



**Testimony of Ted Michaels
President, Energy Recovery Council
Before the Massachusetts Joint Committee on Telecommunication,
Utilities, and Energy
February 24, 2010**

**In opposition to H. 4458, An Act to Limit Carbon Dioxide Emissions from
Renewable and Alternative Energy Sources.**

Good morning, Chairman Morrissey, Chairman Finegold, and Members of the Committee. My name is Ted Michaels and I serve as President of the Energy Recovery Council (ERC). ERC represents companies and local governments engaged in the waste-to-energy sector and that provide facilities for safe, effective trash disposal and the generation of clean, renewable energy. ERC members with facilities in Massachusetts include Covanta Energy Corporation and Wheelabrator Technologies Inc. These companies own or operate the seven waste-to-energy facilities in Massachusetts today, serving over 130 cities and towns and generating 260 megawatts of renewable electricity from the disposal of nearly 10,000 tons of trash per day.

On behalf of the ERC and its members, I strongly oppose H. 4458, which is an Act being pursued by ballot initiative in an effort to unravel progressive policies that have recently been enacted by the Legislature and signed into law by the Governor. Massachusetts law currently recognizes waste-to-energy as a renewable energy resource and appropriately provides incentives for waste-to-energy in the form of renewable energy credits (RECs). In addition, it is important to note that half of all revenues generated from the sale of waste-to-energy RECs are returned to the Massachusetts Department of Environment Protection to bolster recycling programs throughout the state.

The legislation being proposed via ballot initiative would set an arbitrary carbon dioxide emission limit that is completely out of step with how waste-to-energy is treated in the U.S. and around the world. Proponents of the ballot initiative are attempting to shroud their proposal under the guise of climate protection. However, those who understand waste-to-energy know that waste-to-energy is a tool in the fight against climate change. Waste-to-energy achieves the reduction of greenhouse gas emission through three separate mechanisms: 1) by generating electrical power or steam, waste-to-energy avoids carbon dioxide (CO₂) emissions from fossil fuel based electrical generation, 2) the waste-to-energy combustion process effectively avoids all potential methane emissions from landfills thereby avoiding any potential release of methane in the future and 3) the recovery of ferrous and nonferrous metals from MSW by waste-to-energy is more energy efficient than production from raw materials – thereby avoiding CO₂ from fossil fuel combustion.

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Researchers from the U.S. Environmental Protection Agency have shown that waste-to-energy facilities reduce approximately one ton of carbon dioxide equivalents on a life cycle basis for each ton of trash it produces. Far from exacerbating climate change in Massachusetts, the Commonwealth's seven waste-to-energy facilities avoid nearly 3.5 million tons of carbon dioxide equivalents each year.

The ability of waste-to-energy to reduce greenhouse gas emissions have been recognized at the local, state, regional, national, and international levels. The Intergovernmental Panel on Climate Change (IPCC) acknowledges that waste-to-energy "reduces the mass of waste and can offset fossil-fuel use; in addition greenhouse gas emissions are avoided, except for the small contribution from fossil carbon." This acknowledgement by the IPCC is particularly relevant due to the IPCC being an independent panel of scientific and technical experts that shared the Nobel Peace Prize with Al Gore. Furthermore, the German Ministry of the Environment published a report in 2005 entitled "Waste Sector's Contribution to Climate Protection," which concluded that the use of waste combustion with energy recovery coupled with the reduction in landfilling of biodegradable waste will assist the European Union-15 to meet its obligations under the Kyoto Protocol. Domestically, the U.S. Conference of Mayors has adopted a resolution recognizing the greenhouse gas reduction benefits of waste-to-energy. As of today, 1,107 mayors have signed the agreement.

Historically, Massachusetts has done an excellent job of using waste-to-energy as a means to responsibly manage trash, as well as generate clean, renewable energy. The seven waste-to-energy plants operating in Massachusetts today allow the Commonwealth to manage trash within its borders, rather than relying on the price and capacity whims of out-of-state disposal options. In fact, the Commonwealth's reliance on waste-to-energy to manage a substantial portion of its waste is consistent with the practices of the most progressive environmental nations in Europe. European leaders recycle as much as possible, utilize waste-to-energy to recover valuable energy, and place a small amount of remaining waste in a landfill. Domestic policies across the country handle waste-to-energy in a similar fashion. Waste-to-energy is regarded as renewable in the laws of twenty-five states, as well as major renewable energy legislation pending in the U.S. Congress. Both the Waxman-Markey bill approved by the U.S. House of Representatives and the Kerry-Boxer bill approved by the U.S. Senate Environment and Public Works Committee would establish a federal renewable energy standard that defines waste-to-energy as renewable.

In summary, the Energy Recovery Council opposes the legislation being proposed by ballot initiative because it will jeopardize the future of Massachusetts' clean economy. Adoption of this legislation will have the perverse impact of increasing the release of greenhouse gases in the Commonwealth, while reducing funding flowing toward recycling programs. We urge you to oppose this legislation. Thank you.