

VIA E-MAIL

July 30, 2022

The Honorable Karen E. Spilka
President of the Senate

The Honorable Ronald Mariano
Speaker of the House

The Honorable Michael J. Barrett
Senate Chair, Telecommunications,
Utilities & Energy Committee

The Honorable Jeffrey N. Roy
House Chair, Telecommunications,
Utilities & Energy Committee

Re: Please Reject Baker's Amendment on Biomass, Section 88 of H.5141

Dear President Spilka, Speaker Mariano, Chairman Barrett and Chairman Roy:

We write on behalf of the more than 100 undersigned organizations to thank you for including provisions in H.5060, *An Act Driving Clean Energy and Offshore Wind*, to end renewable energy subsidies for wood-burning biomass power plants, and to urge you to reject Governor Baker's amendment which completely undermines these provisions.

The Legislature's biomass provisions are urgently needed because the Baker Administration is on the verge of adopting new regulations that will incentivize more wood-burning energy in Massachusetts' Renewable Energy Portfolio Standard (RPS). Sections 33-36 of H.5060 remove woody biomass as an eligible fuel source in the RPS, while Section 88 grandfathered in those biomass facilities that have already been qualified under the existing RPS regulations.¹

Governor Baker's amendment (H.5141, Section 88) completely undermines the intent of Sections 33-36 of the climate bill by creating a blanket exemption for *any* biomass power plant that began commercial operation prior to 2022. There are dozens of old and polluting wood-burning power plants across New England, particularly in Maine and New Hampshire, that currently do not qualify for subsidies under Massachusetts' existing RPS, but could be eligible when Governor Baker's RPS biomass rule changes go into effect later this summer.

Passage of the biomass provisions in H.5060 will ensure that ratepayers' RPS funds are used to incentivize clean, non-emitting energy technologies, such as wind and solar energy, rather than squandered on wood-burning power plants that are more polluting than coal. ***However, if the Governor's amendment is adopted, the climate bill will have little to no effect in preventing woody biomass energy from being subsidized through the RPS.***

¹ Only two small combined heat and power plants that burn woody biomass are currently qualified by DOER as RPS Class 1 generating units.

The RPS statute must be amended to preserve the program’s integrity.

By removing woody biomass from the RPS statute and retaining the current language in Section 88, the legislature will put an end to the Baker Administration’s efforts to roll back Massachusetts’ landmark biomass regulations, put in place when Deval Patrick was Governor. Those science-based biomass regulations were hailed nationally when they were adopted a decade ago precisely because they ensured that electricity-only biomass power plants would not qualify for subsidies, due to their excessive greenhouse gas emissions and overall inefficiency. In 2017, the Baker administration adopted significantly weaker regulations in the APS for biomass heating systems. Then in 2019, the Baker administration proposed weakening the biomass RPS regulations to match the APS regulations, calling it “regulatory streamlining.”

The new DOER rules, which were submitted to the TUE Committee last month, would allow highly polluting biomass power plants across the Northeast to qualify for Massachusetts ratepayer subsidies.² *Under Governor Baker’s proposal, Massachusetts ratepayers will be forced to subsidize wood burning biomass plants in Maine and New Hampshire*, where even the Republican governors of those states have opposed paying for such subsidies.³

Wood burning is not clean.

Massachusetts ratepayers have already spent millions of dollars to promote wood-burning technologies through the APS.⁴ The administration’s RPS rule changes would funnel even more millions to a polluting industry by subsidizing utility-scale economically unviable wood-burning power plants throughout New England⁵—plants whose smokestack CO₂ emissions are worse than coal per unit of energy generated.⁶

² H.4919, Communication from the Division of Energy Resources of the Executive Office of Energy and Environmental Affairs (under the provisions of section 12 of Chapter 25A of the General Laws) submitting amendments to 225 CMR 14.00 and 15.00, Renewable Energy Portfolio Standard Regulations

³ “LePage tells lawmakers he will oppose borrowing aimed at helping biomass industry,” *Press Herald*, Jan. 10, 2018 (available at www.pressherald.com/2018/01/10/lepage-tells-lawmakers-he-will-oppose-borrowing-bills-aimed-at-helping-biomass-industry/). “Sununu scorns biomass bill; Dems,” *The Telegraph*, Aug. 6, 2019 (available at www.nashuatelegraph.com/news/local-news/2019/08/06/sununu-scorns-biomass-bill-dems/).

⁴See PFPI, [Financial Considerations for H. 853](#), 5/5/19, pp. 2-4

⁵ Booth, M. S. (2017). *Maine Bioenergy at the Crossroads: Costs of a Failing Industry*. Pelham, MA, Partnership for Policy Integrity (available at <http://www.pfpi.net/wp-content/uploads/2017/04/PFPI-Maine-Biomass-Report-4-18-17.pdf>); see also PFPI blog post, <https://www.pfpi.net/dear-governor-baker-what-part-of-no-dont-you-understand>, March 21, 2022.

⁶ Booth, M.S. (2014) *Trees, Trash, and Toxics: How Biomass Energy Has Become the New Coal*, at <https://www.pfpi.net/wp-content/uploads/2014/04/PFPI-Biomass-is-the-New-Coal-April-2-2014.pdf>

Troubling information continues to emerge regarding the health impacts of fine particulate matter emissions (PM_{2.5}), the leading cause of air pollution-related illness and death in the United States. MassDEP cited multiple studies on the disproportionate air pollution and health impacts on environmental justice communities when it issued a letter revoking the operating permit for the proposed Palmer biomass plant in Springfield last year.⁷ It makes no sense, from a climate or a public health perspective, to use the state's clean energy incentives to subsidize wood burning for electricity.

The climate crisis calls for immediate action.

Climate science shows that to avoid catastrophic warming, we must dramatically reduce greenhouse gas emissions over the next eight years and increase uptake of CO₂ that's already in the atmosphere. With such a short timeframe for meaningful climate action, it is imperative that clean energy funding and incentives be used to promote zero-carbon-emission resources, like wind and solar energy, to displace fossil fuels. At the very least, these funds should not be used to support technologies that add more carbon dioxide and air pollution than fossil fuels. ***The Commonwealth will not be able to meet its climate mandates if it subsidizes additional polluting technologies through its clean energy programs.***

We therefore urge you to reject Governor Baker's proposed amendment (Section 88 of H.5141) and include the original provisions regarding woody biomass in the final enacted climate law.

Sincerely,

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⁷ Letter from Michael Gorski, MassDEP to Vic Gatto, Palmer Renewable Energy, dated April 2, 2021 (available at <http://www.pfpi.net/wp-content/uploads/2021/04/Palmer-Renewables-Revocation-Final-1.pdf>).

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