

110TH CONGRESS
2D SESSION

H. R. 5867

To establish a grant program to assist retail power providers with the establishment and operation of energy conservation programs using targeted residential tree-planting, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 22, 2008

Ms. MATSUI introduced the following bill; which was referred to the
Committee on Energy and Commerce

A BILL

To establish a grant program to assist retail power providers with the establishment and operation of energy conservation programs using targeted residential tree-planting, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Energy Conservation
5 Through Trees Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

1 (1) the utility sector is the largest single source
2 of greenhouse gas emissions in the United States
3 today, producing approximately one-third of the
4 country's emissions;

5 (2) heating and cooling homes accounts for
6 nearly 60 percent of residential electricity usage in
7 the United States;

8 (3) shade trees planted in strategic locations
9 can reduce residential cooling costs by as much as
10 30 percent;

11 (4) shade trees have significant clean-air bene-
12 fits associated with them;

13 (5) every 100 healthy large trees removes about
14 300 pounds of air pollution (including particulate
15 matter and ozone) and about 15 tons of carbon diox-
16 ide from the air each year;

17 (6) tree cover on private property and on newly-
18 developed land has declined since the 1970s, even
19 while emissions from transportation and industry
20 have been rising; and

21 (7) in over a dozen test cities across the United
22 States, increasing urban tree cover has generated
23 between two and five dollars in savings for every dol-
24 lar invested in such tree planting.

1 **SEC. 3. DEFINITIONS.**

2 As used in this Act:

3 (1) The term “Secretary” refers to the Sec-
4 retary of Energy.

5 (2) The term “retail power provider” means
6 any entity authorized under applicable State or Fed-
7 eral law to generate, distribute, or provide retail
8 electricity, natural gas, or fuel oil service.

9 (3) The term “tree-planting organization”
10 means any nonprofit or not-for-profit group which
11 exists, in whole or in part, to—

12 (A) expand urban and residential tree
13 cover;

14 (B) distribute young trees for planting;

15 (C) increase awareness of the environ-
16 mental and energy-related benefits of trees;

17 (D) educate the public about proper tree
18 planting, care, and maintenance strategies; or

19 (E) carry out any combination of the fore-
20 going activities.

21 (4) The term “tree-siting guidelines” means a
22 comprehensive list of science-based measurements
23 outlining the species and minimum distance required
24 between trees planted pursuant to this Act, in addi-
25 tion to the minimum required distance to be main-
26 tained between such trees and—

- 1 (A) building foundations;
- 2 (B) air conditioning units;
- 3 (C) driveways and walkways;
- 4 (D) property fences;
- 5 (E) preexisting utility infrastructure;
- 6 (F) septic systems;
- 7 (G) swimming pools; and
- 8 (H) other infrastructure as deemed appro-
9 priate.

10 **SEC. 4. PURPOSES.**

11 The purpose of this Act is to establish a grant pro-
12 gram to assist retail power providers with the establish-
13 ment and operation of targeted residential tree-planting
14 programs, for the following purposes:

15 (1) Reducing the peak-load demand for elec-
16 tricity in residential areas during the summer
17 months through direct shading of buildings provided
18 by strategically planted trees.

19 (2) Reducing wintertime demand for energy in
20 residential areas by blocking cold winds from reach-
21 ing homes, which lowers interior temperatures and
22 drives heating demand.

23 (3) Protecting public health by removing harm-
24 ful pollution from the air.

1 (4) Utilizing the natural photosynthetic and
2 transpiration process of trees to lower ambient tem-
3 peratures and absorb carbon dioxide, thus mitigating
4 the effects of climate change.

5 (5) Lowering electric bills for residential rate-
6 payers by limiting electricity consumption without
7 reducing benefits.

8 (6) Relieving financial and demand pressure on
9 retail power providers that stems from large peak-
10 load energy demand.

11 (7) Protecting water quality and public health
12 by reducing stormwater runoff and keeping harmful
13 pollutants from entering waterways.

14 (8) Ensuring that trees are planted in locations
15 that limit the amount of public money needed to
16 maintain public and electric infrastructure.

17 **SEC. 5. GENERAL AUTHORITY.**

18 (a) ASSISTANCE.—The Secretary is authorized to
19 provide financial, technical, and related assistance to retail
20 power providers to assist with the establishment of new,
21 or continued operation of existing, targeted residential
22 tree-planting programs.

23 (b) PUBLIC RECOGNITION INITIATIVE.—In carrying
24 out the authority provided under this Act, the Secretary
25 shall also create a national public recognition initiative to

1 encourage participation in tree-planting programs by re-
2 tail power providers.

3 (c) ELIGIBILITY.—Only those programs which utilize
4 targeted, strategic tree-siting guidelines to plant trees in
5 relation to residence location, sunlight, and prevailing
6 wind direction shall be eligible for assistance under this
7 Act.

