

# Local Decarbonization: City and County Policymaking for Building Electrification

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Breach Collective partners with communities on the front lines of the climate crisis to advance justice through locally-driven campaigns rooted in the power of grassroots organizing, legal advocacy, and human stories.



## Main Question

How much authority do local governments in Oregon have to make climate and energy policy as it relates to building electrification and/ or decarbonization?

## Local Gov \*Is\* Involved in Climate & Energy Policy

Select examples of local government policymaking on climate and energy:

1993 - City of PDX Climate Action Plan

2014 - City of Eugene Climate Recovery Ordinance

2015-16 - City of PDX Fossil Fuel Infrastructure Regulations

2017 - City of PDX & Mult. Co. 100% Renewable Energy Resolutions

2018 - PDX voters approve Portland Clean Energy Fund

2021 - Eugene Building Electrification Policy Directives

S&P Global  
Market Intelligence

## Eugene, Ore., lays foundation for state's 1st ban on gas use in new buildings

 CleanTechnica

## Multnomah County, Oregon Bans "Natural" Gas In New County Buildings

PORTLAND  
BUSINESS JOURNAL

## Portland schools, in new climate policy, say no to renewable gas

NW Natural had recommended the district phase out purchase of "traditional fossil fuels" in favor of "renewable gaseous fuels."

HighCountryNews

## Portland community leaders bring the heat to building standards

*An activist collective says making buildings carbon-free is just the start.*

## Main Question

How much authority do local governments in Oregon have to make climate and energy policy as it relates to building electrification and/ or decarbonization?

*We believe that there are viable and legally defensible regulatory pathways available for local governments to require or promote building electrification and/or decarbonization.*

# General Principles of Local Authority in Oregon

Oregon Constitution allows cities and counties to govern by “home rule”.

Home rule authority grants local governments the authority to:

- (1) regulate for protection of public health, safety, morals, and welfare (“police powers”);
- (2) to license; and
- (3) to tax.

## Harms and Risks

At least four categories of identifiable harms and risks associated with “natural”/ methane gas technological complex:

1. Air Toxics Exposure (Indoor and Outdoor)
2. Leaks, Explosions, General Seismic Vulnerabilities
3. Greenhouse Gas Emissions
4. Increasing Costs to Ratepayers



# METHANE GAS: HEALTH, SAFETY, & DECARBONIZATION

*Setting the record straight*



Supported by 64 organizations from around the Pacific Northwest as a means to curtail confusion created fossil fuel entities' misinformation campaigns targeting elected officials and the public.

Report authors state, “We believe it is of utmost importance that policy makers are able to 1) identify false expressions of environmental care as a cover for climate-damaging activities; 2) know where to find accurate data about the many impacts of the gas industry; 3) avoid undue influence by fossil fuel interests; and 4) make sound policy decisions for the health and safety of our communities in the just transition to a decarbonized economy.”

# General Principles of Local Authority in Oregon

**Express preemption** occurs when the state legislature “clearly” and “unambiguously” expresses its intent to preempt local policymaking on a particular subject.

**Implied preemption** occurs when the two laws are in conflict such that they cannot operate concurrently. In other words, the local law is preempted when the operation of the local law makes it impossible to comply with a state statute.

Courts generally start analysis by assuming that local enactments function consistently with state laws.

# County Public Health Authority

Oregon Counties have special statutory authority to act as “local public health authorities” and may adopt ordinances and rules related to public health matters. *See* ORS Chapter 431.

Examples of actions that fall under this authority:

- Tobacco regulations in Tillamook County
- Woodsmoke regulations in Multnomah County

Presently the extent of this authority is unclear because it is untested.