



Four Environmental Groups Seek To Defend Greenhouse Gas Rule in Court

Groups Support EPA Position To Count CO2 Emissions From Biomass In Large-Source Permitting

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WASHINGTON, July 7 – Four environmental groups, representing citizens concerned about climate change and forest resources in New England and the Southeast, filed a joint motion in federal court late yesterday to help defend the U.S. Environmental Protection Agency’s decision to count emissions from burning biomass when it begins regulating global warming pollution from large power plants and other large industrial facilities. The agency’s decision also includes a commitment to continue a scientific evaluation of the true carbon impact of the many forms of biomass energy.

Burning woody materials, grasses and other biomass can be a significant component of the effort to achieve climate benefits by shifting America away from fossil fuels—but only if the biomass is sourced and accounted for properly—so that the carbon emitted when biomass is burned equals or is less than the carbon taken up by new plant growth. Recent studies show that combusting some kinds of biomass as fuel can actually increase the amount of climate change pollutants. For example, burning whole trees in mature forests is much less likely to be carbon-neutral than combusting undergrowth and trimmings from plantation stands.

Last month, EPA issued what is commonly called the “tailoring” rule, which establishes the agency’s framework for evaluating and limiting carbon dioxide and other greenhouse gases in Clean Air Act permits for large stationary sources. The agency declined to give all biomass combustion greenhouse gas emissions a blanket exemption from complying with the Act, as was sought by the forest products industry and others. The environmental groups’ filing supports EPA’s decision to reject the idea that all biomass is inherently “carbon-neutral.” This careful approach avoids making the climate problem worse in the short term and allows for additional study.

The rule is being challenged by industry interests and several members of Congress in the D.C. Circuit Court of Appeals (*Southeastern Legal Foundation, et al. v. US EPA*). CATF and SELC attorneys late yesterday filed a motion to intervene in defense of this aspect of EPA’s rule, on behalf of the Conservation Law Foundation and the Natural Resources Council of Maine, represented by CATF, and Georgia ForestWatch and Wild Virginia, represented by SELC.

The filing can be found at: www.catf.us/resources/filings/.

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“It is obviously of utmost importance that in trying to fix the climate problem, EPA should not take steps that actually make it worse,” said Ann Weeks, Senior Counsel for CATF, and the attorney for Conservation Law Foundation and Natural Resources Council of Maine. “EPA did not bend to pressure from industry to create incentives to burn more biomass for energy generation, which can potentially be more harmful for climate than the fossil fuel it replaces. We have a strong interest making that decision stick, by defending this aspect of the rule, at least until the science on biomass emissions allows a more comprehensive understanding of the various direct and indirect impacts that bioenergy has on climate.”

“The South is already considered the ‘fiber basket’ of the country, with much of our land producing paper and other forest products. While generating some of our energy from biomass will help the South’s rural economies and help shift to cleaner energy, we should look before we leap. In particular, we must ensure a regulatory system that sustains the clean water, the wildlife habitat, the carbon-capturing capacity and the other benefits we get from healthy forests,” said Frank Rambo, Senior Attorney with the SELC, who represents Georgia ForestWatch and Wild Virginia.

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Clean Air Task Force is a nonprofit organization founded in 1996 dedicated to reducing atmospheric pollution through research, advocacy and private sector collaboration. For more information, please visit us at www.catf.us.

The Southern Environmental Law Center is a regional nonprofit using the power of the law to protect the health and environment of the Southeast (Virginia, Tennessee, North and South Carolina, Georgia, and Alabama). Founded in 1986, SELC's team of 40 legal experts represent more than 100 partner groups on issues of climate change and energy, air and water quality, forests, the coast and wetlands, transportation, and land use. www.SouthernEnvironment.org