In a January 29 hearing on the state of the U.S. economy, the Senate Budget Committee heard testimony about the $200 billion burden posed by asbestos litigation.

"Out of control asbestos litigation is an anchor weighing down the business community, particularly the manufacturing sector, and slowing down our overall economic recovery," testified Michael Baroody, executive vice president of the National Association of Manufacturers and chairman of the Asbestos Alliance Steering Committee.

Budget Committee Chairman Don Nickles (R-Oklahoma) agreed. "We absolutely must grow the economy to have any hope of eliminating the deficit and preparing for future budget challenges," Nickles said. "There are many things outside the tax code that have real economic consequences, and the escalating problem of asbestos litigation is one of them."

Earlier in the month, Senate Judiciary Committee Chairman Orrin Hatch (R-Utah) had raised hopes of relieving the asbestos burden on the nation's economy. He is expected to introduce asbestos tort reform bill in March.

While Democratic control of the Senate precluded serious efforts to pass reform legislation in the 107th Congress, Republicans' control of the 108th—along with the support of key Democrats—has raised hopes for bipartisan cooperation on the issue.

JAMES M. TAYLOR

The Bush administration's recently announced plans to reform the New Source Review provisions of the Clean Air Act are under assault by activist environmental groups and several northeastern state attorneys general. To date, the proposed rules have withstood the attack, but the battle is far from over.

Attorneys general for nine northeastern states filed a federal lawsuit December 31 in the U.S. Court of Appeals for the District of Columbia, arguing the updated rules run afoul of the Clean Air Act.

"We're going to argue that the rules are a massive overreach of the Clean Air Act," says Maine Attorney General Mark Ciavarella. "The states have no legitimate interest in regulating discharges of gases which are not pollutants.

Environmental Regulations Impede Pentagon Readiness

Environmental groups have sought to impose the Endangered Species Act, Migratory Bird Treaty Act, Marine Mammals Protection Act, and other environmental statutes on military bases. The lawsuits, and the restrictions on training, continue to impede the Pentagon's ability to prepare its troops for the deadly business of combat.

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Is this global warming?

GLOBAL TEMPERATURES

Each month, Earth Track updates the global averaged monthly satellite measurements of the Earth's temperature. See page 17

Environment & Climate News

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Science Does Not Justify Ban on DDT

S. FRED SINGER

New Year's Day 2003 marked the thirtieth anniversary of the Environmental Protection Agency's ban on the pesticide DDT.

With malaria strikingyoungsters in the Washington, DC suburbs last summer, we should remind ourselves that DDT is the most potent weapon against the mosquitoes that spread the disease. The ban was a political decision made by the EPA administrator, acting against the best scientific advice of his own organization.

Today, the United Nations Environmental Program is considering plans to ban DDT in the rest of the world, where malaria annually takes well over two million lives. Worldwide, a child dies of malaria every 30 seconds. In a remarkable departure from its usual uncritical acceptance of extreme environmental positions, the New York Times in a December 23 editorial endorsed the plea of public health specialists not to eliminate this most effective weapon against malaria. The World Health Organization opposes a DDT ban.

The history of the sorry decision to ban DDT starts with Rachel Carson and her 1962 book Silent Spring. That bestseller, distorting scientific data, galvanized the environmental movement and led to extravagant claims of ecological damage by the newly founded Environmental Defense Fund, long before EDF discovered global warming was a better way to scare the public.

EDF's claim that DDT caused the eggshells of breeding birds to thin was effectively countered by noted biologist Prof. J. Gordon Edwards of San Jose State University. It is ironic, therefore, that the unchecked spread of the mosquito-borne West Nile virus is not only killing dozens of people now but wiping out entire populations of birds that are uniquely susceptible to the virus.

In 1972, EPA hearing examiner Judge Edward Sweeney determined DDT should not be banned. He based that decision on his review of 9,000 pages of scientific testimony: “DDT is not carcinogenic, mutagenic, or teratogenic to man,” wrote Sweeney. “Use of DDT do not have a deleterious effect on fish, birds, wildlife or estuarine organisms.” Later research has confirmed Sweeney’s findings.

With DDT banned, U.S. authorities attempt to control mosquitoes by less-effective insecticides that are toxic, degrade rapidly, and require repeated applications. Poor countries in Africa and elsewhere cannot afford these more costly chemicals and procedures. Millions die and many more become ill, sapping their strength and contributing to the continuing poverty of theirs nations. Yet even small quantities of DDT, applied to the walls of houses and to mosquito netting, can effectively control the malaria problem.

“With the growth in international air travel, it is only a matter of time before other nasty diseases are carried to our shores... So long as epidemics continue in the poorer nations, we are not safe.”

During World War II, a Brooklyn-born chemical engineer, the son of Lebanese immigrants, learned how to mass-produce DDT. He went on to found a major engineering company and became a leading philanthropist—a “compassionate conservative.”

But the battle against insect-borne diseases continues. Both West Nile and the recent outbreak of malaria started near a major international airport. The infected mosquitoes may have been aboard, or perhaps a domestic mosquito bit an infected traveler. With the growth in international air travel, it is only a matter of time before other nasty diseases are carried to our shores: Yellow fever; Dengue; Japanese viral encephalitis; (African) Rift Valley fever—deadly and with no vaccine; (Australian) Ross River fever—no vaccine. So long as epidemics continue in the poorer nations, we are not safe.

Steven Milloy, author of Junk Science, has put it well and succinctly: “Judicious use of DDT won’t harm people or the environment. It will, however, kill mosquitoes—which is better than mosquitoes killing us.”

S. Fred Singer is professor emeritus of Environmental Sciences at the University of Virginia and president of the Arlington, Virginia-based Science & Environmental Policy Project. He is also a visiting Wesson Fellow at the Hoover Institution at Stanford, California.
GreenWatch Keeps Eye on Environmentalist Funding

JAMES M. TAYLOR

Would you like to learn more about an environmental activist group? Who funds them, and for how much? What is their annual income? How transparent is their funding? For the answers to these questions and more, try GreenWatch at http://www.greenwatch.org.

GreenWatch, a project of the Washington, DC-based Capital Research Center (CRC), bills itself as an environmental watchdog group. The site offers an extensive database and great tools that help it live up to that claim.

GreenWatch offers a Searchlight Database compiling current information on more than 2,000 groups. Did you know Enron provided funding for People for the Ethical Treatment of Animals (PETA)? Did you know the Natural Resources Defense Council is funded by the Environmental Protection Agency (EPA) and Department of Energy? Did you know the Sierra Club raised more than $63 million in 2000, spent only $28 million of it, and is sitting on more than $85 million in assets? Did you know your taxes fund the Sierra Club, which receives grants from EPA and the U.S. Fish and Wildlife Service?

In addition to providing comprehensive information on funding, grants, and financial status, GreenWatch evaluates each group’s ideological viewpoint and organizational transparency. GreenWatch tracks the national media on a daily basis and provides links to noteworthy news items. Additionally, GreenWatch does its own investigative research, exposing financial irregularities in various nonprofit groups.

For example, in September 2002 GreenWatch reported that PETA provided funding for the terrorist Earth Liberation Front (ELF). (See the GreenWatch press release reprinted on this page.) ELF has taken credit for dozens of terrorist attacks, including torching buildings, vandalizing homes and automobiles, and threatening the lives of American citizens.

Another good GreenWatch story on PETA (“Political Radicals and Animal Rights: People for the Ethical Treatment of Animals”) can be found at http://www.capitalresearch.org/pubs/pdf/3762033950.pdf.

Searchlight Results

Environmental Defense provides a good example of the power of GreenWatch’s Searchlight Database.

Log on to GreenWatch at http://www.greenwatch.org and enter the words Environmental Defense in the year and Searchlight box at the top right of the screen. “Our most unique feature is the top right search engine,” according to GreenWatch content editor David Riggs.

The resulting screen provides Environmental Defense’s ideological rating as 4 on a scale of 1 to 8, with 1 being radical left and 8 being market right. For transparency in funding and operations, Environmental Defense is rated 3 on a scale of 1 to 5, with 1 indicating poor performance and 5 indicating high performance.

Below its ideological and transparency ratings, GreenWatch provides links to media articles about Environmental Defense. Below that is the group’s background information, including its membership numbers, stated objectives, board members, and most recent annual statement.

Meat and Potatoes

The next section—Environmental Defense’s financial numbers—is the “meat and potatoes of the site” according to Riggs. A quick look at the numbers shows why. According to GreenWatch, Environmental Defense raised more than $42 million in 2001 revenue and spent more than $38 million that year. The group’s fundraising has been increasing every year, and it currently holds more than $43 million in net assets. The Corporate Grants section shows that J. P. Morgan & Company and Merrill Lynch, among others, have financed Environmental Defense. The Foundation Grants section reveals that the David and Lucile Packard Foundation gives several million dollars each year to Environmental Defense. Pew Charitable Trusts has also given multimillion dollar grants.

