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U. S. Environmental Protection Agency Programmatic Treatment of Biomass/Forest Products Industry: February 13th Letter from Administrator Scott Pruitt

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The United States Environmental Protection Agency Administrator E. Scott Pruitt (“Pruitt”) hand delivered, during a visit to the State of New Hampshire, a letter to Governor Chris Sununu which is characterized as an update on the agency’s programmatic treatment of biomass in the forest products industry.

The February 13th letter to Governor Sununu announces by way of summary:

Understanding the importance of the forest products industry to the State of New Hampshire, and recognizing the environmental, economic, and social benefits our nation as a whole derives from its vast forest resources, I write to highlight the work the Environmental Protection Agency (EPA) has undertaken and is continuing to undertake to advance and promote the responsible use of those forest resources.

The Administrator states that among the comments the agency received in response to the Trump Executive Order 13777, *Enforcing the Regulatory Reform Agenda*, members of the forest and forest products community expressed concerns about the agency’s failure:

. . . to take proper account of the reality that energy derived from biomass may in appropriate circumstances be recognized as carbon neutral; the treatment in Clean Air Act permitting decisions of biogenic carbon dioxide (CO₂) emissions; and the Agency’s own procurement recommendations for wood and lumber products.

The issues addressed by the letter include:

- Scientific Advisory Board review; and
- the accounting framework identifying and outlining the scientific and technical considerations that come into play in determining whether the production, processing, and use of biomass materials at stationary sources for energy is carbon neutral.

Administrator Scott notes that a multi-agency effort has been initiated with the “focused goal of establishing a mechanism for federal cooperation and consistency on the use of biomass, including forest-derived biomass, for energy.

The February 13th letter also notes the agency is reviewing potential improvements to Clean Air Act permitting programs to “develop a range of options consistent with a carbon-neutral policy for biomass from forests and other lands and sectors.”

Finally, EPA is also stated to be developing actions to clarify its own federal procurement recommendations as issued by the previous Administrator in September 2015, noting:

Unaccountably, as initially drafted, those recommendations only recognized a single forest certification standard as qualifying for federal procurement opportunities. This had the unfortunate, and wholly unwarranted, effect of making a large majority of responsibly managed forests, including those certified by the Sustainable Forestry Initiative and the American Tree Farm System, ineligible to participate.

The agency is stated to be working to ensure, as appropriate, either parity with or deferral to the United States Department of Agriculture’s preexisting mandatory purchasing requirements for federal agencies set out under its BioPreferred Program.

[A copy of the letter can be downloaded here.](#)