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The Honorable Linda Dorcena Forry
Chair, Joint Committee on Municipalities and Regional Government
State House, Room 511B
Boston, MA 02133

The Honorable Sarah K. Peake
Chair, Joint Committee on Municipalities and Regional Government
State House, Room 540
Boston, MA 02133

Testimony in Support of Bill S.924 An Act Relative to the “Right to Dry”

Dear Chairwoman Dorcena Forry, Chairwoman Peake, and Members of the Committee,

Thank you for providing the opportunity to offer comments on S.924 An Act Relative to the Right to Dry. The Sierra Club wishes to express support in favor of this legislation.

The Sierra Club is the oldest and largest non-profit, non-partisan grassroots environmental organization in the country. With over a forty year history in this state, the Massachusetts Sierra Club represents about 22,000 members throughout the Commonwealth and over 1.4 million supporters and members nationwide. We fight for clean air, clean water, the preservation of the state’s most precious natural spaces, and healthy, vibrant communities.

S.924 provides the option for all tenants and homeowners in Massachusetts to save money on their energy bill, limit their energy consumption, and easily reduce greenhouse gas emissions by allowing for the use of clotheslines as an alternative to drying machines.

The Environmental Protection Agency (EPA) estimates that all residential clothes dryers in the U.S. annually consume about 43 billion kilowatt hours of electricity and 445 million therms of natural gas, leading to carbon dioxide emissions of 32 million metric tons¹. Passing Bill S.924 gives the freedom to all of those living condos or other residences where clotheslines are prohibited the freedom to eliminate this figure from their energy bill, and prevent this distressing and unnecessary mass of greenhouse gasses from entering our atmosphere. In addition, an estimated 2,900 clothes dryer fires are caused annually, causing an estimated 5 deaths, 100 injuries and \$35 million in property damage². Residents should be free to avoid this danger if they so choose.

The U.S.A is one of the highest consumers of domestic energy in the world; the passage of this bill is a step towards reducing our domestic energy consumption as well as our dependence on fossil fuels³.

S.924 in no way requires tenants or homeowners to use clotheslines. Rather, this is enabling legislation, allowing those who choose to use a clothesline - whether it be to save money,

reduce greenhouse gas emissions, reduce the wear and tear on clothing caused by electric dryers, or just for the natural process and fresh smell of drying clothes outdoors - to do so.

Most condos and home owner associations prohibit air drying by the *Founding Declarations* of the builder. The tenants had no say in the decision. You will see the *Founding Declarations* in the land records of the town. Changing them may require a process with a vote of far more than a simple majority of the tenants⁴.

Addressing concerns of violating the contract clause of the Constitution, a legal brief prepared by the Yale Law School of Environmental Protection Clinic demonstrates that it does not violate the clause. The proposed bill fully meets the three tests required by *Energy Reserves Group v. Kansas Power & Light*, 459 U.S. 400 (1983), the controlling Supreme Court decision. The bill is not a substantial impairment of the contract (it just changes a term of the by-laws), there is a legitimate public purpose (protection of natural resources), and the solution is appropriate and confined to the problem⁴.

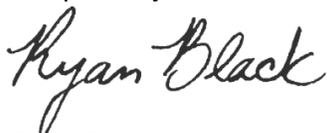
The right to air dry is an issue that is gaining momentum within the United States. Colorado, Florida, Hawaii, Maine, Utah and Vermont have legalized clotheslines for all residents. A handful of other states have also considered or passed altered versions of this legislation⁵.

Energy consumption and global warming are two of the most imminent and defining issues of our time. Bill S.924 offers opportunity for Massachusetts to take action by avoiding energy consumption and reducing greenhouse gas emissions, combating the effects of global warming. This legislation grants the freedom for individuals to make a change in the way they live, whether their motives be environmental, economic, concerning safety, or lifestyle related. This is a freedom that all individuals should enjoy, and an effort that the state legislature should promote and encourage.

We therefore respectfully ask this Committee to report S.924 favorably, and furthermore urge all members of the Massachusetts State Legislature to support this bill's passage. We strongly believe that this bill is positive, meaningful step in battle against climate change.

This testimony was prepared by Adam Macalister, Intern, Massachusetts Sierra Club, with the assistance of the Connecticut Sierra Club.

Respectfully,



Ryan Black
Director
Massachusetts Sierra Club

¹ U.S. EPA. What About Clothes Dryers?

http://www.energystar.gov/index.cfm?c=clotheswash.pr_clothes_dryers.

² US Fire Administration. Clothes Dryer Fires in Residential Buildings (2008-2010).

<http://www.usfa.fema.gov/downloads/pdf/statistics/v13i7.pdf>

³ International Energy Agency. Worldwide Trends in Energy Use and Efficiency.

http://www.iea.org/publications/freepublications/publication/Indicators_2008-1.pdf. 2008.

⁴ Mador, Martin. CT Sierra Club Testimony of Martin Mador In Support of HB5995 AAC The Right to Dry. February 17, 2009.

⁵ Ball, Aimee Lee. Local Efforts to Help the Earth.

http://www.nytimes.com/2010/10/14/fashion/14CircaNow.html?scp=10&sq=clotheslines&st=cse&_r=0. October 13, 2010.