

# Congress of the United States

Washington, DC 20515

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.

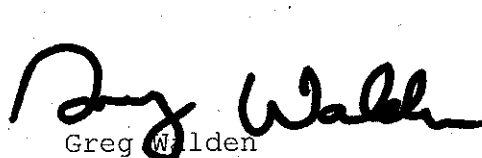
Thank you in advance for your attention to this matter. We look forward to your timely and substantive response.


Sincerely,


  
Peter DeFazio  
Member of Congress


  
Kurt Schrader  
Member of Congress


  
Brian Baird  
Member of Congress

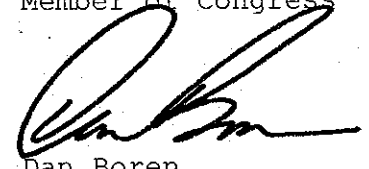
  
Greg Walden  
Member of Congress

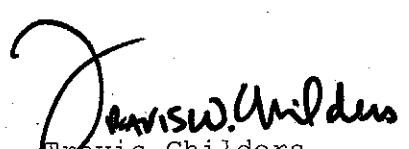
  
Cathy McMorris Rogers  
Member of Congress

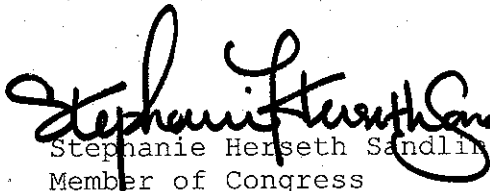
  
Wally Herger  
Member of Congress


  
Michael Michaud  
Member of Congress

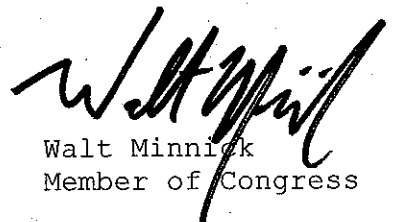
  
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Dan Boren  
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Travis Childers  
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Stephanie Herseth Sandlin  
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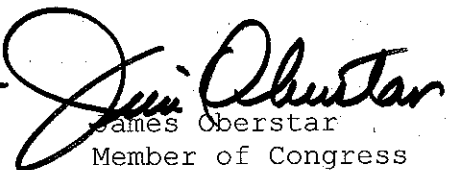
  
Walter Jones  
Member of Congress

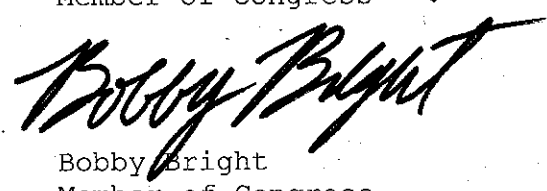
  
Walt Minnick  
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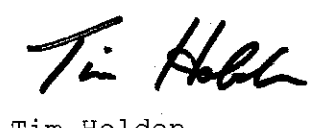
  
Rob Bishop  
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James Oberstar  
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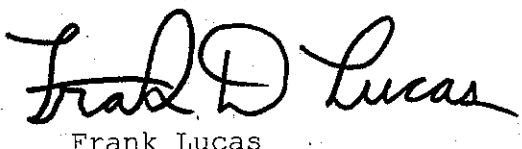
  
Bobby Bright  
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Steve Kagen  
Member of Congress

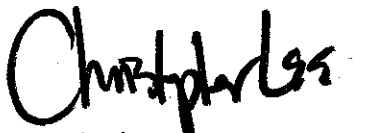
  
Rick Larsen  
Member of Congress

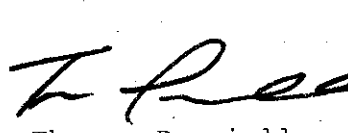
  
Tim Holden  
Member of Congress

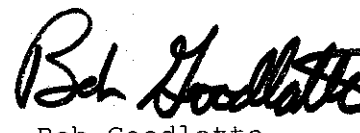
  
William Owens  
Member of Congress


  
Frank Lucas  
Member of Congress

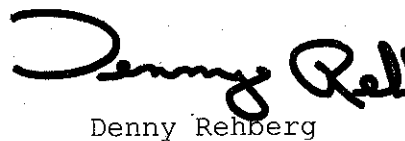
  
Bart Stupak  
Member of Congress

  
Chris Lee  
Member of Congress

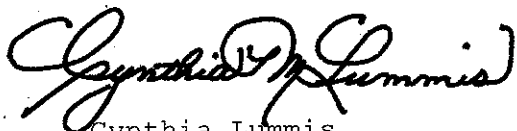
  
Thomas Perriello  
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Bob Goodlatte  
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Roy Blunt  
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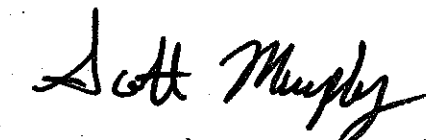
  
Denny Rehberg  
Member of Congress


  
Ann Kirkpatrick  
Member of Congress


  
Cynthia Lummis  
Member of Congress

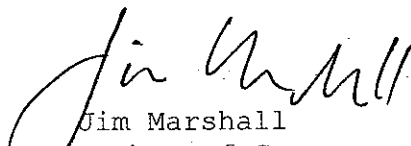
  
G.K. Butterfield  
Member of Congress


  
Mike Rogers (MI)  
Member of Congress

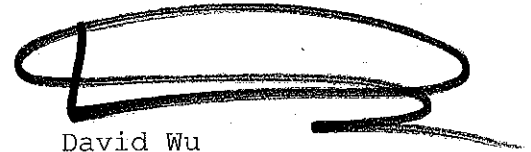
  
Scott Murphy  
Member of Congress


  
John Barrow  
Member of Congress

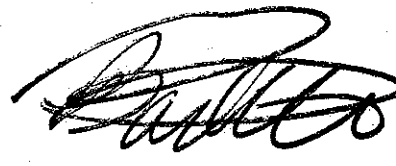
  
Rick Boucher  
Member of Congress

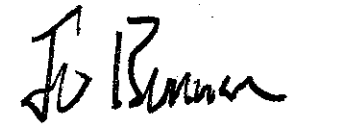
  
Jim Marshall  
Member of Congress


  
Jo Ann Emerson  
Member of Congress

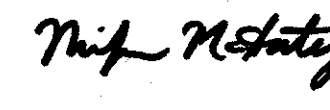
  
David Wu  
Member of Congress

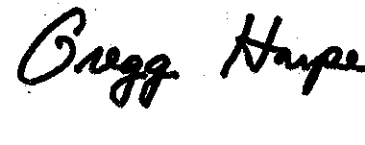
  
Shelley Moore Capito  
Member of Congress


  
Roscoe Bartlett  
Member of Congress


  
Jo Bonner  
Member of Congress


  
Mike Rogers (AL)  
Member of Congress

  
Mike McIntyre  
Member of Congress

  
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Marion Berry  
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Rodney Alexander  
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Mike Ross  
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Sanford Bishop  
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Michael Arcuri  
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John Spratt  
Member of Congress

CC: Secretary Vilsack  
U.S. Department of Agriculture  
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