

H. 740: Relating to the greenhouse gas inventory and registry  
February 4, 2026

Representatives,

Thank you for considering needed changes to 10 VSA §582 to include in the *Vermont Greenhouse Gas Inventory* unregulated fuels such as heating fuels. Your discussions today were thoughtful. Please consider that 10 VSA §582 needs more updating than H.740 offers, and I ask you to consider the edits I propose below in order to include a clearer directive to ANR. I recognize that you're a part-time citizen legislature in the second year of the biennium, but the citizens of the state have been waiting twelve years for progress on §582, especially § 582(g), which ANR has been ignoring.

ANR is not currently following the clear language or the legislative intent of 10 VSA §582. In 2011, the legislature passed *Act 170. An act relating to the Vermont energy act of 2012. (2011, No. 170 (Adj. Sess.), § 14.)*. Section 17(d) of Act 170 required:

**No later than September 1, 2013, the secretary of natural resources shall adopt rules pursuant to Sec. 14 of this act, 10 V.S.A. § 582(g) (greenhouse gas accounting).**

Over a dozen years ago, the Vermont legislature directed ANR, in consultation with the Department of Public Service, to draft rules for transparent and accurate greenhouse gas emissions life cycle accounting. For over a dozen years, ANR has ignored this clear directive. Section 582(g) reads:

(g) Greenhouse gas accounting. In consultation with the Department of Public Service created under 30 V.S.A. § 1, the Secretary shall research and adopt by rule greenhouse gas accounting protocols that achieve transparent and accurate life cycle accounting of greenhouse gas emissions, including emissions of such gases from the use of fossil fuels and from renewable fuels such as biomass. On adoption, such protocols shall be the official protocols to be used by any agency or political subdivision of the State in accounting for greenhouse gas emissions.

Several of you and several witnesses today mentioned that the data H. 740 seeks to collect is "foundational" information that will inform policy decisions. This is true. It is also true that the information §582 already requires ANR to compile is also foundational. §582 is the foundational data collection statute that §587, the GWSA and other Vermont statutes rely on. This is exactly why ANR needs to draft rules for §582(g). As Edgerly-Walsh mentioned, the inventory does not provide enough granularity for a detailed understanding our our greenhouse gas emissions. This is especially true for greenhouse gases emitted from the combustion of biogenic fuels.

The *Vermont Greenhouse Gas Inventory* claims that Vermont emitted 8.09 million metric tons of CO<sub>2</sub>e in 2022. The Inventory also notes, but does not include in the inventory, that Vermont emitted 2 million metric tons of CO<sub>2</sub> from biomass combustion. **20% of our CO<sub>2</sub> emissions, an amount close to the entire RCI sector, are simply being ignored.** This needs to change. Subsection (a) of 582 requires that:

The Secretary of Natural Resources shall include a supplemental accounting in the Vermont Greenhouse Gas Emissions Inventory and Forecast that measures the upstream and lifecycle greenhouse gas emissions of liquid, gaseous, solid geologic and biogenic fuels combusted in Vermont.

However, as you heard from ANR staff today, ANR treats biogenic fuels like wood as carbon-neutral, thus ignoring all emissions from these fuels and ignore the clear intent of the statute. The scientific community has concluded that wood-combustion is not carbon-neutral. IPCC guidelines make it clear that biogenic emissions must be counted. In an email sent to me on May 16, 2023, Secretary Moore admitted that, "You are correct that the IPCC guidelines do not state that biogenic CO<sub>2</sub> shouldn't be included greenhouse gas inventories." However, it remains ANR policy to treat these emissions as carbon neutral and exclude them from the *Inventory*.

