

Send to:

email: Provincial Executive Members Province of Gelderland

post: Province of Gelderland PO Box 9090 6800 GX Arnhem

For your information:

email: Provincial States Members of the Province of Gelderland, B&W and Councilors of the municipality of Arnhem

post: Municipality of Arnhem PO Box 9029 6800 EL Arnhem

Subject: Provincial Executive liability claim for damages to health, environment and climate regarding the planned opening of the biomass power plant.

Date: September 10, 2019, Arnhem, the Netherlands

[Dutch version](#)

Dear Provincial Executives,

Thank you for [your response](#) on September 6 to [our letter with questions regarding the planned opening of the biomass plant](#). It is a relief to hear that the Province acknowledges that more CO₂ is released when burning woody biomass than when burning gas. For the sake of clarity, we would like to point out once again that the burning of woody biomass produces three times more CO₂ emissions than the burning of gas and even one and a half times more CO₂ emissions than the burning of coal according to [the March publication of this year, from the Green Party Scientific Bureau](#). The publication also contained the following:

"The combustion of solid biomass also causes much more air pollution than the combustion of natural gas (...) Also large biomass plants that have filters on the chimneys cause problems for public health (...)"

"Because trees are so important for capturing CO₂ from the atmosphere, for biodiversity, groundwater management, air quality and quality of life, it is simply no longer possible to explain why those same trees or large parts of them should be burned for climate reasons. Legal sustainability criteria cannot be convincing, as long as there are countless examples of biomass heating that conflict with these criteria."

"It is time to put an end to the fiction of the CO₂ neutrality of biomass from nature. The CO₂ emissions from this biomass combustion must be included in the greenhouse gas emissions of the country where the combustion takes place."

In addition to the Green Party research agency, these facts have also been confirmed for more than a decade in [hundreds of research reports](#) from other organizations such as [Greenpeace](#), [European Environmental Bureau](#), [OXFAM](#), [TPFC](#), [EPN](#), [Southern Environment](#), [European Commission](#), [Environmental Paper Network](#), [MOB](#), [CE Delft](#), [MDPI](#), [FTM](#), [Clara](#), [PBL](#), [Flinders University](#), [GNMF](#), [VOX](#), [ShareAction](#), [Chatham House](#), [Global Forest Coalition](#), [ECF](#), [EIP](#), [PNAS](#), [ERL](#), [800 Scientists](#), [More scientists](#), [Even more scientists](#), [And yet even more scientists](#), [European Academies Science Advisory Council](#), [Gezondheidsraad](#), [FERN](#), [WRM](#), [Wageningen University](#), [MAHA](#), [PMC](#), [WWF](#), [DogwoodAlliance](#), [AGU](#), [TNI](#), [Birdlife](#), [Sandbag](#), [PFPI](#), [NRDC](#), [LUNG](#), [ALNP](#), [University of Reggio Calabria](#), [EUBioenergy](#), [Oko-Institute](#), [AMBIO](#), [GEOS institute](#), [SEI/UM](#), [Climate Central](#), [ERJ](#), [Volker-Quaschnig](#), [Wetlands International](#), [US EIA](#), [MO](#), [Transport & Environment](#), [Sierra Club](#), [Biofuelwatch](#), [PFPI](#), [ClientEarth](#), [Forest Research](#), [SELC](#), [NWF](#), [DCMR](#), [PTC](#), [US Court](#), [GHP](#), [Princeton indignaUniversity](#), [RIVM](#), [RSPB](#), [US SAB](#), [EEA](#), [Manomet](#), [Bureau of Environmental Health](#), [Environmental Energy Alliance](#), [TNO](#), [ECN](#), [EWG](#), [DECC](#), [WPIF](#), [ENGO](#), [Oregon State University](#), [Virginia Commonwealth University](#).

In our [letter of August 16](#) we have included a number of web links for your convenience to the specific pages on the website which briefly summarize, with extracts from the specific reports, why cutting down and burning trees for energy is bad for humans, the environment and the climate. The web links to those web pages with research results are: [biodiversity](#), [Carbon dioxide](#), [certification](#), [ecotoxicity](#), [health risks](#), [legal](#), [LULUCF](#), [subsidies](#), [sustainability](#), [whole trees](#).

