



State Legislative Priorities: 2021 Virginia Legislative Session

1. Prohibit the dispensing by food vendors of take-out, prepared food in single use polystyrene and Styrofoam food containers.

Delegate Betsy Carr (District 69, Richmond) sponsored HB533 that passed both houses of the state legislature in the 2020 session. To become law, it must be reauthorized by the 2021 Session of the General Assembly. It will soon be assigned a new bill number.

Throwaway Styrofoam containers are made with polystyrene, a petroleum-based plastic, so it is not remotely sustainable. Just like with aluminum foil, Styrofoam does not biodegrade, meaning it just takes up space in landfills or is burned, producing greenhouse gases. There are biodegradable alternatives. Dozens of jurisdictions nationwide have banned single-use Styrofoam food containers. Virginia should join them.

2. Automatically update Virginia's Uniform Statewide Building Code (USBC) to meet international standards in order to increase energy efficiency of residential and commercial buildings.

Senator Jennifer Boysko (District 33, Herndon) and Delegate Kay Kory (District 38, Fairfax) will carry bills that will mandate adoption of [International Energy Conservation Code](#) (IECC) codes within 12 months of publication and mandate local housing authorities implement codes.

Virginia's USBC lags far behind international standards and those of a majority of other states. To limit greenhouse gases (GHGs) and address energy poverty, Virginia needs to update the process by which the USBC is adopted. An easy way to do this would be to [emulate Maryland's requirement](#) that new IECC standards be adopted within 12 months of publication.

This is a consequential issue because:

- Buildings consume 52% of Virginia's energy, as reported by the U.S. Energy Information Administration.
- Our homes consume 25% of total energy use, commercial buildings consume 27%.

Every three years, the International Code Council updates construction standards that are used in most states, including Virginia, as the basis for construction codes. The standards include building energy efficiency standards for such things as insulation and the efficiency of heating and air conditioning systems. The current international standards require homes to be 25%

more energy efficient than Virginia's codes. The draft 2021 international standards will require new buildings be at least 10% more efficient than that.

Unfortunately, the current practice for updating Virginia's codes has given Virginia's homebuilders a veto, blocking progress for 12 years. Virginia's weak residential building energy efficiency standards increase operating costs for homebuyers and renters, jeopardize the health and safety of Virginians, needlessly squander energy, and increase GHG emissions.

3. Support a rapid transition to clean and equitable transportation.

Transportation produces almost half of Virginia's emissions of carbon dioxide, as well as particulate pollution that exacerbates health problems like asthma, especially for communities living near major roads. By contrast, the electricity that powers electric vehicles (EVs) generates only a third as much pollution per mile and will decrease further as the grid gets "greener." A swift transition to EVs will improve air quality, help combat the climate crisis, reduce health-care expenditures, and remedy the disproportional impact of air pollution on minority and low-income communities, all while helping to boost the Virginia economy. For all these reasons, FACS urges legislators to:

- Support the Advanced Clean Car Standards legislation being introduced by Delegate Lamont Bagby (District 74 – Richmond) to enable Virginia to join Maryland, 13 other states, and the District of Columbia in making cars cleaner and promoting consumer choice. These provisions include:
 - Low-Emission Vehicle (LEV) Standards that encourage manufacturers to limit the emissions from the overall fleet of cars they sell, lowering air pollution and combatting the climate crisis.
 - Zero-Emission Vehicle (ZEV) Standards that encourage manufacturers to sell an increasing number of EVs, decreasing harmful emissions while increasing consumer choice.

More than half of Virginia consumers say they would be likely to consider an EV for their next car purchase. However, EVs can be hard to find in Virginia. Clean Car legislation will remedy this problem, without increasing taxes or relying on government expenditures.

- Support the EV Rebate legislation being introduced by Delegate David Reid (District 32, Loudoun), which starting in 2022 would offer rebates for the purchase of EVs (battery electric cars, plug-in hybrids, and hydrogen fuel-cell cars if they become available).
 - Rebates would cover new and used vehicles, at the point of sale, with enhanced rebates for low- and moderate-income buyers.
 - Such incentives have worked well in other states to speed the transition to electric vehicles and the many benefits they bring. Virginia should adopt this strategy as well.

Decarbonizing transportation will work in concert with the Virginia Clean Economy Act adopted by the 2020 General Assembly, and help to make Virginia a cleaner, healthier, and more prosperous state that is especially attractive to families and businesses. The time to act is now.

4. Establish a Green Bank in Fairfax County to speed the transition to a clean-energy economy and fight climate change.

Delegate Kaye Kory (District 38, Fairfax) will patron 2021 legislation to create an exception to the Dillon Rule that will enable Fairfax County to establish a green bank.

There are 15 Green Banks in the U.S., from Hawaii to Rhode Island, including three in our region: the [DC Green Bank](#), the [Montgomery County Green Bank](#), and the [Climate Access Fund of Baltimore](#). Several different Green Bank models exist, but all facilitate projects in low- to moderate-income (LMI) communities that otherwise might not receive financing.

- Green Banks drive clean energy investment from multiple sources, working with developers, investors, and others to identify projects to finance.
- They are usually not primary lenders, but insure loans made by credit unions or banks. They may also offer loans, leases, and other financing services to close funding gaps.
- They help homeowners, owners of multifamily rentals, small businesses, and renewable energy companies to fund improved energy efficiency and construction of green infrastructure.
- These investments reduce energy burdens, create healthier living and working environments, foster a more resilient economy, and help achieve greenhouse gas (GHG) reduction goals.

Ultimately, Green Banks create jobs, since installing a solar panel or upgrading the efficiency of a building means hiring labor – and most of these jobs do not need advanced degrees. A solar panel installer or construction worker upgrading the energy efficiency of homes and businesses can be a young person seeking a first job, a laid-off low-income worker, or a person of color looking for a leg up. This directly fits into the County’s vision of One Fairfax.

5. Incentivize the preservation of large, mature trees in all types of development projects.

It is critical that the Virginia tree code be improved to help stop the loss of tree canopy. A tree code improvement bill for the 2021 General Assembly Session has been developed by the Virginia Conservation Network that FACS supports, though a patron has not yet been declared.

The bill asks for changes to Virginia tree code §15.2-961 and §15.2-961.1 that will:

- Allow any locality struggling to achieve air quality standards to adopt more comprehensive tree conservation language.
- No longer require that counties after five years must return unspent tree fund (bank) monies back to the originator/developer.
- Allow local tree conservation ordinances to exceed state code requirements **IF** the locality is either:
 - a) dealing with mitigation of sea level rise and recurrent flooding in a Chesapeake Bay Preservation Act area;

- b) using trees to generate pollution reduction credits to achieve the locality's Municipal Separate Storm Sewer System (MS4) permits;
- c) dealing with development projects located in previously redlined areas; or
- d) ensuring conformity with the locality's comprehensive plan.

FACS believes the VCN bill will bring positive changes to the Virginia code for the betterment of tree canopy preservation, and thus deserves statewide support.

Trees remove carbon from the air, improve air quality, reduce stormwater run-off, and moderate summer heat. A healthy, extensive tree canopy can help mitigate the climate crisis and improve the quality of life. Broad swaths of concrete with little tree cover (e.g., transportation corridors, large parking lots near affordable housing) lead to health risks from heat islands, more stormwater flooding, and increased pollution. Increasing the tree canopy can address environmental injustices in affected neighborhoods – and a healthy tree canopy will help increase energy efficiency, a big part of any climate resiliency plan.