December 14, 2023

U.S. Department of Agriculture, Forest Service

Re: CCS special use exemption, RIN 0596–AD55

The Institute for Agriculture and Trade Policy (IATP) welcomes the opportunity to comment on the proposed rule to exempt carbon capture and storage projects from current "special use" regulations governing private use of publicly owned U.S. forest land. IATP is a 37-year-old nonprofit organization based in Minnesota that works locally, nationally and internationally for fair and sustainable food and farm systems. IATP has focused work on the intersection of climate, agriculture and rural policy for two decades.

IATP strongly opposes the U.S. Forest Service proposed rule to grant an exemption for carbon capture and storage (CCS) projects from "special use" regulations, which would open federal forestland for the injection of carbon dioxide into permanent underground storage tanks. IATP is disappointed the Forest Service chose not to extend the comment period for such a critical issue that could impact our national forests in multiple ways affecting public land enjoyed by millions of Americans each year. IATP signed onto a letter from 135 groups who requested a 60-day extension for the comment period.[1]

The Forest Service's proposed rule is the first ever regulation-level change to allow carbon dioxide injection on federal lands. The proposed rule represents a clear reversal of U.S. Forest Service policy, which currently only allows the private use of forest land temporarily. This new rule essentially privatizes public land permanently by creating an exemption that would grant proposed CCS projects the "exclusive and perpetual use and occupancy" of U.S. forest land.

For such a major regulatory change, it is essential the Forest Service engage rural communities and Tribes and facilitate meaningful public engagement. Doing so includes providing the public — and particularly communities that will be most directly impacted by carbon capture and storage (CCS) deployment, carbon dioxide pipelines, and injection wells — with adequate time to share their concerns and perspectives with the Forest Service.

More specifically, IATP raises three major objections to the proposed new rule:

[1] https://www.biologicaldiversity.org/programs/public_lands/forests/pdfs/23-11-10-Request-for-Extension--USFS-RIN-0596-AD55-140-groups.pdf

1) The injection of carbon dioxide underground is an unproven technology and the impacts on the land, environment and health are not well understood. The capture, compression, transportation, injection and storage of carbon dioxide pose significant environmental, health and safety risks that are not adequately assessed or addressed under existing regulations.[2] We do not see evidence that such injection will ensure a permanent storage of carbon dioxide. Instead, there is a risk of leakage from storage wells or pipelines that could pose a threat to wildlife, habitat and humans. In 2020, a carbon dioxide pipeline ruptured in Mississippi, sending 49 people to the hospital.[3]

   Pipelines built to transport CO_2 to, and inject it under, National Forests present significant public safety concerns. CO_2 gas is odorless and colorless, and is an asphyxiant and intoxicant, which makes releases potentially deadly and difficult to observe and avoid. Carbon dioxide can lead to violent pipeline ruptures due to its volatile nature (particularly in the presence of water), leading to an "unzipping" of a pipeline over long distances.[4]

   Such CCS projects are bound to cause enormous disruptions to existing forest and grassland. Drilling rigs and heavy equipment will be brought into forestland to test storage. Trees and other wildlife would be disrupted for the building of pipelines. The injection wells would have to be permanently established to qualify as carbon storage.

2) We do not believe the injection of carbon dioxide under U.S. forestland is necessary to respond to the climate crisis, nor should it be prioritized to meet U.S. obligations under the Paris Climate Agreement. This is an unnecessary risk we are placing on our forest and grasslands, public land that is critical for climate adaptation by supporting biodiversity and watershed health and will play a key role as a carbon sink.[5] U.S. climate policies should prioritize phasing out fossil fuel production and associated carbon dioxide emissions. Reductions in carbon dioxide production and savings from energy efficiency investments are permanent. CCS projects are enormously expensive, with a record of wasting taxpayer spending,[6] even as they are energy intensive themselves.[7] For this reason, carbon capture should only be used after all resources to reduce or eliminate carbon dioxide emissions have been exhausted. Unfortunately, the U.S. is not close to that threshold.

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[2] https://pstrust.org/carbon-dioxide-pipelines-dangerous-and-under-regulated/
[3] https://www.huffpost.com/entry/gassing-satartia-mississippi-co2-pipeline_n_60ddea9fe4b0ddef8b0ddc8f
[4] https://pstrust.org/carbon-dioxide-pipelines-dangerous-and-under-regulated/
[5] https://biologicaldiversity.org/w/news/press-releases/report-carbon-storage-sequestration-value-of-californias-native-habitats-overlooked-2023-07-24/
[6] https://www.gao.gov/products/gao-22-105111
[7] https://drawdown.org/news/insights/stop-giving-big-oil-a-carbon-fig-leaf

3) We believe attempts to use carbon capture and storage actually has the potential to increase emissions, slow climate action and prevent the U.S. from meeting its 2030 climate targets. By not focusing all available resources on a fossil fuel phase out, technologies that attempt to inject carbon dioxide underground actually enable and incentivize the fossil fuel industry to continue business as usual. CCS projects allow existing or expanded industrial processes to continue dependence on fossil fuels instead of transitioning to renewable energy. A recent study estimated that low performing CCS could actually increase emissions by 86 billion tons from 2020 to 2050.[8] CCS is also shown to increase both energy demand and air pollution.[9]

IATP urges the Forest Service to note the major opposition to carbon dioxide pipelines throughout upper Midwest states,[10] including most recently opposition from the Illinois Farm Bureau,[11] that have so far blocked progress on two major CCS projects. It is clear that rural communities do not want carbon dioxide pipelines running through their farmland and natural areas. The use of public forests and grassland for CCS projects is contrary to the public interest, without compelling evidence such projects will help us reach climate reduction targets.

IATP thanks for U.S. Forest Service for the opportunity to comment on the proposed rule and welcomes any questions (contact Ben Lilliston, ben@iatp.org).

[8] https://climateanalytics.org/press-releases/carbon-capture-and-storage-could-unleash-86-billion-tonne-carbon-bomb
[9] https://news.stanford.edu/2019/10/25/study-casts-doubt-carbon-capture/
[10] https://grist.org/protest/across-the-midwest-an-unlikely-alliance-forms-to-stop-carbon-pipelines/
[11] https://www.desmoinesregister.com/story/tech/science/environment/2023/12/09/carbon-pipeline-opposition-voiced-by-illinois-farm-bureau/71858429007/