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2020 Scorecard acknowledgments
Content: Lee Francis, Kim Jemaine and Michael Town
Graphic Design: Lee Francis
Front Cover Photo: Sunrise at Harrison Lake by Barbara Houston of Quinton | Courtesy of Scenic Virginia | Best in Show Winner of the 2019 Virginia Vistas Photo Contest
Foreword from Executive Director Michael Town

Huge progress, huge challenges

2020 will be remembered for many things, but probably not as the year Virginia made more progress on protecting the environment than ever before.

Virginia LCV staff prepared this year’s scorecard while working remotely due to the coronavirus pandemic that has, at the time we went to print, taken more than 155,000 lives across our country, sickened millions more, disrupted daily life, and put tens of millions of people out of work.

At the same time we faced an unprecedented public health crisis, Virginia and our nation are grappling with 400 years of systemic racism sparked by the death of yet another Black man at the hands of police officers. There is unrest. There is conflict. There is a groundswell against inequality, against injustice and against racism. Monuments to Virginia’s racist past are coming down. Protesters line our streets.

This is 2020.

This is also the context in which we as an environmental organization prepared this year’s scorecard and are moving forward in our work, realizing that the issues we work on are connected to the larger issues of public health and injustice.

The same communities that breathe dirtier air and are directly impacted by the climate crisis every day are the same ones getting sick and dying at higher rates from COVID-19. And the people that live in these communities work hourly wage jobs that are deemed “essential” so the rest of us can live comfortably. These problems are systemic, cyclical and interconnected. And they demand solutions and leadership.

Virginia’s leadership has changed drastically since November. The General Assembly is no longer blind to these problems.

In 2019, Virginia LCV invested the most in our organization’s history to elect friendly majorities to the General Assembly, efforts that yielded the first true “Conservation Majority” in Virginia LCV’s 20-year history.

This Conservation Majority delivered in a big way this year. In 2020, we made huge progress on protecting clean air, addressing the climate crisis, safeguarding water quality and ensuring a healthy environment.

Virginia passed one of the most aggressive clean energy and climate action packages in the nation in the Virginia Clean Economy Act, which will secure 100 percent clean electricity by mid-century. We banned fracking in Eastern Virginia and offshore drilling in our waters. We joined the nation’s leading multi-state cap-and-invest program and will invest hundreds of millions of dollars a year in efforts to protect frontline, coastal communities and lower the energy burden on our state’s most vulnerable populations through investments in energy efficiency.

This is incredible and truly unprecedented progress. But as the months since the General Assembly session have shown, there is more work ahead of us than behind us.

This year marks the 20th anniversary of our organization, established in 2000 to serve as the political voice of the conservation community in Virginia, to elect conservation champions to local and statewide office, and to secure policy advances in the halls of the Capitol.

We have executed our mission well. But our mission has not always served all Virginians. Clearly, some of us have clean air, clean water, and accessible open spaces, and some of us do not.

Moving forward, we are committed to building a more diverse, inclusive, equitable, and anti-racist movement. We are committed to fighting for environmental justice, to ensuring impacted communities have a seat at the table and to elevating those voices.

I sincerely hope you will join us in this important work.

Sincerely,

Michael Town, Executive Director
Twenty years ago, Marcia de Garmo served as a leader of a passionate cadre of volunteers and as a powerful advocate for conservation policies to keep Virginia’s farms and forests preserved, and public lands and waterways clean. She and the group determined, though, that more was needed than just strong environmental policies; clearly, Virginia required legislation to effectively ratify efforts to keep our air clean, our rivers and streams clear, and our lands safeguarded. And in order to create laws that would benefit Virginia’s natural resources, Marcia understood the need to elect lawmakers who prioritize the environmental wellbeing of our Commonwealth.

Marcia brought together her fellow conservationists to establish an organization to do exactly that, creating the Virginia League of Conservation Voters and its sister organization, Virginia League of Conservation Voters Education Fund. With Virginia LCV, Marcia worked tirelessly to build an organization to generate political and legislative power for the environmental community. For Virginia LCVEF, Marcia committed to the lasting benefit of educating Virginia’s residents and elected officials on the critical importance of clean air, clean water and protected lands.

The work Marcia and her fellow volunteers began 20 years ago culminated into today’s powerful successes – a Conservation Majority at the state legislature for the first time in the organization’s existence, and, as outlined in this Scorecard, a slate of legislative victories this year that will impact Virginia’s environment for years to come. Marcia’s influence cannot be understated; her work to establish the Conservation Voter movement in Virginia has led to powerful environmental gains that will last for generations.

Now, our organizations have two remarkable conservationists at the helm – Dana Krauskopf, chair of Virginia LCV, and Dana Wiggins, chair of Virginia LCVEF. Under their outstanding leadership, the Virginia League of Conservation Voters and the Virginia League of Conservation Voters Education Fund have continued to grow and influence positive legislative gains in Virginia’s natural resource policies.

The cover page of Virginia LCV’s first Conservation Scorecard from 2000, the year of the organization’s founding.
As Virginia LCV celebrates its 20th anniversary, we owe a debt of gratitude to every Conservation Voter who has helped along the way. Each and every activist, volunteer, member and supporter shares in our successes over the years; together, we have truly built the political and legislative power of conservation in our Commonwealth. As a result, Virginia’s environment has benefited immeasurably, and we extend our thanks to all of you for making that possible.

We would like to offer special thanks and appreciation to the members of our Conservation Leadership Circle. Members of the Leadership Circle demonstrate extraordinary support toward our work to elect conservationists to office and pass laws that safeguard our environment. To learn more about becoming a member of the Conservation Leadership Circle, please call (804) 225-1902 or visit www.valcv.org.

Virginia LCV’s Conservation Leadership Circle

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Joanne Berkley
John Grant

Virginia LCV and Virginia LCV-EF would also like to recognize the following key individuals, including former board and staff members, for their dedication to building the organizations’ strength and effectiveness over the years.

Lisa Guthrie, our first Executive Director, who guided the organizations for ten years, as we became a respected and trusted political force.

Joe Mais, a key volunteer who served as Executive Director Pro Tem and director of Strategic Planning in the early months, and who wrote the founding organizational documents.

Glen Besa, Sierra Club
David Crowe
Andy Fellows, Clean Water Action
Eve P. Fout*
Emily Francis
Loren Hershey
Roy Hoagland
Patti Jackson,
James River Association
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Stewart Schwartz,
Coalition for Smarter Growth
Kay Slaughter, Southern Environmental Law Center
Rab Thompson

*deceased

Blue Ridge - $25,000+
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Karin and Mark Ohrstrom
Gaye Pigott

Shenandoah - $5,000 - $9,999
Les and Marilyn Cheek
Catherine Conover
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Marcia and George de Garmo
Pamela Jaske
Lori Keenan and Sean McGuinness
Alan and Irene Wurtzel

Tidewater - $2,500 - $4,999
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John and Mary Scott Birdsall
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Chesapeake - $1,000 - $2,499
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Robert Moler
Jeanne and Michael Morency
Rafe Pomerance
Frederick and Diana Prince
Rebecca Rubin
Mona Sarfaty
Greg Singleton
SunTribe Solar
Rab and George Thompson
Robert Whitescarver and Jeannie Hoffman*

*supporters of Virginia League of Conservation Voters Education Fund

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2020 Legislative Victory:

2020 yielded huge wins for climate action

After years of obstruction at the legislature, the 2020 General Assembly proved to be monumental for advancing climate action, clean energy, and reining in the harmful fossil fuels that threaten clean air and water.

The new Conservation Majority we helped elect in 2019 laid important groundwork this year that will grow our economy, protect clean air, help frontline communities address the climate impacts at their doorstep, and drive further investment in our clean energy and energy efficiency sectors.

**Virginia Clean Economy Act secures our clean energy future**

In 2020, Virginia became the only southern state, and one of the leading states, nationally, in addressing climate change and transitioning toward clean energy to power our daily lives.

After years of climate obstruction at the General Assembly, of refusing to recognize the dangers of the climate crisis and the need to act, lawmakers passed the Virginia Clean Economy Act (Senate Bill 851 and House Bill 1526), a bold blueprint to eliminate all carbon emissions from power plants by mid-century.

This was truly landmark legislation and the biggest breakthrough on clean energy and climate action in Virginia’s history.

The legislation gets us to the 100 percent clean energy benchmark by requiring utility investments in energy efficiency programs first, instead of expensive infrastructure; aggressive benchmarks for utility deployed wind and solar as we move away from fossil fuels; and a fairer market for distributed and third-party renewable energy.

Even with friendly majorities in both chambers, passing the VCEA out of both the House of Delegates and the Senate of Virginia was still a heavy lift. This bill personified much of the bicameral tension that existed throughout session, with a progressive House of Delegates fighting for more aggressive clean energy commitments and a more moderate Senate.

Along with our partners, Virginia LCV was at the center of negotiations on this legislation in both chambers and in the room as stakeholders worked to find consensus. Fortunately, we were able to satisfy a slim majority in both chambers of the legislature to pass the most forward-looking climate and clean energy package in Virginia’s history.

