NYC Climate Lawsuit Tossed
A U.S. District Court judge dismissed New York City’s lawsuit to make fossil fuel companies help pay the costs of dealing with climate change.

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Mine, Mine, Mine
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CA Gas Tax Hiker Canned
California voters removed state Sen. Josh Newman (D-Fullerton) in a recall election over his vote to increase the state’s gasoline tax in 2017.

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Texas Bag Ban Sacked
The Texas Supreme Court ruled a ban on plastic bags imposed by the city of Laredo in 2014 violated state law regulating the packaging of solid waste.

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U.S. House Passes Resolution Opposing Carbon-Dioxide Tax

By H. Sterling Burnett

The U.S. House of Representatives passed a resolution introduced by House Majority Whip Steve Scalise (R-LA) and Rep. David B. McKinley (R-WV) “expressing the sense of Congress that a carbon tax would be detrimental to the United States economy,” by vote of 229 to 180.

A similar resolution introduced by Scalise in 2016 passed the House by a vote of 237 to 163, with six Democrats joining the entire Republican caucus in supporting that legislation. On July 19,
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Coal Leasing Program Does Not Need Climate Review, Federal Court Rules

By H. Sterling Burnett

A federal appeals court handed President Donald Trump a victory by rejecting environmentalists’ arguments the U.S. Department of Interior (DOI) must evaluate potential climate change impact when leasing federal land for coal mining.

A three-judge panel of the Court of Appeals for the District of Columbia Circuit unanimously ruled DOI is not required to update its 1979 environmental impact analysis of the federal coal program to include consideration of the climate impact of carbon dioxide emissions from coal use.

New No Actions

The court determined the National Environmental Policy Act (NEPA) does not require a new environmental impact statement if the activity governed by the policy has not substantially changed, which the court said is true of coal leasing.

Writing for the court, Judge Harry Edwards, a President Jimmy Carter appointee, says an existing government program needs an updated environmental impact statement only if the program has substantially changed since completion of the original analysis required under NEPA.

“Appellants have failed to identify any specific pending action, apart from the program’s continued existence, that qualifies as a ‘major federal action’ under NEPA,” wrote Edwards. “The fact that actions continue to occur in compliance with the program does not render the original action incomplete. Accordingly, the department’s NEPA obligation for the Federal Coal Management Program terminated with its adoption in 1979.”

Reversing Obama’s Policy

The ruling is a setback for environmental activists who have been trying to end the federal government’s coal leasing program.

About 40 percent of the nation’s coal is produced on federal land, mined mainly in Western states such as Montana and Wyoming.

As part of his climate change policies, President Barack Obama imposed a moratorium on new federal coal leases in 2016, during which time his administration was to begin a new environmental review of the federal coal leasing program, including an assessment of its effect on climate change.

At Trump’s direction, Interior Secretary Ryan Zinke lifted the moratorium in March 2017, shortly after taking office.

“We feel strongly that the current process on reviewing coal is appropriate,” Zinke said in a press release announcing the end of the moratorium.

‘Frivolous Litigation’

The Western Organization of Resource Councils and Friends of the Earth filed a lawsuit challenging the decision to end the moratorium.

DOI said the court’s ruling vindicates the Trump administration’s decision to renew coal leasing without considering purported effects on climate change.

“For the second time, a federal judge proved that the environmental special interest groups are only interested in wasting taxpayer dollars on frivolous litigation,” Interior spokeswoman Faith Vander Voort said shortly after the court announced its ruling. “The department will continue to run a responsible coal leasing program that supports jobs and economic vitality for rural communities.”

‘A Superb Development’

The court’s ruling vindicates Trump’s efforts to foster U.S. energy dominance, says Fred Palmer, a senior fellow with The Heartland Institute, which publishes Environment & Climate News.

“The DC Circuit Court’s refusal to consider an environmental challenge to federal coal leasing on climate change grounds is a superb development,” said Palmer. “With the court’s action in this case, it is fair to say even in Washington, DC there are limits to judicial activism on climate change grounds, so praise to the court for embracing common sense and future coal development.

“As part of President Trump’s goal of establishing U.S. energy dominance, his administration is moving to preserve coal plants to protect our national security, develop new technologies enabling coal to be used as a boiler fuel with near-zero criteria pollutants emitted, and establish new uses and markets for coal,” Palmer said. “Though the media and radical environmentalists say otherwise, coal remains vital to our country’s success, and the DC Circuit Court’s decision should be embraced as a reminder we must protect its use.”
Continued from page 1

when the current anti-carbon tax resolution was adopted, seven Republicans joined the overwhelming majority of Democrats in opposing the bill. Seven Democrats supported the resolution.

The resolution states any carbon tax would result in numerous harms, including an “increase [in] energy prices, including the price of gasoline, electricity, natural gas, and home heating oil.” A carbon-dioxide tax would also “mean that families and consumers will pay more for essentials like food, gasoline, and electricity,” causing the most harm to “the poor, the elderly, and those on fixed incomes,” the resolution states. A carbon-dioxide tax would also “lead to more jobs and businesses moving overseas,” according to the resolution.

‘The Last Thing We Need’

Scalise says his resolution is meant to assist Republicans’ plan to make America energy-dominant again.

“Working with President [Don-ald] Trump, this Congress is leading America toward energy dominance and strong economic growth, yet some liberal Washington special interests continue to pursue a radical agenda that includes imposing a job-killing carbon tax, which would raise costs on everything we buy, from electricity and gasoline to food and everyday household products,” said Scalise in a press statement released upon offering the resolution. “I applaud President Trump for reversing eight years of failed energy policy and finally putting America on a strong path to energy dominance and economic security for all Americans.”

A carbon tax would increase unemployment and hurt U.S. businesses, says McKinley.

“At a time when America has finally turned the corner and our economy is growing, the last thing we need is a tax that will take money out of the pockets of middle-class families,” McKinley said in the press release. “A carbon tax would lead to a decrease in the production of America’s abundant energy resources that would result in lost jobs, a weakening of American competitiveness globally, and a significant increase in energy costs for middle- and low-income families.”

Anti-Carbon-Tax Coalition

Ten days before the vote, a group of 21 research institutes, legal foundations, and grassroots-activist groups, including The Heartland Institute, which publishes Environment & Climate News, submitted a letter to Congress expressing support for the resolution.

“A carbon tax is a policy with one definable goal, to raise the cost of traditional, reliable, affordable sources of energy,” the coalition letter states. “This includes domestically produced gasoline, diesel, coal, and natural gas that fuel our cars and trucks, power our homes, and keep our economy going every day.

“[A] $40 per ton carbon tax would increase the price consumers pay at the pump by about 38 cents per gallon,” the letter continues. “And a study commissioned by the National Association of Manufacturers found that a carbon tax could destroy anywhere from nearly 4 million to more than 20 million American jobs.”

On the Record

After the vote, Tim Huelskamp, Ph.D., president of The Heartland Institute, said it is good to know which members of Congress support harmful energy taxes.

“A tax on carbon dioxide is a horrible idea, a job killer that would devastate the tremendous growth and prosperity generated by President Trump’s energy policies,” said Huelskamp. “It is useful, however, to have a vote on a tax on carbon dioxide every few years so the American people can more easily identify those in Washington, both in Congress and beyond, who support this massive tax increase.”

A carbon tax would reverse Trump’s efforts to grow the economy, says Joseph Bast, a board member and senior fellow at The Heartland Institute.

“One of President Trump’s biggest achievements has been to end his predecessor’s war on fossil fuels,” Bast said. “Why, then, would Republicans in Congress seek to undo this achievement by adopting an unnecessary and economically destructive carbon tax? The very idea is absurd.”

H. Sterling Burnett, Ph.D. (hbsburnett@heartland.org) is a senior fellow at The Heartland Institute.
Federal Court Dismisses New York City’s Climate Lawsuit

By H. Sterling Burnett

A federal judge dismissed New York City’s lawsuit against five major oil companies to force them to help pay the city’s costs of dealing with climate change.

