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### **Forest Owners Petition EPA, Court to Reconsider Final PSD Tailoring Rule**

WASHINGTON, D.C. – The National Alliance of Forest Owners (NAFO) petitioned the U.S. Environmental Protection Agency to reconsider the final PSD Tailoring Rule and stay the implementation of the Rule pending reconsideration. NAFO filed the petition on Friday, July 30, 2010. In addition, today NAFO also filed a petition for judicial review of the Rule with the U.S. Court of Appeals for the District of Columbia.

In its final greenhouse gas Tailoring Rule, EPA unexpectedly reversed established government precedent and practice on the treatment of carbon dioxide (CO<sub>2</sub>) emissions from the combustion of biomass without providing adequate public notice and in contradiction of its own proposal. According to the Rule, EPA will count biomass CO<sub>2</sub> emissions the same as fossil fuel emissions in permitting programs under the Clean Air Act. EPA's proposed Tailoring Rule recommended that CO<sub>2</sub> emissions from the combustion of biomass should not be counted, consistent with the past practice of EPA and other agencies of the federal government.

David P. Tenny, President and CEO of NAFO, said, "NAFO was compelled to file these petitions. EPA's reversal from the proposed to the final rule was a significant step backward for renewable energy that came as a surprise without prior notice or adequate explanation in the record. If allowed to stand, this decision will cripple the biomass energy marketplace at the very moment when our nation needs additional investment to realize its renewable energy goals. It could also cause significant harm to forest owners and mills using biomass energy that, combined, form the economic and employment backbone of many rural communities."

Tenny emphasized that the rule contradicts the EPA's and Department of Energy's long recognized policy that "there is a 'scientific consensus' that 'carbon dioxide emitted from burning biomass will not increase CO<sub>2</sub> in the air if it is done on a sustainable basis.'" Tenny said, "Regulating biomass energy the same as fossil fuels ignores the scientific fact that biomass recycles carbon in the atmosphere while fossil fuels add to it. This unprecedented shift in federal policy will prolong our dependence on carbon emitting fossil fuels. It will also add to the economic pressures forcing sustainably managed private forestland into other more economically competitive uses with far fewer GHG mitigation benefits."

Tenny pointed to U.S. government data demonstrating that forestry in the U.S. has a long track record of sustainability with significant carbon benefits, "The United States is a world leader in sustainable forest management. As a result, our total acres of forest has been stable for over a century, and our volume of growing trees has increased by nearly 50 percent over the last 50 years. Each year our nation stores more carbon in its forests than it releases from them. That is why energy from forest biomass does not increase carbon in the atmosphere."

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