We are grateful to our sponsors, Del. Rip Sullivan and Sen. Jennifer McClellan for shepherding through the Virginia Clean Economy Act. Through their leadership, we were able to secure final passage of this landmark legislation, which Governor Northam signed into law on April 11.
Virginia finalizes joining cap-and-invest program

Joining the Regional Greenhouse Gas Initiative (RGGI), a multi-state cap-and-invest program that includes every East Coast state to the north of us, has been the signature climate policy of the past two gubernatorial administrations, but faced headwinds in the legislature where lawmakers used every means at their disposal to block this effort.

Elections matter, and in 2020 lawmakers voted to officially join RGGI after years of pushing this policy forward at the administrative and regulatory agency levels. RGGI will help drive the reductions in carbon emissions from power plants – and the public health benefits that come with it – called for under the VCEA. And by putting this into statute, the legislature also unlocked approximately $100 million a year of revenue from the larger carbon marketplace, which will be directed toward energy efficiency programs in low-income communities, and efforts to combat flooding and sea-level rise in areas impacted by those clear-cut and-present climate threats on a near daily basis.

We are truly grateful to Del. Charniele Herring and Sen. Lynwood Lewis, who championed this legislation. Because of their leadership, we will have safer communities and years of cleaner air.

Lawmakers rein in fossil fuel exploration

For years, Virginians throughout Eastern Virginia have lived under the threat of frackings. While organized opposition at the local level has led to local fracking bans and restrictions in Taylorsville Basin counties in the Chesapeake Bay watershed, we lacked a statewide tool to protect Virginians from the risks of fracking.

That ended with the passage of Senate Bill 106 from Sen. Scott Surovell, which bans fracking in areas that coincide with the Potomac Aquifer. This legislation received bipartisan support in the Senate and House, and is a necessary safeguard to protect clean water and ward off risk and speculative oil and gas development in rural communities across Eastern Virginia.

The legislature also moved to ban offshore drilling and oil and gas infrastructure in state waters, while reversing a long-standing policy position in Virginia in support of drilling in the Atlantic. This legislation (House Bill 706 and Senate Bill 795) was a necessary safeguard to protect our coast as the Trump Administration continues its misguided push to open up oil exploration and drilling along the East Coast.

A spill here would decimate our tourism and seafood industries for years, which is why businesses, local governments and communities all along our coast have vocally opposed offshore drilling. This legislation also passed with bipartisan support in both the House and Senate and we are grateful for Del. Mark Keam, Del. Nancy Guy and Sen. Lewis for spearheading this effort.

Putting ratepayers, not utilities, first

As we, as an environmental organization, discuss energy, climate action, and moving away from fossil fuels, our traditional stance has been that it makes our environment better, then it must be good for all of us.

While true to a point, this thinking leaves a lot of people out of the equation. Moving towards carbon-free sources of energy will bring with it cleaner air and a healthier environment, but we must do more to make sure that Virginians aren’t overburdened with the costs of this transition.

For years, powerful electric monopolies have written their own regulatory guidelines, leading to a system that limits competition, maximizes their bottom line, and incentivizes an overbuild of energy infrastructure.

Virginians pay the seventh highest electric bills in the nation because of this flawed dynamic, and customers of Dominion Energy have been overcharged by more than $1.3 billion since 2015.

We are committed to fighting for a fairer, more equitable regulatory system that puts ratepayers – not powerful utilities, their balance sheets and shareholder profits – first.

While the General Assembly did not make the groundbreaking advances on regulatory reform that it did in the environmental arena this year, it did act on several important measures worth mentioning.

After failing last year, the legislature passed House Bill 167 from Del. Lee Ware, which makes sure ratepayers aren’t saddled with having to pay for fuel costs for energy that isn’t needed, and requires utilities to analyze cheaper energy alternatives. Ware has long been a leader on holding utilities accountable and we recognized his leadership 2019 for pushing this important ratepayer safeguard.

House Bill 528 from Del. Suhas Subramanyam ensures that ratepayers aren’t burdened with the stranded costs of dirty coal power plants that are retired early. Previous law allowed utilities to recoup the cost of the power plant upfront; this legislation allows these costs to be spread out over a number of years, limiting the upfront impact.

House Bill 1132 from Del. Jay Jones would have restored the traditional powers of the State Corporation Commission to order customer refunds and lower electric rates – powers that have been stripped away in recent years – in advance of a scheduled rate case in 2021, the first for Dominion since 2015. This legislation passed on a wide margin in the House of Delegates but was killed in the utility-friendly Senate Committee on Commerce and Labor.

We have much, much more work to do to ensure a regulatory system that provides clean, affordable energy and a fairer marketplace for energy producers, and look forward to continuing this fight in 2021.
Virginia LCV Legislative Heroes demonstrate a strong dedication and prioritization of our conservation values. This year we recognize 10 Senators and 49 Delegates for voting with Virginia LCV 100 percent of the time.

Of the hundreds of bills these legislators vote on every session, they deserve a special acknowledgment for getting the conservation vote right every time.

On behalf of Conservation Voters in Virginia, we thank the Legislative Heroes pictured here and look forward to their continued commitment to protecting the Commonwealth’s precious natural resources.
Virginia LCV Legislative Leaders scored between 75 and 99 percent in this year’s Scorecard. Six Delegates and 11 Senators earned this recognition for making conservation a priority in 2020.

**Senate of Virginia**

- Sen. Monty Mason – 96%
- Sen. George Barker – 95%
- Sen. Barbara Favola – 95%
- Sen. Ghazala Hashmi – 95%
- Sen. Louise Lucas – 95%
- Sen. Chap Petersen – 95%
- Sen. Dick Saslaw – 95%
- Sen. Joe Morrissey – 95%
- Sen. Lynwood Lewis – 91%
- Sen. Dave Marsden – 91%
- Sen. Lionell Spruill – 86%

**House of Delegates**

- Del. Dawn Adams – 96%
- Del. Joshua Cole – 96%
- Del. Chris Hurst – 96%
- Del. Sam Rasoul – 92%
- Del. Lee Carter – 91%
- Del. Roslyn Tyler – 91%
Virginia LCV Presents 2020 Legislative Leadership Awards

In addition to honoring lawmakers who score high in our annual scorecard, Virginia LCV also recognizes legislators who demonstrate exceptional leadership on conservation issues at the General Assembly.

This year we have nine such award recipients – lawmakers who demonstrated political courage and dedication to doing the right thing for our environment.

Senator Jennifer McClellan and Delegate Rip Sullivan

Sen. McClellan and Del. Sullivan were the lead patrons of the Virginia Clean Economy Act in the Senate and House and deserve special recognition in working to push forward the boldest climate action and clean energy package in Virginia’s history and one of the strongest standards nationwide. Even with friendly majorities, this legislation remained an uphill fight all the way through final passage in March. This effort could not have become law without the tireless efforts of both McClellan and Sullivan.

Delegate Suhas Subramanyam & Delegate Jay Jones

Dels. Suhas Subramanyam and Jay Jones emerged in 2020 as key voices in the fight for a fairer, more equitable electric utility regulatory structure. For years, powerful electric utilities have worked to erode the regulatory structure that holds them accountable as a way to maximize profits and minimize oversight and scrutiny. Legislation that passed in 2020 (House Bill 528 from Subramanyam) prevents Dominion Energy from overburdening ratepayers with the costs of coal plants that retire before their useful life is over. Legislation that cleared the House but unfortunately failed in the Senate at the committee level (House Bill 1132) from Del. Jones would have restored regulatory powers to the State Corporation Commission to protect ratepayers from utility overcharging and to order refunds. We have much work ahead of us to restore needed consumer protections.

Delegate Lamont Bagby

As chairman of the Virginia Legislative Black Caucus, Del. Bagby has elevated the VLBC as a tour de force in Virginia politics. Bagby, who sits on the powerful Labor and Commerce Committee in the House, has also been an instrumental voice on energy and utility issues. He has tirelessly worked to craft legislation that advances clean energy while also safeguarding vulnerable communities. His efforts this year were instrumental in adding key consumer protections to the Virginia Clean Economy Act, which will be vital in ensuring that as we advance clean, renewable energy, no one is left behind or left to bear a disproportionate energy burden as a result of this transition. We look forward to continuing to work with Del. Bagby moving forward as we ensure further consumer protections.
Delegate Eileen Filler-Corn  
*Speaker of the House*

When she was sworn in this past January, Del. Eileen Filler-Corn became the first female Speaker of the House in Virginia’s 400-year legislative history. As Speaker, Filler-Corn presided over the most rapid progressive change in Virginia’s history, including the most aggressive environmental agenda we’ve ever seen in the Commonwealth. As a Delegate, Filler-Corn has been a strong ally, earning a near perfect career score for her dedication to conservation and the environment. This leadership fortunately followed her to her new, elevated post at the legislature.

Our success this year would not have been possible without a steady hand at the helm, and we are incredibly grateful for Filler-Corn’s leadership throughout this year’s General Assembly session.

