

Representative Frank Pallone  
2017 Rayburn House Office Building  
Washington, DC 20515

Representative Paul Tonko  
2369 Rayburn House Office Building  
Washington, DC 20515

Speaker Nancy Pelosi  
235 Cannon Hob  
Washington, Dc 20515

April 1, 2021

Re: Amendment Requested to the CLEAN Future Act

Dear Representative Pallone and Representative Tonko/Speaker Pelosi:

The undersigned organizations appreciate your efforts on the CLEAN Future Act to begin addressing the climate crisis. We are especially pleased that inclusion of waste issues in this act recognizes the important connection between waste production and climate change. Specifically, we applaud the provisions pausing the permitting of new plastics production facilities as these facilities cause plastic pollution and climate emissions. We were also glad to see the requirement of essential environmental justice protections for communities on the frontlines of the waste and climate crisis, and proposed investments in zero waste solutions that have the potential to create thousands of jobs and revitalize communities across the country that have been disproportionately impacted by past waste policies.<sup>1</sup>

Unfortunately, the bill also promotes false solutions that contradict efforts to fight climate change and promote equity. The CLEAN Futures Act of 2021 allows waste incineration, aka "waste to energy" to be considered a clean electricity source. Waste to energy (WTE) facilities, particularly municipal solid waste (MSW) incinerators are the dirtiest source of energy production on the grid today and the majority are located in environmental justice communities. The inclusion of WTE as "clean electricity" undermines the very positive environmental justice protections in the bill. WTE facilities add to the cumulative burden of pollution on low-income, and Black, Brown, and Indigenous communities that causes long-term, multi-generational health impacts from toxic air pollution. These same communities are also the hardest hit by the impacts of climate change whether from severe storms and hurricanes, deadly heat waves, wildfires, rising sea level, spikes in food prices, or pollution, allergy, and pollen-induced asthma attacks, and are less resilient to these impacts.<sup>2</sup> The most recent winter storms in Texas and Mississippi left hundreds of thousands of Americans without homes, power, and clean, safe drinking water, a sight that has become all too familiar after Hurricanes Katrina, Sandy, and Maria and the wildfires in Washington, Oregon, Colorado, and California.

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<sup>1</sup> Ribeiro-Broomhead, J. & Tangri, N. (2021). Zero Waste and Economic Recovery: The Job Creation Potential of Zero Waste Solutions. Global Alliance for Incinerator Alternatives. [www.doi.org/10.46556/GFWE6885](https://www.doi.org/10.46556/GFWE6885)

<sup>2</sup> Balbus, John. "Impacts, Risks, and Adaptation in the United States: Fourth National Climate Assessment. Chapter 14 - Human Health." U.S. Global Change Research Program, 2018, [nca2018.globalchange.gov/downloads/NCA4\\_Ch14\\_Human-Health\\_Full.pdf](https://nca2018.globalchange.gov/downloads/NCA4_Ch14_Human-Health_Full.pdf). Accessed 2 March 2020.

WTE accounted for 8.3% of total waste-related GHG emissions and U.S. waste generation is on the rise.<sup>3</sup> WTE facilities are the most polluting energy source in operation today, worse than coal-fired power plants. Incinerators only contribute 0.3% of the energy supplied to the grid, yet emit nearly quadruple the grid average for greenhouse gases (GHGs) per unit of electricity generated.<sup>4</sup> Specifically, WTE facilities emit almost twice as much carbon dioxide as is emitted from burning coal, and nearly three times as much as oil and gas. In addition, WTE facilities emit 15 times as much nitrous oxide and methane as the grid average, as well as 14 times as much nitrogen oxides and 1.3 times as much sulfur dioxide, which are significant contributors to air pollution and acid rain.<sup>5</sup>

While biomass power plants are also major sources of air pollution and GHG emissions, MSW incinerators stand out as the only generation source that emits large quantities of both fossil and biogenic emissions. Even if the biogenic portion of the municipal waste stream were entirely removed, WTE plants would still emit more GHG than oil and gas. The nation's power grids are increasingly moving away from coal, recognizing its tremendous contribution to climate change and air pollution, and inability to compete against the cost of renewable sources such as solar and wind, yet the CLEAN Future Act classifies WTE incinerators and biomass power plants, which are even more polluting than coal,<sup>6</sup> as clean energy sources.

Incinerators and landfills are most often sited near environmental justice communities or primarily low-income communities and communities of color.<sup>7</sup> In fact, 79% of MSW incinerators are located in environmental justice communities.<sup>8</sup> Along with GHG emissions, MSW incinerators emit co-pollutants that are harmful to human health at greater rates than fossil fuel power plants, including particulate matter, dioxins, lead, and mercury. Ten of the twelve incinerators in the US that produce the greatest amount of lead emissions are in environmental justice communities that are already heavily burdened with pollution.<sup>9</sup> Nearly one-third of WTE facilities exceeded pollution emissions limits from 2016-2019, resulting in 126 federal violations under the Clean Air Act.<sup>10</sup> Decades of data reveal that EPA's emissions reporting and auditing rules allow WTE facilities to exploit loopholes created by federal and state policies and take advantage of under resourced state agencies delegated to inspect WTE every five years. Many WTE facilities often receive permit approvals with few requirements to upgrade emissions standards or invest in improvements. For example, the Hennepin County Recovery Center, one of Minneapolis/ Hennepin County's worst air polluters, has been operating under a federal air emissions permit that has been administratively approved without inspection since 2004. The facility emits close to 2 million pounds of pollutants per year including dioxin, mercury, lead, fine particles, carbon monoxide, "NOx," other heavy metals, and dozens of other hazardous pollutants.<sup>11</sup> In addition, for every pound of garbage that is burned, 1/3 pound of ash laden with heavy metals and dioxins is