Because we have been told numerous times that city councils and provincial members do not have time to read all the information they receive, we have also offered a web link to a [page with 35 short videos](#) in which all topics are clearly explained.

In addition, we have offered a step-by-step [plan of 45 solutions, in collaboration with Urgenda](#), as an alternative to burning woody biomass for generating energy and solutions for the climate problem.

In [your response](#) to our letter with questions, you **do not address the majority of topics**: why cutting down trees for the purpose of burning them for generating energy is bad for people, the environment and the climate. We think it is ignoble that you so easily set aside your legal obligation to guarantee a healthy living environment. Burning woody biomass releases [four times more particulate matter emissions](#) than burning coal. [According to RIVM](#), we die on average 13 months earlier in the Netherlands due to particulate matter. You hereby condemn the inhabitants of Arnhem to illnesses and premature death.

Your response is also based on incorrect and / or incomplete information. Below we briefly explain why your answers are incorrect:

According to you, woody biomass would have a short CO2 cycle

We published [a short video](#) last month and presented it to you to explain that a new tree will only remove a substantial amount of CO2 from the air after 20 years and that a [50-year old tree is at its peak in the amount of CO2 it will take from the air](#). For more than a decade we have been rapidly emitting three times more CO2 into the air from burning woody biomass than we would have done with burning gas and according to the latest [research report from the IPCC](#) and that of [the European Commission](#) we no longer have time to settle this CO2 debt. Every tree that we cut and burn makes the problem bigger. A [large number of the research reports](#) delivered years ago contain [extensive information about these facts](#).

According to you, forest management would increase the CO2 absorption capacity of forests

This statement of the Province also does not [correspond with reality](#). According to [several studies](#), the [CO2 absorption capacity of the forest is falling due to the thinning policy](#) of Staatsbosbeheer. Last year, Staatsbosbeheer earned [27.5 million euros in logging](#) for biomass and also received a much higher amount of subsidies from the Province for their controversial massive logging for the Natura 2000 policy. In recent years, the Netherlands [have lost 5,400 hectares of forest](#). Staatsbosbeheer's [own annual report for 2018](#) shows that without those millions the company would not be able to continue to exist. This is a perverse incentive that you give.

Only the forest management residues, according to you, would be used for energy generation

In your response you indicate that the woody biomass that is burned, concerns waste that comes from the maintenance of forest and greenery. It would not be the case that forest disappears as a result of the biomass plant. As indicated above, [thousands of hectares of forest are disappearing](#). According to the [verification protocol of the RVO](#) (26 February 2019) for the sustainability of solid biomass for energy applications, whole trees can be used for 3 of the 4 categories of woody biomass in addition to the branches, top timber and primary residues. In the [video by Arnhems Peil](#), images from both Staatsbosbeheer and several suppliers of woodchips are included, clearly showing that entire trees are going through the woodchipper.

According to you, the woody biomass would be sourced from a radius of 100 km

This statement of the Province is also undermined by [several research reports](#) which show that there is [not enough sustainable woody biomass available in the region](#). This was even confirmed in the letter from Minister Wiebes to the [first](#) and [second](#) chambers in which he offered the outline of the climate agreement. Apart from that we are also against burning woody biomass when the trees come from our own environment for all the reasons mentioned above.

In your opinion, the permits issued would be irrevocable

As you know by now, [being irrevocable does not mean that the permits can never be withdrawn](#). You indicated that you have the intention to make a decision on our update and withdrawal requests within 6 months. Your spokesperson has indicated that the biomass plant will be put into operation next month. Your decision will therefore be too late to prevent the opening and to protect the inhabitants, the environment and the climate against harmful emissions.

In our previous letter we indicated that your spokesperson included very outdated insight in his response and that we assume that you have been misinformed and therefore [legally in default](#). However, [the reports](#) show that the government has been extensively informed of all dangers for the past ten years. In addition, you were also informed at the end of last year of the decision of the Supreme Court of the Netherlands in the [climate case of Urgenda](#) regarding your responsibilities. That statement clearly states that "[There is a real threat of dangerous climate change, which causes there to be a serious risk that the current generation of residents will face loss of life and / or disruption of family life.](#)"

The Province has also been extensively informed of the invalidation of the Program Approach Nitrogen (PAS) by [the decision of the Council of State](#) in the nitrogen case initiated by the [Mobilisation for the Environment](#). This verdict is directly [related to this biomass plant](#).