Delegate Elizabeth Guzman

A second-term Delegate, Guzman has quickly asserted herself as a leader on our issues, making climate change and a clean and healthy environment central to her legislative focus. This year, she carried multiple pieces of legislation supported by Virginia LCV, including House Bill 585, which aims to advance transit in large localities as a way to cut harmful carbon emissions; House Bill 586, which tasks the state with looking into the prevalence of toxic perfluoroalkyl and polyfluoroalkyl substances (PFAS) in our drinking water and setting appropriate safeguards; and House Joint Resolution 136, which expresses the fact that we are in the middle of a climate crisis. We appreciate Guzman’s dedication to these important issues and look forward to continuing to work with her.
Scored Legislation:

Energy & Climate

Protecting ratepayers from unnecessary fuel costs

House Bill 167 – Del. Lee Ware (R-Powhatan)
Virginia LCV Position: ✓

This pivotal ratepayer protection bill works to ensure that customers do not pay unnecessary and costly fuel contracts that ultimately serve no purpose. Interstate natural gas pipelines are multi-year, multi-decade contracts, which can be signed with little to no oversight or requirement of approval from the State Corporation Commission. In 2018 and 2019, the SCC found that Dominion’s existing contracts are sufficient in size to meet its existing service obligation. Further, Dominion has never waived its right to seek cost recovery of such contracts. Therefore, this legislation requires an electric utility to prove unequivocally that it cannot meet its service obligation with existing infrastructure before any cost recovery related to new contracts is approved, protecting consumers from baring the cost of unneeded utility projects. HB 167 passed the General Assembly unanimously.

Restoring SCC oversight of coal plant closures

House Bill 528 – Del. Suhas Subramanyam (D-Ashburn)
Virginia LCV Position: ✓

House Bill 528 returns discretionary power to the State Corporation Commission, stripped away in previous legislation, allowing them to determine and set appropriate timelines for utilities to recover the outstanding balance on dirty power plants that are retired early. This legis-

Know the Score:

As an exclusive accountability tool for Conservation Voters, it is important to know how we arrive at the final scores for each General Assembly session. The Conservation Scorecard gives you a comprehensive understanding of how your elected leaders represented your conservation values in Richmond.

While some sessions carry more contentious, high-stakes debates than others, our scorecard allows you to distinguish between the rhetoric and the reality of a legislator’s record by providing you detailed summaries of what happened inside the State Capitol each session.

How the Votes Were Chosen

With hundreds of bills introduced every session, Virginia LCV carefully tracks and takes positions on all priority legislation that impacts conservation. As legislation evolves throughout the lawmaking process, we communicate our position at every step along the way – from subcommittee, to full committee, to the floor of each chamber.

After session’s end, we closely examine the votes and determine a selection of votes which best illustrates how legislators prioritized conservation issues. While some votes are easier than others, our look into what happened on the record and behind the scenes gives an encompassing representation of conservation performance.

How the Scores Were Calculated

For every vote recorded on the chosen legislation, legislators receive one “correct vote” for voting the way of our communicated position. The number of “correct” votes is divided by the total number of possible votes for each legislator, which generates a lawmaker’s percentage score for the session. Legislators that sponsored bills supported by Virginia LCV receive a patron credit, which counts as one additional “possible vote” averaged into their final percentage.

Although some legislators perform more poorly than others from year to year, it is important that they hear from you your encouragement to do better. Conversely, we must not take our Legislative Heroes and Leaders for granted – let them know you appreciate their commitment to conservation and look forward to their continued support.
lation ensures that we are moving away from fossil fuels while continually working to protect ratepayers from undue financial burden. Restoring this authority to the Commission allows the SCC to consider all factors related to electric generation facility retirement. This renewed authority may facilitate a reduction in rates moving forward and potential customer savings of hundreds of millions of dollars, making HB 528 one of the most important regulatory reform efforts to have passed the General Assembly in recent memory. This legislation passed the House on a vote of 55-44 and cleared the Senate 35-5.

Removing barriers to solar energy

House Bill 572 – Del. Mark Keam (D-Vienna)
Senate Bill 710 – Sen. Jennifer McClellan (D-Richmond)

Virginia LCV Position: ✓

This legislation removes barriers to solar renewable energy and amends the Commonwealth Energy Policy to support distributed solar generation. These changes to the Commonwealth Energy Policy hope to promote solar energy by encouraging private sector investment in distributed renewable energy, supporting distributed renewable energy projects to increase security and reliability, and supporting landowners’ right to generate their own renewable energy. The included reforms give local governments more opportunities to install solar on government property and help residents and businesses invest in solar. This can create savings for taxpayers, decrease the need for fossil fuels, help meet local sustainability goals, ensure access to solar by low-income apartment tenants, and support local jobs and economic development.

The legislation received bipartisan support, clearing the House on a vote of 68-32 and the Senate by 22-18.

Strengthening oversight, permitting of natural gas pipelines

House Bill 643 – Del. Chris Hurst

Virginia LCV Position: ✓

This legislation sought to implement more stringent oversight of pipelines, which would in turn strengthen protective measures for the Commonwealth’s waterways and enforcement of Virginia’s water quality standards. The bill also hoped to expand the rights of the State Water Control Board in order to provide the board authority over the monitoring process and the authority to issue stop work orders. By strengthening the pipeline permitting process, this legislation would have provided greater protection for the ecosystems and natural spaces impacted by destructive pipelines. This increased monitoring had the potential to reduce the likelihood of leaks and other structural issues. It would also have provided an avenue to postpone and reevaluate pipeline projects, which are found to be having adverse effects on the environment.

Unfortunately, after having passed the House on a bipartisan vote of 57-41-1, this legislation was killed in the Senate Committee on Agriculture, Conservation, and Natural Resources.
Protecting our coast from offshore drilling

*House Bill 706 – Del. Mark Keam (D-Vienna)*
*Senate Bill 795 – Sen. Lynwood Lewis (D-Accomac)*

**Virginia LCV Position:** ✔

An oil spill off Virginia’s coast would decimate our economy, ruin wildlife habitat, and put thousands of aquaculture workers out of business. This is why communities along our coast adamantly oppose offshore drilling. This year was the year the General Assembly listened.

HB 706 and SB 795 ban offshore drilling and oil and gas infrastructure in state waters, and remove outdated language from the state code that expresses the Commonwealth’s previous support for offshore drilling. Virginia is on record with the Federal Bureau of Ocean Energy Management requesting removal from the federal government’s drilling plan and this legislation aligns with that position.

Through the prohibition of offshore leases and infrastructure, this bill works to protect both the environment, our coastal economy and Virginia’s coastal communities from the near-shore activities associated with offshore drilling and exploration.

This legislation received bipartisan support, passing 65-35 in the House and 23-17 in the Senate.

Cutting carbon and protecting vulnerable communities

*House Bill 981 – Del. Charniele Herring (D-Alexandria)*
*Senate Bill 1027 – Sen. Lynwood Lewis (D-Accomac)*

**Virginia LCV Position:** ✔

This legislation makes the Commonwealth an official member of the Regional Greenhouse Gas Initiative, a multi-state carbon cap-and-trade program including every East Coast state to the north of Virginia.

RGGI is a proven program that uses market forces to lower power plant pollution while returning revenue to participating states for investment in programs that further address the climate crisis and accelerate the transition away from fossil fuels.

This effort has been the policy aim of the last two gubernatorial administrations and was moving forward already at the administrative level. In joining this program by statute, Virginia lawmakers unlocked hundreds of millions of dollars, providing valuable funding to help the Commonwealth cut...
carbon pollution and build safer, more resilient communities. Revenue associated with the sale of carbon pollution auction permits will fund low-income energy efficiency programs and community flood preparedness efforts throughout the Commonwealth. By joining RGGI, Virginia will have a mechanism to lower energy bills, and hold polluters accountable while securing cleaner air, energy-efficient homes, and safer communities.

This legislation passed the House of Delegates 54-45-1 and the Senate 22-18.

**Restoring SCC’s ability to issue refunds, set fair rates**

*House Bill 1132 – Del. Jay Jones (D-Norfolk)*

Virginia LCV Position: ✓

Dominion Energy has overcharged Virginians more than $1.3 billion over the last five years. Due to legislation passed in 2015 and 2018, the State Corporation Commission has been unable to compel the monopoly to refund overcharges or lower base rates to prevent future overcharging.

Although rate cases generally allow the SCC to set a utility’s rates at a level that allows them to recoup only operating costs plus a reasonable rate of return, recent legislation has undermined this authority. Accordingly, in 2021, Dominion is scheduled to have its first base rate case since 2015. Traditionally, this case would have allowed the SCC the opportunity to examine four years of Dominion’s overearnings and set rates to an allowed profit level.

This bill hoped to restore the SCC to its designation role and regulatory authority in time for the 2021 rate case.

Unfortunately, after passing the House 77-23 with overwhelming bipartisan support, this legislation was killed in the Senate Committee on Commerce and Labor, where utilities still yield substantial influence.

