

With 130-Mile Coast, New Jersey Marks a First in Climate Change Fight

Builders will be forced to take climate change, including rising sea levels, into account to win government approval for projects.



Gov. Philip D. Murphy, a Democrat, giving the State of the State address in Trenton, N.J., this month. Credit...Seth Wenig/Associated Press

By Tracey Tully

- Jan. 27, 2020, New York Times

New Jersey will become the first state to require that builders take into account the impact of climate change, including rising sea levels, in order to win government approval for projects, Gov. Philip D. Murphy announced on Monday.

The move by Mr. Murphy, a Democrat, is part of a [widening effort by states](#) to use regulations to address worsening climate conditions and to aggressively counteract the Trump administration's push to [roll back environmental regulations](#).

“This is not abstract for us,” Mr. Murphy said in an interview. “This is real. The dangers are there.”

New Jersey’s initiative is believed to be the broadest, and most specific, attempt to leverage land-use rules to control where and what developers can build, and to limit the volume of emissions that are spewed into the air.

“It gives us the ability to say no, or to say, ‘You have to do it differently,’” said Kathleen Frangione, the governor’s chief policy adviser.

Mr. Murphy, through executive order, will require the state Department of Environmental Protection to begin the process of drafting new regulations to be adopted by January 2022. The changes do not require legislative approval, but could face legal and political challenges.

Prominent Republicans quickly expressed their opposition.

“Phil Murphy might be forgetting that we still make the laws,” said Assemblyman Jon Bramnick, the Republican minority leader, adding that the proposal was certain to have a chilling effect on business growth. “If he’s going to roll out something that’s going to stop development in New Jersey, that calls for serious legislative hearings.”

Business and environmental leaders will be invited to participate in the rule-writing process, part of an effort to gain as much widespread support as possible.

Michael Egenton, executive vice president of governmental relations for the state Chamber of Commerce, said that he was not opposed to the regulation but that concerns from the business community had to be considered.

“You have to keep costs in mind, because we are in competition with New York, with Delaware, and surrounding states,” Mr. Egenton said.

Like other [states that have taken on climate change](#) in the absence of any action from the White House, New Jersey has set a goal of producing 100 percent clean energy by 2050. Many states, including [New York](#) and [California](#), have tried to create a bulwark against the dismantling of federal rules to combat climate change, and have joined together to [challenge President Trump’s rollbacks](#) in court.

The Trump administration, however, has [retaliated against efforts by states](#) to impose regulations that supplement or skirt relaxed federal standards. The clearest example of this was the [revocation of California’s ability](#) to set state-level standards on climate-warming tailpipe emissions that were stricter than the federal government’s.

In New Jersey, Mr. Murphy’s land-use initiative is in part a recognition that in order to reach its goals for reducing greenhouse gases, the state needed to add a new level of oversight to the building process to complement incentives aimed at changing individual and corporate behavior.

“You need the carrot and the stick,” said Shawn LaTourette, chief of staff at the Department of Environmental Protection. “We’ve put out a lot of carrots — incentives. But the regulation needs to be the stick.”

It is hard to dispute the impact of [climate change](#) on New Jersey and its [130 miles](#) of Atlantic Ocean coastline.

A [study](#) released in November by Rutgers University found that the sea level in New Jersey was rising more than two times faster than the global average. Since 1911, the sea level rose 1.5 feet, compared with the global mean of 0.6 feet.

It is expected to rise by as much as another foot by 2030, [the study found](#). At the same time, some coastal areas are undergoing subsidence, meaning they are [sinking](#).

In Atlantic City, [tidal flooding](#) occurs 10 times more frequently than it did in the middle of the last century. By 2050, Atlantic City could experience [high-tide flooding 120 days](#) a year, according to the Rutgers study.

“We are both drowning and sinking,” Mr. LaTourette said.

The rules, once adopted, are expected to add a new layer of oversight, forcing applicants that require Department of Environmental Protection permits and approvals to factor in how climate change is expected to impact the project, as well as the effect of its emissions on global warming.

The rules would also apply to the construction of state-funded projects and anything built with grants that pass through the department.



Image

A study released in November by Rutgers University found that the sea level in New Jersey was rising more than two times faster than the global average. Credit...Wayne Parry/Associated Press

A condo complex near the banks of a flood-prone river, a public school close to the ocean, natural-gas [pipelines](#) and carbon-emitting [power plants](#) would be among the kinds of projects affected by the new rules.

Being the first state to adopt such measures, Mr. Murphy said, sends a message to businesses in the green-energy economy that New Jersey is serious about its commitment to reducing reliance on fossil fuel, and encourages investment.

“The faster we move, the more credibly we move,” he said, “drives investment and jobs.”

Jeff Tittel, director of the New Jersey Sierra Club, said the proposal was a “good opening step.” But he said the urgency with which the D.E.P. moves to adopt the new rules, as well as the regulations’ final language, were essential variables.

“They come out with these great big pronouncements and then there’s no follow through,” he said. “And you’re sitting there waiting and waiting.”

In the meantime, he said, the governor — who is expected to run for re-election in November 2021, months before the final rules are set to be adopted — should use his existing power to freeze construction in environmentally sensitive areas that might be affected by the new regulations.

“We have to move quicker than two years,” Mr. Tittel said.

Experts in environmental laws and regulations said New Jersey’s effort appeared on its face to be novel.

“This is a big deal,” said Rob Moore, director of the water and climate team at the Natural Resources Defense Council. “For New Jersey to step to the forefront and say, ‘We’re going to look at future climate impacts, and that it’s going to be a driver of our decision-making’ — that’s exactly what all 50 states need to be doing.”

Jeanne Herb, director of the environmental analysis group at the Edward J. Bloustein School of Planning and Public Policy at Rutgers University, said the school issued a [report](#) in March that evaluated New Jersey’s climate-change policies in relation to 14 other states. Several other states, including [Rhode Island](#), are moving toward using land-use laws to confront coastal resiliency, she said.

“It would certainly seem that New Jersey would really be taking a big leap here,” Ms. Herb said.

She added: “This is a pretty big commitment to say they’re going to revise rules governing land use. It’s pretty innovative.”

Mr. Egenton, the state Chamber of Commerce official, said there was a recognition among business leaders that the time is ripe for a development approach that is more focused on resiliency. “I think we all, collectively, have to start thinking differently, start thinking smarter,” he said.

Details about the governor’s executive order came as part of an announcement on Monday about revisions to the state’s Energy Master Plan, a document intended to create a road map to reducing the state’s dependency on fossil fuel.

Once adopted, the land-use regulations could be unraveled by subsequent administrations, but Mr. Moore said that is easier said than done.

“If they hold to this timeline, that’s not a trivial exercise for a governor to redo,” he said. “There’s a whole process of justifying a rollback.”

Mr. LaTourette, the D.E.P. chief of staff, said the department was aware of the urgency and was fully committed to quickly moving forward. “It’s a watershed moment for us,” he said.

“Unless we want to send boats in to save everybody,” he added, “we can’t back down.”

