

The Honorable Mitch McConnell
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Paul Ryan
Speaker
U.S. House of Representatives
Washington, DC 20515

The Honorable Charles E. Schumer
Minority Leader
United States Senate
Washington, DC 20510

The Honorable Nancy Pelosi
Minority Leader
U.S. House of Representatives
Washington, DC 20515

The Honorable Thad Cochran
Chairman, Committee on Appropriations
United States Senate
Washington, DC 20510

The Honorable Rodney P. Frelinghuysen
Chairman, Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

The Honorable Patrick J. Leahy
Ranking Member
Committee on Appropriations
United States Senate
Washington, DC 20510

The Honorable Nita M. Lowey
Ranking Member, Committee on
Appropriations
U.S. House of Representatives
Washington, DC 20515

Re: Biomass Carbon Neutrality

June 20, 2018

Dear Majority Leader McConnell, Minority Leader Schumer, Speaker Ryan, Minority Leader Pelosi, Chairman Cochran, Ranking Member Leahy, Chairman Frelinghuysen, and Ranking Member Lowey,

On behalf of our millions of members, we strongly oppose the inclusion of any anti-environment riders in the Fiscal Year 2019 Interior, Environment and Related Agencies Appropriations bill. Including damaging legislative provisions in a massive must-pass funding bill harms our public health and environment, and it undermines the democratic process.

We have specific concerns with a rider to legislate on the evolving science of biomass and climate change. Section 428, "Policies Relating to Biomass Energy," is likely to be interpreted to declare as a matter of law the "carbon neutrality of forest bioenergy," and it directs the Departments of Energy and Agriculture and the EPA to establish policies reflecting this conclusion. Any legislative effort to broadly and characterize biomass energy as "carbon neutral" is scientifically indefensible and will have large unintended effects on the climate and energy markets.

Section 428 legislates an answer to a scientific question – when we burn forest biomass for energy and release carbon into the air, what is the overall effect on carbon dioxide levels in the atmosphere? This complex scientific inquiry must consider many factors: biomass takes up carbon as it grows; regrowth takes time; cutting and regrowth can be out of balance over long

periods of time; the carbon from some biomass sources would be released in the near term even if not used for energy; and biomass energy replaces other forms of energy that may be more or less carbon-intensive. EPA has been working to develop a framework for addressing this issue in the regulatory context, based on an ongoing EPA Scientific Advisory Board review of the climate impacts of bioenergy. Multiple credible and deliberative scientific bodies, including the EPA Scientific Advisory Board, however, have rejected the notion that biomass energy is categorically “carbon neutral.”¹

Congress’s efforts to legislate false carbon neutrality appear to have emboldened Administrator Pruitt to further advance the Trump administration’s anti-climate policies. His recent *Statement of Agency Policy* establishing the carbon neutrality of all forest biomass short circuits the EPA’s science-based process intended to determine *the extent of* any carbon benefits.

Other forms of this rider have been proposed as permanent, as seen in section 429 of the committee-passed FY19 House Interior and Environment Appropriations bill, and is highly disfavored in appropriations bills. This troubling precedent could encourage many more permanent legislative riders. It is also particularly objectionable in an area of active scientific research and technological development where there is no scientific consensus supporting the assumptions that are to be mandated. This is exactly the type of issue that Congress should allow to play out through the scientific, technical, and regulatory processes, where new information can be accommodated.

We urge you to reject all anti-environment riders in the FY 2019 Interior, Environment and Related Agencies Appropriations bill, including section 428 on biomass energy.

Sincerely,

Center for Biological Diversity
Clean Air Task Force
Dogwood Alliance
Earthjustice
EDF Action
Friends of the Earth-US
League of Conservation Voters
Mighty Earth
Natural Resources Defense Council
Partnership for Policy Integrity
Pivot Point, A Nonprofit Corporation
Sierra Club
Southern Environmental Law Center
Union of Concerned Scientists

¹ See, e.g., letter from sixty-five scientists to the Senate in February 2016 opposing the notion that all biomass is carbon neutral (available at: <http://whrc.org/letter-to-the-senate-on-carbon-neutrality/>).