The Government Grants section is perhaps the most revealing of all. Didn’t know the federal government funded non-governmental activist groups? GreenWatch has tracked several million dollars in grants from EPA to Environmental Defense in the past few years alone. Other sources of government grants include the Department of Energy; Department of the Interior/U.S. Fish & Wildlife Service; Department of Commerce/National Oceanic & Atmospheric Administration; and Department of Interior/Bureau of Reclamation. That’s right—the federal government taxes your daily wages to support an environmental activist group already sitting on more than $43 million in net assets!

But that’s not all. GreenWatch not only documents the numerous gifts EPA has given to Environmental Defense, but also allows you to click on an EPA link that reveals all of the grants the agency makes to various environmental activist groups. EPA gives money to the Audubon Society, Natural Resources Defense Council, Nature Conservancy, and California Indian Basketweavers Association (!), among others. Millions of your tax dollars are given away every year to these groups and more.

GreenWatch is a great source of information for speeches, letters to the editor, op-eds, and more. The next time you need to know more about the activist environmental groups that spend their time carpeting for money and complaining about being dispossessed, click on GreenWatch.org and get the real story!

James M. Taylor is managing editor of Environment & Climate News.

Animal Rights Group Admits Funding Domestic Terrorist Group

IRS must revoke group’s tax-exempt status, says philanthropy watchdog

BY GREENWATCH

WASHINGTON, DC September 19, 2002 — “We did it. We did it. We gave $1,500 to the ELF,” said the president of People for the Ethical Treatment of Animals (PETA), Lisa Lange, on Tuesday, September 17, 2002. ELF—the Environmental Liberation Front—is one of America’s largest domestic terrorist groups, according to the FBI. It has a long history of violence including arson, firebombing, explosives, and attempted murder.

Among the payments PETA has admitted giving to radical ELF activists:

• $5,000 to Josh Harper, convicted of assaulting police and firing on a fishing vessel;
• $2,000 to Dave Wilson, convicted of firebombing a fur cooperative;
• $7,500 to Fran Trutt, convicted of attempted murder of a medical executive;
• $20,000 to Rodney Coronado, convicted of burning a research laboratory in Michigan.

In early September, ELF admitted setting fire in August to a U.S. Forest Service laboratory in Pennsylvania. The fire destroyed a 70-year-old research facility and caused an additional $700,000 worth of damage.

PETA, which enjoys IRS tax-exempt status as a “501(c)(3)” charity, has openly endorsed ELF activities. In a recent speech, PETA Vice President Bruce Friedrich went on record saying: “I think it would be great if all the fast-food outfits, slaughterhouses, these laboratories and the banks that fund them exploded tomorrow.”

Commenting on PETA’s support of ELF, Terrence Scanlon, president of philanthropy watchdog Capital Research Center (CRC), said: “The law clearly prohibits a charitable organization from advocating acts that break the law. But PETA has gone further than that and admitted providing financial support to a homegrown terrorist organization: an underground group which according to the FBI operates a number of cells throughout the United States.”

“At a time when U.S. law enforcement authorities are watching nonprofits linked to AIP Qaeda and other foreign terrorist groups, it is unacceptable that PETA continues to enjoy privileges, tax-exempt status while it openly flouts the law and offers financial assistance to a violent and criminal domestic terrorist group.”

“Americans will want to know: Why should PETA’s $13 million budget enjoy tax-exempt status? And why should contributions to this group be tax-deductible?”

Commenting on PETA, Daniel Oliver, author of Animal Rights: the Inhumane Crusade, a CRC publication, said, “PETA has a long record of extremism. It’s more eager to violate human rights than protect animal welfare.”

Capital Research Center was established in 1984 to study critical issues in philanthropy and has a special focus on nonprofit “public interest” and public advocacy groups, the funding sources that sustain them, their agendas, and their impact on public policy and society.

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Craig Rosebraugh (top), former spokesperson for the Earth Liberation Front, was subpoenaed by Representative Scott McInnis (R-Colorado), who wants the U.S. government to expand its war on terrorism to include domestic environmental and animal rights groups. Rodney Coronado (inset) admitted sinking fishing/whaling vessels in Iceland. Coronado learned how to make firebombs in England and has sabotaged logging sites, fur stores, and billboards in the United States and Canada. PETA president Lisa Lange (bottom left) and Vice President Bruce Friedrich (bottom right) admit to funding eco-terrorist groups like ELF. They gave $20,000 to Coronado.
Liebeman, McCain Introduce Climate Change Measure

Two Congressional events held on January 8—a news conference supporting more federal funding to help the poor pay their winter energy bills and a Senate hearing on a bill to fight global warming—may at first blush appear completely unrelated. But the two are in fact at cross-purposes, as one seeks to make energy more affordable while the other would send energy costs through the roof.

The Northeast-Midwest Congressional Coalition held a press conference drawing attention to the need to replenish the federal Low Income Heating and Energy Assistance Program (LIHEAP). Several legislators want to increase the program’s funding from $1.4 to $1.7 billion.

The stated purpose of LIHEAP is laudable: to provide financial assistance to persons unable to pay their energy bills so their heat isn’t shut off in the dead of winter. But the program’s impact is less clear in practice.

Utilities in most Northern states are forbidden by law from shutting off a customer’s electricity or gas during the cold weather months, so LIHEAP assistance is rarely needed to keep people from freezing in their own homes. The program’s real beneficiaries are the utilities, who receive taxpayer dollars for energy bills that otherwise would have gone unpaid, and the bureaucrats who administer the program.

Nonetheless, the message that the poor should not have to suffer because of prohibitively expensive energy is a politically powerful one. Yet the message seems to get lost when the subject turns to the environment.

“If Congress feels obligated to take steps to make energy more affordable and available, it should refrain from taking other steps that move us far in the opposite direction.”

Costly Global Warming Policy

Thirty years of environmental regulations have greatly increased the cost of energy—often unnecessarily so. The latest, and by far the largest, attack on affordable energy comes from global warming alarmists. The January 8 hearing in the Senate Commerce, Science and Transportation Committee discussed a measure proposed by Sens. John McCain (R-Arizona) and Joe Lieberman (D-Connecticut) aimed at reducing the use of fossil fuels believed to warm the planet. Their bill would do this by making it more costly to use such carbon-based energy sources.

The McCain-Lieberman measure carries an enormous price tag. Though its initial targets and timeframes are not as strict as those in the Kyoto Protocol—yet to be ratified—the bill would increase energy costs by $77 billion to $338 billion dollars a year.

If the McCain-Lieberman bill becomes law, many more poor—and not so poor—households will be in need of LIHEAP funds. Of course, absent a budget-busting increase in the program’s funding, there won’t be enough money to go around.

LIHEAP remains a popular program, and the $300 million increase will likely be approved. After all, it is good politics to ensure there is affordable energy for everyone, including the needy. But if Congress feels obligated to take steps to make energy more affordable and available, it should refrain from taking other steps that move us far in the opposite direction.

Ben Lieberman is a senior policy analyst with the Washington, DC-based Competitive Enterprise Institute.
Cap and Trade: The Moral Equivalent of Bamboozle

WILLIAM O’KEEFE

At the start of the 108th Congress, Senators John McCain (R-Arizona) and Joe Lieberman (D-Connecticut) held a hearing on climate change in preparation for legislation they have since introduced. The legislation would mandate a cap and trade system for greenhouse gases. The idea is to cap greenhouse gas emissions and let market forces search for a least-cost way of achieving emission limits.

The supporters of cap and trade, including major environmental groups and businesses that expect to profit from it, view this as a moderate action in response to the Bush administration’s rejection of the Kyoto Protocol. It is anything but. Rather, the cap-and-trade proposal is an attempt to bamboozle: “to conceal true motives by feigning good intentions.”

At the hearing, Lieberman justified his legislative approach by asserting the Bush administration would “allow greenhouse gases to increase indefinitely,” while McCain claimed the administration’s approach did not “meet the urgency” of the threat from global warming.

The only witnesses permitted to testify at the hearing were those who love government manipulation and the McCain-Lieberman mandate could force a reduction in energy use of perhaps 20 percent or more. That would translate into less economic growth and fewer jobs.

Climate change is a legitimate public policy issue meriting congressional debate. But that debate should be based on facts and science; not opinions and rhetoric. The American people are entitled to straight talk on this issue and how to address it. They are not getting it from cap and trade advocates.

BOOK REVIEW BY TERRY FRANCL

Taken by Storm should be required reading for anyone—including the media and especially politicians—who wishes either to discuss or to develop policy concerning global warming.

The two authors are eminently qualified to address the topic. Dr. Christopher Essex is a professor in the Department of Applied Mathematics at the University of Western Ontario, specializing in the underlying mathematics, physics, and computation of complex dynamic processes such as climate. Dr. Ross McKitrick is an associate professor in the Department of Economics at the University of Guelph and a senior fellow of the Fraser Institute in Vancouver, British Columbia, specializing in the application of economic analysis to environmental policy design and climate change.

