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25x'25 recommends changes in Kerry-Boxer climate legislation

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As the Senate Environment and Public Works Committee was holding the first of three days of hearings on the Kerry-Boxer climate change bill Tuesday, the non-profit 25x'25 organization warned that the bill, S.1733, "will need serious modification before it can maximize the role of farms, ranches and forestlands in reducing the nation's carbon footprint and combating global climate change."

25x'25 advocates that by 2025 America's farms, forests and ranches provide 25 percent of U.S. energy use "while continuing to produce safe, abundant, and affordable food, feed and fiber." To accelerate the development of renewable energy resources like wind, solar, and biofuels, 25x'25 calls for changing the Kerry-Boxer bill to ensure that the bill:

- Explicitly excludes the U.S. agriculture and forestry sectors from rules that cap emissions.
- Enables agriculture and forestry "to deliver quick, low-cost, greenhouse gas (GHG) emission reductions in a volume significant enough to help meet the national goal established in the bill, which starts at 20-percent below 2005 emission levels by 2020."
- Includes a biological offsets title that is "operationally viable."
- Provides a cap-and-trade system that has an "operationally and environmentally acceptable duration (the so-called 'permanence' issue)" and that effectively addresses "leakage; the potential for reversal and program risk management mechanisms; liability immunization for both offset buyers and sellers; and offset-to-allowance (one-for-one exchange equivalence, also known as fungibility)."
- Adds the House-passed American Clean Energy Security Act of 2009 (ACES) provision "that delays for five years the implementation of Indirect Land Use Change (ILUC) penalties on biofuels producers, which were established by the Energy Independence and Security Act of 2007 (EISA)."
- Also adds the ACES provision that "designates USDA as the lead agency to assume responsibility for the majority of farm and forestry offset functions."
- Also adds the ACES provision that grandfathers soy biodiesel for Renewable Fuels Standard (RFS) eligibility.

- Also adds the ACES provisions which eliminate confusion and instead “incorporate a uniform, inclusive set of bioenergy eligibility definitions of biomass types and land ownership types for all federal programs.”

25x'25 finds a number of areas where Kerry-Boxer offers improvements. It notes particularly that while the total offsets level is at two billion tons in both bills, “the distribution between domestic sources and foreign sources offsets has shifted from the ratio provided in the ACES act, becoming more favorable to domestic sources, allowing them up to three-fourths of the total, depending upon circumstances.”

25x'25 also credits the Kerry-Boxer bill for its Market Stability Reserve which “allows replenishment to come from domestic offset sources as well as international offset sources.” There’s praise too for Kerry-Boxer provisions which provide “stackability, or the ability for activities delivering multiple types of benefits such as conservation and carbon benefits, to claim those benefits in multiple programs.”

As well, 25x'25 reports, “Kerry-Boxer does not carry the burdensome Performance Standards provisions found within the ACES measure. By omitting those provisions, S. 1733, unlike the ACES act, does not hold the potential to force certain agricultural producers to implement mandatory practices that might otherwise have qualified for offsets. If those practices are mandated, as they are under the ACES act, the producer loses the option of elective participation and, subsequently, the loss of offset revenue.”

25x'25 Policy Committee Chairman Bart Ruth predicts that an amendment being developed by Sen. Debbie Stabenow (D-MI) who serves on the Energy, Agriculture, and Finance committees, all dealing with the climate bill, will be offered in November. He says that “Her amendment is expected to strengthen the entire bill on behalf of the farm and forestry sectors by addressing the Kerry-Boxer shortcomings in much the same way that an amendment from House Agriculture Committee Chairman Collin Peterson (D-MN) provided critical agriculture- and forestry-specific offset provisions for the ACES act before it passed in June.”