

Only land with minimal climate and environmental impacts should be used to grow bio-fuel crops

From the Experts: Renewable Fuels – When a Promising Climate Solution Becomes a Climate Threat

It is time to ensure that only land with minimal climate and environmental impacts is used to grow biofuel crops.

With the recent release of a number of powerful reports about the dire consequences of [climate change](#), you may be wondering whether renewable fuels are as good for the environment and climate as many have claimed they are. Are they really climate-friendly fuels? Recent articles provide perspectives going both ways. It turns out that the climate and environmental benefits of renewable fuels depend in part on what type of land was used to produce the biofuel crop. While we have long known that conversion of land for renewable fuel production was an important consideration, many have ignored the critical climate and environmental impacts resulting from the program. Indeed, the prior use of the land used to grow the biofuel crop often makes the difference between whether a biofuel is harmful or helpful to the climate. Now that millions of acres of land have been converted for this

purpose, it is time to ensure that only land with minimal climate and environmental impacts is used to grow biofuel crops. That's why we're now taking action.

On October 30, 2018, Earthjustice and Clean Air Task Force, on behalf of 11 environmental, conservation, and preservation groups, filed a petition with the United States Environmental Protection Agency demanding that the agency stop allowing the conversion of native grasslands to grow renewable biomass, i.e., corn for ethanol and soy for biodiesel. For over a decade, EPA has flouted a congressional mandate prohibiting the conversion of this land under the statute that expanded the renewable fuel program – a mandate that reflects that fundamental fact that the climate impact of a biofuel depends heavily on what the land was used for before being used to produce renewable biomass.

Specifically, Congress in 2007 enacted the Energy Independence and Security Act, or “EISA” which sought to reduce the emissions of greenhouse gases into the atmosphere by *first*, requiring that transportation fuel contain an increased volume of renewable biomass, and *second*, setting restrictions on the type of land that could be used to produce the renewable fuel sources. Both pieces were necessary elements to accomplishing Congress's climate and environmental goals. *First*, by increasing the use of renewable biomass (which can release less net carbon than the burning of fossil fuels because the growing of the crops takes up carbon that is later released), the law would reduce the amount of net carbon released into the atmosphere. *Second*, by restricting the land used to produce the renewable fuel sources, the law would limit the conversion of carbon-rich soil and thus the emission of carbon dioxide that occurs when new undisturbed land is cultivated.

Yet despite the careful balance that Congress struck in EISA, EPA devised a regulatory scheme that completely undermines the climate and environmental goals of the statute. Rather than ensuring that individual producers comply with the land-use

restrictions, EPA instead turns a blind eye to whether renewable fuel sources are grown on land previously in cultivation, and instead looks only to whether the aggregate amount of land in cultivation at any given time remains below a certain level. This approach ignores the fact that land use in the United States is not static: agricultural land is frequently converted to other uses (for example, for urbanization), so remaining below a cap in no way ensures that grasslands, forests, or other previously uncultivated land is not converted for agricultural use. And as recent studies reveal, it has failed to protect against the very conversion Congress aimed to avoid.

Indeed, since the passage of EISA in 2007, EPA has allowed millions of acres of land not already in cultivation at the time of the statute's enactment to be converted to cropland. By EPA's own estimate, between 4 million and 7.8 million acres have been converted during this time. And this conversion has had dire climate and environmental consequences:

- The emission of at least 87 million to 280 million tons of greenhouse gases into the atmosphere, equivalent to the annual emissions of 20 to 70 coal fired power plants;
- Increased use of a quarter billion to a billion pounds of nitrogen fertilizer, of which on average 25-35 percent runs off, impairing water quality, polluting drinking water, and contributing to the Gulf of Mexico and other "dead zones;"
- The need for perhaps 85 billion gallons of additional irrigation water, further straining already-depleting water supplies;
- Destruction and degradation of wildlife diversity and habitat, especially for waterfowl and aquatic life;
- Loss of agricultural bioservices worth at least many tens of millions of dollars and harm to the agricultural economy;

- Damage to and erosion of land that is marginal for agriculture and yet especially ecologically sensitive, such as wetlands and stream buffers; and
- Soil deterioration through loss of over 50 percent of original root mass and many soil nutrients after conversion.

EPA's "aggregate compliance" methodology thus unravels the critical climate and environmental protections that form the very fabric of EISA. That's why we are demanding that EPA comply with the law and require that the production of renewable fuel sources occurs only on land already in cultivation at the time of EISA's passage.

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