



09-29-09

Senate climate bill: long list of crop, livestock & forestry practices to be eligible for carbon credits

By Jon H. Harsch

© Copyright Agri-Pulse Communications, Inc.

For an overview of the draft Boxer-Kerry climate change bill being announced Wednesday, go to: at <http://www.agri-pulse.com/uploaded/20090929H1.pdf>. To read the full 821-page bill text, go to: at <http://www.agri-pulse.com/uploaded/20090929H.pdf>.

The draft Boxer-Kerry bill includes a one liner that's key for agriculture: "The President may delegate authority to the Secretary of Agriculture" for agricultural or forestry offset projects "that result in reductions or avoidance of greenhouse gas emissions, or sequestration of greenhouse gases."

The offset credits must be for "verifiable and additional greenhouse gas emission reductions or avoidance, or increases in sequestration" and must be "permanent."

Confirming USDA predictions that carbon offsets would offer income opportunities throughout the farm sector covering everything from rice fields to feedlot flatulence, eligible agricultural offset projects listed in the Boxer-Kerry bill include:

- (D) nonlandfill methane collection, combustion and avoidance projects involving organic waste streams that would have otherwise emitted methane in the atmosphere, including manure management and biogas capture and combustion;
- (E) projects involving afforestation or reforestation of acreage not forested as of January 1, 2009;
- (F) forest management resulting in an increase in forest carbon stores, including harvested wood products;
- (G) agricultural, grassland, and rangeland sequestration and management practices, including—
 - (i) altered tillage practices, including avoided abandonment of such practices;
 - (ii) winter cover cropping, continuous cropping, and other means to increase biomass returned to soil in lieu of planting followed by fallowing;
 - (iii) reduction of nitrogen fertilizer use or increase in nitrogen use efficiency;
 - (iv) reduction in the frequency and duration of flooding of rice paddies;
 - (v) reduction in carbon emissions from organic soils;
 - (vi) reduction in greenhouse gas emissions from manure and effluent;

- (vii) reduction in greenhouse gas emissions due to changes in animal management practices, including dietary modifications;
- (viii) planting and cultivation of permanent tree crops;
- (ix) greenhouse gas emission reductions from improvements and upgrades to mobile or stationary equipment (including engines);
- (x) practices to reduce and eliminate soil tillage;
- (xi) reductions in greenhouse gas emissions through restoration of wetlands, forestland, and grassland; and
- (xii) sequestration of greenhouse gases through management of tree crops; and
- (H) changes in carbon stocks attributed to land use change and forestry activities, including—
 - (i) management of peatland or wetland;
 - (ii) conservation of grassland and forested land;
 - (iii) improved forest management, including accounting for carbon stored in wood products;
 - (iv) reduced deforestation or avoided forest conversion;
 - (v) urban tree-planting and maintenance;
 - (vi) agroforestry; and
 - (vii) adaptation of plant traits or new technologies that increase sequestration by forests.

An offset project, however, cannot include land “converted from native ecosystems, such as a forest, grassland, scrubland or wetland, to generate offsets, unless such conversation took place at least 10 years prior to the date of enactment of this title or before January 1, 2009, whichever date is earlier.”

The bill specifies that “any greenhouse gas emission reduction or avoidance, or any greenhouse gas sequestration, is considered additional only to the extent that it results from activities that—

- (A) are not required by or undertaken to comply with any law, including any regulation or consent order;
- (B) were not commenced prior to January 1, 2009, except in the case of—
 - (i) offset project activities that commenced after January 1, 2001, and were registered as of the date of enactment of this title under an offset program with respect to which the Administrator has made an affirmative determination . . .
 - (ii) activities that are readily reversible, with respect to which the Administrator may set an alternative earlier date under this subparagraph that is not earlier than January 1, 2001, where the Administrator determines that setting such an alternative date may produce an environmental benefit by removing an incentive to cease and then reinstate activities that began prior to January 1, 2009;

The bill also specifies that all offset projects must be verified by an EPA accredited third-party verifier “to determine the quantity of greenhouse gas emission reductions or avoidance, or sequestration of greenhouse gas, resulting from the offset project.”

The bill also includes enforcement provisions, to be policed and enforced by a new Justice Department “Carbon Offsets Integrity Unit.”

Key definitions in the draft bill include:

Biological Sequestration.—The term ‘biological sequestration’ means the removal of greenhouse gases from the atmosphere by terrestrial biological means, such as by growing plants, and the storage of those greenhouse gases in plants or soils.

Renewable Biomass.—The term ‘renewable biomass’ means any of the following:
[what follows is an extensive three-page list which includes]

- (A) Plant material, including waste material, harvested or collected from actively managed agricultural land that was in cultivation, cleared, or fallow and nonforested on January 1, 2009.
- (B) Plant material, including waste material, harvested or collected from pastureland that was nonforested on January 1, 2009.
- (C) Nonhazardous vegetative matter derived from waste, including separated yard waste, landscape right-of-way trimmings, construction and demolition debris, or food waste (but not municipal solid waste, recyclable waste paper, painted, treated or pressurized wood, or wood contaminated with plastic or metals).
- (D) Animal waste or animal byproducts, including products of animal waste digesters.
- E) Algae.
- F) Trees, brush, slash, residues, or any other vegetative matter removed from within 600 feet of any building, campground, or route designated for evacuation by a public official with responsibility for emergency preparedness, or from within 300 feet of a paved road, electric transmission line, utility tower, or water supply line.
- G) Residues from or byproducts of milled logs.
- (H) [a long list starting on page 562 of] materials removed from forested land that is not Federal and is not high conservation priority land . . .