

CLIMATE: Enviros sue EPA for sparing biomass from emissions rules

By Gabriel Nelson,
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Wary of claims that plants can be used as a carbon-neutral substitute for fossil fuels, environmental groups filed a lawsuit today challenging U.S. EPA's decision to give biomass a three-year exemption from rules ordering large industrial plants to get permits for their greenhouse gas emissions.

EPA originally said that carbon emissions from biomass should trigger the permit requirements, putting a new hurdle in front of projects that would, for instance, get electricity from wood or the byproducts of farming.

But the agency backed down earlier this year after biomass boosters argued the rules would stifle the growth of an industry that EPA and many environmentalists agree could -- if it develops responsibly -- slow down climate change. In a final rule released last month, the agency said it will study the life cycle of biomass for as long as three years and then decide how the emissions should be handled (Greenwire, July 5).

Environmental groups, in a lawsuit filed today with the U.S. Circuit Court of Appeals for the District of Columbia, say

the decision will cause a rush to build facilities such as biomass-burning power plants without looking at their greenhouse gas emissions.

The groups worry that live trees and fallen logs would be treated equally. Carbon from dead plants would be released into the air anyway as the plant decomposes, but living plants continue to absorb and store carbon from the atmosphere.

"The South is already seeing a huge uptick in the number of new and retrofitted facilities that will burn woody biomass, which will create increasing pressure to cut native, standing forests for fuel," said Frank Rambo, an attorney from the Southern Environmental Law Center who is representing Georgia ForestWatch and Wild Virginia in the case. "While certain types of biomass must be part of our nation's move to clean, sustainable energy sources, science shows that cutting whole trees often adds to the carbon output."

Also taking part in the suit, which was filed by the Clean Air Task Force, are the Center for Biological Diversity, Conservation Law Foundation and Natural Resources Council of Maine.

Today's lawsuit was criticized by the National Alliance of Forest Owners, which sees an opportunity to use plants as fuel. The group

said it supports EPA's plan to review the science behind biomass emissions before coming to a decision.

"The fact that biomass energy is fundamentally different than fossil fuels is Biology 101, and government policy should reflect scientific facts," said Dan Whiting, the group's spokesman.

Past studies of the carbon footprint of biomass have come back with mixed results. But so far, biomass has gotten a favored role under EPA's new rules for greenhouse gases, which started phasing in at the beginning of the year.

The first permit for a coal-fired power plant to include a limit on carbon dioxide was cleared in June by the Michigan Department of Environmental Quality. In an effort to cut carbon emissions, it would require Wolverine Power Supply Cooperative Inc. to use biomass for at least 5 percent of the fuel at a 600-megawatt plant being planned about 200 miles north of Detroit.