The ruling by federal Judge John F. Keenan of the U.S. District Court for the Southern District of New York marked the second defeat in less than a month for municipal governments seeking to use the courts to address problems allegedly caused by climate change. The first loss came in San Francisco in June when Judge William H. Alsup of the U.S. District Court in San Francisco dismissed a similar lawsuit against the same five companies—BP, Chevron, ConocoPhillips, Exxon Mobil, and Royal Dutch Shell—in a case brought by Oakland and San Francisco.

In his 23-page decision dismissing the New York City lawsuit, Keenan stated climate change must be addressed by the executive branch and Congress, not by the courts.

Although climate change “is a fact of life,” Keenan wrote, “the serious problems caused thereby are not for the judiciary to ameliorate. Global warming and solutions thereto must be addressed by the two other branches of government.”

Federal, Not State Affair

Keenan ruled New York’s State and federal common law claims were disallowed under the Clean Air Act. It would be “illogical” and violate U.S. Supreme Court precedents to allow the claims under state common law “when courts have found that these matters are areas of federal concern that have been delegated to the executive branch as they require a uniform, national solution,” the judge wrote, concluding, “the Clean Air Act displaces the City’s claims seeking damages for past and future domestic greenhouse gas emissions brought under federal common law.”

Keenan also concluded using domestic courts to litigate issues of international greenhouse gas emissions “would severely infringe upon the foreign-policy decisions that are squarely within the purview of the political branches of the U.S. government.”

In addition, Keenan determined the lawsuit against the oil companies was unjustified because New York City itself contributes carbon dioxide emissions and benefits from fossil-fuel use.

“[I]t is not clear that Defendants’ fossil fuel production and the emissions created therefrom have been an ‘unlawful invasion’ in New York City, as the City benefits from and participates in the use of fossil fuels as a source of power, and has done so for many decades,” wrote Keenan.

‘On a Losing Streak’

Climate alarmists have turned to the courts because the public and lawmakers have rejected their claims, says Tim Huelskamp, president of The Heartland Institute, which publishes Environment & Climate News.

“For years, the environmental Left has failed in its effort to convince the American public manmade global warming is a crisis,” Huelskamp said. “Now, even the last refuge of the Left and its big-city majors—the federal judiciary—has once again rejected their unscientific arguments.

“Climate alarmists are on a losing streak that will continue because they don’t have the science, the economics, or the law on their side,” said Huelskamp.

Peter Ferrara, a senior fellow for legal affairs at The Heartland Institute, says the courts are right to refrain from imposing climate change policy through legal decisions.

“The courts are showing remarkable restraint on these lawsuits, which demonstrates alarmists have overreached with this poorly thought-out legal strategy,” Ferrara said. “These cases show alarmists have lost the argument with the American people, so they are now trying to go around voters to impose poverty and penury on them undemocratically.”

‘Seeking the Deepest Pockets’

Courts are acknowledging it is not their role to determine the appropriate response to climate change, says attorney Paul Driessen, a senior policy advisor with the Committee for a Constructive Tomorrow and a policy advisor for The Heartland Institute.

“Judge Keenan was absolutely right to dismiss New York City’s climate lawsuit,” said Driessen. “To the extent manmade climate change is a real problem, it is a global problem that must be dealt with globally, by America’s legislative and executive branches of government.”

H. Sterling Burnett, Ph.D. (hsburnett@heartland.org) is a senior fellow at The Heartland Institute.
California Billionaire’s ‘Clean Energy’ Initiatives Advance in Three States

By Joe Barnett

With the financial support of a California billionaire, efforts to use government power to force a radical increase in the use of renewable energy have advanced in three states.

Supporters of ballot initiatives to require utilities in Arizona and Nevada to generate 50 percent of their electricity from renewable energy sources by the year 2030 turned in a sufficient number of petition signatures to qualify for statewide ballots in November 2018, assuming state officials certify enough of the signatures are valid.

The Nevada measure would have to meet voter approval in 2018 and 2020 before becoming law.

A similar ballot initiative to require 30 percent of the electricity delivered by utilities in Michigan to come from renewable sources by 2030 was withdrawn despite apparently garnering sufficient signatures to make the November ballot, when major utilities agreed to increase the renewable-generated electricity they provide in the state to 25 percent in 2030, 5 percent more than the 20 percent required under current law.

All three efforts have been largely financed by California billionaire Tom Steyer, a prominent donor to environmental causes, through his NextGen America organization. The petition campaigns relied largely on paid signature gatherers.

More Than Double

The ballot measures in Arizona and Nevada would require private utilities to provide more than twice as much renewable energy compared to current legal mandates. The renewable energy sources would mostly be composed of solar and wind.

Currently, the two states get most of their electric power from coal, nuclear, and natural gas, the least-expensive sources of electricity.

At present, approximately 20 percent of Nevada’s power comes from renewables, with current law requiring renewable sources of power account for 25 percent of the electricity utilities provide by 2025.

About 12 percent of Arizona’s power comes from renewables, including about 6 percent from hydroelectric generation. A 2006 mandate by the Arizona Corporation Commission, the state’s utility regulator, requires that 15 percent of the electricity provided by utilities come from renewable sources by 2025.

Expect Big Price Hikes

Contrary to ballot measure supporters’ claims, electricity prices will likely rise if the voters approve these initiatives, says James Taylor, a senior fellow at The Heartland Institute, which publishes Environment & Climate News.

“A 50 percent renewable power mandate would put Arizona, for example, on the same energy path as California, where electricity prices are already approximately 50 percent higher than in Arizona.”

Renewables require mandates because of their high cost, Taylor says.

“If renewable sources of power were cheaper and as reliable as traditional sources of electricity, government would not have to impose renewable power mandates forcing people to buy expensive renewable energy,” Taylor said.

Emissions Already Declining

Although supporters of the renewable initiatives claim increased use of renewables will reduce greenhouse gas emissions, the mandates are unnecessary for that purpose, Taylor says.

“The United States is already leading the world in reducing greenhouse gas emissions, with no country reducing emissions faster than America,” Taylor said. “U.S. emissions are down 14 percent in this century, even as global emissions are up 40 percent.

“American emissions are lower than they have been since 1992, and emissions continue to decline,” said Taylor. “Even if global warming were a serious problem—and I’m not agreeing it is—renewable power mandates are an expensive and unnecessary way to continue the emissions reductions we are already achieving without them.”

Joe Barnett (joepaulbarnett@att.net) writes from Dallas, Texas.
California Voters Recall State Senator Over Gas Tax Hike

By Kenneth Artz

In a recall election, California voters removed a state senator who voted in 2017 to raise the state’s gas tax.

State Sen. Josh Newman (D–Fullerton) lost his Senate seat when 59.5 percent of those voting in his district, which includes parts of Orange, Los Angeles, and San Bernardino Counties, approved his recall on June 5. He had served only half of his four-year term.

Newman was one of 81 legislators who voted in 2017 to increase the state gas tax by 12 cents per gallon, boost the diesel fuel tax by 20 cents per gallon, and increase vehicle fees. Former Assemblywoman Ling Ling Chang (R) was elected to replace Newman.

‘Voters Are Not Blind’

Rachelle Peterson, director of research projects for the National Association of Scholars and a policy advisor to The Heartland Institute, which publishes Environment & Climate News, says the successful recall effort indicates voters are tired of the Left’s efforts to demonize fossil fuels.

“The Left, realizing its failure to persuade everyday Americans it is a sin to use fossil fuels, has attempted to make fossil fuels more expensive through policies, including gas taxes,” Peterson said. “But voters are not blind, and California’s recent recall election is a sign they reject efforts to artificially make basic energy sources more expensive.”

‘Tax Doesn’t Make Sense’

Adrian Moore, vice president of policy at the Reason Foundation, says the success of the recall effort might signal a proposed constitutional amendment on the November ballot to repeal California’s 2017 gas tax increase could succeed.

