Bioenergy Strategy - Terms of Reference

These terms of reference are for a short-term consultancy to undertake a study in identifying options for a ClientEarth strategy to protect forests from the threat of a rapidly growing bioenergy industry.

Position information

Duty station: home-based

Type and duration of contract: short-term consultancy of 25 days (and no more than 30 days)

Preferred starting date: beginning of February 2022

Preferred end date: before end of April 2022

Scope

The overall objective of this consultancy is to support ClientEarth to decide whether it should be working on bioenergy and if so, what and where our focus should be.

Generally, we see ClientEarth’s role in relation to bioenergy to be: use the law to ensure only the most sustainable use of bioenergy.

Within this context, we have identified three overlapping, but distinct, ways in which the use of bioenergy is threatening the global environment and people’s health:

- Large-scale electricity production, either through conversion of existing power plants (coal to biomass) or new large-scale biomass power plants
- Large-scale use of biofuels in transport fuels
- Small-scale heating with biomass (i.e. wood-burning stoves)

The consultancy should address all three of these bioenergy uses, identifying the options available to use the law to ensure sustainable use of bioenergy.

ClientEarth has a specific interest in south and east Asia (Japan, specifically) and Europe (UK, Poland, Germany and Italy, specifically).

Large-scale bioenergy

It is clear that regulation (especially in Europe) needs to change, as it currently provides financial incentives to encourage the use of large-scale bioenergy (as a renewable energy source). However, the consultant should also consider other important intervention areas for ClientEarth, such as complaints / litigation, advocacy, corporate and financial law strategies focused on the current investment case for bioenergy and holding the industry accountable for their promises of sustainability or denial of health impacts (greenwashing). Ideas for interventions that target the underlying myths propping up the bioenergy industry (claims of bioenergy as a renewable energy source, carbon negative / neutral, sustainable, etc.) are particularly welcome.
In addition, the consultant will recognise that bioenergy is a complex systemic and global problem. International feedstocks feed into large-scale biomass plants and bioenergy uses across the globe – Having not closely followed trends in bioenergy feedstocks / bioenergy use for the past three years, ClientEarth would like to understand the current state of play: where geographically are the major areas of growth / major threats of increasing bioenergy use – both for biomass and biofuels feedstocks and bioenergy use. ClientEarth has a particular interest in south-east and east Asia, as well as Europe.

**Domestic biomass for heating**

With the use of biomass for small-scale domestic heating remaining a significant (and in some European countries, a growing) source of harmful air pollutants, there is a need to strengthen regulation to better protect people’s health. As well as regulatory interventions, the consultant should consider other leverage points to reduce biomass use for domestic heating, particularly from an air quality point of view.

**Key duties and tasks**

The consultant will draft a report outlining potential interventions for ClientEarth to consider in order to reduce unsustainable bioenergy use. It may be that two reports are more appropriate: one on large-scale industrial bioenergy (biomass and biofuels) and the second on domestic biomass.

The report(s) should include the following sections:

1. Overview of the supply and demand trends, threats and impacts of bioenergy on human health and the environment, considered on a global scale (with a focus on south-east and east Asia and Europe, including Central and Eastern Europe).
   a. where is the fuel for industrial biomass, industrial biofuels and domestic biomass coming from?
   b. where are the major users of industrial biomass, industrial biofuels and domestic biomass? Where are the most important areas of likely growth in bioenergy use?
   c. what is the contribution made to air pollution levels and quantified health impacts?
2. Overview of the active players in the bioenergy space:
   a. who is already working to reduce the unsustainable use of bioenergy, including NGOs, international organisations, law firms, with the aim of identifying a clear gap for ClientEarth to fill or key players to support with legal strategies.
   b. who are the key commercial players promoting bioenergy use?
3. Identification of the highest impact leverage points: what are the most important interventions for ClientEarth to consider (particularly any interventions that would target the underlying myths propping up bioenergy)?
   a. These interventions should include regulatory advocacy:
      i. This should include a short mapping of the treatment of bioenergy across different EU instruments (Renewable Energy Directive, the EU taxonomy for sustainable finance, the EU Eco-design Directive, etc.) and in key consuming countries (including Japan, UK, Poland, Italy and Germany).
      ii. As well as examples of effective regional/local level regulation of the use of bioenergy (e.g. city level domestic solid fuel bans, or smoke control zones)
   b. These interventions could also include options for litigation, for actions to undermine the investment case and/or for approaching greenwashing of bioenergy.
Existing ClientEarth work on bioenergy

In 2018, ClientEarth developed a strategy for legal interventions to halt the projected expansion of large-scale biomass energy (focused on the EU). Due to limits on funding after this date, the strategy was not implemented in full. Nonetheless, this strategy will be available to the consultant, to give a sense of our thinking from that time (on large-scale biomass energy only – we did not cover domestic heating or biofuels in that strategy).

Moreover, bioenergy is an active topic for different ClientEarth teams working on different thematic areas: forests, energy, wildlife/biodiversity, clean air. The expertise of all of these teams should be considered and initial discussions with key ClientEarth staff on our existing work on bioenergy can be facilitated.

Timetable / Schedule

Initial discussions with key ClientEarth staff in early February.

A draft report should be submitted by the end of March, followed by a presentation and discussions on the interventions identified with ClientEarth staff.

Final report by end of April.

Budget / remuneration

No more than £20,000 (excluding VAT and any expenses) for up to 30 days’ work.

Application process

Please provide a short cover letter detailing experience and a CV to chaywood@clientearth.org by 1st February 2022. Emails should include a subject line: ‘Bioenergy Strategy consultancy’