**Banning fracking in Eastern Virginia**

*Senate Bill 106 – Sen. Scott Surovell (D-Mount Vernon)*

Virginia LCV Position: ✓

Eastern Virginia is home to a huge shale deposit that has been the target of oil and gas companies in recent years during the natural gas boom. The same region is also home to a giant freshwater aquifer that supplies millions of Virginians with fresh drinking water.

While some localities have moved to restrict or ban fracking, SB 106 gives Eastern Virginia residents the assurance they need that their water won’t be contaminated by harmful fracking.

This legislation, which bans fracking in the Eastern Virginia Groundwater Management Area, essentially everywhere east of Interstate 95, also protects regional roads, bridges, and infrastructure. Many of these local roads are designed to support passenger vehicles and not drilling rigs or tanker trucks. Further, the risk to clean water is simply not worth it. Beyond the environmental and infrastructure benefits, this legislation also works to preserve rural quality of life and property values. The passage of this bill is a vital step in preserving our water resources and protecting our communities from unnecessary hydraulic fracturing and the associated impacts. SB 106 passed with strong bipartisan support – 26-13 in the Senate and 62-38 in the House.

This legislation is by far the most aggressive, forward-looking energy policy in Virginia’s history and puts us among the top states in the nation working to address climate change and move away from fossil fuels. SB 851 creates a path to a 100 percent carbon-free electricity grid, eliminating all carbon pollution from Virginia’s utilities by 2050. This will lower monthly utility bills, create tens of thousands of new clean energy jobs, and give us cleaner air.

The Virginia Clean Economy Act includes a number of key provisions to achieve this ambitious goal. First, it enacts a statewide Renewable Portfolio Standard (RPS) that brings us to 30 percent renewable energy by 2030. After that, the RPS gradually phases in clean energy sources and phases out fossil fuels to ensure our grid becomes 100 percent carbon-free by 2050. Secondly, the legislation provides for major investments in energy efficiency and the enactment of a statewide Energy Efficiency Resource Standard that will establish long-term energy reduction targets for utilities and ensure that we’re reducing Virginians’ overall demand for energy. Finally, the legislation promotes the expansion of distributed renewable energy generation and empowers homeowners, municipalities, and industry to contribute to Virginia’s energy market through rooftop and distributed solar.

The path to pass this legislation wasn’t easy, with much painstaking negotiation and back-and-forth along the way. The final bill cleared the House on a vote of 52-45-1 and the Senate by 22-17.
Water Quality

Boosting tree cover to protect water quality

*House Bill 520 – Del. David Bulova (D-Fairfax Station)*

**Virginia LCV Position:** ✓

This legislation directs the Department of Environmental Quality (DEQ) to convene a stakeholder advisory group for the purpose of studying the planting or preservation of trees as an urban land cover type and as a stormwater best management practice (BMP). DEQ will be required to report the findings of the stakeholder group by November 1, 2020 and recommend whether the planting or preservation of trees should be deemed a creditable land cover type or BMP and, if so, how much nutrient reduction credit should be given.

While Virginia’s Phase III WIP established goals for expanding existing canopy, trees are being cut down faster than they are being replaced across the state. Trees can help mitigate flooding, reduce the volume of stormwater entering drains, reduce erosion, reduce toxic particulates in our air, reduce energy costs, and increase property values.

If this study determined a nutrient reduction credit for trees and this practice was added to the BMP Clearinghouse, developers will have an additional tool in the toolbox to treat stormwater and might be able to conserve more trees during the development process.

This legislation received broad support, passing 33-3 in the Senate and 81-18 in the House.

Protecting waterways, human health from Styrofoam

*House Bill 533 – Del. Betsy Carr (D-Richmond)*

**Virginia LCV Position:** ✓

This legislation works to prevent the environmental and public health impacts associated with Polystyrene, better known as Styrofoam, which becomes litter more often than any other waste product and makes up between 10 and 40 percent of waste found in our streams. Littered Styrofoam never fully degrades and often bioaccumulates up the food chain, negatively affecting the fish, oysters, and crabs that may consume Styrofoam litter as well as the humans who eat seafood.

In people, exposure to Styrofoam can lead to an increased risk of leukemia and lymphoma, higher rates of cancer, and an increased risk of miscarriages in women. This legislation prohibits food vendors from dispensing prepared foods in single-use polystyrene containers starting in July of 2023. It also gives localities the opportunity to grant case-by-case one-year exemptions for food vendors on the basis of undue economic hardship.

HB 533 passed out of the House on a 56-44 vote but was amended with a reenactment clause in the Senate, meaning this will be an issue the legislature will have to revisit in 2021 before it can become law.

Helping localities address plastic bag pollution

*House Bill 534 – Del. Betsy Carr (D-Richmond)*

**Virginia LCV Position:** ✓

In a recent study, researchers found micro-plastic waste in all but one of 60 samples taken in the Chesapeake Bay. Plastic pollution clogs and contaminates our rivers, streams, and the Bay, and threatens marine life. A simple fix to address this major source of pollution is moving to regulate disposable plastic bags, a major source of the plastic waste found in our environment and a threat to clean water.

While simple in theory, the legislature came with multiple pieces of different legislation to address the same problem. Virginia LCV originally supported an approach that would have made this tax statewide and also applied to single-use paper bags.

The version that passed the legislature disincentivizes the use of disposable plastic bags by providing localities the option to impose a 5-cent tax. If enacted by a locality, this bill allows retailers to retain a portion of the tax with the rest of the revenue going to locality for certain purposes such as environmental cleanup and education, and the provision of reusable bags.

After a turbulent path through the General Assembly, which saw multiple amendments, changed votes, tie-breakers, and ultimately a conference committee, the final versions of this legislation passed 22-18 in the Senate and 53-46-1 in the House.

Expanding public notification after a hazardous spill

*House Bill 1205 – Del. Kathy Tran (D-Springfield)*

**Virginia LCV Position:** ✓

Virginia’s previous hazardous spill notification laws required that the Department of Environmental Quality be notified of a spill of unpermitted discharge in state waters.
within 24 hours of the spill. DEQ was then only required to notify the public via a local newspaper if they determined the discharge could be detrimental to use of state waters. Beyond that, there was no time period within which spill information must be made public.

Virginia LCV has supported for the past several years legislation that, unsuccessfully, sought to change this outdated model.

HB 1205 expands the type of media DEQ will utilize to notify the public about discharges. Further, it requires DEQ to report discharge information within 12 hours of notification. These expansions will give the public broader access to spill information within a smaller time frame.

The legislation passed the House of Delegates 59-38 and cleared the Senate unanimously.

Reducing Bay pollution loads from farms

*House Bill 1422 – Del. Ken Plum (D-Reston)*
*Senate Bill 704 – Sen. Monty Mason (D-Williamsburg)*

**Virginia LCV Position:** ✓

As Virginia heads into the final phase of our Chesapeake Bay cleanup plan, we still lag in two important areas for pollution reduction: urban stormwater runoff and the agriculture sector.

This legislation was drafted in order to help us reach our goals with an emphasis on reducing pollution loads from agricultural land.

Along with the implementation of nutrient management plans, restrictive fencing to keep cattle out of streams is one of the most cost-effective methods to improve water quality. With the deadline looming, there were initial calls to make pollution reduction efforts on farms mandatory.

While these bills require fencing for landowners with more than 20 cows, and Nutrient Management Plans for operators of 50 crop-land acres or more, they will not take effect if Chesapeake Bay Blueprint goals are met using existing tools, including Virginia’s successful cost-share program.

Overall, the legislation works to accelerate the agricultural sector’s efforts to achieve Virginia’s Watershed Implementation Plan goals by calling for the removal of cattle from perennial streams and incorporates significant flexibility in order to assist farmers with protecting water quality.

Furthermore, the bill establishes an ongoing stakeholder group to ensure that agricultural organizations are adequately represented and to provide advice and assistance for implemen-
The legislation passed 80-20 out of the House and received unanimous support in the Senate.

Transferring menhaden management to VMRC

House Bill 1448 – Del. Ken Plum (D-Reston)
Senate Bill 791 – Sen. Lynwood Lewis (D-Accomac)

Virginia LCV Position: ✓

This legislation effectively transfers authority for management of Atlantic Menhaden from the General Assembly to the Virginia Marine Resource Commission (VMRC), where all other fisheries are managed, ending years of debate at the legislature. Last fall, the Atlantic States Marine Fisheries Commission voted unanimously to find Virginia out of compliance with ASMFC’s menhaden management plan. This came after lawmakers in Virginia failed in 2019 to implement the ASFMC’s updated menhaden harvest cap for industrial-scale fishing in the Chesapeake Bay, paving the way for Reedville-based Omega Protein – the only industrial scale menhaden fishery in Virginia – to exceed the cap by nearly 30 percent. This occurred despite Governor Northam’s requests not to do so, and despite the company’s previous pledges to comply with the existing Bay cap. Omega was able to do this because the General Assembly retained management authority over menhaden and had not adopted the appropriate cap. This legislation was necessary to help bring the fishery back into compliance by transferring management to the appropriate regulatory body. It passed unanimously in the Senate and 74-25 in the House.