“The recall campaign is an effective message and reinforces everything I’m hearing in California about how unpopular the gas tax hike is and how popular this repeal effort is likely to be,” Moore said. “If you go to places like San Francisco and the Bay Area, where car ownership is relatively low, no one cares about the gas tax, because there are other ways to get around, but in Los Angeles, not so much, because even Democrats in Los Angeles drive a lot.

“It also doesn’t help when consumers look around and consistently see they are paying $1.50 per gallon to $2 per gallon more than everyone else around the nation,” Moore said. “A 40 percent increase in our gas tax doesn’t make sense to anybody.”

William F. Shughart II, research director at the Independent Institute and a policy advisor to The Heartland Institute, says gas taxes hit people hard in the pocketbook.

“Most people standing at the pump will notice the price of a gallon of gas was higher than the last time they bought it in the days before the tax went into effect,” Shughart said. “I can understand why the taxpayers and voters were upset with a senator who decided to raise the tax.”

Revenues Diverted

The California legislature rejected Gov. Jerry Brown’s original proposal in 2016 to increase the gas tax to help close a large deficit in the California government employees’ pension plan, so he proposed it a second time, saying the new revenue would go to filling potholes and repairing bridges and roads, says Shughart.

“In every state, including California, legislatures routinely raid the highway trust fund,” said Shughart. “They pull money out of it to spend on other programs with a higher priority at the time than roads and bridges.

“In recent years, a lot of gas tax money has gone to fund public transportation, but the trouble with raiding the gas tax fund is it completely under-

mines the user fee justification for the tax in the first place,” Shughart said. “If you’re going to spend gas tax money on something other than roads and bridges, then the drivers who pay the tax are no longer paying directly for the public infrastructure they use.”

When gas tax revenues are diverted from road repair and construction, basic transportation infrastructure begins to fall apart, Shughart says.

“California and other states have increasingly diverted billions into public transportation programs, such as building light rail or buying hybrid buses, or other items, like visitor centers or bike trails, while spending less on roads and bridges. This is why in many parts of the country the highway infrastructure is degrading,” Shughart said. “The money that’s supposed to be spent to repair existing highways and to build new ones is being spent by self-interested legislators on other things.”

California Dreaming

Shughart says California has adopted several problematic public policies in recent years in an attempt to remove all internal combustion engines from the roads.

“Politicians are building infrastructure to charge electric vehicles,” Shughart said. “In fact, in their dreams they think within the next 20 years there will no longer be any gas-powered vehicles on California’s roads. One of the problems, if this dream were to come true, is the amount of money going into the highway trust fund would fall to zero, so how do you maintain highways in an electric world where no one is buying gasoline?

“Another thing people forget about this dream of a carbon-free world where people only drive electric vehicles is the electricity charging those vehicles has to be generated somehow,” Shughart said. “In California, they have a very green power grid, probably greener than the rest of the nation. But on the East Coast and in many other parts of the country, electric vehicles are charged by coal-fired plants or natural gas plants which generate electricity, so you can’t get rid of carbon dioxide emissions by replacing gasoline- and diesel-powered vehicles with electric ones.”

Kenneth Artz (kennethcharlesartz@gmx.com) writes from Dallas, Texas.
Scott Pruitt Out, Andrew Wheeler in at EPA

Continued from page 1

lectured him on EPA policies and called on him to resign.

‘Unrelenting Attacks’

Pruitt’s resignation letter says although he was honored to have served President Donald Trump and to have implemented the president’s calls for reform of the EPA, the continuous personal attacks had become too much for him and his family.

“Mr. President, it has been an honor to serve you in the Cabinet as Administrator of the EPA,“ Pruitt wrote. “Truly, your confidence in me has blessed me personally and enabled me to advance your agenda beyond what anyone anticipated at the beginning of your Administration. Your courage, steadfastness and resolute commitment to get results for the American people, both with regard to improved environmental outcomes as well as historical regulatory reform, is in fact occurring at an unprecedented pace and I thank you for the opportunity to serve you and the American people in helping achieve those ends.

“That is why it is hard for me to advise you I am stepping down as Administrator of the EPA effective as of July 6,” Pruitt wrote. “It is extremely difficult for me to cease serving you ... because of the transformative work that is occurring. However, the unrelenting attacks on me personally, my family, are unprecedented and have taken a sizable toll on all of us.”

Trump Praises Pruitt’s Efforts

Despite repeated calls by Democrats in Congress to fire Pruitt, Trump stood by him to the end. In typical Trump fashion, the president used Twitter to announce Pruitt’s resignation.

“I have accepted the resignation of Scott Pruitt as the Administrator of the Environmental Protection Agency,” Trump tweeted. “Within the Agency Scott has done an outstanding job, and I will always be thankful to him for this.”

En route to an event in Montana, Trump told the press on Air Force One on July 5 the decision to resign was Pruitt’s alone, stemming from his belief he was becoming a distraction and might hamper the agency’s regulatory reform efforts.

“There was no final straw,” Trump told the assembled press. “Scott is a terrific guy. He came to me and he said, ‘Look, I have such great confidence in the administration. I don’t want to be a distraction.’”

Asked if the accusations against Pruitt troubled him, Trump responded, “No,” and said the decision to resign was “very much up to [Pruitt].”

Wheeler Takes Charge

Andrew Wheeler, deputy administrator of EPA, will now run the agency as acting administrator.

Wheeler has years of experience working with EPA, both within and outside the agency, winning awards for his work at the agency from 1991 through 1995. Wheeler subsequently worked as majority staff director, minority staff director, and chief counsel of the U.S. Senate Committee on Environment and Public Works, where he had oversight responsibility for EPA.

Trump expressed confidence in Wheeler’s ability to keep the agency on its reform track, tweeting on July 5, “I have no doubt that Andy will continue on with our great and lasting EPA agenda. We have made tremendous progress and the future of the EPA is very bright!”

Wheeler inherits an EPA in the midst of myriad new regulatory reviews and actions. In addition, EPA is working on replacements for the Clean Power Plan, Waters of the United States rule, and Corporate Average Fuel Economy standards; to improve the transparency and public accessibility of the science used to guide agency decisions and rules; and to establish new, nationwide pollution limits for drinking water and groundwater—all efforts started under Pruitt.

Different Style, Better Results?

Wheeler is well-situated to continue Trump’s regulatory reform efforts, says Tim Huelskamp, Ph.D., president of The Heartland Institute, which publishes Environment & Climate News.

“With his résumé of commitment to the cause of commonsense policymaking, Andrew Wheeler is an excellent choice to run the EPA, and we are excited to work with him,” Huelskamp said. “Just like the extremist Left had it out for Scott Pruitt before he was even sworn in, they have targeted Wheeler as well. However, we doubt these personal attacks will deter Wheeler from his noble goal of focusing the EPA on its core mission of helping to keep America’s air, land, and water free of pollution.”

H. Sterling Burnett, Ph.D. (hsburnett@heartland.org) is a senior fellow at The Heartland Institute.

"With his résumé of commitment to the cause of commonsense policymaking, Andrew Wheeler is an excellent choice to run the EPA, and we are excited to work with him. Just like the extremist Left had it out for Scott Pruitt before he was even sworn in, they have targeted Wheeler as well. However, we doubt these personal attacks will deter Wheeler from his noble goal of focusing the EPA on its core mission of helping to keep America’s air, land, and water free of pollution."

TIM HUELSKAMP, PH.D.
PRESIDENT, THE HEARTLAND INSTITUTE
Idaho Gains Control of Its Water Pollution Program

By Chris Talgo

The U.S. Environmental Protection Agency (EPA) reached an agreement with the government of Idaho allowing the state to manage its own water pollution program.

Under the agreement, Idaho took control of the program, which limits discharges into Idaho’s lakes and rivers on July 1.

At a public signing ceremony at Idaho’s capital in June, then-EPA Administrator Scott Pruitt said, “Congratulations to the State of Idaho. We are excited to sign this and look forward to working with Idaho as we go forward on these issues.”

