



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2024**

ON THE FOLLOWING MEASURE:

S.C.R. NO. 106 AND S.R. NO. 88, URGING THE DEPARTMENT OF HEALTH, DEPARTMENT OF TRANSPORTATION, AND DEPARTMENT OF LAND AND NATURAL RESOURCES TO TAKE ACTION TO REDUCE THE CARBON EMISSIONS ARISING FROM AIRPLANE TRANSPORTATION TO AND FROM THE STATE.

BEFORE THE:

SENATE COMMITTEES ON TRANSPORTATION AND CULTURE AND THE ARTS AND ON AGRICULTURE AND ENVIRONMENT

DATE: Thursday, March 28, 2024 **TIME:** 3:00 p.m.

LOCATION: State Capitol, Room 224 and Videoconference

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Lyle T. Leonard, Deputy Attorney General

Chairs Lee and Gabbard and Members of the Committees:

The Department of the Attorney General provides the following comments.

The purpose of these resolutions is to urge the Department of Health, Department of Transportation, and the Department of Land and Natural Resources (the Departments) to: (1) take action to reduce the carbon emissions arising from airplane transportation to and from the State (SCR page 2, lines 16-20; SR page 2, lines 12-15); and (2) develop proposals to submit to the Legislature and the Governor forty days or more prior to the beginning of the Regular Session of 2025 (SCR page 2, lines 22-28; SR page 2, lines 17-23).

Under the Supremacy Clause, article VI, paragraph 2, of the U.S. Constitution, state law is subordinate to federal law. Some of the actions requested of the Departments in the proposed resolutions may conflict with the federal Clean Air Act (CAA) if they became law. The CAA provides that:

No State or political subdivision thereof may adopt or attempt to enforce any standard respecting emissions of any air pollutant from any aircraft or engine thereof unless such standard is identical to a standard applicable to such aircraft under this part.

42 U.S.C. § 7573.

In addition, the resolutions suggest that the Departments could take actions that may conflict with the federal Airline Deregulation Act (ADA). The ADA provides that:

Except as provided in this subsection, a State, political subdivision of a State, or political authority of at least 2 States may not enact or enforce a law, regulation, or other provision having the force and effect of law related to a price, route, or service of an air carrier that may provide air transportation under this subpart.

49 U.S.C. § 41713(b)(1).

The resolutions provide that the State may take action by “requiring airlines operating in the State to use technology which has a lower carbon output” (SCR page 2, lines 5-6; SR page 2, lines 1-2) or by “adjusting the number of visitors coming to the State” (SCR page 2, line 4-5; SR page 1, line 34, to page 2, line 1). Such requirements on airlines or attempts to limit the numbers of visitors by the Departments may be preempted as they apply either to emissions of the aircraft directly and/or price, route, or service of the air carrier.

Thank you for the opportunity to provide comments.

Citizens' Climate Lobby Hawaii
hi.ccl.lobby@gmail.com
cclhawaii.org



March 26, 2024

SUPPORT FOR SCR106

Dear Chairs Lee and Gabbard, Vice Chairs Inouye and Richards, and Members of the TCA and AEN Committees:

Citizens' Climate Lobby (CCL) Hawaii supports SCR106, which urges "THE DEPARTMENT OF HEALTH, DEPARTMENT OF TRANSPORTATION, AND DEPARTMENT OF LAND AND NATURAL RESOURCES TO TAKE ACTION TO REDUCE THE CARBON EMISSIONS ARISING FROM AIRPLANE TRANSPORTATION TO AND FROM THE STATE."

CCL Hawaii comprises over 1000 members across Hawaii. We advocate for effective, efficient, and fair climate legislation. We support **SCR106** as it moves the state toward reducing this enormously significant source of carbon emissions.

The Hawaii State Greenhouse Gas Inventory estimated that the travel of visitors alone to the state in 2019 generated 18 million tons of CO₂ (equivalent) emissions, compared to Hawaii's Stationary Combustion (electricity generation from power plants, petroleum refineries, etc.) at 7.8 million tons CO₂(e), and all emissions from ground transportation in the islands at 4 million tons CO₂(e).

As an example of actions that might be taken, the World Wildlife Fund suggests these possible solutions to reducing carbon emissions from air travel:

- Promoting alternatives to air travel
- Increasing aircraft fuel efficiency
- Developing more sustainable aviation fuels—whether liquid fuels or electricity
- Removing carbon from the atmosphere through investment in renewable energy, carbon credits, and nature-based climate solutions
- Mitigating the effects of non-CO₂ exhaust in the atmosphere

(<https://www.worldwildlife.org/initiatives/>)

Thank you for this opportunity to testify. **Please support SCR106.**

Respectfully,
Ruth Robison for
Citizens' Climate Lobby Hawai'i

Citizens' Climate Lobby (CCL) is a nonprofit, nonpartisan, grassroots advocacy organization focused on national policies to address climate change solutions. CCL Hawaii's 900+ members are part of a 180,000+ global organization. For more information, visit citizensclimatelobby.org.