Essex and McKitrick open their analysis by outlining what they describe as the “Doctrine of Certainty” with respect to the issue of global warming. The Doctrine has nine not-to-be-questioned assertions:
1. The Earth is warming.
2. Warming has already been observed.
3. Humans are causing it.
4. All but a handful of scientists on the fringe believe it.
5. Warming is bad.
6. Action is required immediately.
7. Any action is better than none.
8. Claims of uncertainty in the science merely cover up the ulterior motives of individuals aiming to stop needed action.
9. Those who defend claims of uncertainty are bad people.

Each of the nine assertions, Essex and McKitrick note, is either manifestly false or the claim to know it is false.

Meaningful Data

Having established the Doctrine that drives global warming alarmists, Essex and McKitrick go on to refute the claim of human-induced (anthropogenic) global warming with unusual clarity and in great detail.

They make a key point: that the data said to prove “global temperature” have little, if any, scientific meaning or application. They explain in plain English the shortcomings of each of the data series used to document warming, and the fallacy of applying those data to global climate.

The two authors challenge several supposed inconvenient facts:

1. Its goals and results cannot physically be defined or measured.
2. It is inherently unstable and unenforceable.
3. Economic leakages will offset up to half its projected benefits.

Temperature and climate, they point out, are local phenomena, and there is no way to develop a meaningful average of world or global temperature. They note historical temperature records are largely Northern Hemisphere measurements. Local temperature records do not conform to the rigorous requirements generally assigned to the collection of scientific data. For example, because collection sites tend to be located near large urban populations, they are moved from time to time as populations expand. The temperature record is tainted precisely because dense populations—and the infrastructure that serves them—have an “urban heat island” effect that skews the data.

Temperature data are taken near land-based stations located almost exclusively in the Northern Hemisphere. Lando accounts for only about 30 percent of the Earth’s mass. Note Essex and McKitrick, “global temperature cannot enter the front door of scientific discourse because it makes no physical sense; it has sneaked in a semantic backdoor when no one was looking.”

“…note Essex and McKitrick, ‘global temperature cannot enter the front door of scientific discourse because it makes no physical sense; it has sneaked in a semantic backdoor when no one was looking’”

Media Myths

Essex and McKitrick point out the media’s shortcoming in the global warming topic is far too complex for media of this nature to treat properly, but there are aspects of it that fit very well into the commercial imperative of news reportage. If presented in a certain way, it can be used to cultivate an alarm about the future. For those who “want” to change the climate if we could, we must look at the costs and benefits of small steps. The steps that involve carbon dioxide emission reductions (such as Kyoto) cost more than any benefits they are likely to generate. So they are not worth taking.

So the best policy on global warming is to make sure science is free to investigate it, without having to prove that this or that is relevant to policy issues. Otherwise the best policy is to do nothing unless further information indicates otherwise.

Kyoto Shortcomings

Essex and McKitrick turn next to the alleged solution to global warming: the Kyoto Protocol. They sum up the key problems associated with the Kyoto Protocol as follows:

1. It is physically unenforceable.
2. It is inherently unstable and unenforceable.
3. Economic leakages will offset up to half its effects, even if everyone is honest.
4. If parties begin cheating, it is almost impossible to audit them, let alone force them to stop.

Media Myths

Essex and McKitrick point out the media’s shortcomings on this issue.

The actual global warming topic is far too complex for media of this nature to treat properly, but there are aspects of it that fit very well into the commercial imperative of news reportage. If presented in a certain way, it can be used to cultivate an alarm about the future. For those who “want” to change the climate if we could, we must look at the costs and benefits of small steps. The steps that involve carbon dioxide emission reductions (such as Kyoto) cost more than any benefits they are likely to generate. So they are not worth taking.

So the best policy on global warming is to make sure science is free to investigate it, without having to prove that this or that is relevant to policy issues. Otherwise the best policy is to do nothing unless further information indicates otherwise.

Taken By Storm is one of the most comprehensive and readable publications on the topic of global warming currently available.

Terry Francl is senior economist for the American Farm Bureau Federation.
Private Companies Take Action Against Global Warming

JAMES M. TAYLOR

Private companies are taking the lead in researching climate change and funding projects that could mitigate the effects of greenhouse gases on the Earth. Several recent efforts are particularly noteworthy.

Electric Companies Planting Forests

Public-private initiatives underway in the lower Mississippi River valley are creating extraordinary opportunities for fish, wildlife, and outdoor enthusiasts alike. These initiatives are also helping to offset anthropogenic (man-made) greenhouse gases, which some people believe may be causing "global warming."

Through voluntary efforts by America's power companies, a number of partnerships were formed with the U.S. Fish and Wildlife Service, National Fish and Wildlife Foundation, Conservation Foundation, and others to reforest the lower Mississippi River valley. Approximately 50,000 acres are being planted with more than 15 million new hardwood trees in the lower river valley. Two hundred years ago, forests covered some 24 million acres. Today, the area has fewer than 4.5 million acres of fragmented forest.

The reforested land will provide sanctuary, feeding, and resting habitat for wintering and migrating populations of snow geese and more than 18 species of ducks. The new hardwood forests also will create habitat for other types of wildlife and will accommodate such activities as wildlife observation, bird watching, and limited hunting and fishing.

One such reforestation project created America's newest national wildlife refuge this past summer, the Red River National Wildlife Refuge in northwest Louisiana. Entergy— one of the largest producers of electric power in the United States—partnered with the Conservation Fund, the U.S. Fish and Wildlife Service, and Environmental Defense Fund to acquire 600 acres in a critical migratory bird corridor. More than 180,000 native hardwood trees are being planted to create a natural habitat for the birds.

During their lifetime, the Red River projects 380,000 trees will sequester an estimated 20 million tons—40 billion pounds—of carbon dioxide. A greenhouse gas. All told, the lower Mississippi River valley reforestation projects will absorb an estimated 275,000 tons of carbon dioxide. The projects are one example of actions US. electric utility industry has taken voluntarily to respond to global climate change concerns.

Chevron Texaco Storing Carbon Underground

Chevron Texaco has reported success in its efforts to identify safe and effective methods for storing carbon dioxide in underground chambers that originally held oil and natural gas. Located at the border of North Dakota and southern Canada, the Weyburn project is demonstrating that sequestered CO2 is unable to escape to the surface. The chambers can hold enormous amounts of CO2 without significant side effects. Jazwari reports the Monitoring and Storage Project has had "very encouraging results midway through the project"; there has yet to be any unforeseen CO2 migration from the underground natural chambers.

Gary Pope, Texaco Centennial Chair in Petroleum Engineering, notes the potential of underground aquifers to store CO2. "In the case of saline water, CO2 would be unlikely to rise to the surface, says Pope, due to its density and the composition of natural storage chambers. "I think salinewater sequestration is a very advanced and promising technology," he adds.

The science of sequestration, however, may be advancing more rapidly than the politics. Sequestration project managers worry that scientific success may be put on hold while politicians wrangle over permits to inject CO2 into the ground," says Craig Levis, a senior staff scientist in The Chevron Texaco Process Technology Unit. "We don't need another Yucca Mountain situation."

Global Climate and Energy Project

In November 2002, ExxonMobil announced a $200 million grant to Stanford University in furtherance of its research into climate change. The Stanford grant is in addition to hundreds of millions of dollars ExxonMobil already spends on greenhouse gas research projects.

The new grant will fund the Global Climate and Energy Project (G-CEP), to be led by Stanford University with participation from world-renowned academic research institutions and global companies, including ExxonMobil, General Electric, and Schlumberger.

"We are convinced the Global Climate and Energy Project will make significant academic and private-sector contributions to the development of practical technologies to address the potential long-term risk of climate change," said ExxonMobil Chairman and CEO Lee Raymond. "ExxonMobil is proud to work with a university of the reputation, experience, and ability of Stanford, and to be among the select group of sponsors coming together to make this project happen."

Said Raymond, "We believe that G-CEP will play a cutting-edge role in pushing the frontiers of technology to new generations of energy systems. For ExxonMobil, G-CEP represents a powerful vehicle by which energy science will move forward to find economically attractive technologies that will be successful in the global market and vital to meeting energy needs in the industrialized and developing world."

Said Heartland Institute President Joseph Bast, "This is an impressive show of commitment and sincerity by an energy company that has consistently argued that we need more objective research and less politics and propaganda in the global warming debate.

"Some energy companies are spending hundreds of millions of dollars on advertising campaigns and apologizing for selling oil. Others fund irresponsible environmental groups that don't hesitate to make the most reckless claims about climate change, air pollution, and other environmental issues."

"ExxonMobil has said all along that the science of global warming was uncertain, and that the smartest policy to pursue is to invest in research and let the private sector find alternative fuels when the market says they are needed. This grant shows how seriously the company takes its public statements. It's a model for other companies seeking to be good corporate citizens."

Massachusetts Institute of Technology

As noteworthy as the Stanford grant is, it is just one of many major research projects funded by ExxonMobil. For example, in the early days of the global warming debate, ExxonMobil (then Exxon Corporation) held a series of meetings with another of the nation's leading research universities, the Massachusetts Institute of Technology (MIT) regarding global warming science.