Idaho Gov. C.L. “Butch” Otter said it was time his state regained control of its water pollution prevention program.

“It’s good to have Idahoans making decisions about Idaho issues,” said Otter after signing the agreement with Pruitt at the Idaho statehouse.

State Pollution Policing

The 1972 Clean Water Act (CWA) placed EPA in charge of setting water pollution control standards nationwide, including establishing pollution control programs and setting discharge standards for industries and wastewater standards for municipalities.

CWA made it unlawful to discharge pollutants from a point source into navigable waters without a permit obtained through the newly established National Pollutant Discharge Elimination System (NPDES). NPDES set up a permit program to control the discharge of chemicals and other materials into the nation’s surface waters.

CWA charged EPA with setting national limits on water pollution while allowing states to establish programs to limit pollutants and issue water discharge permits. Over time, 46 states met EPA’s requirements for assuming responsibility for their water pollution programs and reached agreements with EPA to take over CWA responsibilities within its boundaries.

With Idaho now in charge of its own water pollution program, Massachusetts, New Hampshire, and New Mexico are the only states that do not oversee surface water pollution enforcement within their borders.

IDEQ’s New Role

Idaho’s Department of Environmental Quality (IDEQ) began the process of obtaining EPA’s permission to implement a state-run water pollution prevention program in 2014, engaging in protracted public negotiations with EPA that culminated in the June agreement.

Under the agreement, pollution discharge permits issued by IDEQ to cities, industrial sites, businesses, mining operators, animal feedlots, and others must meet federal standards, and EPA maintains oversight of IDEQ’s water program.

Speaking at the signing event, IDEQ Director John Tippets said the agency is prepared to keep Idaho’s waters clean.

“I have no reservations about us having the people and the resources to be able to administer this program effectively and appropriately,” said Tippets.

‘Still Under the EPA’s Thumb’

Wayne Hoffman, president of the Idaho Freedom Foundation, says EPA’s decision to allow IDEQ to manage the state’s water pollution program belatedly and only partially acknowledges the balance between federal and state authorities established in the Constitution.

“It’s kind of funny how EPA, which shouldn’t even exist because the U.S. Constitution grants the federal government no power to manage environmental issues, is giving Idaho the power it should have had all along,” Hoffman said. “I agree it’s a step in the right direction, because now businesses don’t have to deal with the federal bureaucracy.

“But remember, we are still under the EPA’s thumb and have to abide by federal regulations,” Hoffman said.

Chris Talgo (ctalgo@heartland.org) is an editor at The Heartland Institute.

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Oklahoma Becomes First State to Manage Coal Ash Disposal

By Kenneth Artz

Oklahoma became the first state in the nation to receive approval from the U.S. Environmental Protection Agency (EPA) to manage its program to dispose of coal ash, a residue produced when burning coal to generate electricity.

The coal industry had pressed for the release from federal control.

Scott Pruitt, EPA administrator at the time, said in a statement the move gives oversight to “those who are best positioned to oversee coal ash management—the officials who have intimate knowledge of the facilities and the environment in their state.”

Faster Complaint Resolutions Expected

Patrick Riley, environmental programs manager of the Solid Waste and Sustainability Unit at the Oklahoma Department of Environmental Quality, says the state being in charge of its own coal ash management program will benefit both electricity users and the regulated utilities and make it easier for people to obtain resolution of complaints.

“The State of Oklahoma is familiar with these facilities, having a long working relationship with them,” Riley said. “We understand how they were constructed and what the sites look like, and we have a robust compliance response system to address the concerns of Oklahoma residents. If a facility isn’t operating properly, the public can call a 1-800 number or email us 24 hours a day, seven days a week, and we’re obligated to respond to their complaint.

“Under the previous, federal program, the only way for a citizen to resolve a complaint was basically by filing a lawsuit,” said Riley. “We think it will be much easier to resolve a complaint with our system than it is through legal action.”

‘Better Positioned to Respond’

Riley says local control makes sense and will be more responsive to the public’s needs.

“The nearest EPA office to us is in Dallas, Texas, and it is responsible for five state and 66 tribal programs,” Riley said. “We’re in Oklahoma City, so we can be at these facilities very quickly, the farthest one being only a couple of hours away.

Averting Unjustified Litigation

Byron Schlomach, director of the 1889 Institute, says regulatory structures should help protect companies from lawsuits hampering their operations and raising costs, but, until recently, the federal government was doing the opposite.

“Normally, regulatory structures can help to protect companies from the vagaries of lawsuits, but prior to the Trump administration, the EPA was doing all it could to create a litigation-fertile environment,” Schlomach said. “Oklahoma’s relatively swift action in reaching this agreement with EPA will help to keep power relatively cheap and protect us all from unjustified litigation.”

Kenneth Artz (kennethcharlesartz@gmx.com) writes from Dallas, Texas.

New California Laws Restrict Residential Water Use

By Bonner R. Cohen

Californians accustomed to showering and doing laundry on the same day may have to change their ways, under new laws signed by Gov. Jerry Brown in June.

The state’s new water-efficiency standards apply to water districts, but the reductions will have a direct effect on residential customers. In 2022, the new indoor water standard will be 55 gallons per person per day, falling to 50 gallons per person by 2030.

CBS–13 in Sacramento calculates an eight-minute shower uses about 17 gallons of water, a load of laundry can require 40 gallons, and a bathtub can hold 80–100 gallons of water, making it difficult to stay within the law and both shower and wash clothes on the same day. The law also rationes water for outdoor uses such as washing cars and watering lawns.

‘Preparations for Climate Change’

The new measures are being imposed so that everyone in California is at least integrating efficiency into our preparations for climate change,” Felicia Marcus, chair of the State Water Resources Control Board (WRCB), told the press.

Retrofitting homes with water-efficient appliances that could reduce use to 35 gallons per day per person is one of the ways local water officials could promote compliance, the WRCB says.

Water districts are now required to perform stress tests of their water supply and curb losses due to leaks. There is evidence the state’s deteriorating infrastructure is contributing to the water woes. The California Department of Water Resources estimates municipal water systems lose 228 billion gallons per year through leaking pipes in the state’s aging water distribution system.

Laws limiting household water use to combat water shortages purportedly caused by climate change may prove ineffective if municipalities and water districts don’t fix their leaking pipes and infrastructure.

Expects Exodus

Although the law imposes fines on water districts, not individual households, for failing to comply with the new standards, water districts are free to pass along the costs of the fines to customers in the form of higher bills, says Jay Lehr, director of science policy at The Heartland Institute, which publishes Environment & Climate News. That’s exactly what they will do, Lehr says.

“California’s environmental regulations long ago left the realm of reason, intelligent efforts to protect the citizens and their environment,” said Lehr. “This new law is designed to strong-arm water suppliers into raising water prices and implement expensive and often ineffective water-use reduction programs.

“The costs of these questionable programs will be passed on to consumers,” Lehr said. “The California legislature appears eager to chase its citizens out of the state through higher taxes, expensive energy restrictions, and now harmful water restrictions.”

Bonner R. Cohen, Ph.D. (bcohen@nationalcenter.org) is a senior fellow at the National Center for Public Policy Research.
U.S. Senate Launches Probe of NSF Climate Grants

By Kenneth Artz

Sens. Rand Paul (R–KY), Ted Cruz (R–TX), Jim Inhofe (R–OK), and James Lankford (R–OK) sent a letter to National Science Foundation (NSF) Inspector General (IG) Allison Lerner requesting her office investigate a grant program administered by NSF designed to educate meteorologists about climate change.

The letter says the grants are promoting politics, not science. NSF “issued several grants which seek to influence political and social debate rather than conduct scientific research,” the senators wrote.

The letter says the organization may have violated the Hatch Act, which prohibits federal employees from taking public political stances.

‘Propagandizing’ for Climate Change

Among the programs the senators ask the IG to investigate is NSF’s decision to provide more than $4 million to a climate-change activist coalition, including the self-described advocacy group Climate Central, to turn television meteorologists into what Cruz called “climate change evangelists” in a press statement his office sent out commenting on the letter.