Emphasizing living shorelines for erosion control

Senate Bill 776 – Sen. Lynwood Lewis (D-Accomac)

Virginia LCV Position: ✓

This legislation works to steer shoreline protection decisions by the Virginia Marine Resources Commission away from hardened shoreline approaches such as bulkheads and rip-rap, toward living shorelines. Despite 2014 legislation outlining the same preference for living shorelines, this legislation was necessary to help bring the fishery back into compliance by transferring management to the appropriate regulatory body. It passed unanimously in the Senate and 74-25 in the House.

Schools-focused toxics legislation secures health benefits for our kids

With the many high-profile environmental fights during the 2020 legislative session, it’s easy to overlook other legislation that passed with little fanfare.

Among these – and there were many – were several pieces of legislation to secure healthier, safer school environments for our children. Schools should be safe, welcoming spaces for learning, but aging school infrastructure means these facilities do not always live up to this standard. Airborne mold and bacteria, and lead-tainted water are just a few of the threats to our students’ health during the school day.

Fortunately, lawmakers acted in a bipartisan fashion in 2020 to address these hazards.

For the past several months, students have been at home due to the global health crisis. When they finally return back to the classroom post-pandemic, we hope the further public health risks that some students faced on a daily basis will be remedied and that they are welcomed back with cleaner air and water.

Addressing dangerous mold in schools

Following multiple reports of mold-plagued schools in 2019, and even grassroots campaigns launched by impacted students, the legislature passed Senate Bill 845 from Sen. Adam Ebbin (D-Alexandria), which requires school systems to test for and remediate mold in their school facilities.

Airborne mold can cause a host of health ailments especially for children with pre-existing respiratory problems. These include allergic reactions, asthma episodes, irritations of the eye, nose and throat, sinus congestion, and other respiratory impacts.

SB 845 specifically requires local school boards to put together and implement a mold testing plan for public school buildings and to remediate the problem in line with guidance from the Environmental Protection Agency. The legislation also requires a school system to notify staff and parents or all students if mold levels have exceeded levels that post a health risk.

Students should not have to choose between getting sick or learning. We are thankful for Senator Ebbin’s work on this legislation, which we hope will lead to safer, healthier classrooms across Virginia.

Preventing harmful Legionella bacteria

In 2019, Chesterfield County Public Schools saw an outbreak of the legionella bacteria that can cause Legionnaires’ Disease, a severe form of pneumonia, or Pontiac Fever, a milder illness that resembles the flu. This bacteria was
Land Use and Transportation

Encouraging transit-oriented development

*House Bill 585 – Del. Elizabeth Guzman (D-Fauquier)*

**Virginia LCV Position:** ✓

Carbon pollution from the transportation sector makes up nearly half of Virginia’s total emissions. We must address this major source of climate pollution and that starts with getting more cars off the road. This legislation requires all cities, towns, and large counties to incorporate strategies to promote Transit-Oriented Development (TOD) as they update their comprehensive plans.

HB 585 also encourages localities to pursue strategies to locate low-income, affordable housing in close proximity to transit to help ensure the benefits of TOD are accessible to all residents. Encouraging TOD promotes coordination of transportation and land use and offers a number of benefits. TOD helps developers meet the growing needs of Virginia’s residents and business for greater travel options. It also makes public transit a viable option for more people and reduces congestion and the associated emissions from passenger vehicles.

This legislation passed 55-45 out of the House of Delegates and 23-17 out of the Senate.

Planning ahead for climate change

*House Bill 672 – Del. Rodney Willett (D-Henrico)*

**Virginia LCV Position:** ✓

Climate change is here – we’re already seeing the day-to-day impacts. It clearly makes sense…

Protected students from lead exposure

In 2019, the House blocked efforts to protect school and preschool-aged children from the dangers of lead-contaminated water. This year, the legislature voted almost unanimously to pass these important safeguards.

House Bill 797 and Senate Bill 392 from Del. Alex Askew (D-Virginia Beach) and Sen. Jeremy McPike (D-Dale City) require school boards to test for lead and remediate drinking water sources in line with Environmental Protection Agency and Virginia Department of Health standards. The legislation also requires parental notification of any levels that exceed safe standards.

House Bill 799 and Senate Bill 393, also from Del. Askew and Sen. McPike, extend these safeguards to licensed child daycare programs and preschools.

The impacts of lead contamination, especially on young populations, can be severe. These include damage to the brain and nervous system, slowed growth and development, learning and behavior problems, and hearing and speech problems. These commonsense safeguards will help protect our children from these dangers and we are grateful for the General Assembly’s action.

Votes from both chambers on the above legislation were all unanimous, or nearly unanimous. As such, they are not reflected in lawmakers’ scores for 2020, a year that saw us considering more votes and legislation than ever before. We are thankful the General Assembly passed this important legislation and also appreciate the individual leadership of the above bill patrons.
that this reality should be part of our long-term planning and that we shouldn’t be making decisions that exacerbate this crisis.

HB 672 would have, first, made it the policy of the Commonwealth to minimize or prevent altogether the negative impacts of climate change in Virginia, and secondly, require state agencies to use that lens when making decisions on new regulations or policies. The bill also requires local and regional planning commissions to consider the impacts and causes of climate change when adopting a comprehensive plan, regional strategic plan, or zoning ordinance.

This legislation passed the House of Delegates on a 55-44 vote but was continued to 2021 in the Senate Committee on Agriculture, Conservation and Natural Resources.

**Addressing illegal dump sites**

*House Bill 1352 – Del. Wendy Gooditis (D-Boyce)*

*Virginia LCV Position: ✓*

Illegal dumpsites aren’t just an eyesore; they’re a hazard to our environment and to human health, which is why the Commonwealth strictly regulates the disposal of solid waste.

This commonsense legislation clarifies the Department of Environmental Quality’s authority to regulate and address unpermitted solid waste disposal sites in Virginia, also called open dumps.

It also allows DEQ to recover associated cleanup costs from parties responsible for owning, operating, or causing open dumps.

Overall, this legislation gives state regulators another tool to protect our environment from bad actors.

The legislation passed the House 61-39 and the Senate 24-16.

**Expanding transportation funding, transit**

*House Bill 1414 – Del. Eileen Filler-Corn (D-Fairfax)*

*Senate Bill 890 – Sen. Dick Saslaw (D-Springfield)*

*Virginia LCV Position: ✓*

This omnibus bill was among the most significant the General Assembly addressed this session and, by and large, will have positive impacts on Virginia’s transportation system, our environment, our economy, and our quality of life.

The legislation includes a number of key provisions that we supported. The bill includes a much simpler funding structure and provides more overall revenue, primarily through a phased-in increased and indexing gas tax.

Further, the bill significantly increases funding for transit and rail, including a transit incentive for low-income residents, providing people more choices, reducing congestion and pollution, and increasing equitable access to jobs.

Additionally, it increases funding for...
for maintenance and creates a fund to repair and replace “special structures” such as major bridges and tunnels. The legislation also creates a rail authority and bonding to allow the Commonwealth to tackle major needed projects that will benefit both freight and passenger rail.

While Senate Bill 890 does have challenging elements, including the fee it would impose on cleaner, more fuel-efficient vehicles and a lower percentage emphasis on transit funding than desired, the overall package is superior to the status quo.

The legislation passed 55-42 in the House of Delegates and 23-17 in the Senate.

Protecting African American Cemeteries

Unjust segregation policies dating back to Colonial times barred African Americans from burial in city and county graveyards. As a result, African Americans were often buried in private cemeteries developed by African American families or funeral homes, some of which fell into disrepair over the years as families relocated or businesses closed.

While there have been established funds for Confederate memorials, support to protect African American burial grounds was lacking until legislation sponsored by Del. McQuinn in 2017 established a fund from which qualified charitable organizations could draw upon to preserve African American cemeteries and graves established prior to January 1, 1900.

House Bill 1523 from Del. Delores McQuinn and Senate Bill 881 from Sen. Mamie Locke expand upon this 2017 law by creating the Historical African American Cemeteries and Graves Fund.

Under this law, and funding appropriated to the Department of Historic Resources but not used for the maintenance of graves, in particular the listed historical African American cemeteries, shall be deposited in the Fund.

By providing a funding stream to preserve and maintain these important sites, this law gives Virginia another tool to safeguard at-risk African American cemeteries across the Commonwealth, and to ensure that this sacred ground isn’t lost to history.

Photo Credit: Watchful Mother Bear by Matthew Huntley of Fredericksburg | Courtesy of Scenic Virginia

Protecting wildlife from our roadways

House Bill 1695 – Del. David Bulova (D-Fairfax Station)
Senate Bill 1004 – Sen. Dave Marsden (D-Burke)

Virginia LCV Position: √

Virginia has one of the highest rates of deer-vehicle collisions in the United States, averaging 60,000 deer-related crashes per year. However, following the addition of fencing to funnel wildlife to underpasses along Interstate 64 near Charlottesville, an ongoing study found a 92 percent decrease in deer-vehicle crashes per year.

This legislation helps build on this success by calling for the creation of a statewide Wildlife Corridor Action Plan to help identify wildlife corridors and existing or planned barriers to wildlife movement along those corridors, while prioritizing and recommending wildlife crossing projects to promote driver safety and wildlife connectivity.