The [Code of Conduct for the King's Commissioner](#) also applies to the deputies and the governing bodies. The code of conduct includes the following:

*"Good governance is integrity. Integrity is therefore not only a responsibility of the individual political office holders, but a common interest that concerns the entire organization and the entire administration in all its sections. The code of conduct therefore addresses both the individual political office holders and the governing bodies. Our democratic system and democratic processes cannot do without ethically functioning organs and officials. Integrity of political office holders refers to the care that political office holders must exercise in fulfilling their role in the democratic constitutional state. That means **taking responsibility** associated with the position and being prepared to give account to fellow administrators and / or (members of) the parliament and above all to the citizen. In the democratic constitutional state, everyone must abide by the laws and rules that are established democratically. (...) Integrity is a theme that acquires meaning in action. An integrity policy that only exists on paper is only a dead letter. That is why the actions of political office holders must regularly be the subject of discussion, and also among themselves, and the code of conduct also provides support for this. "*

We now think there are two possible explanations:

The first means that you have been misinformed and have not read the information provided by us and were therefore not aware of all reports from the past ten years that have revealed the dangers of burning woody biomass for humans, the environment and the climate. In that case, we assume that you will now do everything to prevent the opening of the biomass plant. In the second scenario you were informed and despite all the dangers to humans, the environment and the climate, you still chose to proceed with the opening of the biomass plant.

If we have not heard by September 13 that you are going to do everything to combat the biomass plant, we will start the international campaigns. These promotions are not only intended to inform you or to point out your legal obligation. Through these actions we hold you liable in advance for damage to health, the environment and the climate and we will hold you socially and legally responsible. This means, among other things, that we will file a complaint against you at the [International Criminal Court in The Hague](#) if you do not stop the opening of the biomass plant.

Under this letter we have added the hundreds of web links to official reports from reputable organizations and research agencies that clearly show that burning biomass is very bad for human health, the environment and the climate. Below we have added the more than a thousand web links to news items that show the same.

Sincerely,

The board members of

Foundation Arnhems Peil

www.arnhemspeil.nl

www.biomassmurder.org

www.edsp.eco

At this moment the Arnhems Peil and EDSP ECO team is busy making the latest reports, news items and analyses available. We regularly supplement the list below in the online version of this document:

<https://www.biomassmurder.org/docs/2019-09-10-edsp-eco-arnhemspeil-provincial-executive-liability-claim-for-damages-to-health-environment-and-climate-regarding-the-biomass-power-plant-english.pdf>

Research reports & documents

2019

[2019-09-06-provincie-gelderland-reactie-op-vragen-arnhemspeil-tav-de-opening-van-de-biomassacentrale-van-veolia-in-arnhem.pdf](#)

[2019-09-05-energiea-onherroepelijk-betekent-niet-deze-vergunning-kan-nooit-worden-ingetrokken-dutch.pdf](#)

[2019-09-05-edsp-eco-european-institutions-biomass-lobbyfacts.pdf](#)

[2019-09-03-mob-milieuorganisaties-voorzien-nieuwe-juridische-stikstofprocedures-waarschuwing-voor-quick-fix-die-niet-tot-de-oplossing-leidt-dutch.pdf](#)

[2019-09-01-arnhemspeil-vragen-aan-groenlinks-arnhem-tav-bomenbeleid-en-de-biomassacentrale-van-veolia.pdf](#)

[2019-09-00-asnbank-steeds-meer-milieuorganisaties-en-onderzoekers-negatief-over-de-duurzaamheid-van-biomassa-dutch.pdf](#)

[2019-08-29-gedeputeerde-staten-provincie-gelderland-uitnodiging-arnhemspeil-hoorzitting-bezwaar-veolia-biomassacentrale-arnhem-dutch.pdf](#)

[2019-08-28-biofuelwatch-campaign-guide-how-to-talk-to-your-mp-about-redirecting-subsidies-from-biomass-burning-to-renewables.pdf](#)

[2019-08-28-arnhemspeil-reactie-provincie-gelderland-vergunningen-veolia-biomassacentrale-ipkw-arnhem-dutch.pdf](#)