“Research designed to sway individuals of a various group [sic], be they meteorologists or engineers, to a politically contentious viewpoint is not science—it is propagandizing,” the senators wrote. “Such efforts certainly fail to meet the standard of scientific research to which the NSF should be devoting federal taxpayer dollars.”

‘Parasites on the Government’

The NSF is incapable of performing an objective evaluation of data and science because it has the self-interested motive to expand the size and funding of government, regardless of the issue being studied, says physician and lawyer John Dale Dunn, a policy advisor to The Heartland Institute, which publishes Environment & Climate News.

“Just like the National Academy of Sciences, the NSF is a quasigovernmental agency, dependent upon federal money to exist,” said Dunn. “NAS, for example, gets 200 to 300 grants from the government to study various issues, including climate change, and as a result they have millions of dollars to spend while encouraging scientists to be part of their activities and sit on committees for research projects or investigating committees.

“Since NSF is also to a great extent populated by people who are parasites on the government, they do what the government agencies want them to do, which is propagandize in favor of greater support for government intervention in peoples’ lives and increased government funding of regulatory and research agencies, which in turn give grants to bodies like NAS and the NSF,” Dunn said. “They are creatures owned lock, stock, and barrel by the government. When it comes to climate change and meteorologists, NSF is going to promote an indoctrination agenda, and they will expect to see it repeated in meteorologists’ professional work and in the media, in the case of TV and radio weather forecasters.”

‘It’s a Club’

Steve Milloy, founder of JunkScience.com and a policy advisor to The Heartland Institute, says groups like NSF, NAS, and other associations dealing with science have been captured by activist researchers who want grants.

“They have a symbiotic relationship, with these groups always supporting additional funding for ‘research’ for whatever government agency has the money,” Milloy said. “That’s kind of how it works. There is an application process, and while, in theory, anyone can apply, the reality is it’s a club and they only fund the people they know and whose research they trust to come to the ‘right’ conclusion.

“It is not really an honest competition, and it’s not really about scientific inquiry, because there are other agendas at work,” Milloy said. “This is not only true in climate research funding or at the NSF; it is true across the board at the National Institutes of Health or the Environmental Protection Agency, for example, every place where there’s government money tied to research.”

STEVE MILLOY
FOUNDER, JUNKSCIENCE.COM

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‘A Disservice to Meteorology’

Meteorologists perform a valuable service when they forecast the weather and leave politics aside, Lewis says.

“It is a disservice to meteorology to emboil it in what is an ideological controversy,” Lewis said. “Because climate alarmists know people trust their weather forecasters, they are trying to use them to preach the gospel climate change is the worst calamity the world has ever seen.

“To the extent NSF uses these grants to recruit activists and fund advocacy, rather than to support actual meteorology, it should stop or it risks having the public’s confidence in weather forecasters undermined,” said Lewis.

Kenneth Artz (kennethcharlesartz@gmx.com) writes from Dallas, Texas.
Texas Supreme Court Strikes Down Plastic Bag Ban

By Joe Barnett

The Texas Supreme Court struck down the City of Laredo’s ban on plastic bags, in a decision likely to overturn similar ordinances in nearly a dozen other Texas municipalities.

In a unanimous ruling on June 22, the state Supreme Court found local government laws preventing retailers from providing so-called “single-use plastic bags” to customers are prohibited by state law.

The 1989 Texas Solid Waste Disposal Act states local governments may not “prohibit or restrict, for solid waste management purposes, the sale or use of a container or package in a manner not authorized by state law.” The plain meaning of a “container” includes bags, the court ruled.

A 2014 nonbinding opinion from then-Texas Attorney General Greg Abbott advised the act prohibited bag bans.

Intentions Ruled Irrelevant

Laredo claimed its 2014 ban was intended to control litter, reduce maintenance costs for the city’s storm-water drainage system, and prevent flooding from blocked drains, goals which the city argued fall within its authority.

Chief Justice Nathan Hecht’s opinion for the court found the ordinance had the effect of managing solid waste and thus fell under the state law regardless of the city’s claimed purpose.

Other Texas cities that have banned or imposed fees on plastic bags are Austin, Brownsville, Corpus Christi, Eagle Pass, Fort Stockton, Freer, Kermit, Laguna Vista, Port Aransas, South Padre Island, and Sunset Valley.

H. Sterling Burnett, a senior fellow with The Heartland Institute, which publishes Environment & Climate News, says he has found little to no evidence bag bans reduce municipal waste or save cities money.

“Nationally, plastic bags constitute no more than 1–2 percent of all litter, not being one of the top 10 sources of litter nationwide,” Burnett said. “Cities that ban plastic bags save no money, but they do increase pollution and waste energy, because plastic bag alternatives produce more waste and use more energy during their manufacture.”

Going Where the Bags Are

Plastic bag bans don’t have much effect on waste because many shoppers simply take their business to nearby areas that still give out plastic bags, says Pamela Villarreal, associate director of the Colloquium for the Advancement of Free-Enterprise Education at the University of Texas at Dallas and a policy advisor to The Heartland Institute.

“Many consumers value the convenience of plastic bags, which they reuse for other purposes, and balk at the cost of reusable bags,” said Villarreal. “Bag bans displace commerce, with stores affected by the ban seeing reduced sales and lower employment, while stores outside ban areas see increased sales and employment.”

Villarreal says the court’s ruling is good for the public.

“The Texas Supreme Court ruling will benefit retailers and consumers by giving them choices,” Villarreal said. “Consumers who think plastic bags harm the environment will still be able to continue not using them, but retailers will be able to craft their own policy according to the wants and needs of their shoppers.”

Joe Barnett (joepaulbarnett@att.net) writes from Dallas, Texas.

INTERNET INFO

House Committee Probes Environmental Group’s Ties to China

By Bonner R. Cohen

High-ranking members of the U.S. House Natural Resources Committee are raising questions about the relationship between an influential American environmental group and a key geopolitical and economic rival of the United States.

The House Natural Resources Committee has opened an investigation into ties between the New York City-based Natural Resources Defense Council (NRDC) and the government of China.

Committee Chairman Rob Bishop (R–UT) and Subcommittee on Oversight and Investigations Chairman Bruce Westerman (R–AR) sent a letter to NRDC President Rhea Suh on June 5, seeking information on the organization’s relationship with China and clarification of its status as a foreign agent under the Foreign Agents Registration Act (FARA).

“The Committee is concerned about the NRDC’s role in aiding China’s perception management efforts with respect to pollution control and its international standing on environmental issues in ways that may be detrimental to the United States,” Bishop and Westerman wrote.

Indications of Bias

The Bishop-Westerman letter lists several factors the congressmen say raise concerns NRDC may be violating FARA.

“The NRDC’s relationship with China has many of the criteria identified by U.S. intelligence agencies and law enforcement as putting an entity at risk of being influenced or coerced by foreign interests,” Bishop and Westerman wrote. “The NRDC’s involvement in China spans two decades and represents a significant investment of time and resources, [and] [t]he NRDC’s ability to work in China is dependent on the goodwill of the Chinese Government.

“When engaging on environmental issues concerning China, the NRDC appears to practice self-censorship, issue selection bias, and generally refrains from criticizing Chinese officials,” wrote Bishop and Westerman.

As evidence of this self-censorship, Bishop and Westerman note just a few months after release of a 2016 Greenpeace study concluding China’s government-subsidized fishing fleet threatened the viability of fisheries around the world, NRDC praised China’s “bold new reforms” in its domestic fisheries even though, as Bishop and Westerman state, “China has been the world’s largest producer of wild fish for over two decades.”

“Similarly, the NRDC has never condemned, or even mentioned, China’s illegal and environmentally destructive island reclamation campaign that has covered over 3,200 acres of coral reefs with runways, ports, and other military facilities,” Bishop and Westerman wrote.