The legislation also tasks the Virginia Department of Transportation with taking these important corridors into consideration as part of any environmental review the agency conducts for road or highway construction and with mitigating impacts if a roadway threatens a wildlife corridor.

The legislation passed 89-10 in the House and 23-16 in the Senate.
Expanding transit in Hampton Roads

House Bill 1726 – Del. Alex Askew (D-Virginia Beach)
Senate Bill 1038 – Sen. Louise Lucas (D-Portsmouth)

Virginia LCV Position: ✓

Hampton Roads currently has a very fragmented system of transit bus services. Days and hours of operation, frequency of service and even routes differ from city to city since each city provides funding only for the services it wants within its city limits.

Hampton Roads is one of the areas of the country threatened the most by the impacts of a changing climate, and transportation is the number one source of carbon pollution in Virginia.

The region needs to provide cleaner transportation alternatives and it needs meaningful regional transit services to reduce traffic congestion. At the General Assembly’s direction, the region has developed a plan for a high frequency, seamlessly interconnected regional public transit bus system. This bill will help reduce congestion and pollution, while providing greater access to jobs, by providing funding necessary to implement the plan.

The legislation passed 22-18 in the Senate and 61-36 in the House of Delegates.

Protecting Virginia’s conservation easement programs

Senate Bill 621 – Sen. Creigh Deeds (D-Bath)

Virginia LCV Position: ✓

In the last two decades, the Commonwealth has invested heavily in open space conservation and preservation by way of the Land Preservation Tax Credit and similar conservation grant programs. Although this has provided a number of benefits, a number of legal issues have arisen regarding disputes between landowners and conservation easement holders. These disputes are often related to differing interpretations of the easements and the protection of resources on the individual properties, and have led to decisions that imperil land conservation.

In the White Cloud case, the Virginia Supreme Court ultimately ruled against the enforcement of the easement terms. This ruling unfortunately makes it more likely that developers may target older easements as a way to loosen or undo the protections provided on specific properties, undermining the reason these properties were put under easement in the first place.

SB 621 hoped to mitigate this issue by ensuring that in the wake of easement ambiguity, the easement would be ruled in favor of conservation, as a way to protect natural resources and preserve the Commonwealth’s investment in conservation programs.

This legislation was unfortunately defeated on the Senate floor on a vote of 19-20, with one member absent from the chamber that day. An effort to revitalize the bill, using a rule that allows the missing member to vote, was also unsuccessful. We hope to revisit this important issue to ensure the long-term protection of Virginia’s highly successful land conservation programs.

Justice

Establishing Virginia’s Council on Environmental Justice

House Bill 1042 – Del. Charniele Herring (D-Alexandria)
Senate Bill 883 – Sen. Mamie Locke (D-Hampton)

Virginia LCV Position: ✓

After an Environmental Justice advisory council was abruptly disbanded in 2018, with questions about its authority, and in the middle of the heated fight over the Buckingham Air Compressor in

Moving Virginia’s school bus fleet away from diesel

Virginia LCV strongly supports converting Virginia’s school bus fleets to cleaner electric vehicles. Air pollution from diesel engines is dangerous to the health of Virginia’s children and to our environment, and we shouldn’t be using outdated, polluting fuel sources when better, cleaner technology exists.

In the first, published version of the 2020 Scorecard, Virginia LCV scored a House vote on Senate Bill 988, which would have opened the doors to Dominion Energy owning electric school buses and related infrastructure. We have since decided to remove this vote from our 2020 scores.

We opposed this legislation in the Senate on the grounds that it imposed no cost limitations on the program all while entrusting public transportation to an investor-owned utility whose profit model depends on maximizing capital spending. In the House, however, amended language reconciled this legislation to a House version containing more oversight and which we supported. Due to a breakdown in internal protocols, Virginia LCV erroneously continued to communicate our opposition to this bill, and the vote was scored accordingly, but by mistake. We regret this error.

We look forward to working at the General Assembly to drive fair, equitable, clean transportation policy in 2021.
Union Hill, Virginia now has a permanent body dedicated to protecting environmental quality for vulnerable communities.

This bill establishes the 27-member Virginia Council on Environmental Justice in order to advise the Governor on how to best protect vulnerable communities from disproportionate impacts of pollution and provide these same communities meaningful involvement in the decision-making process.

In putting this Council into statute, Virginia is at the forefront of the national effort to promote and ensure environmental justice for all. Many studies have shown disproportionate burdens placed on low-income communities, communities of color, and indigenous communities, such as pollution, hazardous workplace conditions, industrial operations and a lack of access to playgrounds, parks, and even nutritious foods. This legislation helps to ensure that such barriers are identified and subsequently addressed.

This important legislation passed 55-43 out of the House and 27-12 out of the Senate.

**Tasking DEQ with advancing environmental justice**

*House Bill 1162 – Del. Alfonso Lopez (D-Arlington)*

*Virginia LCV position: ✓*

Within the Commonwealth, people of color and low-income communities disproportionately bear the burden of pollution and environmental degradation. Vulnerable populations continue to face the harmful impacts of pollution, fossil fuel infrastructure, and climate change.

In recent years, Virginia’s Department of Environmental Quality has come under fire for ignoring or overlooking environmental justice considerations in the permitting process for polluting infrastructure that impacts these communities.

In order to mitigate and address this disparity, Virginia’s environmental agencies must work to ensure the welfare of these communities when making permitting and regulatory decisions.

As such, this legislation tasks the Department of Environmental Quality with furthering the goals of environmental justice, defining it as, “the fair treatment and meaningful involvement of every person, regardless of race, color, national origin or income, in the development, implementation, and enforcement of environmental laws, regulations, and policies.”

This legislation passed on party-line votes of 21-19 and 55-44 in both the Senate and House of Delegates.

2020 Bill Patrons
Where conservation victories begin at the General Assembly

Virginia LCV recognizes the efforts of legislators that promote and lead on conservation issues each session. These patron, who carried legislation supported by Virginia LCV and the larger conservation community, are acknowledged for the value of their commitment in each of their final scores. Note that though some members introduce multiple bills that receive Virginia LCV support, each member receives acknowledgment for only one patron credit in their final legislator score.

**Climate & Clean Energy**

Delegate Jeffrey Bourne - HB 868 Electric utilities; right to shop.

Delegate Karin Delaney - HB 547 Virginia Energy and Economy Transition Council; established, report. HB 408 Green job creation tax credit; extends sunset date. HB 414 Virginia Energy Plan; covenants regarding solar power, reasonable restrictions.

Delegate Nancy Guzzi - HB 654 Clean energy projects; authorizes DMME to sponsor a statewide financing program.

Delegate Elizabeth Guzman - HJ 136 Global warming; caused by human activity has resulted in a climate and ecological emergency.

Delegate Dan Helmer - HB 1297 State Corporation Commission; increases number of members.

Delegate Charniele Herrington - HB 981 Clean Energy and Community Flood Preparedness Act; definitions, funds, report.

Delegate Chris Hurst - HB 643 Pipeline construction; certification requirement, minimum diameter, stop work orders.

Delegate Jay Jones - HB 1132 Electric utility regulation; initial triennial review, requirements.

Delegate Mark Keam - HB 572 Distributed solar & other renewable energy; sales of electricity under third-party agreements.

Delegate Terry Kilgore – HB 754 Virginia Brownfield and Coal Mine Renewable Energy Grant Fund and Program; established. HB 1576 Electric utility regulation; energy efficiency programs.

Delegate Deloresuto Lopez – HB 1164 Environmental Quality, Department of; policy statement.

Delegate Martha Mugler - HB 134 Offshore Wind, Division of; established, report.

Delegate David Reid - HB 117 Electric vehicles; DMME to determine feasibility of a rebate program.

Delegate Suhas Subramanyam - HB 525 Greenhouse gas emissions; State Air Pollution Control Board to consider a statewide inventory. HB 528 Electric generation facilities; SCC shall determine retirement of facilities.

Delegate Rip Sullivan - HB 461 Renewable energy property; tax credit established. HB 1450 Electric utility regulation; energy efficiency standard, energy efficiency programs. HB 1526 Electric utility regulation; environmental goals.

Delegate Lee Ware - HB 167 Electric utilities; fuel cost recovery.

Delegate Rodney Willett – HB 633 Energy saving products; tax deduction. HB 672 State, regional, and local planning; climate change.

Senator Jennifer McClellan – SB 710 Distributed solar & other renewable energy; sales of electricity under third-party agreements. SB 851 Electric utility regulation; environmental goals.

Senator Scott Surovell - SB 634 Alternative and efficient energies; subsidies and effective clause.

**Water Quality**

Delegate Alex Askew - HB 797 Local school boards; lead testing, report, parental notification. HB 799 Child day programs; lead testing; portable water.

Delegate Hala Ayala - HB 1641 Coal ash ponds; definitions, testing private wells and public water supply wells, etc. HB 1642 Coal ash ponds; definitions, well monitoring program, wells near ponds.