[2019-08-23-arnhemspeil-brief-aan-bedrijven-ipkw-ivm-de-verwachte-gezondheid-en-imago-schade-door-biomassacentrale-arnhem-dutch](#)

[2019-08-18-radbouduniversiteit-biomassa-en-1-5-graden-wat-zegt-het-ipcc-dutch.pdf](#)

[2019-08-17-ifab-dutch-citizens-urge-sweden-to-put-an-end-to-vattenfalls-catastrophic-biomass-plant-plans-english.pdf](#)

[2019-08-16-arnhemspeil-meerdere-vragen-tav-de-vergunningen-van-de-biomassacentrale-van-veolia-op-het-ipkw-arnhem-dutch.pdf](#)

[2019-08-14-tpfc-misguided-strategy-burning-wood-to-mitigate-climate-change-in-germany-english.pdf](#)

[2019-08-12-virginia-commonwealth-university-structurally-complex-forests-better-at-carbon-sequestration-english.pdf](#)

[2019-08-09-biofuelwatch-dogwoodalliance-submission-against-lough-ree-powerstation-biomass-conversion-plans-english.pdf](#)

[2019-08-08-ipcc-summary-report-for-policy-makers-on-climate-change-and-land-english.pdf](#)

[2019-08-01-pfpi-clean-energy-advocates-call-out-ma-gov-baker-for-promoting-dirty-fuels-english.pdf](#)

[2019-08-00-eu-biomass-legal-case-main-arguments-english.pdf](#)

[2019-08-00-eu-biomass-legal-case-environmental-objectives-english.pdf](#)

[2019-07-30-biofuelwatch-newsletter-july-2019-english.pdf](#)

[2019-07-26-pfpi-attorney-general-calls-out-ma-gov-baker-for-promoting-dirty-fuels-english.pdf](#)

[2019-07-26-pfpi-100-joint-stakeholders-call-out-ma-gov-baker-for-promoting-dirty-fuels-english.pdf](#)

[2019-07-25-wageningen-university-probos-soil-compaction-and-deformation-in-forest-exploitation-english.pdf](#)

[2019-07-23-southernenvironment-wood-pellets-from-drax-us-mills-increase-carbon-emissions-during-the-timeframe-necessary-to-address-climate-change-english.pdf](#)

[2019-07-08-epn-report-threat-map-are-forests-the-new-coal-english.pdf](#)

[2019-07-03-provincie-gelderland-betoog-marloes-spaander-arnhems-peil-tegen-de-biomassacentrale-veolia-dutch.pdf](#)

[2019-07-00-european-union-biomass-voluntary-schemes-overview-english.pdf](#)

[2019-06-27-minlnv-beantwoording-schriftelijke-vragen-over-het-bericht-staatsbosbeheer-wil-duidelijker-bosbeleid-van-minister-dutch.pdf](#)

[2019-06-27-nuon-convenant-biomassacentrale-diemen-dutch.pdf](#)

[2019-06-23-wageningen-university-research-duurzame-biomassa-voor-de-productie-van-waterstof-dutch.pdf](#)

[2019-06-19-gemeente-arnhem-politieke-avond-motie-stop-biomassacentrale-kleefse-waard-dutch.pdf](#)

[2019-06-19-gemeente-arnhem-politieke-avond-mobilisation-for-the-environment-veolia-verzoek-acten-intrekking-gelakt-dutch.pdf](#)

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[2019-06-19-gemeente-arnhem-politieke-avond-inspreektekst-mevrouw-mulder-namens-veolia-dutch.pdf](#)

[2019-06-19-gemeente-arnhem-politieke-avond-interpellatieverzoek-biomassacentrale-dutch.pdf](#)

[2019-06-19-gemeente-arnhem-politieke-avond-mail-arnhemspeil-achtergrondinformatie-bij-debat-over-biomassacentrale-kleefse-waard-dutch.pdf](#)

[2019-06-18-european-commission-staff-working-document-assessment-for-the-national-forestry-accounting-plans-english.pdf](#)

[2019-06-18-arnhemspeil-template-actualisatieverzoek-omgevings-en-natuurvergunning-veolia-biomassacentrale-ipkw-arnhem-dutch.pdf](#)