§582 (e) provided ANR discretion for adopting rules for §582 but the ANR chose not to adopt any rules. As a result, the *Inventory* fails to address almost 2 million metric tons of CO<sub>2</sub> emissions. There are other errors in the *Inventory* that could be addressed with a proper rule-making process. Please do not accept the requested ANR edit on rule adoption. When it has been provided discretion in the past, as §582(e) does, we find that ANR adopts no rules. Again, it has also resisted making rules for §582(g) even with a clear directive. Any leeway offered to ANR will result in inadequate rules or no rules at all.

Please consider these modest changes to the bill:

(e) Rules.

(1) The Secretary ~~may~~ shall adopt rules to implement the provisions of this section and shall review existing and proposed international, federal, and State greenhouse gas emission reporting programs, shall adopt the IPCC or another established reporting protocol, and make reasonable efforts to promote consistency among the programs established pursuant to this section and other programs, and to streamline reporting requirements on greenhouse

Sec. 2. RULEMAKING

On or before March 1, 2027, the Secretary of Natural Resources shall submit to the Legislative Committee on Administrative Rules proposed final rules for greenhouse gas reporting as required under 10 V.S.A. §582(e)(2) and § 582(g).

-----

There was some confusion about the emissions from the McNeil facility (and by extension the Ryegate facility as well). Ms. Lazorchak is correct that under the GREET model McNeil's reported CO<sub>2</sub> emissions are less 50,000 metric tons. Per federal policy, the GREET model published by the Argonne

National Lab treats wood combustion as carbon-neutral. In 2018, climate crisis denier and Trump EPA director Scott Pruitt declared burning woody biomass carbon-neutral:

- [Sierra Club on Pruitt on Biomass](https://www.sierraclub.org/press-releases/2018/04/scandal-ridden-pruitt-again-ignores-science-says-biomass-carbon-neutral-it-s) (<https://www.sierraclub.org/press-releases/2018/04/scandal-ridden-pruitt-again-ignores-science-says-biomass-carbon-neutral-it-s>)
- [NRDC on Pruitt on Biomass](https://www.nrdc.org/bio/sami-yassa/scott-pruitts-announcement-forest-biomass-defies-science) (<https://www.nrdc.org/bio/sami-yassa/scott-pruitts-announcement-forest-biomass-defies-science>)
- [Climate News on Pruitt on Biomass](https://insideclimatenews.org/news/26042018/epa-pruitt-oklahoma-lobbyist-ethics-biomass-energy-carbon-neutral-glenn-coffee-forestry-industry-crystal-coon/) (<https://insideclimatenews.org/news/26042018/epa-pruitt-oklahoma-lobbyist-ethics-biomass-energy-carbon-neutral-glenn-coffee-forestry-industry-crystal-coon/>)
- [Scientific American on Pruitt and Congress on Biomass](https://www.scientificamerican.com/article/congress-says-biomass-is-carbon-neutral-but-scientists-disagree) (<https://www.scientificamerican.com/article/congress-says-biomass-is-carbon-neutral-but-scientists-disagree>)

As these articles make clear, while the politicians are declaring the burning of wood carbon neutral, the climate scientists are advising that burning wood adds CO<sub>2</sub> to the atmosphere. This conflict between the policy and the science led the EPA to issue its Biomass Policy Statement in 2018, found here: [https://www.epa.gov/sites/default/files/2018-04/documents/biomass\\_policy\\_statement\\_2018\\_04\\_23.pdf](https://www.epa.gov/sites/default/files/2018-04/documents/biomass_policy_statement_2018_04_23.pdf).

The EPA policy statement recognizes that executive orders and congressional directives forced it to claim that burning wood is carbon-neutral despite the science:

To proactively address congressional directives and stakeholder concerns specific to the use of forest biomass for energy, EPA's policy in forthcoming regulatory actions will be to treat biogenic CO<sub>2</sub> emissions resulting from the combustion of biomass from managed forests at stationary sources for energy production as carbon neutral....

This statement of agency policy is not a scientific determination and does not revise or amend any scientific determinations that EPA has previously made....