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3 "Greenhouse Gas Reporting Program: GHGRP Waste." United States Environmental Protection Agency, [www.epa.gov/ghgreporting/ghgrp-waste](http://www.epa.gov/ghgreporting/ghgrp-waste). Accessed 12 March 2021.

4Tangri, N. (2021). Waste Incinerators Undermine Clean Energy Goals. doi: 10.31223/x5vk5x

5 Waste Incinerators Undermine Clean Energy Goals

6 Booth, Mary S., PhD Trees, Trash, and Toxics: How Biomass Energy Has Become the New Coal (2014), <https://www.pfpi.net/wp-content/uploads/2014/04/PFPI-Biomass-is-the-New-Coal-April-2-2014.pdf>

7 Bullard, Robert D., Ph.D., Mohai, Paul, Ph.D., Saha, Robin, Ph.D., Wright, Beverly Ph.D. Toxic Wastes and Race at Twenty 1987-2007. United Church of Christ, 2007, [www.nrdc.org/sites/default/files/toxic-wastes-and-race-at-twenty-1987-2007.pdf](http://www.nrdc.org/sites/default/files/toxic-wastes-and-race-at-twenty-1987-2007.pdf). Accessed 2 March 2020.

8 Based on census tracts where: (a) the percentage of people living below the federal poverty rate is above 25% OR (b) the percentage of people identify as "minority" is above 25 percent. Baptista, Ana and Adrienne Perovich. "U.S. Municipal Solid Waste Incinerators: An Industry in Decline." The New School: Tishman Environment and Design Center, May 2019, [www.no-burn.org/industryindecline](http://www.no-burn.org/industryindecline). Accessed 2 March 2020.

9 Ibid.

10 Baptista, Ana and Adrienne Perovich. "U.S. Municipal Solid Waste Incinerators: An Industry in Decline." The New School: Tishman Environment and Design Center, May 2019, <https://www.no-burn.org/industryindecline>. Accessed 2 March 2020.

11 Baptista, Ana and Adrienne Perovich. "U.S. Municipal Solid Waste Incinerators: An Industry in Decline." The New School: Tishman Environment and Design Center, May 2019, <https://www.no-burn.org/industryindecline>. Accessed 2 March 2020.

produced.<sup>12</sup> The ash produced from incineration must then be landfilled adding to the environmental burden of those communities and risking exposure through air and water contamination.<sup>13</sup> The certification requirement for WTE facilities to earn clean energy credits in the bill will not address the decades of policies that have left communities breathing dirty, toxic air.

While the CLEAN Future Act takes important steps to address plastic pollution and promote zero waste initiatives, the waste production trend needs to be reversed with upstream measures while downstream measures to achieve zero waste need to be much more aggressive. The total U.S. waste stream tripled from 1960-2015 and plastic waste alone has doubled over the past 30 years.<sup>14,15</sup> Plastic manufacturing is expected to increase 40% by 2050, releasing methane and other greenhouse gases across its life cycle from extraction to production to incineration at the end of its life. Only 25% of all municipal solid waste was recycled and only 10% composted.<sup>16</sup> Of the remaining municipal solid waste (MSW), 12.7% or 34 million tons was incinerated.<sup>17</sup> Hydraulic fracturing and the production of plastic is incompatible with avoiding catastrophic climate change and the legislative goal of the CLEAN Future Act must consider reducing plastics' emissions at the source and investing heavily in reuse, recycling, and remanufacturing systems.

Just because Americans produce a lot of waste, does not make it renewable. Nor should we continue on this pathway of endless waste production. For these reasons, we are pleased with the inclusion of investments in zero waste solutions, a pause of plastic production facilities, and a national bottle bill, but the bill must go further and urge the bill be amended to remove waste-to-energy incineration and biomass combustion as a clean energy source, ban hydraulic fracturing, and end the production of single use plastic.

Sincerely,

Judith Enck, Former EPA Regional Administrator and President, Beyond Plastics  
Denise Patel, U.S. & Canada Program Director, GAIA (Global Alliance for Incinerator Alternatives)

### **Supporting Organizations**

350Brooklyn  
48217 Southwest Detroit  
Adat Shalom Climate Action Team  
Advocacy Committee  
Algalita  
All Our Energy  
Alliance of Mission-Based Recyclers  
Association of NJ Environmental Commissions  
Aurorans for Climate and Environmental Sense  
Blue Ridge Environmental Defense League  
Breathe Free Detroit

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<sup>12</sup> IPEN REPORT

<sup>13</sup> Baptista, Ana and Adrienne Perovich. "U.S. Municipal Solid Waste Incinerators: An Industry in Decline." The New School: Tishman Environment and Design Center, May 2019, <https://www.no-burn.org/industryindecline>. Accessed 2 March 2020.