In 1991, after two years of discussions and sharing ideas, ExxonMobil invited MIT to submit a funding request to study the issue. The result is the Joint Program on the Science and Policy of Global Change, which ExxonMobil continues to fund to this day. Other public and private groups have also stepped up to fund the project.

"Both MIT and Exxon strongly supported the objective of creating a program that would integrate the science of climate change, the analysis of its potential effects, and the study of possible policy responses," reported Henry Jacoby, program director and professor of management at MIT's Sloan School of Management.

The joint program's goal was to bring together a wide variety of scientific experts and integrate a broad spectrum of public and private entities to produce the most objective and comprehensive research on global warming science. "I like that the scientists, engineers, and political scientists working together is an unusual act," said Jacoby. "There's got to be a good reason for them to do it, and there is."

"When we began this program, we were really plowing new ground," observed Ronald Prinn, head of MIT's Department of Earth, Atmospheric, and Planetary Sciences. "We are not trying to determine policy. We are trying to conduct very deep and careful scientific analysis... and let the results fall where they may."

James M. Taylor is managing editor of Environment & Climate News.
At Camp Pendleton near San Diego, California, wide areas of the ocean beach at the Navy’s amphibious base at Coronado, California have been designated as “critical habitat” for two species of shore birds, the Western plover and the least tern. When Navy Seals practice landing their rubber boats during breeding season, they must disrupt their tactical formations to move in narrow lanes, marked by green tape, to avoid disturbing potential nests. The result is what the Navy calls “negative training”—the development of bad habits that, if repeated in combat, will cause casualties.

At Fort Hood, Texas, unit commanders are forced to “work around” 66,000 acres, or one-third of the training area, to protect the habitat of the golden-cheeked warbler and the black-capped vireo. The restrictions placed on soldiers’ training reduce the realism of combat exercises and makes them less prepared to cope with real battlefield situations.

At Camp Pendleton near San Diego, California, the U.S. Fish & Wildlife Service proposed designating more than 450 installations on some 25 million acres as critical habitat for the endangered California gnat-catcher. That designation, coupled with existing environmental restrictions at Camp Pendleton, would have rendered California gnat-catcher Endangered Species Act particularly crippling. The courts have held that, under the ESA, critical habitat is intended for species recovery. Rather than military lands being used for military purposes, once critical habitat is designated, such lands must be used first for species recovery. With each lawsuit filed by an environmental group under the ESA, more military land threatens to come under the jurisdiction of the statute.

The Department of Defense manages more than 450 installations on some 25 million acres in the United States. Providing sanctuary to roughly 300 species listed as threatened or endangered, it is the Defense Department’s good stewardship of its lands that has attracted the species ... and the lawsuits. This, of course, is the fate private landowners have suffered for decades. Instead of being subjected to the ESA, the Pentagon would like to continue its practice of protecting species on military installations through Integrated Natural Resources Management Plans (INRMPs), which are required by the Sikes Act and developed in close cooperation with the Department of Interior and state wildlife agencies. This approach has been endorsed by both the Clinton and the Bush administrations. The widespread presence of threatened and endangered species on military bases attests to the effectiveness of INRMPs.

Environmental groups opposed to the Pentagon’s approach point out the President already has the authority under certain environmental statutes to waive environmental requirements in case of war or national emergency. However, many environmental statutes do not provide for wartime waivers, and in most that do, the President may apply national security exceptions only if doing so is deemed to be in “the paramount interest” of the United States—the highest standard in the nation’s laws.

Moreover, notes the Pentagon, military readiness requires training and testing at all times—not just during national emergencies. Rather than expecting the President to micro-manage training decisions at scores of military bases around the country, the Pentagon argues, those decisions are best left in the hands of local commanders.

In Congress’s Court

Last summer, the Pentagon approached Congress seeking clarification of several environmental statutes, so that it might carry out its unique mission of providing for the nation’s defense. Faced with midterm elections and a rapidly disappearing congressional calendar, lawmakers last year provided only limited relief by making some adjustments to the Migratory Bird Treaty Act. The action will allow the Navy to continue to use a tiny uninhabited island in the Western Pacific as a firing range.

This year, however, the Department of Defense is taking a much more aggressive stance, hoping a Republican-controlled Congress will lend the armed services a more sympathetic ear. Ultimately, Congress will have to answer two questions: If soldiers are not allowed to train for combat under realistic conditions in areas specifically set aside for that purpose, where is that training supposed to take place? And if weapons cannot be tested under realistic conditions in areas specifically set aside for that purpose, where is that testing supposed to take place?

Bonner R. Cohen is a senior fellow at the Lexington Institute in Arlington, Virginia.

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**Wendell Cox**

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Madison Commuter Rail: Let Taxpayers Beware!

RANDAL O’TOOLE

How would you feel if you bought a fancy new DVD player for Christmas, only to find the next day the same store was selling another DVD player just as good—but at one-fourth the cost? If you complain, the salesman who never bothered to tell you about the lower-priced model might sneer and say, “Caveat emptor—let the buyer beware!”

We know salesmen rip us off sometimes. But we don’t expect that same sort of behavior from public servants, who are supposed to carefully manage our hard-earned tax dollars. Yet the snickering salesman is exactly what taxpayers are getting in Madison, Wisconsin, with a recent proposal to start rail transit service.

Stagnant Ridership

Madison is a city of 210,000 people in an urban area of 330,000 people, all of whom are located in Dane County. It is home to the flagship campus of the University of Wisconsin system and capital of a state proud of its progressive history. In keeping with that tradition, several members of its city council want to put Madison on the map by building a rail transit line.

Madison Metro Transit buses currently carry about 10 million vehicle miles and 35 million passenger miles per year. Madison roads and streets carry about 2.2 billion vehicle miles per year. At an average occupancy of 1.6 people per car, that represents 3.5 billion passenger miles. Transit represents just 1 percent of the Madison urban area’s motorized passenger miles.

Miles of driving are growing at about 2.7 percent per year, but transit ridership has been stagnant for the past 14 years. In the five years before that, transit ridership fell by a quarter. Madisonians that commuter rail is needed to increase transit ridership by 50 percent. In fact, all commuter rail does is unnecessarily spend hundreds of millions of dollars of my money, your money, and everyone else’s money just so Madison can have the status that accompanies a commuter train. Taxpayers will have to pay more than $65 every time a former non-transit rider climbs aboard that train.

On January 21, the Madison Common Council voted to spend another $2.5 million, matched by $2.5 million in additional Dane County funds, for further study by Parsons Brinckerhoff. That same money could have been used to begin making immediate improvements to the bus system. It is time for Madisonians to say: “Caveat adsumus—let the taxpayer beware!”

Transport 2020 wants to needlessly spend hundreds of millions of dollars of my money, your money, and everyone else’s money just so Madison can have the status that accompanies a commuter train. Taxpayers will have to pay more than $65 every time a former non-transit rider climbs aboard that train.

In the same way, transit agencies across the nation have become enthralled with rail service not because it is better, but because it adds to their budgets and prestige. The difference is, it isn’t their money.

TRANSPORTATION ALTERNATIVES FOR DANE COUNTY/MADISON

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Randal O’Toole (rot@ti.org) is senior economist with the Thoreau Institute (www.ti.org) and author of the recent book, The Vanishing Automobile and Other Urban Myths.
EPA Reexamines Clean Water Act

Responding to a 2001 Supreme Court ruling that the Army Corps of Engineers and Environmental Protection Agency overstepped their bounds in enforcing the Clean Water Act, EPA has gathered and is now evaluating public comments regarding the scope of the Act. At issue is what qualifies as "navigable waters" — a definition at the heart of the Act's application.

Congress has tasked the EPA with passing the Clean Water Act on its power to regulate interstate commerce. The Act forbids the discharge of any pollutant into "navigable waters" without first obtaining a permit from the Army Corps of Engineers. The Act explicitly exempts "normal farming, ranching, and recreational activities, such as plowing..." that do not impair the flow or circulation of "navigable waters."

EPA and the Army Corps have consistently defined the term "navigable waters" to mean not just navigable waters themselves, but any tributaries of navigable waters, swamps and wetlands in the general vicinity of navigable waters, and many isolated swamps, wetlands, creeks, and small depressions that hold water only occasionally.

EPA and the Army Corps additionally have defined "pollutant" to include rocks, sand, dirt, and even incidental redosing of loosened soils back to the same place they came from.

The Supreme Court deemed all this word-smithing to be an overstepping of statutory authority, ruling in 2001 that the Army Corps had no Clean Water Act justification for forbidding an Illinois landowner from filling in an abandoned sand and gravel pit with landfill materials. The Corps had argued that a scattering of ponds had collected on the abandoned land that is located only within one state and has no connection to navigation.

Nancy Stoner, director of the Clean Water Project of the Natural Resources Defense Council, argued the Army Corps and EPA were using the Supreme Court ruling to revive an obsolete view of clean water regulations. "The earlier laws were focused on navigability," Stoner observed, without citing any more recent clean water laws that apply to non-navigable waters.

