June 16, 2010

Washington, D.C. - Members of Oregon's House congressional delegation, Reps. Peter DeFazio (D-Springfield), Greg Walden (R-Hood River), Kurt Schrader (D-Canby) and David Wu (D-Hillsdale) and led 63 members of Congress in sending a letter to Environmental Protection Agency (EPA) Administrator Lisa Jackson challenging the agency's decision to treat emissions from biomass the same as emissions from fossil fuels. Biomass emissions are currently treated as a renewable energy source. The action by EPA came as part of the agency's process to create a regulatory scheme to reduce greenhouse gas emissions under the Clean Air Act.

EPA's decision to reclassify biomass emissions contradicts federal precedent and clear congressional intent regarding carbon neutrality and will discourage the responsible development and use of renewable biomass which could and should play a more significant role in our nation's energy policy.

In Oregon and throughout the Northwest, hundreds of thousands of tons of woody debris and waste are generated by fuel reduction or timber operations on federal lands each year. Recycling biomass to create local power makes more sense than burning it in the open and will help create jobs and stimulate rural economies.

In the letter, the members of Congress requested details from EPA on its decision to reverse federal and international precedent and ignore clear congressional intent regarding biomass utilization. Specifically, the letter requests a written explanation of the decision to reconsider the treatment of emissions from biomass, a review of that decision in consultation with the U.S. Department of Agriculture, and a delay in applying the new rule to biomass facilities pending the review.

"Recycling wood waste from our national forests to produce local, clean energy and create rural jobs is a no-brainer," DeFazio said. "But these efforts have been undermined by pressure from misguided environmental groups on EPA to classify renewable biomass as a pollutant on par with dirty coal. We should be working to reduce our reliance on foreign oil, developing renewable energy, and improving forest health. Biomass is critical to accomplishing all three of these goals."

"The EPA's decision is an absurd effort to stop the development of clean and renewable woody biomass energy," Rep. Walden said. "The technology exists and safeguards are in place to allow excess forest byproducts and small diameter thinnings from forest restoration projects to be turned into renewable energy and create new jobs in Oregon. EPA needs to tune out the nonsense coming from special interest groups who only seek to shut down any work in our choked and sick national forests. European countries have long used biomass as a clean and renewable alternative to traditional energy sources like oil. It's time for us to catch up and start using biomass to create a healthier environment and become more energy independent at the same time."

"Last year, this Congress set a strong precedent by passing a comprehensive energy bill which recognized the potential for renewable biomass to play a vital role in our energy independent future," said Schrader. "This bipartisan and robust letter reinforces that message. Despite the EPA breaking federal precedent and congressional intent, this Congress will fight for an energy source that decreases our dependence on foreign oil while creating much needed jobs in rural America."

"Oregon's rural communities have been using renewable biomass for decades to provide energy for homes and industry," said Congressman David Wu. "By encouraging the use of biomass and the development of more sustainable ways to transfer woody debris and waste into clean, local energy, we can grow businesses and create jobs in Oregon. Biomass can help move us toward a more sustainable future, but not if we restrict its use by imposing inappropriate guidelines that equate it with fossil fuels."

A copy of the full text of the letter is below:

June 16, 2010

Lisa Jackson Administrator Environmental Protection Agency 1200 Pennsylvania Ave., NW, Room 3426 ARN Washington, DC 20460

Dear Administrator Jackson:

We are writing to express our deep disappointment and concern over the EPA's decision in its final PSD Tailoring Rule to depart from the government's consistent past practice of excluding biomass combustion emissions in calculating GHG emissions. This decision contradicts federal precedent regarding the carbon neutrality of biomass combustion and will discourage the responsible development and utilization of renewable biomass that could and should play a more significant role in our nation's energy policy.

The PSD Tailoring Rule defines what stationary sources will be subject to greenhouse gas (GHG) emission controls and regulations in a phase-in process beginning on January 2, 2011. In the draft Tailoring Rule, the EPA proposed to calculate a source's GHG emissions relying on the EPA's Inventory of U.S. Greenhouse Gas Emissions and Sinks. In the final rule, EPA ignored its own inventory and equated biogenic GHG emissions with fossil fuel emissions.