<sup>14</sup> "National Overview: Facts and Figures on Materials, Wastes and Recycling." United States Environmental Protection Agency, 2019, [www.epa.gov/facts-and-figures-about-materials-waste-and-recycling/national-overview-facts-and-figures-materials#NationalPicture](http://www.epa.gov/facts-and-figures-about-materials-waste-and-recycling/national-overview-facts-and-figures-materials#NationalPicture). Accessed 2 March 2020.

<sup>15</sup> Ibid.

<sup>16</sup> "Advancing Sustainable Materials Management: 2017 Fact Sheet." United States Environmental Protection Agency, 2019, [www.epa.gov/sites/production/files/2019-11/documents/2017\\_facts\\_and\\_figures\\_fact\\_sheet\\_final.pdf](http://www.epa.gov/sites/production/files/2019-11/documents/2017_facts_and_figures_fact_sheet_final.pdf). Accessed 2 March 2020.

<sup>17</sup> "National Overview: Facts and Figures on Materials, Wastes and Recycling." United States Environmental Protection Agency, 2019, [www.epa.gov/facts-and-figures-about-materials-waste-and-recycling/national-overview-facts-and-figures-materials#NationalPicture](http://www.epa.gov/facts-and-figures-about-materials-waste-and-recycling/national-overview-facts-and-figures-materials#NationalPicture). Accessed 2 March 2020.

Brookhaven Landfill Action and Remediation Group  
Cafeteria Culture  
California Communities Against Toxics  
California Safe Schools  
Californians Against Waste  
Catskill Mountainkeeper Woodstock  
Center for Coalfield Justice  
Center for Environmental Health  
Center for Environmental Transformation  
Chesapeake Climate Action Network  
Citizens' Environmental Coalition  
Clean Air Action Network  
Clean Air Action Network of Glens Falls  
Clean Air Coalition of Greater Ravena-Coeymans  
Climate Reality Project  
Committee to Preserve the Finger Lakes Inc  
Common Ground Compost New York  
Community Action Works  
Concerned Ohio River Residents Bridgeport  
CT Coalition for Environmental Justice  
Earth Ethics, Inc  
East Michigan Environmental Action Council/CASS Commons  
East Yard Communities for Environmental Justice  
Ecology Center  
Energy Justice Network  
Flint Rising  
Foodscraps360  
Fourth Universalist Church  
FracTracker Alliance  
Gas Free Seneca  
Go Green OC  
Grassroots Environmental Education  
Green Education and Legal Fund  
Greenbelt Climate Action Network  
Greenpeace USA  
Hudson Mohawk Magazine  
Hudson River Sloop Clearwater  
Inland Ocean Coalition  
Institute for Local Self-Reliance  
JAMPAC (Jamesville Positive Action Committee)  
Kingston Citizens  
Local Futures  
Long Beach Environmental Alliance  
Marta Siberio Consulting Inc  
MI JustUs  
Midwest Building Decarbonization Coalition  
Minnesota Climate & Environmental Justice Table  
MOF - Patterson  
Montgomery Countryside Alliance

Mothers Out Front Dutchess County  
NC Climate Justice Collective  
New Jersey Environmental Justice Alliance  
News from the Neighborhood  
NJ/NY Environmental Watch  
North Country Earth Action  
Nothing Left to Waste  
NYC Environmental Justice Alliance  
NYC H2O  
NYPIRG  
Oceans 8 Films  
Omega Institute  
Oregon Physicians for Social Responsibility  
Our Water Our Air Our Rights  
Partnership for Policy Integrity  
Passive to Positive  
PAUSE - People of Albany United for Safe Energy  
PLAN: The Post Landfill Action Network  
Plastic Pollution Coalition  
Progressive Schenectady  
Ravena-Coeymans-Selkirk Teachers Association  
RRUUC River Road  
Save the Pine Bush  
South Baltimore Community Land Trust  
Seneca Lake Guardian  
Solarize Albany  
Sound Resource Management Group, Inc.  
Streetsmart  
Sugarloaf Citizens Association  
Surfrider Foundation  
Texas Campaign for the Environment  
The Center for Oceanic Awareness, Research, and Education (COARE)  
The Climate Reality Project: Capital Region  
The Last Beach Cleanup  
The Last Plastic Straw  
The Post-Landfill Action Network  
The Story of Stuff Project  
Tri-County Sustainability  
Turtle Island Restoration Network  
UNCAGED  
Unitarian Universalist Environmental Justice Ministry  
V Martin Environmental Justice LLC  
Watervliet Huddle  
Waukesha County Environmental Action League  
We Want Green Too  
WESPAC Foundation  
West End Revitalization Association (WERA)  
Women Against War  
Working on Waste

Zero Waste Capital District  
Zero Waste Committee  
Zero Waste Ithaca  
Zero Waste Washington  
ZWIA