8 (d) REQUIREMENTS.—In order to qualify for assist-
9 ance under this Act, a tree-planting program shall meet
10 each of the following requirements:

11 (1) The program shall provide free or dis-
12 counted shade-providing or wind-reducing trees to
13 residential consumers interested in lowering their
14 home energy costs.

15 (2) The program shall optimize the electricity-
16 consumption reduction benefit of each tree by plant-
17 ing in strategic locations around a given residence.

18 (3) The program shall either—

19 (A) provide maximum amounts of shade
20 during summer intervals when residences are
21 exposed to the most sun intensity; or

22 (B) provide maximum amounts of wind
23 protection during fall and winter intervals when
24 residences are exposed to the most wind inten-
25 sity.

1 (4) The program shall use the best available
2 science to create tree siting guidelines which dictate
3 where the optimum tree species are best planted in
4 locations that achieve maximum reductions in con-
5 sumer energy demand while causing the least disrup-
6 tion to public infrastructure, considering overhead
7 and underground facilities.

8 (5) The program shall receive certification from
9 the Secretary that it is designed to achieve the goals
10 set forth in paragraphs (1) through (4). In desig-
11 nating criteria for such certification, the Secretary
12 shall collaborate with the United States Forest Serv-
13 ice's Urban and Community Forestry Program to
14 ensure that certification requirements are consistent
15 with such above goals.

16 (e) NEW PROGRAM FUNDING SHARE.—The Sec-
17 retary shall ensure that no less than 30 percent of the
18 funds made available under this Act are distributed to re-
19 tail power providers which—

20 (1) have not previously established or operated
21 qualified tree-planting programs;

22 (2) are operating qualified tree-planting pro-
23 grams which were established no more than three
24 years prior to the date of enactment of this Act.

1 **SEC. 6. AGREEMENTS BETWEEN ELECTRICITY PROVIDERS**
2 **AND TREE-PLANTING ORGANIZATIONS.**

3 (a) GRANT AUTHORIZATION.—In providing assist-
4 ance under this Act, the Secretary is authorized to award
5 grants only to retail power providers that have entered
6 into binding legal agreements with nonprofit tree-planting
7 organizations.

8 (b) CONDITIONS OF AGREEMENT.—Those agree-
9 ments between retail power providers and tree-planting or-
10 ganizations shall set forth conditions under which non-
11 profit tree-planting organizations shall provide targeted
12 residential tree-planting programs which may require
13 these organizations to—

14 (1) participate in local technical advisory com-
15 mittees responsible for drafting general tree-siting
16 guidelines and choosing the most effective species of
17 trees to plant in given locations;

18 (2) coordinate volunteer recruitment to assist
19 with the physical act of planting trees in residential
20 locations;

21 (3) undertake public awareness campaigns to
22 educate local residents about the benefits, cost sav-
23 ings, and availability of free shade trees;

24 (4) establish education and information cam-
25 paigns to encourage recipients to maintain their
26 shade trees over the long term;

1 (5) serve as the point of contact for existing
2 and potential residential participants who have ques-
3 tions or concerns regarding the tree-planting pro-
4 gram;

5 (6) require tree recipients to sign agreements
6 committing to voluntary stewardship and care of
7 provided trees;

8 (7) monitor and report on the survival, growth,
9 overall health, and estimated energy savings of pro-
10 vided trees up until the end of their establishment
11 period which shall be no less than five years; and

12 (8) ensure that trees planted near existing
13 power lines will not interfere with energized elec-
14 tricity distribution lines when mature, and that no
15 new trees will be planted under or adjacent to high-
16 voltage electric transmission lines without prior con-
17 sultation with the applicable retail power provider
18 receiving assistance under this Act.

19 (c) LACK OF NONPROFIT ORGANIZATION.—If quali-
20 fied nonprofit or not-for-profit tree planting organizations
21 do not exist or operate within areas served by retail power
22 providers applying for assistance under this Act, the re-
23 quirements of this section shall apply to binding legal
24 agreements entered into by such retail power providers
25 and one of the following entities—

1 (1) local municipal governments with jurisdic-
2 tion over the urban or suburban forest;

3 (2) the State Forester for the State in which
4 the tree planting program will operate; or

5 (3) the United States Forest Service's Urban
6 and Community Forestry representative for the
7 State in which the tree-planting program will oper-
8 ate.