In addition, “the NRDC collaborates with Chinese government entities that are deeply involved in Chinese efforts to assert sovereignty over the South China Sea in contravention to international law,” the congressmen wrote.

“The Committee is concerned about the NRDC’s role in aiding China’s perception management efforts with respect to pollution control and its international standing on environmental issues in ways that may be detrimental to the United States.”

ROB BISHOP
CHAIRMAN
COMMITTEE ON NATURAL RESOURCES
BRUCE WESTERMAN
CHAIRMAN, SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

‘Disconcerting’ Double Standard Seen

The two chairmen also expressed concern NRDC holds the U.S. Navy to a higher standard on environmental issues than China’s naval force.

“Over the past two decades, your organization has also sued the U.S. Navy multiple times to drastically limit or stop naval training exercises in the Pacific arguing that naval sonar and anti-submarine warfare drills harm marine life,” Bishop and Westerman wrote. “We are unaware of the NRDC having made similar efforts to curtail naval exercises by the People’s Liberation Army or Navy.”

Bishop and Westerman say NRDC has become a high-profile public advocate for Chinese environmental policies while offering scathing critiques of U.S. policies.

“Following the U.S. withdrawal from the Paris [Climate] Agreement, the NRDC sought to shape public opinion, in part, by attempting to discredit those skeptical of China’s commitment to pollution reduction targets or to honestly reporting environmental data,” they wrote. “The disconnect between the NRDC’s role as ‘thought leader and trusted advisor to our partners in China’ and its approach to environmental advocacy in the United States is disconcerting.”

‘We’re Against Capitalist Countries’

Ron Arnold, executive vice president of the Center for the Defense of Free Enterprise and a policy advisor to The Heartland Institute, which publishes Environment & Climate News, says NRDC’s silence on China’s environmental record is caused by the organization’s opposition to free-market economies.

“NRDC’s mission statement concludes, ‘We seek to break down the pattern of disproportionate environmental burdens borne by people of color and others who face social or economic inequities,’” Arnold said. “In today’s NRDC–China controversy, this seems to translate as, ‘We’re against capitalist countries, and we’re for the other kind.’”

‘Shameful’ Silence

Paul Driessen, a senior policy advisor for the Committee for a Constructive Tomorrow and a policy advisor to The Heartland Institute, says NRDC has turned a blind eye to China’s global environmental degradation.

“The NRDC has said nothing about the massive land and water impacts associated with China’s mining of the rare-earth elements—lithium and cobalt—that are essential for the wind, solar, and battery technologies [the NRDC] claims are necessary if the world is to abandon fossil fuels and embrace a renewable energy future to save our planet from alleged climate cataclysms,” Driessen said.

“In China’s African mines, many of the workers are women and children, who labor sunup to sundown in toxic, contaminated mud and water, under constant risk of cave-ins,” said Driessen. “Where the mines and processing facilities aren’t directly owned by the Chinese government, their output is mostly purchased by Chinese companies, which profit immensely from the near-slave labor.”

“NRDC’s complicity in allowing this to continue is shameful,” Driessen said.

Bonner R. Cohen, Ph.D. (bcohen@nationalcenter.org) is a senior fellow at the National Center for Public Policy Research.

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INTERNET INFO

Cambridge University Rejects Fossil-Fuel Divestment

By Kenneth Artz

A new report from Cambridge University in the United Kingdom reaffirms the institution’s decision to reject activists’ calls to divest fossil-fuel securities from its £5.9 billion endowment. The university rejected divestment in June 2016 and requested a report from its working group on investment responsibility.

After the release of the report, the University Council at Cambridge issued a statement in June of this year saying the financial sustainability of the university depends on strong returns from its investments and the ability to assess investment strategies based primarily on returns to the Cambridge University Endowment Fund (CUEF). The University Council reported CUEF significantly outperformed its market benchmarks over the 10 years of its existence and has greatly enhanced the university’s ability to pursue its mission.

“CUEF returns are a critical component of the financial resources that underpin research and education activities across the University, including the provision of some financial support for students and the enhancement of education and research facilities,” the Council reported. “Divestment from any funds that have even small fossil fuel components, or that would require CUEF to step back from investments in alternative energy initiatives by global companies currently regarded as fossil fuel companies, would result in significant limitations on the CUEF’s ability to invest as successfully as in the past, with consequent reductions in the fundamental support provided by the endowment to the University’s core academic activities.”

Most Reject Divestment

Most universities have rejected activists’ demands because divestment ultimately hurts students while doing nothing to fight climate change, says Matt Dempsey, a spokesman for Divestment Facts, a project of the Independent Petroleum Association of America.

“No matter how much a university divests, no amount will do anything to address climate change,” Dempsey said. “Your endowment is penalized, ultimately hitting students hard as funds to support them decline.

“Divestment across the globe comes at a high cost for students, with no environmental gain, which is why the overwhelming majority of universities to consider divestment have rejected it,” said Dempsey. “Harvard and most of the major Ivy League schools have rejected divestment because they see it as a bad policy.”

Dempsey says some colleges have undertaken fake divestment, in which they will announce they are divesting from fossil fuels when they didn’t have any fossil-fuel holdings to begin with, or when their endowment includes mutual funds, over which the university has no direct control, that have coal, oil, and gas stocks.

“They’ll put out a press release saying they’re not going to invest any of their endowment into fossil fuels, but of course it’s meaningless since they own little or no fossil-fuel stocks to begin with,” Dempsey said.

Astroturf Activism

The divestment movement was largely started by climate activist Bill McKibben, with support from anti-fossil-fuel nonprofit groups, says Dempsey.

“McKibben goes around to these schools recruiting students to make some noise over climate change and divestment,” said Dempsey. “It started about five years ago at Swarthmore College, which has rejected divestment about three or four times.

“Usually the handful of students on campus who are part of a divestment campaign will stage protests and approach their board of regents or governing body requesting the university divest from fossil-fuel-related businesses,” Dempsey said. “The news media covers students marching or attending meetings to demand divestment, making the movement appear larger than it is.”

When rejecting divestment, most schools try to placate the activists by adopting other policies purported to fight climate change, Dempsey says.

“Most schools considering divestment go through a lengthy process before ultimately rejecting it,” Dempsey said. “They instead devote a great deal of money, time, and resources to other programs and commitments to fight climate change.”

‘They Harm Themselves Financially’

Activists calling for universities to divest from fossil fuels are trying to turn university endowments into billboards for political causes, says Rachelle Peterson, director of research projects at the National Association of Scholars.

“Endowments are not meant, nor should they be used, for political purposes. Their purpose is to support the endeavors of the universities and not to make political statements. Attempts to push divestment are virtue-signaling in furtherance of political causes and go against the fiduciary responsibilities of the trustees of universities, who are entrusted to protect and enable the academic endeavors of the university.”

RACHELLE PETERSON
DIRECTOR OF RESEARCH PROJECTS, NATIONAL ASSOCIATION OF SCHOLARS

Temporary Popularity

Adrian Moore, vice president of policy at the Reason Foundation in California, a state where many divestment efforts have been tried, says divestment becomes unpopular when it starts costing people money.

“Divestment is very popular until a pension plan loses money, and suddenly it’s all about returns and everyone forgets about divestment, until things are good again,” Moore said. “Divestment is politically expedient for scoring rhetorical points, and it’s politically expedient to undo it when you actually need those investment returns.

“When people relying on retirement funds don’t get their expected investment returns, they call for a change in focus of management, which has happened over and over again in California,” said Moore.

Kenneth Artz (kennethcharlesartz@gmx.com) writes from Dallas, Texas.
Fracking Is Not Harming Groundwater in PA, Studies Show

By Timothy Benson

Two new peer-reviewed studies released within weeks of each other show hydraulic fracturing to produce oil and natural gas, commonly called “fracking,” is not contaminating groundwater in the Marcellus Shale region of Pennsylvania.

