



COMMONWEALTH OF MASSACHUSETTS
THE GENERAL COURT
STATE HOUSE, BOSTON 02133-1063

July 26, 2019

Commissioner Judith Judson
Department of Energy Resources
100 Cambridge St., Suite 1020
Boston, MA 02114

Dear Commissioner Judson,

We are writing to you today, as members of the Legislature, in response to the proposed updates to the Renewable Energy Portfolio Standard (RPS) Class I and Class II regulations.

Climate change is the most critical issue facing our planet right now, substantiated by strong science, and linked to carbon emissions. The Intergovernmental Panel on Climate Change declared that in order to keep surface temperatures from exceeding an increase of 1.5°C, thoughtful, comprehensive public policy decisions are needed fast to reduce greenhouse gas emissions. We want to note the need for robust carbon sequestration as a vital adjunct to emission reduction policies.

Massachusetts is a past leader in clean energy policy as the first state to adopt a renewable portfolio standard, requiring retail electricity suppliers to get 13% of the electricity supply from qualified renewable sources. Today, 28 other states and Washington, D.C., have legislated carbon reduction goals, with several states even moving ahead of Massachusetts by enacting 100% renewable energy targets.

Rolling back the RPS regulations on biomass would undercut the climate goals set by the Global Warming Solutions Act of 2008; the Commonwealth's commitment to the Paris Climate Agreement in 2015, and would likely put the Commonwealth afoul of the Supreme Judicial Court's 2016 decision in the case of *Kain v. Department of Environmental Protection*.

The regulatory changes promoting an increased scale of biomass energy may bring us closer to meeting our state's RPS targets, *but only by moving the targets*. We make a fundamental error if we continue to think of wood burning as a benign "renewable" source of energy. Scientists and energy economists at our state's top institutions, including the Woods Hole Research Center and the Climate Change Initiative at UMass Lowell have demonstrated that burning woody biomass has a similar carbon release profile to burning coal. Efforts to portray wood as a carbon neutral fuel fail to make a full accounting of its net carbon impacts within the timeframes we have set.

At present, the regulatory structure for woody biomass burning in 225 CMR 14.00 and 15.00 is the strongest in the nation. As examples of what we find distressing about the proposed changes, we offer the following examples:

- The proposed striking of 225 CMR 14.05 (8) (e) 3, subsections a., b, and c. strips out from the regulations requirements that a Licensed Forester attest to the provenance of woody biomass "residues" and "thinnings," with reference to forest sustainability management plans. The

elimination of this provision (and others) would redefine much currently ineligible wood as eligible fuel, and strip away the system for verifying the nature and provenance of wood put into the fuel supply.

As Massachusetts aims for 80% clean energy generation for electricity by 2050, it is critical to understand the role of old growth forests with respect to carbon sequestration, as a part of the solution. Energy generated from the combustion of biomass can easily undermine our carbon sequestration contribution, and increase net greenhouse gas emissions. Additionally, the notion that the forest “carbon sink” should be ceded as fuel for large-scale public and private biomass plants and other facilities is untenable in a state, like ours, with a strict carbon budget.

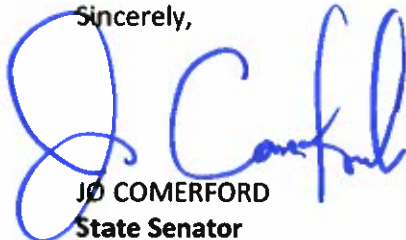
- The perception of disregard for systemic integrity is reinforced by the proposed dropping of the requirement for quarterly reporting, by an independent third party approved by the department, of the efficiency and other characteristics of biomass-burning Generation Units. Removing independent quarterly reporting eliminates transparency, makes it harder to stay on track of efficiency and carbon emission goals, and exacerbates issues with the low efficiency requirements in proposed new section 225 CMR 14.05 (8) (b) 1. and 2.
- Another egregious move is the proposed elimination of the Annual Compliance Reports, particularly the axing of the requirement that “[t]he Biomass Unit Annual Compliance Report must include a greenhouse gas analysis for the Compliance Year. The analysis shall be prepared in accordance with the Overall Efficiency and Greenhouse Gas Analysis Guideline and the fuel use as represented by the Biomass Fuel Certificates owned for the Compliance Year. This Report must also document the Unit’s performance with respect to the lifecycle greenhouse emissions requirements in 225 CMR 14.05(1)(a)7.f.iii., including the actual percent lifecycle greenhouse gas emissions reduction over 20 years, as determined in the Guideline. The Report shall document any under-compliance and the Percent Under-compliance with the lifecycle greenhouse gas emission reduction requirement.” 225 CMR 14.05 (8) (d) 2.

Decarbonization of our energy supply is the key to reversing the atmospheric buildup of greenhouse gases which are destabilizing our climate. The only reliable metric for identifying clean, renewable energy is its carbon life cycle, calculated in a way that is supported by rigorous science.

- The elimination of the regulatory role of the Department of Environmental Protection (DEP) in determining Lifecycle Greenhouse Gas Emissions is unprecedented, and will shake public confidence in the notion that expanded use of biomass fuels will receive any fair-minded analysis or true oversight.

Finally, increasing the RPS by 2% per year from the current 13% is important to making the move toward those goals. We think it is unrealistic that after 2030, the standard should be rolled back to 1% per year. While we know that the Legislature pushed for these terms last session, we also think it is important for DOER to lead on strong energy policy, and keep our carbon reduction plan on track.

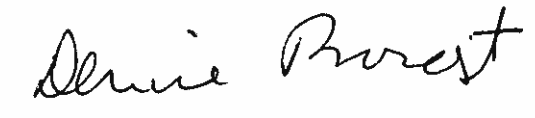
Sincerely,



JO COMERFORD
State Senator
Hampshire, Franklin, Worcester




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State Representative
6th Middlesex




DENISE PROVOST
State Representative
27th Middlesex




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JOAN MESCHINO

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3rd Plymouth



DAVID H.A. LEDEUF

State Representative

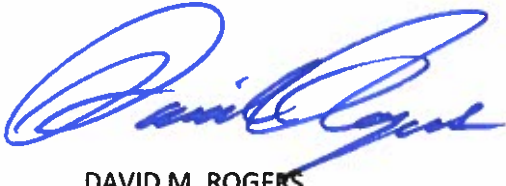
17th Worcester



WALTER F. TIMILTY

State Senator

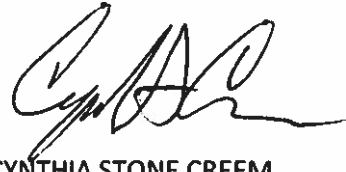
Norfolk, Bristol and Plymouth



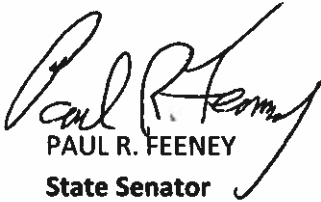
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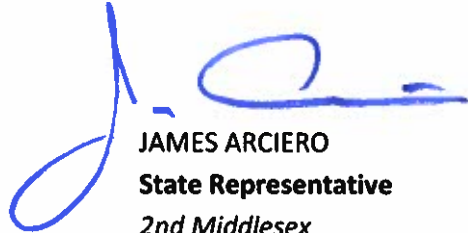
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