"How seasonal wetlands constitute "navigable waters" of the United States is a story for another day," deadpanned Jonathan Adler, an assistant professor at Case Western Reserve University. EPA's reexamination of the Clean Water Act may help it assert additional successful challenges to the Act.

The Supreme Court in December 2002 deadlocked 4-4 on whether a California rancher violated the Clean Water Act when he plowed his fields to plant a fruit orchard. The Army Corps had fined the farmer $3.1 million when he loosened soil on his property, which was in the general vicinity of water, to allow growth of the root systems of his fruit trees. The Court could not reach a majority verdict in the case because Justice Anthony Kennedy was a friend of the farmer and recused himself from the case.

Kennedy had voted with the 5-4 majority in the 2001 case that served as the catalyst for EPA's current taking of public comments. The Court appears ready to make future Clean Water Act decisions consistent with the 2001 case. Without a reexamination of the manner in which they interpret the Clean Water Act, EPA and the Army Corps may find themselves repeatedly losing Supreme Court cases regarding the scope of the Act.

James M. Taylor is managing editor of Environment & Climate News.

California Considering Desalination Plant

California's growing population and shrinking Colorado River water supply do not necessarily mean the state will be in a water crisis anytime soon. In addition to greater reliance on traditional water sources, such as mountain snowpacks and neighboring states, the state is currently building five new desalination plants by 2007.

In addition to greater reliance on technology, California is moving toward greater reliance on desalination technology. "Florida has led the way in modern desalination technology," said Jonathan Adler, an assistant professor at Case Western Reserve University. "California is near completion, and the plant is expected to be operating at full capacity in March. The Tampa Bay plant will be the largest desalination plant in the Western Hemisphere. To create potable water, the plant will take in 44 million gallons of saltwater per day from Tampa Bay. The saltwater will be pumped under great pressure through special membranes that extract the salt and other minerals from the water. Of the 44 million gallons taken in each day, 25 million gallons will be converted to potable water, while the remaining 19 million gallons will be used as the salt and other minerals to create potable water.

"Texas has led the way in taking advantage of modern desalination technology by approving in 2001 a desalination plant for the Tampa Bay region. Construction is near completion, and the plant is expected to be operating at full capacity in March."

The United States' Mexican border is a place where new technology is often seen. "Tampa is a very important test of the technology," Adler said. "Texas is near completion, and the plant is expected to be operating at full capacity in March."

"Texas government officials and South Texas farmers are nervous that a new water agreement between the U.S. and Mexico fails to address years of broken promises and the latter country's failure to abide by earlier water treaties. Texas officials also claim deceitful accounting will allow Mexico to avoid meeting the terms of the new agreement. According to the terms of a 1944 treaty, the U.S. provides Mexico with 1.5 million acre-feet of water each year from the Colorado River. In turn, Mexico is required to release 350,000 acre-feet of Rio Grande water each year to the U.S. While the U.S. has lived up to its obligations, Mexico has repeatedly failed to do so. The country currently owes the U.S. more than 1.5 million acre-feet of water, roughly five full years of Rio Grande treaty obligations.

On January 9, the U.S. and Mexico announced Mexico would immediately release the full amount of its 2003 Rio Grande water obligations. However, the agreement does not address the 1.5 million acre-feet of water Mexico failed to provide in previous years. Resolution of that issue has been postponed. Texas Governor Rick Perry called the agreement "unfair and unacceptable." He said the state is considering legal action to ensure that every Texas gallon of water delivered under the treaty is "counted and paid for."
R EVERYW HERE

Desalination

The desalination plant now under construc-
tion in Tampa Bay is expected to significantly help
Florida meet its water needs. When complete, the
plant will have the capacity to produce 45 million
gallons of fresh water per day. This will be the
largest desalination plant in the state and one of
the largest in the country.

The desalination plant will use a reverse osmosis
process to convert seawater into freshwater. It
will be able to produce approximately 50 million
gallons of freshwater each day. The plant will
operate 24 hours a day, 365 days a year.

The desalination plant will be located near the
Tampa Bay Power Plant. The plant will use power
generated by the power plant to operate the
desalination equipment.

The desalination plant will be able to handle
changes in water demand and supply. It will be
able to adjust its production to meet the needs of
the community.

The desalination plant will be owned and oper-
ated by the Tampa Bay Water Authority. The
authority has contracted with a private company
to design, build and operate the plant.

The desalination plant is expected to begin op-
erations in 2005. The facility will be designed
to meet the needs of the community for the
next 50 years.

The desalination plant is part of a larger effort
to increase water supplies in the Tampa Bay
region. The region is experiencing a growing
demand for water as a result of population
growth and increased economic development.

The desalination plant is expected to provide
an additional 10 billion gallons of water each
year. This will help to meet the needs of the
community and ensure a reliable water supply.

The desalination plant is part of a larger
strategy to increase water supplies in the
region. Other efforts include increasing
water reuse and using water from alternative
sources such as Southeastern Water Reuse.

Overall, the desalination plant is expected
to play a major role in ensuring a reliable
water supply for the Tampa Bay region.

Norton Intervenes in Western Water Feud

Interior Secretary Gale Norton cut back Califor-
nia's Colorado River water supply, making good on a
promise to intervene in a regional water dispute if
California could not reach a water-use agreement
with six other Colorado River states.

The Secretary's action, taken January 1, is
not expected to pose any immediate strain on the
state's water supply. It could, however, cause long-
term regional supply issues if the state does not
reach an agreement with the other Colorado River
states or pursue other means of supplying water
to Southern California residents.

More than 70 years ago, California signed an
agreement to draw no more than 4.4 million acre-
feet of water from the Colorado River each year. Other
states also agreed to limit the amount of water
drawn from the river. Arizona, for example, limited itself to 2.8 million acre-
feet per year, and Nevada limited itself to
300,000 acre-feet.

Since the agreement was signed, how-
ever, California frequently has drawn
more than its allotment of water. Other
states did not protest because they did not
ignore or need all of their allocated water.
However, as regional population has
grown and neighboring states are begin-
ing to draw their full allotment of
Colorado River water, Californians practice of
exceeding its allotment has strained the
system.

Pleased by the Clinton administration to
curtail its water use, California agreed to
reduce its dependence on the Colorado River by 2015. However, facing a
December 31, 2002 deadline to submit
specific plans to reduce the state's
dependence on the river, various
California water districts could not reach
agreement on how to do so. Without an
explicit agreement in place, Norton fol-
lowed through on her promise to cut the
state's water supply.

A major obstacle to reaching a water-
use agreement is the existence of a large lake
created in 1905 after the Colorado River burst through a farm dike and
poured water for more than a year into arid surrounding land. By the time
the dike was fixed, the river water had created California's Salton Sea, a 380-square-mile
lake that is 227 feet below sea level and 25
per cent saltier than the Pacific Ocean.

The lake has been described as one of
the most productive fisheries in the
nation, home to corvina, croaker, and
tilapia. It serves as an annual rest stop for
millions of migratory birds. Despite its
disconnection from its Colorado River
water source, the lake has survived due to
runoff from irrigation projects in
California's Imperial Valley.

The Imperial Valley is one of the
nation's leading sources of winter fruits
and vegetables. It also is one of the chief
beneficiaries of Californians practice of
exceeding its water allotment from the
Colorado River. If California can't
reach a water-use agreement with the
other Colorado River states, it will
result in less irrigation water for the
Imperial Valley and less resultant runoff
into the Salton Sea. Without the irrigation
runoff, scientists expect the Salton Sea to steadily contract and become too salty for plant
and animal life.

"If you don't have farmers, you don't
have a Salton Sea," said Tom Kink, execu-
tive director of the Salton Sea Authority.

California's regional neighbors are
opposed to seeing their Colorado River
 allotments shrink in order to support a
man-made lake. California, in turn, has
a dual interest in supporting its farmers
and preserving the life-sustaining sea,
regardless of the circumstances of its cre-
ation. The state has yet to seriously con-
ider sustaining the Imperial Valley's
water supply through alternative sources,
such as the purchase of more water from
Northern California or surrounding
states.

"I truly believe there's such a strong
force saying 'Let it die, let it die'" said
retiree Ted Deckers, who lives on the shore
of the lake.

The Imperial Irrigation District filed a
lawsuit on January 10 asking a federal
court to block Secretary Norton's action.

"Simply stated," Southern California
Metropolitan Water District Board
President Lloyd Allen wrote to Norton,"the
action of your department is miscon-
guided, unjustified, unsupported by
the law or the facts, and is an example of
heavily-handed and unwarranted federal
interference with interstate water alloca-
tion matters."

"Our forefathers worked too hard to
create the most productive farm region in
the west," Allen added. "The [the Imperial
Irrigation District] would prefer to
have consensual agreements, we will
not retreat from litigation to protect
the lifeblood of our community."
A Picture Book for Socialist Warriors

BOOK REVIEW BY JAY LEHR PH.D.

So in conclusion, the intent of this coffee table picture book containing fraudulent essays by socialist pseudo-scientists is to starve the developing world so as to slow or eliminate global population growth by defeating the only effective engine of human progress man has ever developed, namely capitalism. Or am I getting ahead of myself?