11,000 Samples, No Pollution

The first study, from researchers at Penn State University and published in the scholarly journal Environmental Science & Technology, analyzed data from 11,000 groundwater samples taken from 1,385 natural gas wells in Bradford County.

The researchers report they found “an overall trend of improving water quality” in the county “despite heavy Marcellus Shale development.” They state they found “no statistically significant deleterious impact on ten analyses related to the aggressive increase in development of unconventional shale gas since 2008.

“The most interesting thing we discovered was the groundwater chemistry in one of the areas most heavily developed for shale gas—an area with 1400 new gas wells—does not appear to be getting worse with time, and may even be getting better,” said Susan Brantley, director of Penn State’s Earth and Environmental Systems Institute, in a press statement released upon the study’s publication.

Proper Procedures Prevent Pollution

This study reinforces the fact when fracking operators follow the proper procedures, the process does not pollute, says Isaac Orr, a policy fellow at the Center of the American Experiment.

“The fact the Penn State study found groundwater quality may be improving over the last several years is interesting for two reasons,” Orr said. “It reconfirms that fracking, when done correctly, has few impacts on groundwater quality, and it demonstrates on a broader scale we have developed effective ways of mitigating groundwater pollution from all sources of industry, not just the natural gas industry.

“Gone are the days where American progress necessarily degrades the environment,” said Orr. “We’ve figured out how to have natural resource development, economic growth, and a healthy environment.”

Fracking Not Releasing Methane

In the second study, published in the Proceedings of the National Academy of Sciences, researchers at Yale University analyzed data from eight monitoring wells in Susquehanna County during a two-year period before and after seven natural gas wells were drilled and brought into production.

“Our observations suggest that [shale gas development] was an unlikely source of methane in our valley wells,” the authors report.

Although some methane fluctuations could have been related to fracking, the researchers determined these “appeared to be ephemeral, restricted to the proximity of the well pad, and too small to constitute a water-quality concern.” They found “naturally occurring methane in valley settings, where regional flow systems interact with local flow systems, is more variable in concentration and composition both temporally and spatially than previously understood,” the researchers wrote.

This is the third peer-reviewed study of the Appalachian Basin in just over a month to conclude fracking is not a threat to groundwater in the region. Since 2010, more than two-dozen other studies have reached the same conclusion, including the U.S. Environmental Protection Agency’s own $29 million study, which tracked fracking for six years.

Fracking Cutting Energy Prices

The public should embrace fracking because it has lowered people’s energy costs during the past decade, says James M. Taylor, a senior fellow at The Heartland Institute, which publishes Environment & Climate News.

“Throughout the nation, scientists have tested hundreds of well sites thousands of times for signs of contamination, and there has not been a single instance showing the fracking process contaminated any groundwater,” said Taylor. “At some point, groundwater pollution claims constantly asserted by anti-fracking extremists should be laughed out of the court of public opinion.

“Rather than demonizing energy producers that produce oil and natural gas through fracking, the media should be highlighting how fracked natural gas has dramatically reduced oil and gasoline prices during the past decade; assuring the public that when market factors make gasoline prices high, the profits are flowing into American businesses rather than Middle Eastern businesses; and explaining how fracking has led to reduced inflation-adjusted electricity prices during the past decade,” Taylor said. “Each of these developments improves the living standards of all Americans.”

Timothy Benson (tbenson@heartland.org) is a policy analyst with The Heartland Institute.
By Joe Barnett

Tesla announced it is laying off 9 percent of its solar workforce, shuttering a dozen U.S. installation facilities, and ending a partnership with the retailer Home Depot that accounted for approximately half of Tesla’s solar sales.

Tesla has about 100 stores where it sells vehicles, rooftop solar panels, glass solar roofs, and Powerwall, its battery backup system for homes.

The installation facility closures leave the company with about 60 solar installation facilities nationwide.

The terminations include installers, telemarketers, and customer service personnel. Tesla is closing installation offices in nine states.

The changes announced in June are the latest in a series of layoffs and cuts Tesla has made in its solar division in the past two years. Before Tesla purchased rooftop solar panel company SolarCity in 2016, SolarCity employed approximately 15,000 people. Tesla’s solar division had already shed thousands of employees before the latest cuts were announced.

Downsizing SolarCity

In 2016, electric carmaker Tesla paid $2.6 billion to acquire SolarCity, a company also headed by Tesla founder and chief executive Elon Musk.

SolarCity was the leader in the rooftop solar panel business, accounting for 30 percent of all rooftop solar sales in the United States in 2014 and 2015 and 25 percent in 2016.

Since Tesla acquired SolarCity, the company’s sales have fallen precipitously. By the third quarter of 2017, SolarCity-Tesla’s share of the U.S. rooftop solar market had dropped to 14 percent, and installations fell 42 percent from the previous year, reports Reuters.

The falling sales could jeopardize Tesla’s joint venture with Panasonic to produce solar modules at a new factory in Buffalo, New York under an agreement with New York State in which the company promised to spend $5 billion in capital and operating expenses at the site over 10 years.

Solar Subsidy Dependence

Tesla is struggling financially despite significant federal tax breaks and tax credits, says Bonner Cohen, a senior fellow at the National Center for Public Policy Research and a policy advisor to The Heartland Institute, which publishes Environment & Climate News.

“If Elon Musk’s solar-power empire is struggling with federal subsidies in place, what will happen when the Investment Tax Credit expires at the end of 2021?” Cohen said. “Barring yet another extension of this federal handout, it could be lights out for Tesla and other solar-panel producers.”

“Decades of subsidies have shown conclusively neither wind nor solar power providers can stand on their own two feet,” Cohen said. “Once the subsidies disappear, so too will the business case for rooftop solar power.”

Paying for Customers

Federal and state subsidies allowed SolarCity and other rooftop solar makers to offer no-money-down installations for residential consumers, says James Taylor, a senior fellow with The Heartland Institute. With no up-front money required from the customers, SolarCity went deep into debt to cover production and installation costs.

“Solar power is one of the most heavily subsidized industries in the country,” said Taylor. “The owners of solar power equipment receive a 30 percent federal rebate on their investments, while customers often get solar panels installed for no money down.

“State and local subsidies add to the total,” Taylor said. “For all those taxpayer subsidies, solar power still cannot compete on economic or reliability grounds with conventional power.”

Although a number of states require electric utilities to purchase excess power produced by rooftop solar systems at premium rates, solar-produced electricity remains much more expensive than conventionally produced power, Taylor says.

“Solar power remains about three times as expensive as conventional power,” said Taylor. “The only ‘market’ for solar power is because of government renewable power mandates that force utilities to purchase the expensive solar power.”

Subsidizing the Wealthy

Taylor says Tesla would not survive without subsidies, which go primarily to relatively wealthy individuals who don’t need them to purchase electric cars or to install solar panels on their roofs.

“Decades of subsidies have shown conclusively neither wind nor solar power providers can stand on their own two feet. Once the subsidies disappear, so too will the business case for rooftop solar power.”

“Tesla remains in business solely because of taxpayer subsidies,” Taylor said. “Ironically, people who buy Tesla automobiles are among the wealthiest Americans.

“Subsidies given to Tesla amount to government forcing the ‘have-nots’ in this country to send money straight out of their small paychecks to the wealthiest ‘haves’ in this country,” said Taylor.

States Spending Big, Too

Seton Motley, president of Less Government, says “clean energy” mandates offered in several states increase prices further while creating artificial demand for rooftop solar installations.

“Under Gov. Andrew Cuomo, New York has adopted a 50 percent clean mandate,” said Motley. “New York already gets about 10 percent of its electricity from hydropower plants, such as Niagara Falls, and the rest will come from highly subsidized solar and wind.

“The state of New York also paid $750 million to build a huge production facility in Buffalo to lure SolarCity to set up shop there, which it said it would do, promising to create 5,000 jobs at the location,” Motley said. “However, because the market for residential solar panels is shrinking, the company now estimates it will deliver no more than 500 jobs. This is a staggering investment of taxpayer dollars for so little return.”

