

March 29, 2023

Dear Chair Marsh, Vice-Chairs Levy, and Members of the Committee,

I am concerned that the current language of HB 3590 does not:

- 1) include consideration of health and safety impacts on communities near potential hydrogen and renewable diesel production sites.

Whether renewable or not, there is significant risk of health-damaging flaring incidents and other additionally polluting standard practices and events,¹ both with (non-electrolytic) hydrogen production and renewable diesel production.

Climate Reality Project, of which I am a member, considers that biomass energy is clean energy only if it:

- “utilizes generation facilities and operations that have already gained free, prior, and informed consent from surrounding communities,”
- *“Replenishes over a time scale that is consistent with limiting the global temperature rise to 1.5 degrees Celsius by 2050 as prescribed by the IPCC’s Sixth Assessment Report, and*
- *“Has feedstocks that are certified as sustainably managed from a credible certification body and are not invasive or noxious species of plants” among other considerations.*²

- 2) consider whether the yearly quantity of wood-slash is sufficient to feed the demands of such facilities.

Also problematic is that wood-based biofuels— and in particular wood-based renewable diesel projects— have often been introduced with great fanfare never to come to fruition.³

Wood waste and other cellulosic biofuels, including renewable diesel, are extremely expensive. The current Renewable Fuel Standard credits as well as federal RIN credits get bought by *polluting industries* from the cleaner fuels producers for compliance.⁴ For these credits remain available without direct government subsidy, the fossil fuel industry must continue to pollute. That is not the intention of this bill, so it seems urgent to consider feasibility as Oregon makes its transition off fossil fuels.

For these reasons, I **oppose SB 3590 unless it is amended to at minimum:**

¹ 4 G Karras Consulting. Changing Hydrocarbons Midstream. Fuel chain carbon lock-in potential of crude-to-biofuel petroleum refinery repurposing. August 2021. Prepared for the Natural Resources Defense Council (NRDC).

https://www.energy-re-source.com/_files/ugd/bd8505_757a3372387d46358c74d958d158fcb5.pdf

²

<https://www.climatealityproject.org/100-committed-clean-electricity-roadmap#:~:text=WHAT%20SOURCES%20ARE%20ACCEPTABLE%3F>

³ <https://www.biofuelwatch.org.uk/wp-content/uploads/Cellulosic-biofuels-report-2.pdf>, see pgs 27-29

⁴

<https://www.oregon.gov/deq/ghgp/cfp/Pages/CFP-Overview.aspx#:~:text=The%20Clean%20Fuels%20Program%20encourages.future%20sale%20as%20demand%20increases>, see “how does it work” section

- Add a section 1(1)c that effectively requires research and disclosure of the sustainable quantity of renewable diesel and additional hydrogen (meaning hydrogen in excess of what's needed to produce the stated amount of renewable diesel) that could be produced from Oregon's wood slash volume –currently listed as 1.2 million tons per year–; and whether the wood slash could be more beneficially, efficiently, and/or cleanly used for other energy or agricultural or wildlife habitat needs.
- Add a section 1(2)E that effectively directs the research and disclosure of the impact converting woody biomass residues to low carbon fuels would have on communities near the potential new hydrogen and renewable diesel production facilities, for the purposes of helping communities make free, prior, and informed consent *or dissent* on proposed projects..
- Add a section 1(2)F that effectively directs the research and disclosure of the impact converting woody biomass residues to low carbon fuels would have on Oregon's greenhouse gas reduction goals, economy, and food security if the projects were to
 - a) fail to produce, as past efforts demonstrate is likely⁵ and
 - b) cease production or switch to other, cheaper feedstocks as fossil fuels are phased out and there is no market for the business's RFS credits.

Please note, I am not suggesting exact language; the bullet points above show the intended goal of the amendments.

Thank you for considering improving this bill on behalf of environmental justice of communities that could be impacted and the long term economic, climate, and health of all Oregonians,

Helena Birecki
Climate Reality Project volunteer

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<https://www.oregonlive.com/business/2023/01/never-opened-300-million-plus-biofuels-refinery-facing-fore-closure-in-southern-oregon.html> ;
<https://www.biofuelwatch.org.uk/wp-content/uploads/Cellulosic-biofuels-report-2.pdf>, see pgs 27-29