[2019-06-17-mob-verzoek-tot-intrekken-natuurvergunning-en-actualisatieverzoek-omgevingsvergunning-veolia-biomassacentrale-ipkw-arnhem-dutch.pdf](#)

[2019-06-17-nrdc-dogwoodalliance-southern-environmental-law-center-global-markets-for-biomass-energy-are-devastating-us-forests-english.pdf](#)

[2019-06-16-arnhemspeil-analyse-artikel-stentor-hoogleraar-bomenkap-is-niet-oorzaak-van-het-verdwijnen-van-bos-maar-de-natuurwet-dutch.pdf](#)

[2019-06-14-southernenvironment-burning-trees-for-power-the-truth-about-woody-biomass-energy-and-wildlife-english.pdf](#)

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[2019-05-25-ipcc-summary-report-for-policy-makers-impacts-of-global-warming-of-one-and-a-half-degrees-celsius-above-pre-industrial-levels-english.pdf](#)

[2019-05-08-environmentalpaper-the-industrialisation-of-the-bioeconomy-poses-risks-to-the-climate-the-environment-and-people-japanese.pdf](#)

[2019-05-02-uk-committee-on-climate-change-the-uk-s-contribution-to-stopping-global-warming-english.pdf](#)

[2019-05-00-united-nations-report-nature-dangerous-decline-unprecedented-species-extinction-rates-accelerating-english.pdf](#)

[2019-05-00-probos-beschikbaarheid-van-houtige-biomassa-uit-bos-landschap-stedelijk-groen-dutch.pdf](#)

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[2019-04-19-deq-state-air-pollution-control-board-carbon-dioxide-trading-program-re-proposed-regulation-english.pdf](#)

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[2019-04-09-european-commission-report-state-of-energy-union-english.pdf](#)

[2019-04-03-eu-renewable-energy-policy-devastates-forests-and-accelerates-climate-change-english.pdf](#)

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[2019-03-25-wetenschappelijkbureau-groenlinks-maak-een-einde-aan-de-co2-neutraliteit-van-houtstook-dutch.pdf](#)

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[2019-03-19-draxgroup-enabling-a-zero-carbon-lower-cost-energy-future-english.pdf](#)

[2019-03-15-sbp-dts-biomass-certification-data-transfer-system-user-guide-english.pdf](#)

[2019-03-08-eubiomasscase-how-use-of-forest-biomass-in-the-eu-is-burning-up-the-carbon-sink-in-four-rhyming-graphs-english.pdf](#)

[2019-03-08-drax-uk-1000-tonnes-of-deadly-particulate-pollution-a-year-a-400-increase-since-they-switched-from-coal-to-biomass-english.pdf](#)

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[2019-03-04-euractiv-eu-dragged-to-court-for-backing-forest-biomass-as-renewable-energy-english.pdf](#)

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[2019-02-27-us-sec-petition-accurate-biogenic-carbon-reporting-english.pdf](#)

[2019-02-27-pfpi-investors-petition-sec-to-crack-down-on-biomass-climate-claims-english.pdf](#)

[2019-02-26-rvo-sde-verificatieprotocol-duurzaamheid-vaste-biomassa-voor-energietoepassingen-dutch.pdf](#)

[2019-02-26-rvo-leidraad-chain-of-custody-duurzaamheidseisen-vaste-biomassa-voor-energietoepassingen-dutch.pdf](#)

[2019-02-20-gnmf-aanbevelingen-hoogwaardige-inzet-houtige-biomassa-dutch.pdf](#)

[2019-02-14-european-commission-bio-energy-action-line-english.pdf](#)

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[2019-02-11-european-commission-report-progress-renewable-energy-ecofys-technical-assistance-english.pdf](#)

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[2019-02-04-mdpi-biomass-as-renewable-energy-worldwide-research-trends-english.pdf](#)

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[2019-01-10-foe-600-ngos-sign-letter-to-halt-all-fossil-fuel-leasing-and-phase-out-fossil-fuel-extraction-and-end-dirty-energy-subsidies-english.pdf](#)

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[2019-01-00-eurostat-report-renewable-energy-statistics-renewable-energy-produced-in-the-eu-increased-by-two-thirds-in-2007-2017-english.pdf](#)

[2019-00-00-european-commission-going-climate-neutral-by-2050-a-strategic-long-term-vision-english.pdf](#)

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