The EPA's proposal at a minimum implied, if not made it clear, that emissions from biomass combustion would not be included in the final Tailoring Rule because the EPA Inventory states biomass combustion emissions are of "biogenic origin" and are not currently included in national emissions totals. The Inventory explicitly excludes biogenic emissions because "it is assumed that the carbon released during the consumption of biomass is recycled as U.S. forests and crops regenerate, causing no net addition to carbon dioxide in the atmosphere." The EPA's reversal of this established position by including biomass combustion emissions in the final PSD Tailoring Rule appears to directly contradict previous EPA policy.

The decision also contradicts long-standing federal and international precedents. Emissions from the combustion of biomass are not included in the Department of Energy's voluntary greenhouse gas emissions reporting programs, the EPA's greenhouse gas reporting rule, or calculations of international bodies including the Intergovernmental Panel on Climate Change and the European Union.

Moreover, when the House of Representatives passed the American Clean Energy and Security bill (H.R. 2454) in June, 2009, Congress clarified that biomass material from both private and

public lands qualify as a renewable energy source. A similar definition of renewable biomass is included in the recently released discussion draft of Senator Kerry and Senator Lieberman's American Power Act. While improvements should be made to the definition on federal lands, these definitions clearly demonstrate Congress's commitment to and support of biomass utilization. EPA's new interpretation undermines these objectives by arbitrarily eliminating the greenhouse gas benefits of biomass compared to conventional fossil fuels.

There is enormous potential to generate renewable energy from waste products gathered on public and private lands. This includes byproducts of preventive treatments that are removed to reduce hazardous fuels, to reduce or contain disease or insect infestation, or to restore forest health.

Millions of acres of public and private forests generate hundreds of thousands of wood chips, slash, brush, and thinning each year. Current practice is to pile and burn this material in the open.

Using biomass to produce local energy in a controlled environment at a facility outfitted with air scrubbers that comply with the Clean Air Act makes more sense than burning it in the open. Further, this would help stimulate the economies of rural communities surrounded by federal lands by creating jobs.

Including biomass combustion emissions in the final PSD Tailoring Rule and potentially imposing new regulations on biomass combustion facilities will discourage the collection and transportation of woody biomass from public and private lands. Instead of encouraging the recovery of a clean, carbon neutral energy source from public and private forests, the EPA's decision will likely result in the continuation of burning biomass material in the open. Beyond the policy and pragmatic ramifications of EPA's new decision, it is also inconsistent with and contradictory to the well established science regarding biomass combustion.

In light of the EPA's decision to reverse federal and international precedent and ignore clear Congressional intent regarding biomass utilization, we respectfully request a written detailed response explaining your plan to reconsider the treatment of emissions of biogenic carbon dioxide under the PSD and Title V programs. In particular, we would like to understand your agreement with the Secretary of Agriculture to seek further comment on the greenhouse gas benefits of bioenergy and the specific timeline when this will take place. We expect that you will conduct this review promptly in order to avoid any adverse consequences to biomass

combustion facilities. We urge you to stay the application of the rules to such facilities, pending such review.

Your written response should include: 1) specific details regarding your agreement with the Secretary of Agriculture to seek further comment on the GHG benefits of bioenergy; 2) a specific timeline detailing in months when this will take place; and 3) whether you will stay the application of the rules to biomass combustion facilities pending your review.

Thank you in advance for your attention to this matter. We look forward to your timely and substantive response.

Sincerely,

DeFazio, Schrader, Baird, Walden, Herger, McMorris Rodgers, Michaud, Glenn Thompson, Boren, Ross, Herseth Sandlin, Childers, Walter Jones, Minnick, Cohen, Simpson, Rob Bishop, Oberstar, Bright, Kagen, Larsen, Holden, Owens, Lucas, Stupak, Chris Lee, Perriello, Goodlatte, Blunt, Rehberg , Kirkpatrick, Lummis, Butterfield, Mike Rogers (MI), Scott Murphy, Barrow, Boucher, Marshall, Emerson, Wu, Capito, Bartlett, Bonner, Mike Rogers (AL), McIntyre, Harper, Sullivan, Dicks, Berry, Charles Wilson, Cole, Hodes, Griffith, Kingston, Hastings, Reichert, Aderholt, Adam Smith, Space, Alexander, Sanford Bishop, Arcuri, Spratt

CC: Secretary of Agriculture Vilsack