Beginning in 2010, in response to stakeholder comments, EPA sought to advance the technical understanding for assessing the net biogenic CO<sub>2</sub> emissions associated with the use of biomass at stationary sources. In 2011, as part of this process to advance our technical understanding, EPA submitted for peer review with the EPA Science Advisory Board (SAB) a draft technical report presenting considerations for evaluating the biogenic CO<sub>2</sub> emissions associated with biomass use for energy at stationary sources (2011 Draft Framework). The SAB peer review of the 2011 Draft Framework found that it is not scientifically valid to assume that all biogenic feedstocks are carbon neutral....

The GREET Model embeds the EPA carbon neutral policy into its modeling database. Additionally, ANR under Secretary Moore and the Scott administration have adopted this Trumpian carbon-neutral

policy decision. For example, the request for proposals (RFP) Ms. Lazorchak published for the recent LCA advised that wood should be treated as carbon neutral. The *Methodology* published by ANR supporting the *Inventory* includes statements like these:

Carbon dioxide emitted from the combustion or decomposition of biogenic materials, which are a part of the faster carbon cycle, are assumed to be sequestered by the regrowth of the biogenic material that produced them, and are captured in the flux from the land use change as described above. (8)

Carbon dioxide from electricity generated through biomass combustion is not included because the CO<sub>2</sub> is of biogenic origin, but CH<sub>4</sub> and N<sub>2</sub>O emissions are included in the totals. States in the region differ on this accounting practice, however, it is consistent with IPCC inventory guidelines for the treatment of biogenic CO<sub>2</sub>. (18)

But, while Ms. Lazorchak is correct, Representative Kleppner is also correct that **McNeil emits over 350,000 tons of CO<sub>2</sub> annually**. These emissions and other biogenic emissions must be included in *Inventory*. You can track McNeil emissions data on the Clean Air Market Program website using the facility code 589: <https://campd.epa.gov/data/custom-data-download>. **In 2022, the latest year of emission data in the Vermont Inventory, McNeil emitted 375,581 tons (340,721 MMT) of CO<sub>2</sub>**. These 375,581 tons are not included in the *Inventory*. Excluding these emissions is an ANR policy decision.

The *Methodology* is factually incorrect when it claims that not counting CO<sub>2</sub> from biogenic sources is consistent with IPCC inventory guidelines. You can find an IPCC explanation of biomass accounting protocol here: <https://www.ipcc-nggip.iges.or.jp/faq/faq.html>

The overall IPCC approach to estimating and reporting bioenergy greenhouse gas emissions at the national level requires complete coverage of all IPCC sectors, including the AFOLU and Energy sectors. All CO<sub>2</sub> emissions and removals associated with biomass are reported in the AFOLU sector. Therefore, CO<sub>2</sub> emissions from biomass combustion used for energy are only recorded as a memo item in the Energy sector; these emissions are not included in the Energy sector total to avoid double counting. The approach of not including these emissions in the Energy Sector total should not be interpreted as a conclusion about the sustainability, or carbon neutrality of bioenergy....

Thus, the IPCC Guidelines do not automatically consider or assume biomass used for energy as "carbon neutral", even in cases where the biomass is thought to be produced sustainably.

We should be counting all emissions. §582 specifically calls for counting biogenic emissions. For this reason, we need to require ANR to draft rules that will include the all emissions, consistent with the clear language of §582 and the clear legislative intent of the statute.

Thank you for considering these edits. As the committee chair and bill sponsor reminded us this morning, "we need better data to build effective, equitable, useful policies." This is true of all emissions sources, not just unregulated fuels. Please agree that better data is a small step you can all get behind.

If your committee or any of you individually are interested, I can provide further information about biomass life-cycle analyses, the exorbitant Vermont health harms and costs created by wood smoke, and additional emissions data on wood combustion. If you'd like, I am also able to speak to you committee in person on the topics raised here.

Sincerely,

Pike Porter