Delegate Emily Brewer – HB 1612 Grays Creek; designating as component of Virginia Scenic Rivers System.

Delegate David Bulova – HB 520 Trees; DEQ to convene advisory to study planting or preservation, report.

Delegate Ronnie Campbell – HB 282 Maury River; designating a 19.25-mile segment as a component of the Virginia Scenic Rivers System.

Delegate Jenniffer Carrol Foy – HB 443 Coal combustion residuals impoundment; closures in Giles and Russell Counties.

Delegate Joshua Cole – HB 1624 Trees; conservation during land development process.

Delegate Kelly Convirs-Foxer – HB 858 Virginia Residential Property Disclosure Act, etc.; required disclosures. HJ 35 Albemarle-Pamlico Watershed in Virginia; Department of Environmental Quality to study. HJ 77
Coastal Flooding, Joint Subcommittee on; continued, appropriations.
Delegate James Edwards - HB 1601 Staunton River; designating as a State Scenic River.
DelegateD SCenic River.
Delegate Nancy Guy - HB 507 Release of balloons prohibited; civil penalty.
Delegate Elliott Gunzman - HB 586 PFDA, PFOS, and PFFAS; substances in public drinking water.
Delegate Cliff Hayes - HB 998 Floodplain; adoption of ordinances. HB 1089 Public schools; potable water.
Delegate Sally Hudson - HB 1712 Flood packaging; PFAS chemicals, penalty.
Delegate Chris Hurst - HB 644 Pipeline construction projects; violations, cumulative effect, civil penalties. HB 659 Pipelines; construction permits; amount of civil penalty for violation.
Delegate Jay Jones - HB 751 Virginia Community Flood Preparedness Fund; low-income loans, forgiveness of principal.
Delegate Mark Keam - HB 706 Offshore drilling; prohibition on leases, penalty. HB 641 Oil and gas; opposing exploration and drilling off the coast of Virginia.
Delegate Kaye Kory - HB 12157 Watering supplies and waterworks; maximum contaminant levels, effective date, report.
Delegate Rob Poole - HB 502 Litter tax; adds $100 to the existing penalty for delinquency. HB 89 Litter; DEQ to study impacts on fishing, etc.; in Virginia’s streams.
Delegate Joe Lindsey - HB 22 Virginia Community Flood Preparedness Fund; loan and grant program.
Delegate Alfonso Lopez - HB 1154 Litter taxes; increases annual amount of tax. HB 1192 Hazardous Substance Aboveground Storage Tank Fund; created.
Delegate Jason Malden - HB 5 Cliven River; designating segment in Tazewell County as part of the Clinch River Scenic State.
Delegate Martha Mugler - HB 221 Tree conservation ordinances. Chesapeake Bay Preservation Act locally, designated tree.
Delegate Ken Plum - HB 1422 Chesapeake Bay watershed implementation plan initiatives; nutrient management plans for Virginia. HB 4448 Menhaden; management of the fishery.
Delegate Sam Rasoul - HB 1257 Drinking water supplies and waterworks; maximum contaminant levels, effective date, report.
Delegate Ibrahim Samirah - HB 640 Product safety; liquid containers containing bisphenol A; prohibited, civil penalty.
Delegate Kathy Tran - HB 1205 Discharge deleterious substance in state waters; notice to citizens if detrimental to public health.
Delegate William Wampler - HB 1145 Pound River; designation as a Virginia Scenic river.
Delegate Lee Ware - HB 1673 Plastic bag tax; use of revenues.
Delegate Benton Chafin - HB 478 Clinch River; designating segment in Tazewell County as part of the Clinch River Scenic State. Senator Creigh Deeds - SB 621 Open-space and conservation easements; rule of construction.
Delegate Ghazala Hashmi - SB 407 American Revolution 250 Commission; established, membership, report, sunset provision.
Delegate Mamie Locke - SB 881 Historical African American Cemeteries and Graves Fund; created.
Delegate David Marsden - SB 1044 Wildlife Corridor Action Plan; created.
Delegate Chapman Petersen - SB 854 Virginia Urban Agriculture Advisory Council; created, report.
Delegate Frank W. Hall Jr. - SB 853 Partition of property; in partition actions the court shall order an appraisal of property.

**Good Government**
Delegate Joshua Cole - HB 131 Campaign finance; prohibited contributions to candidates.
Delegate Charriell Herrin - HB 1042 Environmental Justice, Virginia Council on; established.
Delegate Mark Keam - HB 704 Environmental justice; definitions, agency regulations, Virginia Environmental Justice Act, policy.
Delegate Mark Levine - HB 182 General Assembly; streaming and recording of meetings.
Delegate Alfonso Lopez - HB 1162 Environmental Quality, Department of; definition of environmental justice.
Delegate Jon Ward - HB 394 Diversity, Equity, and Inclusion; Director of; position created.
Delegate John Bell - SB 266 Campaign finance; prohibited contributions to candidates by public service corporations, etc.
Delegate Ghazala Hashmi - SB 406 Environmental justice; definitions, agency regulations, Virginia Environmental Justice Act, policy.
Delegate Nate Marshall - SB 883 Environmental Justice, Virginia Council on; established.
Delegate Chapman Petersen - SB 25 Campaign finance; prohibited contributions to candidates by public service corporations, etc.
Delegate David Suetterlin - SB 117 Campaign finance; reporting of certain contributions received immediately prior to session.

**Other**
Delegate Alfonso Lopez - HB 1136 Hazardous Waste Site Inventory; DEQ to publish, update annually.
Delegate Michael Mullin - HB 668 Field investigations permit; definitions, archaeologist qualifications, penalty. HB 1005 Uniform statewide Building Code; exceptions, provisions, and modifications.
Delegate Schuyler Van Valkenburgh - HB 272 Sixth grade science curriculum; DOE & DEQ to update.
Delegate Jon Ward - HB 805 Employment health and safety standards; heat illness prevention.
Delegate Ghazala Hashmi - HB 411 Employment health and safety standards; heat illness prevention.
Senator John Bell - SJ 32 Electric vehicles; DEQ to study the impact of and develop Clean Transportation Plan, report.
Senator Ghazala Hashmi - SB 911 Parking of vehicles; electric vehicle charging spots, civil penalties.
Senator Louise Lucas - SB 1038 Hampton Roads Regional Transit Program and Fund; created, transit funding.
Senator Tommy Norment - SJ 50 Commonwealth Corridor passenger rail service; DRPT to study feasibility of an east-west service.
Senator Dick Saslaw - SB 890 Transportation; amends numerous laws related to funds, safety programs, revenue sources, etc.
Senator Richard Stuart - SB 136 Handheld personal communications devices; holding devices while driving a motor vehicle.
Delegate J. Scott Surovell - SB 160 Handheld personal communications devices; holding devices while driving a motor vehicle, penalty.

**Land Conservation**
Delegate David Bulova - HB 1659 Wildlife Corridor Action Plan; created.
Delegate Matthew Faris - HB 1593 Historical African American cemeteries; adds a cemetery in Buchanan County.
Delegate Wendy Gooditis - HB 314 Historical African American cemeteries; a cemetery in Loudoun County.
Delegate Elizabeth Guzman - HB 1639 Rural lands; DEQ shall convene work group to discuss issue of disposal of debris on lands.
Delegate Cliff Hayes - HB 905 Historical African American cemeteries; adds a cemetery in City of Chesapeake.
Delegate Patrick Hope - HB 1605 Partition of property; in partition actions the court shall order an appraisal of property.
Delegate Chris Hurst - HB 210 Historical African American cemeteries; adds a cemetery in Montgomery County and City of Radford.
Delegate Paul Jones - HB 1424 American Revolution - 250 Commission; established, membership, report, sunset provision.
Delegate Alfonso Lopez - HB 95 Culpeper County; DCR to study establishing two state parks within county.
Delegate Delores Quinn - HB 1523 Historical African American Cemeteries and Graves Fund; created.
Delegate Michael Mullin - HB 665 Electrical transmission lines; effect on scenic assets, historic resources, and environment.
Delegate Ken Plum - HB 1621 Virginia Urban Agriculture Advisory Council; created, report.
Delegate David Suetterlin - HB 379 Historical African American cemeteries; adds three cemeteries in Arlington County.
Delegate Delores Quinn - HB 1310 Environmental Justice, Department of; notice of disposal of certain fill materials.
Delegate Tony Wit - HB 1234 Historical African American cemeteries; adds NewTown Cemetery in City of Harrisonburg.
## House Scorecard

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### Energy & Climate
- HB 167: Credible Energy & Climate
- HB 528: Credible Energy & Climate
- HB 572: Credible Energy & Climate
- HB 643: Credible Energy & Climate
- HB 706: Credible Energy & Climate
- HB 981: Credible Energy & Climate
- SB 1132: Credible Energy & Climate
- SB 886: Credible Energy & Climate
- HB 520: Credible Energy & Climate
- HB 533: Credible Energy & Climate
- SB 126: Credible Energy & Climate
- SB 318: Credible Energy & Climate
- HB 1422: Credible Energy & Climate
- HB 1449: Credible Energy & Climate
- SB 776: Credible Energy & Climate