Fatal Harvest is in fact a beautifully illustrated communist manifesto aimed at mobilizing anti-capitalist socialist warriors around the globe to destroy all efforts to feed the less fortunate citizens of planet Earth, and thus to mercilessly starve them to death at the behest of their false Goddess “Gaia” whom they believe to be the soul of our planet.

This well crafted, often poetic false representation is nearly impossible by a trained scientist with knowledge of man’s technological progress and a clear understanding of the scientific methodology necessary to reach sound conclusions. In spite of the book’s breathtakingly beautiful color photos of our fruitful plains, there is a limit to one’s ability to read page after page of lies, distortions, misrepresentations and libelous accusations intended to mobilize a devil’s army intent on destroying all progress achieved in man’s most recent century. Perhaps the only positive value of this terrifying treatise is a warning to freedom-loving people, just how determined our evil opponents are to destroy civilization as we know it.

“I’ll now end my personal rant and let the book speak for itself. In the accompanying sidebar I quote a random selection of two dozen of the book’s hundreds of false and inflammatory statements and provide the names and affiliations of the authors who contributed those shameful comments.

Jay Lehr Ph.D. is science director for The Heartland Institute.

Fatal Harvest: The Tragedy of Industrial Agriculture

by Andrew Kimbrell, editor
Island Press July 2002
396 pages cloth

“Over the centuries, a wide diversity of maize— with varying leaves, heights, colors, and kernels— was selected and protected to perform different purposes. Today, modern corn is little more than a sad remnant of its forebears.”

ANDREW KIMBRELL, CENTER FOR FOOD SAFETY (P. 77)

“The ‘agri-monopoly’ has no use for any farm that isn’t gargantuan and ever more reliant on chemicals and technology.”

ANDREW KIMBRELL, CENTER FOR FOOD SAFETY (P. 111)

“Increasingly, vegetables born of genetically engineered seeds, nurtured by chemical fertilizers, and doused with poisons threaten the health of consumers and the integrity of the environment.”

ANDREW KIMBRELL, CENTER FOR FOOD SAFETY (P. 261)

“Soon more than 90 percent of the average American’s diet could be eligible for irradiation. As a result, the consumer has been made a guinea pig, testing these foods and facing potential health risks. Meanwhile leaks from irradiation facilities pose significant risks to public health and to the environment.”

MICHAEL COLBY, FOOD AND WATER, INC. (P. 271)

“Globalized agriculture has devastated the environment, farmland communities, and farmers. Corporations and international trade agreements continue to foist this dysfunctional agriculture on third world countries.”

DEBI BARKER, INTERNATIONAL FORUM ON GLOBALIZATION (P. 313)
Reform of New Source Review Raises Concerns

BY S. FRED SINGER

The fog has not yet cleared from the Bush administration's decision to change the rules that govern the Clean Air Act. Both industry and environmentalists are expressing concern about the Bush plan: One side says it is ambiguous and could lead to more lawsuits, while the other claims human health and the environment will suffer.

At issue is the Clean Air Act's New Source Review (NSR) provision. When older power facilities make "major modifications," the law says they must also install modern technologies—something required of all new plants. The NSR provision treats "routine maintenance" and "upgrades" differently, but the definitions are vague, leading environmentalists to accuse industry of sidestepping the law to add capacity.

The U.S. Environmental Protection Agency and the Department of Justice in 1999 cracked down, fliing lawsuits against 32 companies in 13 states. EPA considered to be in violation of the Clean Air Act. Tampa Electric reached an early settlement, agreeing that two of its power plants—Big Bend and Gannon—would commit to major pollution reductions. Cinergy Corp. and Virginia Power came to terms with authorities in principle but have since backtracked.

Plants that were targeted, said the Clinton administration, had a too-restrictive interpretation of New Source Review that ultimately discouraged any renovations, including those that would necessitate new pollution controls. The Bush administration agreed and has now formally outlined ways that make it easier for utilities to perform "routine maintenance" without triggering legal assaults.

What Bush Proposed

The thrust of the Bush plan, which takes effect almost immediately, is to reduce emissions without heavy government interference. Toward that end, it calculates total emissions on a plant-wide basis—not for specific pieces of equipment. Equipment can therefore be modified as long as the plant's overall emissions don't increase. Companies that voluntarily install new technologies to cut emissions will be given greater flexibility to make revisions "if they continue to operate within permitted limits."

The administration also has proposed rules that would make improvements to the "routine maintenance, repair and replacement" exclusion contained in EPA's New Source Review regulations. Specifically, the proposed rules would provide an as-yet-undefined facility-wide annual allowance for maintenance activities. Most projects involving the replacement of existing equipment with newer versions would constitute routine maintenance under the new rules. EPA expects these proposals to be finalized after a lengthy comment period, no later than year-end 2003.

Industry is displeased with the wording of the new policy. It's unclear, they say, what can be modified without triggering expensive new investments in scrubbers and other cleaning technologies. The confusion, says the Edison Electric Institute, will ultimately create another wave of lawsuits.

"We're frustrated that the agency has stopped short of advancing a specific proposal that would remove the perpetual threat of litigation hanging over the heads of power plant operators facing difficult decisions about whether to proceed with critical maintenance activities," says Quin Shea, EEI executive director—environment. "We've long urged EPA to draw a distinction between routine activities and those that clearly are major modifications that would require power plants to install additional emission controls."

The National Coal Council, meanwhile, supports the revised interpretation. It says the new rules will allow about 40,000 megawatts of increased electrical production to become available in the next three years from existing coal-fired generators. Such increased supply can occur, it adds, without increasing emissions per megawatt hour—all because of new clean coal technologies.

Critics React

The NSR reforms met with fervent opposition, however, not just from environmentalists and their Democratic supporters but also from nine attorneys general in the Northeast, who will fight to have the reforms reversed in a Washington federal appeals court. That will presumably keep alive all lawsuits related to New Source Review.

The Northeast has long complained about poor air quality and acid rain associated with power plants in the Midwest, South, and Mid-Atlantic states. Specifically, New York's Elliot Spitzer labeled the NSR reform plan "a Presidential pardon against polluters," while Sen. Joe Lieberman (D-Connecticut) called on EPA Administrator Christine Whitman to resign.

"Gov. Whitman has a good record and good intentions, but on her watch this administration has undertaken the biggest rollback in Clean Air history and scaled back counties other environmental protections," said Lieberman. "All this rule change will do is extend the life of the dirtiest industrial plants and worsen the lives of citizens..."

Lieberman had pressed the administration to perform studies on what the potential health effects might be of reforming New Source Review, before making any final rulings. The administration countered its plan would encourage plants to install pollution controls without government interference.

While the decision to revamp parts of the New Source Review is unsurprising, the timing may speak volumes. The announcement came a few weeks after the congressional elections—a strong indication the administration did not want it to become fresh fodder for the Democrats. By extension, however, Democrats and environmentalists will certainly bring the subject to the fore during the 2004 elections.

By all accounts, the issue presents a clear distinction between the administration and key Democrats. It will no doubt become a factor in the next Presidential election, although at this point it appears it will remain clouded by matters of foreign policy and job creation.

S. Fred Singer, professor emeritus of environmental sciences at the University of Virginia and president of the Science and Environmental Policy Project, shares his thoughts on environment and climate news stories of the month. Singer's The Week That Was columns can be found at www.sepp.org.

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Saving What Is Left of Jicarilla

A small New Mexico town fights for its survival against the U.S. Forest Service

J. ZANE WALLEY

According to a recent assay report, $20 million in fine gold lies beneath the ground on a few acres at Jicarilla, New Mexico. Miner Jerry Fennell owns the mining claims, and for about 30 years he has made a living and raised a family by panning the dry gulch and working a swimming pool-size pit behind his home with a pick and shovel. Fennell has no bulldozers or dump trucks. A wheelbarrow and a gentle burro appropriately named “Dusty” haul most of the ore.

His operation is small by design and philosophy. “I keep it that way because I don’t want to disturb the land more than I have to. I just take enough gold to get by. I don’t use any chemicals and durn little water.” There is no natural source of water nearby, so Fennell has to haul in all he uses with an aging pickup truck.

Those days of “just getting by” soon will be over for Jerry Fennell if the U.S. Forest Service has its way.

According to Fennell, he recently received a letter from the Lincoln National Forest office saying he will be “charged with trespass” unless he files paperwork he says will put him out of business. “Once I file the paper (a plan of operation), the Forest Service will impose such a huge reclamation bond that I won’t be able to afford it. I have watched them do it to my neighbors. They are all gone now. I am the last miner in the Jicarilla Mountains.”

Miners have worked the Jicarillas for centuries, and governments pushing them from their lands are not new. Spanish records show the Mescaleros and Jicarilla Apaches dug turquoise in the remote mountains in 1598. The Spanish, and later the Mexicans, enslaved the Indians as labor to mine and separate the gold from the dirt in a wooden bowl called a “batea.”