Motley says California is similarly forcing residents to support the solar industry.

“An additional mandate that will prop up renewable energy is California’s plan to require all new homes and offices to include solar rooftop installations,” said Motley. “It’s like attempting to solve the homeless problem by adding $50,000 to the price of a new home.”

Joe Barnett (joepaulbarnett@att.net) writes from Dallas, Texas.
Delaware Assembly Passes Offshore Oil Ban

By Linnea Lueken

Delaware’s General Assembly passed two bills seeking to restrict or ban offshore drilling in the state’s territorial waters and in federal waters off its coast.

Senate Bill 200 “prohibits drilling for oil or natural gas in Delaware’s coastal zone and territorial waters and precludes [the state Department of Natural Resources and Environmental Control] from issuing any permits in connection with the development of offshore drilling infrastructure.”

Senate Bill 207 expresses the Assembly’s and governor’s opposition to the federal government’s plans to allow offshore drilling in federal waters off Delaware’s coast. It also requests the state’s Department of Justice to “take any appropriate legal steps to prevent the sale of oil and gas leases off the coast of the State of Delaware.”

Additionally, S.B. 207 directs Delaware’s Justice Department and its Coastal Zone Industrial Control Board to review all exploration leases along the state’s coast to make sure they are in accordance with state and federal environmental and coastal management laws and to enforce the state’s rights under the 1972 Coastal Zone Management Act, which gives each state input into any federal planning that might affect it, in order to ensure state and federal actions comply with states’ environmental policy objectives.

“The bills are impotent, as most development will be 40–50 miles offshore, controlled by the federal government, while Delaware’s control ends at three miles,” Stevenson said. “A 2014 study showed, depending on production levels, Delaware might see 1,000–6,000 jobs created, and the projects could generate between $90 million and $500 million in royalties and taxes to state coffers over the first 10 years of production.”

Any risks drilling poses to Delaware’s waters are minimal and manageable compared to the predicted economic boon for the state, Stevenson says. “The risks of seismic testing and oil spills have been exaggerated and are manageable compared to the potential large economic benefits,” said Stevenson. “The National Marine Fisheries Service approved seismic testing under former President Barack Obama, and any drilling will occur at least 50 miles off the coast with a predicted 170 barrels a year in leaks that would most likely be dissipated without reaching shore.

“As a backup, a specialized oil-spill cleanup ship is already permanently docked in Lewes, as large, oceangoing oil tankers occasionally spill oil transferring oil to smaller ships plying the Delaware River,” Stevenson said.

“Delaware is, of course, one of our smallest states, so we wouldn’t expect it to be a major energy producer, but with that said, citizens of the First State need only look across the state border to eastern Pennsylvania to see the benefits robust energy production can bring to local economies,” McGillis said. “Were Delaware to close its offshore areas, it would forego the opportunity to climb out of the basement of the state energy production rankings and [would] cost its economy a potential shot in the arm.”

Linnea Lueken (linnea.heartland@gmail.com) is a communications intern with The Heartland Institute.

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In The Tank Podcast

Part of the Heartland Daily Podcast
Pushing Sustainability for Orwellian Ends

Review by Jay Lehr

At the beginning of his nonfiction cautionary tale, Tom DeWeese notes President Abraham Lincoln famously warned Americans we need not worry about enemies across the sea but should instead beware of enemies from within that could undermine a nation of free people.

In Sustainable, DeWeese documents the increasing efforts by social- leaning groups to remove our property rights and individual freedoms under the banner of “sustainability” in a methodical and often unseen manner, using myriad environmental concerns to cloak their true intent of imposing government control over every aspect of life.

Among the many topics the book covers is a subject that has received insufficient emphasis in the literature previously: the critical importance of property rights. Few people recognize a major reason our nation has led the world in wealth creation is our easy system of recording and securing ownership of private property. It makes the county recorder’s office one of the most powerful forces for freedom in the world. Many are likely unaware most countries make it extremely difficult for the average citizen to own and prove ownership of property.

DeWeese shows how property rights in the United States and around the world have increasingly been undermined during the past century through restrictions on, for instance, people’s ability to protect their property against intruders and through zoning laws limiting what we can place upon our property and where.

UN’s Agenda 21

DeWeese discusses at length the United Nations’ ongoing, quarter-century effort called Agenda for the 21st Century, or simply Agenda 21, which aims at achieving sustainable development worldwide by having national, regional, and local governments adopt its plans.

DeWeese documents the extent to which the United Nations’ efforts to eliminate the concept of independent, sovereign nations are gaining ground throughout the world, including, to a limited extent, in the United States.

DeWeese writes, “Using the claim of the Constitution as a ‘living document,’ proponents have successfully opened the United States into accepting the concept of global harmony with the grand plans of worldwide Sustainable Development.”

DeWeese describes the plans of globalists in government bureaucracies, international agencies, and nongovernment organizations (NGOs) to reduce or eliminate individual property rights; tightly control public education and the economy; and limit people’s choice of living arrangements, mobility, and even farming practices, supposedly to protect the environment and public health and safety. DeWeese describes how NGOs and activists within the U.S. “deep state,” acting without legislative oversight, impose regulations that thwart economic freedom and progress through unwarranted air, water, soil, and wildlife laws.

Powerful U.S. NGOs

DeWeese discusses various proposals and laws developed in the United States to increase environmentally driven government control over the public. He discusses, for example, the Wildlands Project, a plan put forward in 1985 by Dave Foreman, cofounder of the radical environmental group Earth First!, to convert half of the contiguous 48 states into nature preserves, regardless of property ownership. Most people laughed at the plan until formidable NGOs, led by the Nature Conservancy and Audubon Society, began funding efforts to promote it. The United Nations adopted much of the plan as the basis for its Convention on Biodiversity.

One of the earliest major governmental strikes against liberty and property in the United States was the Endangered Species Act (ESA) of 1973. DeWeese shows the law became the single most important tool in eliminating individuals’ and industries’ right to make use of their land. Under ESA, any critter in the nation that can conceivably be portrayed as threatened with extinction takes precedence over property rights and human well-being.

DeWeese also exposes The Nature Conservancy’s promotion and financing of “conservation easements”: paying farmers and ranchers to give up the future right of their heirs to use their land freely, essentially allowing dead hands in the grave to rule the living.

Smart Growth Exposed

One of DeWeese’s most fascinating chapters examines the idea of so-called Smart Growth, revealing the downside of this nice-sounding idea. Smart growth plans are part and parcel of Agenda 21. Under the guise of smart growth, urban planners have been given power by the public—or more accurately, a politically active subset of the public—to create what they perceive as order out of what is portrayed as the chaos of people freely choosing how to use their property to establish businesses or build homes.

Smart growth plans typically draw a line around a community, limiting growth outside of it and increasing the density within it, in order to control urban sprawl. These regulations significantly increase the price of housing, with an especially onerous effect on low-income people.

“Sustainable Development is truly stunning in its all-encompassing reach to transform the world into feudal-like governance by making nature the central organizing principle for our economy and society.”

TOM DEWEENE

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Global Satellite Temperatures

How Much Global Warming?

Each month, Environment & Climate News updates the global averaged satellite measurements of the Earth’s temperature. These numbers are important because they are real—not projections, forecasts, or guesses. Global satellite measurements are made from a series of orbiting platforms that sense the average temperature in various atmospheric layers. Here, we present the lowest level, which climate models say should be warming. The satellite measurements are considered accurate to within 0.01°C. The data used to create these graphs can be found on the Internet at http://vortex.nsstc.uah.edu/data/msu/v6.0beta/tlt/uahncdc_ltt_6.0beta5.txt All past data were revised when the methodology was updated in April 2015.

JUNE 2018

Global Average

The global average temperature was 0.21°C above average.

Northern Hemisphere

The Northern Hemisphere's temperature was 0.38°C above average.

Southern Hemisphere

The Southern Hemisphere's temperature was 0.04°C above average.

Global Averages, 219,000 Years of Temperature Variation


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