### Water Quality
- HB 585: Water Quality & Climate
- HB 672: Water Quality & Climate
- HB 1392: Water Quality & Climate
- HB 1414: Water Quality & Climate
- HB 1485: Water Quality & Climate
- HB 1726: Water Quality & Climate
- HB 1128: Water Quality & Climate

### Land Use & Transportation
- HB 253: Land Use & Transportation
- HB 1042: Land Use & Transportation
- HB 1168: Land Use & Transportation

### Justice
- HB 263: Land Use & Transportation
- HB 1162: Land Use & Transportation

- = right
- X = wrong
- NV = Not Voting
- AB = Abstained

2020 Conservation Scorecard | 25
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### 2020 Conservation Scorecard

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**Energy & Climate**

- HB 167: Full Cost Recovery
- HB 528: SCC cost recovery
- HB 643: Heat pollution
- HB 1132: Overnight utility rate
- HB 1134: Fuel cost recovery
- HB 1026: Heat pollution
- SB 795: Conservation Act
- SB 581: Clean Energy Act
- SB 1027: Solar Energy Act
- SB 520: RGGI membership
- HB 1132: Overnight utility rate
- HB 1134: Fuel cost recovery
- HB 1134: Heat pollution
- HB 1134: Overnight utility rate
- HB 1134: Fuel cost recovery
- HB 1134: Heat pollution
- SB 795: Conservation Act
- SB 581: Clean Energy Act
- SB 1027: Solar Energy Act
- SB 520: RGGI membership
- HB 1132: Overnight utility rate
- HB 1134: Fuel cost recovery
- HB 1134: Heat pollution
- HB 1134: Overnight utility rate
- HB 1134: Fuel cost recovery
- HB 1134: Heat pollution
- SB 795: Conservation Act
- SB 581: Clean Energy Act
- SB 1027: Solar Energy Act
- SB 520: RGGI membership

**Water Quality**

- SB 107: Water quality
- SB 704: Bay WIP
- SB 776: Menhaden management
- SB 791: Living shorelines
- HB 585: Transit-oriented development
- SB 621: Easements validity
- HB 1352: Illegal waste sites
- SB 890: Transp. omnibus
- SB 1004: Wildlife corridors
- SB 1038: Regional transit fund

**Land Use & Transportation**

- HB 1042: Va. EJ council establishment
- SB 883: EJ; DEQ mission

**Justice**

- SB 104: Workers' compensation
- SB 1038: Regional transit fund

### Average

- Saslaw: 67%
- Spruill: 67%
- Stanley: 51%
- Stuart: 51%
- Suetterlein: 67%
- Surovell: 67%
- Vogel: 67%

Photo Credit: *Hayfield* by Kathy Russell of Front Royal | Courtesy of Scenic Virginia
July 5, the day after Independence Day, news finally broke that the environmental community had been hoping for for years: the Atlantic Coast Pipeline was dead.

After facing setback after setback, developers Dominion Energy and Duke Energy decided it was time to pull the plug on their multi-billion-dollar boondoggle.

Citing “ongoing delays” and “cost uncertainty” – the price of this project had increased from $5 billion to $8 billion – the corporate behemoths decided it was time to throw in the towel on the ACP, leaving in its wake a partially clear-cut right-of-way, but none of the severe environmental damage that we would have surely seen had the project proceeded.

The “ongoing delays” and “cost uncertainty” these companies cite are thanks to the grassroots efforts of activists all along this project’s route, the legal arm of the environmental community that went to bat in court, helping throw out flawed permit after flawed permit, and ceaseless, fierce opposition, which made the ACP and Dominion political lightning rods. These individual activists, landowners, and environmental groups deserve our thanks.

In addition to the strong opposition to the ACP, something else changed in Virginia: our energy and political landscape.

In 2020, the new Conservation Majority of Virginia lawmakers put an expiration date on burning fossil fuels to generate electricity in the Commonwealth, requiring utilities to instead harness clean, renewable energy. As a project originally pitched as necessary to keep the lights on in Virginia – which was never actually the case – the ACP no longer had a leg to stand on. How could a utility stand in front of regulators with a straight face and say this $8 billion investment was necessary when the gas – all of the gas – would have to be turned off by 2045?

They couldn’t, and they knew they didn’t have the votes in the legislature anymore to follow their typical playbook: when there’s an obstacle, change the laws and pocket the cash.

While the ACP is dead, Virginia’s Appalachian communities and our environment are not out of harm’s way. The Mountain Valley Pipeline remains a real threat to Southwest Virginia; it is an entirely different breed of pipeline and in an often-overlooked region of the state.

The developers of this pipeline, EQT Corporation and NextEra Energy, aren’t utilities; they’re natural gas companies. Our work is far from over.
gas developers that plan to sell gas into the larger marketplace. They’ve also run roughshod over Southwest Virginia. During some stretches of the construction phase they earned an environmental violation every day by sending loads of sediment into Virginia waterways, neighboring properties and roads. Virginia Attorney General Mark Herring sued MVP for $2.15 million, but only after the damage was done.

As of this writing, MVP still lacked a required federal permit called a Nationwide Permit 12, which would allow it to cross water bodies along its path. In a recent court ruling in Montana, a judge vacated the same permit for the Keystone XL Pipeline over concerns about impacts to endangered species that weren’t taken into account. The U.S. Army Corps of Engineers has suspended issuing these permits while looking into the flaws in its permitting process, meaning that for the time being the MVP can’t proceed. It shouldn’t.

Where Virginia’s regulatory agencies and the Northam Administration have failed on the Atlantic Coast Pipeline, they now have the opportunity to take decisive action by shutting down this destructive project once and for all.

The debate over energy in Virginia moving forward will no longer be about fossil fuels versus clean energy; it will be over what is the best form of clean energy that strikes the right balance between cost, equity and environmental impact.

In our 2018 scorecard, we used this same space for an article entitled “Stopping the pipelines: Not just a pipe dream.” We’re closer than ever to making that a reality.

Virginia LCV: Conservation’s Political Voice in the Commonwealth

The Virginia League of Conservation Voters is the political voice of conservation in the Commonwealth. We work tirelessly to protect all of Virginia’s treasured natural resources – clean air and water, thriving communities and rural landscapes, productive farms and forests, historic battlefields and Main Streets, and ample public lands and open spaces.

To do this, we advocate for and secure strong public policy at the state level, hold elected officials accountable for their positions on conservation issues, and endorse conservation-minded candidates to state office. Of the organizations in Virginia’s conservation community, Virginia LCV is unique in that we provide the political power of bringing legislators’ records on conservation issues to the forefront of their campaigns and the minds of their voters.

Conservation Accountability

Virginia LCV’s annual Conservation Scorecard provides the only comprehensive look at how legislators voted on the year’s most important conservation issues. From land conservation, to water quality, to transportation, to energy, the Scorecard provides an inside take on what happened in Richmond on a full spectrum of issues. Further, the Scorecard provides a distinctive and useful tool for voters as they choose who represents their conservation values in Richmond. As a constituent and a Conservation Voter, it is important for you to let your elected officials know you saw their scores. Thank those who helped protect Virginia’s natural resources and urge those who didn’t to do better.

Conservation Endorsements

As conservation’s political voice in the Commonwealth, Virginia LCV proudly endorses and seeks to elect and re-elect candidates to office who prioritize conservation. In addition to using the Conservation Scorecard, we issue an inclusive candidate questionnaire, research the dynamics of races, and lead candidate interviews to determine which candidates deserve our “conservation seal of approval.”

Virginia LCV’s endorsed candidates receive our guidance on how to make conservation issues a priority in their races, our financial support, and our outreach efforts to ensure Conservation Voters in their districts know of our endorsement. All of these factors are important to seeing our candidates win and to seeing a Conservation Majority in the legislature.

Conservation Advocacy

After candidates are sworn in, Virginia LCV staff and members work diligently to advocate for conservation values in the General Assembly. Our efforts are essential to guaranteeing legislators are best educated on the importance and value of protecting our natural resources and safeguarding our clean air, clean water and open spaces. The more they hear from us, and especially from you, the more victorious we will be.

Join Our Team

Check in at valcv.org to keep updated on what’s happening with conservation issues in Virginia. There, you can take important conservation actions, support our work, get updated on Virginia LCV news, and follow our positions on critical legislation during the General Assembly session.

Photo Credit: Harold Burnley of Kilmarnock | Courtesy of Scenic Virginia

Sunrise on Sharp Top Mountain
The Virginia League of Conservation Voters is the political voice of conservation in the Commonwealth. We work tirelessly to protect all of Virginia’s treasured natural resources – clean air and water, thriving communities and rural landscapes, productive farms and forests, historic battlefields and Main Streets, and ample public lands and open spaces.

Virginia LCV is a nonpartisan, nonprofit advocacy organization and gifts to it and its Political Action Committee are non-tax deductible.

Photo Credit: *Sunrise over Fog in the Shenandoah* by Thomas Hennessy of Mechanicsville | Courtesy of Scenic Virginia

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