model-legislation/disposal-and-taxation-of-public-lands-act/)

**Type:** Model Policy

**Issue Area:** Federal vs. State Relations

**Summary:** This act calls on the Federal Government to extinguish title of public lands to the state according to the each state's enabling act. It also established a public lands commission to administer the disposal of public lands.

### **Eminent Domain Authority for Federal Lands Act**

[www.alec.org/model-legislation/eminant-domain-authority-for-federal-lands-act/](http://www.alec.org/model-legislation/eminant-domain-authority-for-federal-lands-act/)

**Type:** Model Policy

**Issue Area:** Federal vs. State Relations

**Summary:** This bill authorizes States to exercise eminent domain authority on property possessed by the federal government that was not obtained with the consent of the state legislature.

### **Public Lands Policy Coordination Act**

[www.alec.org/model-legislation/public-lands-policy-coordination-act/](http://www.alec.org/model-legislation/public-lands-policy-coordination-act/)

**Type:** Model Policy

**Issue Area:** Federal vs. State Relations

**Summary:** This Act coordinates state governmental bodies on dealing with the interaction with the Federal government on public lands.

### **State Standards for Federal Resource Management Act**

[www.alec.org/model-legislation/state-standards-for-federal-resource-management-act/](http://www.alec.org/model-legislation/state-standards-for-federal-resource-management-act/)

**Type:** Model Policy

**Issue Area:** Federal vs. State Relations

**Summary:** This act works in coordination with the Public Lands Policy Coordination Act. It tackles an important economic issue on how to coordinate and deal with public land policy between local, state and federal governments.

### **Resolution on Local Jurisdiction Consent of National Monument Designation**

<http://www.alec.org/model-legislation/resolution-on-local-jursidiction-consent-of-national-monument-designation/>

**Type:** Model Resolution

**Issue Area:** Federal vs. State Relations

**Summary:** The resolution asserts if there is to be a national monument designation that state and local communities are involved in the process.

## B. Water

### Resolution to Retain State Sovereignty over Intrastate Water Resources

[www.alec.org/model-legislation/resolution-to-retain-state-sovereignty-over-intrastate-water-resources/](http://www.alec.org/model-legislation/resolution-to-retain-state-sovereignty-over-intrastate-water-resources/)

**Type:** Model Resolution

**Issue Area:** Federal vs. State Relations

**Summary:** This resolution supports the power of States to retain sovereignty over the regulation of their water resources and opposes any efforts by Congress to needlessly diminish this jurisdiction.

## C. Land Use

### **An Act Granting the Authority of Rural Counties to Transition to Decentralized Land Use Regulation**

[www.alec.org/model-legislation/an-act-granting-the-authority-of-rural-counties-to-transition-to-decentralized-land-use-regulation/](http://www.alec.org/model-legislation/an-act-granting-the-authority-of-rural-counties-to-transition-to-decentralized-land-use-regulation/)

**Type:** Model Policy

**Issue Area:** Land Use Regulation

**Summary:** This act grants rural counties to use a decentralized land use regulation consisting of restrictive covenants and common law of private nuisance instead of their current planning and zoning authorities that may be overly centralized, intrusive, or politicized.

### **Ombudsman Act**

<http://www.alec.org/model-legislation/ombudsman-act/>

**Type:** Model Policy

**Issue Area:** Private Property

**Summary:** This Act sets up a position within state government to protect rights of property owners.

### **Property Investment Protection Act**

[www.alec.org/model-legislation/property-investment-protection-act/](http://www.alec.org/model-legislation/property-investment-protection-act/)

**Type:** Model Policy

**Issue Area:** Private Property

**Summary:** The Act protects property rights by allowing the property owner recourse when property value is affected by changes in zoning or other provisions by a governmental body within the state.

### **Property Owners Disclosure Act**

[www.alec.org/model-legislation/property-owners-disclosure-act/](http://www.alec.org/model-legislation/property-owners-disclosure-act/)

**Type:** Model Policy

**Issue Area:** Private Property

**Summary:** This Act protects a property owner from the state disclosing information about property without consent of owner.

### **Protecting Property Rights to Facilitate Species Conservation**

[www.alec.org/model-legislation/protecting-property-rights-to-facilitate-species-conservation/](http://www.alec.org/model-legislation/protecting-property-rights-to-facilitate-species-conservation/)

**Type:** Model Policy

**Issue Area:** Private Property and Conservation

**Summary:** This Act addresses the authority of a political subdivision to prepare and implement habitat conservation plans or to enter into a conservation agreement.

### **Regulatory Costs Fairness Act**

[www.alec.org/model-legislation/regulatory-costs-fairness-act/](http://www.alec.org/model-legislation/regulatory-costs-fairness-act/)

Type: Model Policy

Issue Area: Private Property

**Summary:** This Act establishes that if private property rights are adversely affected by land use laws then the owner of said rights shall be compensated.

#### **Resolution Supporting the Private Ownership of Property**

[www.alec.org/model-legislation/resolution-supporting-the-private-ownership-of-property/](http://www.alec.org/model-legislation/resolution-supporting-the-private-ownership-of-property/)

Type: Model Resolution

Issue Area: Private Property

**Summary:** This resolution establishes an ALEC principle that a state should respect private ownership of property and be opposed to any governmental attempt to confiscate, reduce value of, or restrict use of private property unless to abate a public nuisance.