March 28, 2024

**TESTIMONY ON SCR 106 / SR 88
URGING THE DEPARTMENT OF HEALTH, DEPARTMENT OF TRANSPORTATION,
AND DEPARTMENT OF LAND AND NATURAL RESOURCES TO TAKE ACTION TO
REDUCE THE CARBON EMISSIONS ARISING FROM AIRPLANE TRANSPORTATION
TO AND FROM THE STATE.**

Senate Committee on Transportation and Culture and the Arts
The Honorable Chris Lee, Chair
The Honorable Lorraine R. Inouye, Vice Chair

Senate Committee on Agriculture and Environment
The Honorable Mike Gabbard, Chair
The Honorable Herbert M. Richards, III, Vice Chair

March 28, 2024, 3:00pm
Conference Room 224
State Capitol 415 South Beretania Street

Chairs Lee and Gabbard, Vice Chairs Inouye and Richards, and members of the Committees,

Thank you for the opportunity to provide comments on SCR 106 / SR 88, which urges the Department of Health, Department of Transportation and Department of Land and Natural Resources to take action to reduce the carbon emissions arising from airplane transportation to and from the state.

Aviation emissions represent a very small part of overall global carbon emissions. Nonetheless, aviation represents a higher proportion of Hawaii's fossil fuel usage, given our unique dependence on air transportation and relatively limited utilization of road fuel. Within Hawaii, it is worth noting that aviation fuel usage is driven predominantly (estimated about 90%) by long-haul travel; with its short flight distances, the intrastate flying on which our community depends drives relatively little fuel consumption. In order to address the existential threat of human-caused climate change, airlines in the U.S. have all committed to reach net-zero in the decades to come.

In line with the broader aviation industry, we view sustainable aviation fuel (SAF) as the most promising technology to advance aviation decarbonization. The U.S. airline industry has pledged to work with government leaders and other stakeholders to make 3 billion gallons of cost-competitive SAF available to U.S. aircraft operators in 2030. SAF is a proven, drop-in fuel, meaning that it is certified for use in existing aircraft engines, pipelines, and storage infrastructure, as long as it is blended up to 50% with conventional jet fuel. SAF can bring meaningful reductions in aviation carbon emissions, with lifecycle emissions intensity up to 50 to 80% lower than conventional jet fuel.

The reality is that while promising alternatives to jet engines lie beyond the horizon, the commercial aviation industry's excellent safety record relies on incremental adoption of new technology. The advantage of SAF is that it is already being used in today's aircraft and engines,



which makes it one of the only credible means of reaching decarbonization goals between now and 2050.

The challenge with SAF is that it is not yet commercially viable, and it is not available at scale, and therefore incentives are needed to drive adoption in the near term. Objective economic analyses have demonstrated that the higher cost of SAF vs. jet fuel today is driven by two factors: (1) the maturity of manufacturing technologies, and (2) the lack of scale in production. Incentives and credits, therefore, are not a perpetual need but a bridge to get biofuel production to maturity and scale, when it can compete successfully against traditional petroleum-based fuels.

Other U.S. states, such as California, Oregon, Washington, Illinois and Minnesota, provide state-level incentives to advance SAF in their states. The State of Hawaii has established an ambitious target to achieve economy-wide net-zero emissions by 2045, and aviation emissions comprise about 50 percent of Hawaii's transportation emissions. If Hawaii wants to attract supply of SAF to address its aviation emissions, it will need incentives that are competitive with other U.S. states. As long as there is scarcity of supply, volume will go to the markets which provide the most value.

At Hawaiian Airlines, we are actively sourcing SAF in those U.S. West Coast markets that provide incentives, investing in technologies to scale SAF, and working to advance SAF here in Hawaii. In 2023, we entered into a long-term offtake agreement with biofuel company Gevo for 50 million gallons of SAF delivered over five years in California, starting in 2029. We also made a strategic investment in United Airlines Ventures Sustainable Flight Fund, an investment fund focused on investing in technologies to scale SAF. And here in Hawaii, back in 2022, we established a partnership with Par Hawaii to explore the viability of locally produced SAF. As part of our partnership with Par Hawaii, we engaged outside consultants to evaluate the different policy options to support SAF in Hawaii. Together with our partners, we introduced a bill in the 2024 legislative session aimed at advancing renewable fuels, including SAF, here in our home state. We are also one of the founding members of a broad coalition of organizations from diverse sectors who believe that it is important to advance the dialogue around renewable fuels in Hawaii.

Scaling supply of cost-competitive SAF will be critical to reducing emissions in the aviation sector, which is an essential part of thriving economy here in Hawaii. It will require cross-sector collaboration among airlines, fuel producers, feedstock producers, states and the federal government to decarbonize aviation. We look forward to continuing to work collaboratively with the State of Hawaii and other stakeholders to advance the supply of cost-competitive SAF in Hawaii.

Thank you for the opportunity to provide comments on this resolution.

Mahalo,

Alanna James
Managing Director, Sustainability Initiatives
Hawaiian Airlines

SCR-106

Submitted on: 3/23/2024 2:15:06 PM

Testimony for TCA on 3/28/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jacqueline S. Ambrose	Individual	Support	Written Testimony Only

Comments:

Aloha,

Yes to:- URGING THE DEPARTMENT OF HEALTH, DEPARTMENT OF TRANSPORTATION, AND DEPARTMENT OF LAND AND NATURAL RESOURCES TO TAKE ACTION TO REDUCE THE CARBON EMISSIONS ARISING FROM AIRPLANE TRANSPORTATION TO AND FROM THE STATE.