9 **SEC. 7. TECHNICAL ADVISORY COMMITTEES.**

10 (a) DESCRIPTION.—In order to qualify for assistance
11 under this Act, the retail power provider shall establish
12 and consult with a local technical advisory committee
13 which shall provide advice and consultation to the pro-
14 gram, and may—

15 (1) design and adopt an approved plant list
16 that emphasizes the use of hardy, noninvasive tree
17 species and, where geographically appropriate, the
18 use of native or low water-use shade trees or both;

19 (2) design and adopt planting, installation, and
20 maintenance specifications and create a process for
21 inspection and quality control;

22 (3) ensure that tree recipients are educated to
23 care for and maintain their trees over the long term;

24 (4) help the public become more engaged and
25 educated in the planting and care of shade trees;

1 (5) prioritize which sites receive trees, giving
2 preference to locations with the most potential for
3 energy conservation and secondary preference to
4 areas where the average annual income is below the
5 regional median; and

6 (6) assist with monitoring and collection of data
7 on tree health, tree survival, and energy conservation
8 benefits generated under this Act.

9 (b) COMPENSATION.—Individuals serving on local
10 technical advisory committees shall not receive compensa-
11 tion for their service.

12 (c) COMPOSITION.—Local technical advisory commit-
13 tees shall be composed of representatives from public, pri-
14 vate, and nongovernmental agencies with expertise in de-
15 mand-side energy efficiency management, urban forestry,
16 or arboriculture, and shall be composed of the following:

17 (1) Up to 4 persons, but no less than one per-
18 son, representing the retail power provider receiving
19 assistance under this Act.

20 (2) Up to 4 persons, but no less than one per-
21 son, representing the local tree-planting organization
22 which will partner with the retail power provider to
23 carry out this Act.

24 (3) Up to 3 persons representing local nonprofit
25 conservation or environmental organizations. Pref-

1 erence shall be given to those entities which are or-
2 ganized under section 501(c)(3) of the Internal Rev-
3 enue Code of 1986, and which have demonstrated
4 expertise engaging the public in energy conservation,
5 energy efficiency, or green building practices or a
6 combination thereof, such that no single organiza-
7 tion is represented by more than one individual
8 under this subsection.

9 (4) Up to 2 persons representing a local afford-
10 able housing agency, affordable housing builder, or
11 community development corporation.

12 (5) Up to 3, but no less than one, persons rep-
13 resenting local city or county government for each
14 municipality where a shade tree-planting program
15 will take place; at least one of these representatives
16 shall be the city or county forester, city or county
17 arborist, or functional equivalent.

18 (6) Up to one person representing the local gov-
19 ernment agency responsible for management of
20 roads, sewers, and infrastructure, including but not
21 limited to public works departments, transportation
22 agencies, or equivalents.

23 (7) Up to 2 persons representing the nursery
24 and landscaping industry.

1 (8) Up to 3 persons representing the research
2 community or academia with expertise in natural re-
3 sources or energy management issues.

4 (d) CHAIRPERSON.—Each local technical advisory
5 committee shall elect a chairperson to preside over Com-
6 mittee meetings, act as a liaison to governmental and
7 other outside entities, and direct the general operation of
8 the committee; only committee representatives from sub-
9 section (c)(1) or subsection (c)(2) of this section shall be
10 eligible to act as local technical advisory committee chair-
11 persons.

12 (e) CREDENTIALS.—At least one of the members of
13 each local technical advisory committee shall be certified
14 with one or more of the following credentials: Inter-
15 national Society of Arboriculture; Certified Arborist, ISA;
16 Certified Arborist Municipal Specialist, ISA; Certified
17 Arborist Utility Specialist, ISA; Board Certified Master
18 Arborist; or Registered Landscape Architect recommended
19 by the American Society of Landscape Architects.

20 **SEC. 8. COST-SHARE PROGRAM.**

21 (a) FEDERAL SHARE.—The Federal share of support
22 for projects funded under this Act shall not exceed 50 per-
23 cent of the cost of such project and shall be provided on
24 a matching basis.

1 (b) NON-FEDERAL SHARE.—The non-Federal share
2 of such costs may be paid or contributed by any govern-
3 mental or nongovernmental entity other than from funds
4 derived directly or indirectly from an agency or instrumen-
5 tality of the United States.

6 **SEC. 9. RULEMAKING.**

7 (a) RULEMAKING PERIOD.—The Secretary shall be
8 authorized to solicit comments and initiate a rulemaking
9 period that shall last no more than 6 months after the
10 date of enactment of this Act.

11 (b) COMPETITIVE GRANT RULE.—At the conclusion
12 of the rulemaking period under subsection (a), the Sec-
13 retary shall promulgate a rule governing a public, competi-
14 tive grants process through which retail power providers
15 may apply for Federal support under this Act.

16 **SEC. 10. NONDUPLICITY.**

17 Nothing in this Act shall be construed to supersede,
18 duplicate, cancel, or negate the programs or authorities
19 provided under section 9 of the Cooperative Forestry As-
20 sistance Act of 1978 (92 Stat. 369; Public Law 95–313;
21 16 U.S.C. 2105).

1 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

2 There are hereby authorized to be appropriated such
3 sums as may be necessary for the implementation of this
4 Act.

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