#### **The Private Property Protection Act**

<http://www.alec.org/model-legislation/the-private-property-protection-act/>

Type: Model Policy

Issue Area: Private Property

**Summary:** This Act protects property owner from loss of property value from regulations. Exceptions are made for regulations that protect human health or address public nuisance.



## D. Biotechnology

### Biotechnology Resolution

<http://www.alec.org/model-legislation/biotechnology-resolution/>

**Type:** Model Resolution

**Issue Area:** Biotechnology Use

**Summary:** The Act establishes ALEC principles on the responsible use of biotechnology.

### Biotechnology State Uniformity Resolution

[www.alec.org/model-legislation/biotechnology-state-uniformity-resolution/](http://www.alec.org/model-legislation/biotechnology-state-uniformity-resolution/)

**Type:** Model Resolution

**Issue Area:** Regulatory Reform

**Summary:** This resolution supports state government activity which safeguards against local governments regulating agriculture biotechnology.

## E. Animal Welfare

### **Agriculture Bio-Security Act**

[www.alec.org/model-legislation/agriculture-bio-security-act/](http://www.alec.org/model-legislation/agriculture-bio-security-act/)

**Type:** Model Policy

**Issue Area:** Vandalism and other Criminal Activity

**Summary:** This Act addresses vandalism and other criminal activity regarding crop or animal food research.

### **Resolution On Animal Antibiotic Use**

[www.alec.org/model-legislation/resolution-on-animal-antibiotic-use/](http://www.alec.org/model-legislation/resolution-on-animal-antibiotic-use/)

**Type:** Model Resolution

**Issue Area:** Antibiotics

**Summary:** This resolution supports the use of science data to assess whether or not antibiotics may cause antibiotic resistance problems, and opposes legislative and regulatory action that may result in unnecessary additional restrictions on the use of antibiotics in animal agriculture that are not based on sound science.

### **The Animal and Ecological Terrorism Act**

[www.alec.org/model-legislation/the-animal-and-ecological-terrorism-act-aeta/](http://www.alec.org/model-legislation/the-animal-and-ecological-terrorism-act-aeta/)

**Type:** Model Policy

**Issue Area:** Eco-terrorism

**Summary:** This Act establishes penalties for persons encouraging, financing, assisting or engaged in politically motivated acts of animal and ecological terrorism.

## F. Farming and Forestry

### Right to Farm Act

[www.alec.org/model-legislation/right-to-farm-act/](http://www.alec.org/model-legislation/right-to-farm-act/)

**Type:** Model Policy

**Issue Area:** Right to Farm Principles

**Summary:** The Act establishes the right to farm and provides certain provisions on the right to farm.

### State-Based Healthy Forest Plan

[www.alec.org/model-legislation/state-based-healthy-forest-plan/](http://www.alec.org/model-legislation/state-based-healthy-forest-plan/)

**Type:** Model Policy

**Issue Area:** Forest Management

**Summary:** The Act sets up a state based program to properly manage forest lands and reduce the risk of catastrophic forest fires.

### State Pesticide Preemption Act

[www.alec.org/model-legislation/state-pesticide-preemption-act/](http://www.alec.org/model-legislation/state-pesticide-preemption-act/)

**Type:** Model Policy

**Issue Area:** Regulatory Reform

**Summary:** This act preempts local, city or county ordinances or regulations on pesticides that conflict with state law.

### Vegetative Filter Strips Act

[www.alec.org/model-legislation/vegetative-filter-strips-act/](http://www.alec.org/model-legislation/vegetative-filter-strips-act/)

**Type:** Model Policy

**Issue Area:** Regulatory Reform

**Summary:** This Act establishes process and incentive for farmers to provide a strip between farming activity and stream or waterway in order to minimize runoff.

## G. Regulatory and Tax Reform

### **Pre-emption of Local Agriculture Laws Act**

<http://www.alec.org/model-legislation/pre-emption-local-agriculture-laws-act/>

**Type:** Model Policy

**Issue Area:** Agriculture Regulation

**Summary:** This bill makes legislative finding and declaration that regulation of agricultural seed, flower seed, and vegetable seed and products of agriculture seed, flower seed, and vegetable seed be reserved to the state. This bill prohibits enactment or enforcement of local measures to regulate agricultural seed, flower seed, and vegetable seed or products of agricultural seed, flower seed, and vegetable seed.

### **Resolution in Support of Agriculture Research Charities**

<http://www.alec.org/model-legislation/resolution-in-support-of-agriculture-research-charities/>

**Type:** Model Resolution

**Issue Area:** Agriculture Research

**Summary:** This resolution establishes ALEC's support for the concept of creating a new type of 501(c)(3) charitable organization, agricultural research organizations, focused on the conduct of agricultural research in conjunction with the nation's land-grant universities and non-land-grant colleges of agriculture.

### **Wildlife Information Disclosure Act**

[www.alec.org/model-legislation/wildlife-information-disclosure-act/](http://www.alec.org/model-legislation/wildlife-information-disclosure-act/)

**Type:** Model Policy

**Issue Area:** Regulatory Reform

**Summary:** The Act sets up framework for disclosure of data and information gathered by a state's fish and wildlife commission on private land.





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