After the Republic of Texas defeated Mexico, Texans dug for the precious metal from about 1820 to 1850. When the area became part of the Territory of New Mexico, the U.S. Army forcibly removed the Apache to reservations in 1864. Prospectors for the lode deposits by American miners began in the 1880s. The town of Jicarilla grew up around the claims and had a schoolhouse, a general store, and a population of some 300 during the early 1930s. Jicarilla lasted until about 1942.

End of an Era

Today, buildings that were formerly the store, post office, schoolhouse, and church remain. Fennell’s home is the old general store. According to Fennell, the congregation of the Jicarilla Mountain Community Church used the old schoolhouse as a chapel until the U.S. Forest Service padlocked it and posted a sign reading, “All persons are prohibited under penalty of the law from committing any trespasses.”

Fennell produces an envelope stuffed with well-thumbed documents he has gathered over the past few years. “Look at this,” he says as he shows a record from the pile. “This building has been used as a church since the thirties. How can the Forest Service just padlock and post it?”

He said he has repeatedly asked the Forest Service to prove they own the land on which his claims are located. “All they have provided is a copy of an Executive Order signed by President Woodrow Wilson that indicates certain lands must be taken to connect the Lincoln National Forest to another National Forest. As best as I can determine through my research, this land may not even belong to the Forest Service.” Indeed, the title trail is incredibly convoluted. In addition to ownership by Spain, Mexico, and the Republic of Texas, Jicarilla has been part of three New Mexico counties over the past hundred years, as political borders were shifted. The Lincoln County Tax Assessor’s office stated, “There is really no way to know where all the records for Jicarilla are located.”

Miner Jerry Fennell owns the mining claims, and for about 30 years he has made a living and raised a family by panning the dry gulch and working a swimming pool-size pit behind his home with a pick and shovel. Fennell has no bulldozers or dump trucks. A wheelbarrow and a gentle burro appropriately named “Dusty” haul most of the ore.

“Fennell’s troubles have begun to attract public attention in Lincoln County, an area that has seen much of its history bulldozed by federal land agencies.”

The Lincoln County News ran a story with the headline, “Fennell could be charged if he did not file a plan of operation.”

Lincoln National Forest Ranger Jerry Hawks stated in an interview that “Fennell has a legal right to his claim, but he is illegally occupying cabins that are on National Forest lands.” Fennell counters by producing 1999 documentation from the Ninth Circuit Court of Appeals that states miners can live on their claims if they can produce possession title and vested rights for structures and equipment. Fennell does have tax records showing he has paid taxes on the structures and equipment for years.

Fennell’s troubles have begun to attract public attention in Lincoln County, an area that has seen much of its history bulldozed by federal land agencies. Publisher Ruth Hammond and reporter Doris Cherry of the Lincoln County News believe Jicarilla needs to be saved. “The Forest Service has destroyed too many of our historic buildings. Many of our residents have family who worked and are buried there. Our newspaper is going to work to save what is left of Jicarilla.”

Fennell sits glumly on the steps of the Jicarilla Mountain Community Church and points to the U.S. Forest Service padlock and sign. “For years I have watched and cared for this building and the others. If the Forest Service pushes me out in a couple of weeks what is left of this little village will be vandalized or bulldozed and burned by the feds.” He pauses and looks sadly at what has been his home for decades. “Clears” his throat and says quietly. “You know, it ain’t the gold that has me reared up and fighting back. It is the saving of this place for our kids and grandkids. I’d hate to see it destroyed.”

J. Zane Walley is an editor for the Paragon Foundation News Service.
Our reforms will remove the obstacles to environmentally beneficial projects, clarify NSR requirements, encourage emissions reductions, promote pollution prevention, provide incentives for energy efficient improvements, and help assure worker and plant safety,” noted the EPA report. “Overall, our reforms will clarify and simplify the program so that industry will be able to make improvements to their plants that will result in greater environmental protection.”

The agency made clear it was not seeking to cripple the NSR program, but rather to clarify its provisions. “The basic elements of the NSR program remain in place. All new major sources of air pollution will need to comply with the best control technology and existing sources which make major modifications and have a significant increase in actual emissions also will have to meet these requirements. Therefore simply clarifying words at existing sources can be made without triggering NSR.”

According to EPA Administrator Christie Whitman, flexibility is the key to encouraging power plants to invest in updating their emissions technology. The rigid post-1999 interpretation of NSR was counterproductive, she said, because it “deterred companies from implementing projects that would increase energy efficiency and decrease air pollution.”

Clean Air or Political Games?
The lawsuit filed by New York Attorney General Spitzer and his colleagues takes aim at four elements of the proposed rules: provisions addressing new technology, new emissions tests, updated methods for calculating emission levels, and a focus on plant-wide emission levels rather than each of a plant’s individual components.

“Our argument is ultimately going to be that these are illegal changes to the Clean Air Act and the EPA has gone beyond its authority in granting loopholes to smokestack industries,” said Frank O’Donnell, executive director of the Clean Air Trust, a pro-regulation environmental group. The Trust is among several activist groups that have indicated they will join the suit on behalf of the state attorneys general.

“There was need to make changes in the rules to keep up with how business has changed over the past 25 years,” countered William Harnett, director of EPA’s New Source Review enforcement program. “The rules we just went final on are things consistent with the law passed by Congress … and will lead to greater environmental benefit.”

Scott Segal, director of the Electric Reliability Coordinating Council, observed that the state attorneys general appear more interested in scorning political points against President Bush than in ensuring common-sense rules regarding air pollution. He also suggested the northeastern attorneys general were motivated by resentment of, and will be subject to, other measures aimed at reducing air pollution. The Bush administration points out, for example, that it has already proposed a Clean Skies Initiative that will require a roughly 70 percent cut in power plant emissions of what EPA calls “the three worst air pollutants.”

James M. Taylor is managing editor of Environment & Climate News.
ASBESTOS continued from page 1

Senator Christopher Dodd (D-Connecticut) cosponsored asbestos legislation in the 105th and 106th Congresses, and he has indicated he would be willing to raise the issue once again. Democrats Joe Lieberman (D-Connecticut) and Charles Schumer (D-New York) have also cosponsored asbestos tort reform bills in the past and would be open to compromise legislation.

“It’s possible we could get together,” said Dodd, who stressed the issue is a political hot potato and would have to be handled delicately: “If the bill is questionable, nothing will happen. They [Republicans] know if it’s an anti-trial-bar bill, it will fail.”

Bankrupting an Industry

“Without federal legislation,” warn Michael Angelina and Jennifer Biggs of the consulting firm Tillinghast-Towers Perrin, “asbestos liabilities will haunt corporations, insurers, and reinsurers for years.”

According to Roger Parloff of Fortune magazine, more than 200,000 asbestos tort claims are pending nationwide against more than 1,000 corporations. Most of the plaintiffs in those suits show no signs of physical harm from asbestos exposure, and many of the defendant companies never made asbestos products. Nevertheless, plaintiffs are being awarded unprecedented judgments based on highly speculative future harm, suspect science, and juries’ preconceived notions regarding asbestos.

Joseph Stiglitz of Seago Associates, an economic and public policy consulting firm, estimated in a December 2002 report that 61 companies have filed for Chapter 11 bankruptcy protection as a result of asbestos liabilities. Forty-seven states have at least one asbestos-related bankruptcy. The firms, representing a wide range of industries and employing more than 200,000 people the year before they filed for bankruptcy, include insulation maker Owens Corning; floor manufacturer Armstrong World Industries; chemical giant W.R. Grace; construction materials manufacturer USG Corp.; and auto-parts conglomerate Federal-Mogul Corp.

With so few asbestos manufacturers remaining to be sued, the litigation has extended to companies only tangentially related to asbestos manufacturing. The burden is increasingly being borne by firms two and three steps removed from culpability.

“Total corporate asbestos liability to U.S. plaintiffs is now expected to reach $200 billion,” notes Fortune magazine’s Parloff. That’s more than the economic damage attributed to the Enron scandal.

Marginal Plaintiffs

As recently as 15 years ago, observers predicted a total of 100,000 people might eventually file asbestos-related claims. The most recent forecasts predict between 1.3 million and 3.1 million claims, of which only about 570,000 already have been filed.

The latest wave of litigants are people who have medical proof of exposure to asbestos but do not suffer from disease as a result of that exposure,” explained Heartland President Joseph Bast in September testimony to the Senate Judiciary Committee, then chaired by Vermont Democrat Patrick Leahy. “Due to the low level of their exposure, most probably never will. Some 90 percent of new asbestos cases are brought by individuals with no physical impairment.”

In his January 2003 testimony before the Senate Budget Committee, Michael Baroody offered one example of the success marginal plaintiffs are achieving.

“In October 2001,” Baroody reported, “a Mississippi jury awarded $150 million to six plaintiffs in an asbestos case. Each was awarded $25 million. Not one of these six men displayed any symptoms at all. In fact, the lawyer who brought the case boasted to reporters, ‘Most of these guys have not missed a day of work in their lives. One plaintiff even boasted in his deposition that he was a jogger.’

