

# Fatal Flaws and Common Loopholes in Federal Climate & Energy Policies

By Mike Ewall, Esq., Executive Director, Energy Justice Network, 215-436-9511, [mike@energyjustice.net](mailto:mike@energyjustice.net); [www.energyjustice.net](http://www.energyjustice.net)

Nearly every federal climate or “clean” energy bill has included most of the false solutions outlined below.

**Nuclear power:** often explicitly promoted, but sometimes just indirectly put at a competitive advantage, nuclear power is unreasonably expensive, takes far too long to develop, and is environmentally devastating to communities impacted by mining, milling, conversion, enrichment, fuel fabrication, the reactors themselves, and their waste disposal.

**Landfills and incinerators:** the dirtiest ways to manage waste are propped up as clean energy. Incineration is also the dirtiest and most expensive way to make energy, far more polluting than coal, including for the climate. Described as “waste-to-energy,” or as (failed, experimental) pyrolysis and gasification schemes, these are toxic money pits.

**Biomass and biofuels:** Worse for the climate than coal and oil, biomass and biofuels pillage forests and agricultural land and pollute communities hosting biomass incinerators and ethanol biorefineries. GMO use increases toxic herbicide spraying, and adds another layer of impact to this false solution.

**Natural gas & fracking:** with all of the methane leakage from wells to pipelines to compressor stations to distribution systems and end uses, gas is worse than coal for the climate, but many policies look only at stack emissions or (at best) pretend to be able to account for leakage. Without being able to fully account for leakage, these policies favor gas over coal, even as climate impacts are worse. Also, most policies still use outdated (2007) climate science from two IPCC assessments ago, and look at impacts over 100 years instead of 20, making methane seem to be about 25 times worse than CO<sub>2</sub> instead of 82 times worse.

**Carbon capture & sequestration (CCS):** CCS is a very costly way to perpetuate polluting fossil fuel and biomass combustion systems. Rarely used, where CCS happens, it’s usually for enhanced oil recovery (EOR), where the CO<sub>2</sub> is pumped underground in order to pull up more oil, which itself is then burned, releasing more CO<sub>2</sub>. The pumped CO<sub>2</sub> also comes back up with the oil, which fails to make this “sequestration.” Even where CO<sub>2</sub> is designed to stay underground, it can eventually leak out in some situations, which can suffocate nearby residents. Focusing just on carbon emissions ignores all other pollutants, as well as extraction and waste impacts.

**Animal Agriculture:** Depending on the study, animal agriculture is responsible for 17-51% of global GHG pollution, exceeding transportation in any case. Agriculture is typically exempted in climate policies.

**Market-based solutions (offsets, trading...):** These policies have been shown to be insufficient, have too many loopholes and false solutions, and are subject to gaming (baselines set too high; false “what if” scenarios). They’re also imprecise in that these “market knows best” approaches fail to apply the policy precision needed for proper transition to sustainable agriculture, energy, transportation, materials and waste management systems.

**Individual, not systemic solutions:** Providing dividend checks to individuals (even if it doesn’t end up being counterproductive by encouraging consumption) fails to create investment in the systemic solutions needed. A person who now finds it even harder to fuel a car to commute to work may have no public transit options available to them. A dividend check won’t extend public transit to serve them, but investing this money in infrastructure could.

**Exempting a top climate culprit, the U.S. military:** We cannot address climate and environmental problems without recognizing that the U.S. military is one of the planet’s worst contributors to both (without even getting the fact that it’s used largely to secure U.S. control over and excessive use of world oil and gas resources).

**Van Hollen’s cap and dividend bill** contains most of these problems, with explicit agriculture and military exemptions, support for CCS, and – by ignoring them – indirect support for nuclear power, biomass/biofuels and landfills and incinerators. It also **discriminates** against millions of people who are undocumented or are lawfully present, but classified as “nonresident aliens.” This raises costs on these more vulnerable residents while making them ineligible for dividend checks. More [here](#).

**Sen. Smith’s Clean Energy Standard**, now part of the [budget](#) deal, is riddled with support for these dirty false solutions. If it’s the same as her [2019 bill](#), it would prop up nuclear power, trash incineration, biomass incineration, biofuels, waste-based fuels, pyrolysis and gasification, coal/gas/bio/waste burning with carbon sequestration, hydro dams, geothermal, landfills, animal factory waste digesters, and sewage treatment plant sludge digesters. All told, it would do more harm than good.