

## The 2021 Legislative Session and Indiana's Environment: The Hoosier Environmental Council's Outlook (April 24, 2021)

"Few legislative sessions have been as challenging to Indiana's environment as this one. Big special interests and deeply ideological lawmakers had deep imprints on this session. But the Hoosier Environmental Council and our allies did achieve important victories for Indiana's environment - victories that we feel grateful to announce on this Earth Day. Our successes rest on unwavering grassroots organizing, continuous engagement with legislative allies on both sides of the aisle, and public engagement through an array of means. Achieving the public good in Indiana requires resilience and vigor on the part of public interest groups like ours, everyday citizens, environmental-minded businesses, faith groups, and community groups. Our efforts are not yet done for the session: We are calling on Governor Holcomb to veto both SEA 389 and HEA 1191 -- to make good on the Governor's commitment to take our state to the next level." stated Jesse Kharbanda, Executive Director, Hoosier Environmental Council.

### **I.) Our Successes in the 2021 Legislative Session**

#### **1.) Improving the Health of Hoosiers**

##### *A. Defending access to the courts for victims of pollution*

1. SB 411: Had it passed, this bill would have effectively stripped victims of pollution from being able to obtain relief in court if the offending polluter was otherwise compliant with env. laws.
2. Our impact: HEC's combination of timely legal analysis demonstrating the danger of the measure and targeted grassroots/grasstops organizing helped stop this bill from being heard.

##### *B. Preventing the further influence of agency decision-making by polluters*

1. HB 1436: Could have, in its original form, deterred IDEM and DNR from taking needed, lawful action to tighten environmental protections, for fear of having to pay the legal fees of polluters in the event that the agencies' decisions were reversed in court.
2. Our impact: HEC's timely legal analysis and engagement with key state agencies played an important role in the considerable weakening of this dangerous original bill.

##### *C. Protecting cities from factory farm pollution on their outskirts*

1. HB 1337: One troubling provision in this bill would have barred local governments from being able to regulate factory farms and logging operations on their outskirts.
2. Our impact: Our continuous engagement with legislators and our grassroots organizing helped get this language stripped out of the bill in the Senate.

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### 2.) Protecting Land and Water

#### *A. Standing up for Indiana-protected wetlands*

1. SEA 389: Would eliminate protections for the vast majority of the remaining state-protected wetlands in Indiana. The bill heads to the Governor for signature; HEC and our allies are calling for a veto of SEA 389.
2. Our Impact: HEC was a key leader among a large, diverse array of organizations – totaling 90 groups – that were united in their opposition to this historically damaging bill. Without our collective action, the bill headed to the Governor would be even worse, given that the Senate-passed version would have completely eliminated protection for state wetlands.

#### *B. Maximizing the benefits to our land, water, and wildlife from solar energy farms*

1. HB 1381: While the underlying aim of HB 1381 was good (to accelerate renewables development), the bill had it passed, would have, for all practical purposes, stripped local governments of the right to require pollinator-friendly solar, which would have been a major setback to efforts to realize community-supporting solar energy, in terms of stormwater control, soil & water conservation, pollinator habitat, and rural beauty. This is a very consequential issue since the solar energy land footprint in Indiana could rival the size of our state park system by the end of the decade.
2. Our Impact: We helped successfully defend the right of local governments to continue to enact pollinator-friendly solar ordinances. (12 counties have enacted such ordinances so far.)

#### *C. Protecting our open spaces*

1. HEA 1001: Will make a historic \$25 million investment in open space protection and a \$60 million investment in trails development.
2. Our Impact: HEC has been a key coalition leader in the effort to expand open spaces in Indiana for many years, through our continuous grasstops organizing and legislative engagement.

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### 3.) Standing Up for a Sustainable Economy

*Safeguarding the financial sustainability of Indiana's largest transit agency*

1. SB 141/HEA 1191: Would have seriously impaired the finances of Indiana's largest transit agency, IndyGo, needlessly limiting the ongoing expansion of bus service in Indianapolis.
2. Our impact: HEC was one of several key statewide organizations who joined multiple local organizations to push back against these policy measures through grassroots organizing and legislative engagement.

## II.) Serious Headwinds in the 2021 Legislative Session

### ***1.) Resisting a bill that will impair cities from reducing their community's carbon footprint***

1. HEA 1191, which strips cities and counties of the ability to pursue key carbon-cutting policies, is advancing to the Governor. HEC and our allies are calling for a veto.
2. Our Impact: HEC worked to advance two pro-public health amendments on the Senate floor; while these did not advance, the debate around these amendments brought increased public attention to the harm of this bill to public health.

### ***2.) Laying the Groundwork for Future Success***

A. Climate-friendly forestry and farming legislation, SB 373; died in conference committee

Our impact: We helped bring this bill to the very end of the legislative process (i.e., the conference committee phase) and helped draw in a number of bipartisan sponsors of the bill.

B. Coal ash legislation, SB 367, HB 1469; not heard in Committee

Our impact: HEC helped draft this legislation & recruited bipartisan sponsors of the Senate bill.

C. Factory farm reform legislation, HB 1472; not heard in Committee

Our impact: HEC drafted this legislation and recruited bipartisan sponsors for this bill.

D. Solar energy (PACE financing) legislation, SB 405; solar language removed from bill, and then heard in Committee

Our impact: HEC briefed the eventual sponsor of this bill – a person who is uniquely qualified to advance this bill in future legislative sessions.