“The piling on by plaintiffs with only minimal exposure to asbestos, and no evidence of having been harmed by that exposure, is leaving precious little money for the compensation of persons directly exposed to asbestos experiencing measurable harm.

“The system is bad for almost everyone involved,” asserts Houston attorney Richard Faulk, “particularly the sick claimants. Absent some changes in the way asbestos claims are resolved, claimants who become truly sick in the future may not receive adequate compensation.

Changing the current asbestos compensation system would be pro-claimant.”

The plaintiff’s bar appears to benefit most from the current system. “For plaintiff lawyers, this development was like the discovery of gold at Sutter Creek,” said professor Lester Brickman of the Benjamin N. Cardozo School of Law in New York.

“Asbestos litigation today has come to consist, mainly, of unimpaired people reaping compensation at the expense of the genuinely injured,” he added, “on the basis of prepared scripts with perjurious contents, backed by bogus medical evidence.”

FOR MORE INFORMATION

WWW visit the Web site of the Asbestos Alliance at http://www.asbestossolution.org for information on the history and scope of the asbestos tort crisis and how it affects U.S. consumers and workers.

The Heartland Institute’s online PolicyBot research database offers more than two dozen documents addressing the asbestos issue, including Michael Baroody’s January 2003 testimony to the Senate Budget Committee (9 pages); the executive summary (16 pages) and full text (45 pages) of the December 2002 Sebago Associates report, The Impact of Asbestos Liabilities on Workers in Bankrupt Firms; and “Sizing Up Asbestos Exposure,” a report by Tillinghast-Towers Perrin (4 pages). Point your Web browser to http://www.heartland.org, click on the PolicyBot button, and select the Environment - Asbestos topic.

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* U.S. EPA, 09/02
On NSR, Bush Should Ignore Knee-Jerk Opposition From Left

BEN LIBERMAN

As was demonstrated by the November election, there aren’t many issues that give Democrats an edge over Republicans. So the Democrats are trying to make the most of the few they do have, including the environment. This helps explain the grossly out-of-proportion amount of attacks against the Bush administration’s recent change to the Clean Air Act’s New Source Review (NSR) program.

Spinning New Source Review
NSR has long been recognized as the most problematic part of the Clean Air Act. The new rules modeled reforms represent the culmination of years of bipartisan efforts to fix it. But that is not the way the story has been spun. The New York Times and other left-leaning media outlets editorialized against the NSR reforms with rhetoric so overheated it gave the impression Bush had just repealed the entire Clean Air Act. The Washington Post broadened the attack, claiming the administration’s recent environmental actions may be “a harbinger of ever-more aggressive rollbacks of environmental regulations next year, when Republicans will control Capitol Hill.”

“The lesson for Bush on environmental policy is clear: Do what you believe is right, and don’t sweat the inevitable and predictable criticisms.”

But the media attacks were mild compared with those from several 2004 Democratic Presidential hopefuls, who outwardly denounced the rule:

• Sen. John Edwards of North Carolina said “this gift to polluters promises more smog, more soot, and more premature deaths”; all to be laid at the doorstep of a President who “has rolled back the Clean Air Act protections.”
• Sen. Joe Lieberman of Connecticut called on EPA Administrator Christie Whitman to resign over the matter.
• Sen. John Kerry of Massachusetts went even further, stating, “we don’t just need a new EPA administrator, we need a new President.”

Few listening to all of this could have imagined that the Bush final rule differs little from NSR reform proposals first announced in 1996 ... by the Clinton EPA.

History Lesson
If the Presidential hopefuls think they can ride a green wave to the White House, they had better take a look at history. The President who polled the worst on environmental issues by far was Ronald Reagan, and his first term was racked with environmental scandal. His first EPA administrator and his first secretary of the Interior — the two highest environmental posts in the federal government — were forced out of office in heavily publicized fashion. And, though Reagan was not nearly the enemy of the environment his critics contended, he did little to try to appease the knee-jerk opposition from the left.

Politically, all of this cost Reagan nothing as he sailed to reelection in 1984. The lesson for Bush on environmental policy is clear: Do what you believe is right, and don’t sweat the inevitable and predictable criticisms. Indeed, Bush could accomplish a lot by taking the measures contemplated by his tarpaulin atop skyscrapers, an approach favored by the environmental old guard, and replacing it with more innovative and promising solutions.

But there is also a cautionary lesson Bush can learn from his father. Rather than follow Reagan’s example, the elder Bush tried to appease the environmental establishment with gifts like the massive 1990 rewrite of the Clean Air Act. That tactic garnered little if any new support and did not help him at all in the 1992 elections.

No matter what it does, the current administration will be attacked by Democrats and their allies as anti-green. It remains to be seen whether the administration will respond with an active environmental vision or with futile attempts at "me too."
**First Step to What?**

It was a treaty even Bill Clinton was afraid to submit to the Senate for approval. Clinton's own Department of Energy figured it would lower GDP by $397 billion and double the cost of energy. WEFA Inc., a respected economic consulting firm, projected it would result in the loss of 2.4 million jobs.

The Kyoto Protocol would have caused California to lose 278,000 jobs, New York to lose 140,000 jobs, and unemployment rates to reach 10 percent in Arkansas, Louisiana, New Mexico, and Montana. State tax revenues would have plummeted as companies struggled to turn profits and fewer people were working, and for less money. Federal and state governments would have been forced to drastically cut existing social welfare programs or raise taxes dramatically.

And this is just the beginning, said Kyoto's supporters.

**It's Climate Stupid**

Kyoto, according to its supporters, would prevent 0.14°C of global warming over the next century. Essentially, whatever global warming would have occurred by 2100 would occur by 2106 under the new program. For this, we are asked to lose a full month's take-home pay every year, sentence our economy to a deep recession with no foreseeable end, and kick 2.4 million hard-working Americans into the unemployment line.

All this came to mind recently with news that Canada had ratified the Kyoto Protocol, meaning only Russia's procrastination prevents the treaty from going into effect. (Russians act will mean countries representing 55 percent or more of emissions will have ratified the treaty, the trigger for its implementation. The U.S. has not ratified it, will not, and is not bound by its provisions.)

Incredibly, not all Americans are thrilled that we weren't snookered by radical environmentalists and United Nations bureaucrats into signing so ridiculous a treaty. Connecticut Senator Joe Lieberman and Arizona Senator John McCain have introduced legislation to achieve Kyoto's destructive goals through the back door. More than two dozen states are considering legislation to do the same. The New York Times, always a voice of calm reason on environmental issues, congratulated Lieberman and McCain, saying their bill is "the best hope for getting a start on the problem."

Well, of course it's only a start. Will the alarmists be content to see their global warming nightmare fade by a mere fraction of a degree over the next century? If there any price they won't pay (or rather, is there any price they won't make the rest of us pay) to address their alarmist vision of the future?

**Warming Not a Threat**

Fortunately, we really don't have to choose between baking our planet and returning to the economic stone age. More than 17,000 scientists have signed a petition saying, in part, "there is no convincing scientific evidence that human release of carbon dioxide, methane, or other greenhouse gases is causing or will, in the foreseeable future, cause catastrophic heating of the Earth's atmosphere and disruption of the Earth's climate."

The petition is being circulated by the Oregon Institute of Science and Medicine, an independent research organization that receives no funding from industry. Every time you hear a news story about the current year being "the hottest year yet" or "one of the 10 hottest years in history," it is important to remember just what numbers are being reported. The warming indicated by surface temperature measures is unlikely to actually exist. As most urban dwellers know, cities produce artificial heat islands that warm the immediate vicinity of the city relative to the surrounding region. During the past century, cities have grown around weather stations (which are typically located at city airports), skewing the temperature readings to indicate a false rise in temperatures.

Empirical data support this common-sense observation. A recent study in the Australian Meteorological Magazine studied urban heat island effects in Australia, Europe, and North America. The authors detected urban heat island effects even in small towns of roughly 1,000 people. Importantly, the heat island effect grew more pronounced as city population increased.

Satellite readings of temperatures in the lower atmosphere (an area scientists predict would immediately reflect any global warming) are unaffected by heat island effects, and are thought to be accurate within 0.01°C. They show no warming since readings were begun more than 20 years ago. (See EarthTrack on page 17.)

The simple fact is the Kyoto Protocol and similar legislation are entirely unnecessary; the political equivalent of Chicken Little screaming about the sky falling. We've seen this before. The same medicine was prescribed 30 years ago ... to avert the next ice age. Remember that? Where would we all be now if we had heeded the "better safe than sorry" alarmists?

James M. Taylor is managing editor of Environment & Climate News.
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**Become a grassroots activist for sound science and free-market environmentalism.**

People across the U.S. are coming together to form a new environmental movement based on sound science and free markets. This movement consists of hundreds of thousands of people just like you, who believe in common-sense solutions, respect for property rights, and economic progress as well as a safe and clean environment. Public policies will change only when elected officials hear from thousands of people who want change. It's up to you to speak out. Starting today, you can write one letter a week to an elected official or your local newspaper. Together, we can show there is public support for common-sense environmentalism.

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