78% of state legislators read one or more of The Heartland Institute’s newspapers.

HOT TOPICS

Dangerous Mineral Dependence
Dependence on foreign sources of critical minerals is creating “strategic vulnerabilities” to the U.S. economy and national security, says a new Department of Commerce report.

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Federal Court Approves Pipeline
A three judge panel of the U.S. Ninth Circuit Court of Appeals reversed a lower court’s decision blocking completion of the Keystone XL oil pipeline.

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Outdoors Opportunities Expand
The U.S. Department of the Interior is expanding hunting and fishing opportunities on more than 70 federal wildlife refuges across the nation and revising federal hunting and fishing rules to more closely match state regulations.

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Trump Helps Farmers
President Donald Trump signed an executive order reducing regulations on genetically modified crops. The White House says the order “will help eliminate delays, reduce developer costs, and provide greater certainty about the review process for farmers.”

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SCIENTISTS RECEIVE AWARDS
AT THE 13TH INTERNATIONAL CLIMATE CHANGE CONFERENCE IN WASHINGTON, D.C., SEVERAL SCIENTISTS RECEIVED AWARDS FOR EXPOSING CLIMATE FRAUD. — P. 13

Supreme Court Allows Fast Tracking of Property Rights Cases

By Duggan Flanakin

The U.S. Supreme Court ruled property owners may immediately file suit in federal court to challenge state or local government actions that restrict their property rights, without first going through the state court system.

The decision in Knick v. Township of Scott focused on when a taking becomes effective: when the government passes a law or regulation restricting property use, or only later, after fines are threatened or imposed or financial compensation is denied in state court.

PROPERTY RIGHTS, P. 6
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Commerce Department Urges ‘Unprecedented Action’ to Secure Critical Mineral Supplies

By Bonner R. Cohen

The United States must embark on an effort to expand and secure its sources of critical minerals outside of its current supply chain, the U.S. Department of Commerce (DOC) states.

The DOC’s June 4 report says the nation’s dependence on foreign minerals, including rare earth minerals, has created “strategic vulnerabilities” in the U.S. economy and national security. The United States relies on imports for 31 of the 36 critical minerals and is completely dependent on imports for 14 of these minerals, the report states.

U.S. imports of “critical minerals commodities” exceed 50 percent of the nation’s annual consumption, including 17 rare earth elements critical to the production of numerous products such as aircraft, computers, GPS navigation systems, missiles, satellites, semiconductor chips, smart phones, and wind turbines, the report states.

“These critical minerals are often overlooked, but modern life would be impossible without them,” said Commerce Secretary Wilbur Ross in a statement. “Through the recommendations detailed in this report, the Federal government will take unprecedented action to ensure that the United States will not be cut off from these valuable minerals.”

Rare Earth Politics

China is by far the world’s biggest producer of rare earth minerals, accounting for 78 percent of global production in 2018.

“If China or Russia were to stop exports to the United States and its allies for a prolonged period—similar to China’s rare earths embargo in 2010—an extended supply disruption could cause significant shocks throughout U.S. and foreign critical mineral supply chains,” the report states.

China slapped an embargo on the export of rare earths to Japan in 2010 after Japan seized a Chinese fishing boat that had collided with two Japanese Coast Guard vessels in the East China Sea.

The United States filed a complaint with the World Trade Organization (WTO), which ruled against China in 2014. Before the ruling came down, Japan made concessions to China over the incident.

Although China lost at the WTO, it delivered a strong message about its willingness to use its near-monopoly on rare earths to disrupt competitors’ economies and extort political concessions.

Dangers of Dependence

Thanks to favorable geology, the United States is home to many critical minerals, including rare earths. America is at a competitive disadvantage in this crucial sector because, the report states, the nation lacks any domestic production for 14 of the minerals and has almost no facilities to refine or process critical minerals we do produce.

The report’s release comes amid an ongoing trade conflict between the Trump administration and China. Just hours before the report was issued, China’s National Development and Reform Commission announced it was studying proposals to impose export controls on rare earths to retaliate against U.S. tariffs and moves against Chinese telecom giant Huawei.

Federal regulations will have to change to allow domestic development of critical minerals, says Jay Lehr, Ph.D., a senior policy analyst with the International Climate Science Coalition.

“The Trump administration is right to direct the Interior Department to move quickly to develop our abundant rare earth resources, but we will be unable to significantly exploit domestic supplies unless the U.S. Environmental Protection Agency (EPA) rescinds many regulations which have made the mining of these minerals economically unfeasible,” Lehr said. “EPA’s regulations have done nothing to protect the environment, but they have put the United States at the mercy of China.

“American miners know how to operate safe mines without endangering the environment, and it’s time to let them do so and break China’s stranglehold over us,” said Lehr.

Bonner R. Cohen, Ph.D. (bcohen@nationalcenter.org) is a senior fellow at the National Center for Public Policy Research and a senior policy analyst at CFACFT.
Gov. Janet Mills of Maine signed into law several energy measures she has pushed as part of her commitment to fight purported human-caused climate change by reducing fossil-fuel use.

Among the slate of bills Mills signed is one requiring Maine’s electric power providers, who are currently required to obtain 40 percent of their electricity from renewable sources, to provide 80 percent from such sources by 2030 and 100 percent by 2050.

Another climate-related bill Mills signed on June 26 establishes a Maine Climate Council charged with developing plans to reduce the state’s greenhouse gas emissions by 45 percent by 2030 and 80 percent by 2050. Mills also signed legislation creating new incentives to install energy efficient heating systems and to increase the number and size of solar power projects in the state.

Maine has the 11th highest average electricity cost in the United States, at 13.02 cents per kilowatt hour. Research indicates the new laws are likely to cause the state’s electricity prices to rise, costing residents and businesses millions of dollars.

A study by the Energy Policy Institute at the University of Chicago shows seven years after a state imposes a renewable energy mandate (REM), a 1.8 percent increase in renewable energy generation results in an 11 percent increase in electricity prices, and after 12 years, a 4.2 percent increase in renewable power produces a 17 percent rise in the cost of electricity.

The link between REMs and higher prices is confirmed by U.S. Energy Information Administration data showing electric power prices in the 29 states (and the District of Columbia) with REMs are 26 percent higher than in states without REMs.

Higher Prices, Economic Disruption
The energy price increases caused by Maine’s new mandates will be especially burdensome to low-income people, says Tim Benson, a policy analyst at The Heartland Institute, which publishes Environment & Climate News.

“Renewable energy mandates are dramatically increasing retail electricity prices,” said Benson. “Altogether, the total extra electricity costs of REMs to consumers in the states that have enacted an REM are $125.2 billion.

“Unsurprisingly, in states with REMs, energy rates are rising twice as fast as the national average, and states with renewable mandates had electricity prices 26 percent higher than those without,” Benson said. “It is unlikely the state can meet Mills’ emission reduction goals without causing serious disruption to Maine’s economy, with poorer Mainers bearing the brunt of the effects, as low-income families spend a far larger percentage of their incomes on their electric bills.”

‘Bad Idea All Around’
In addition, Maine’s new laws are likely to harm the environment instead of helping, says Benson.

“Expanding Maine’s wind and solar facilities will destroy thousands of acres of wildlife habitat, but even then, because they are too intermittent to effectively power a society, they must be backed up by reliable conventional sources like coal or natural gas,” Benson said.

“Renewable energy mandates force expensive, heavily subsidized, and politically favored electricity sources such as wind and solar on ratepayers and taxpayers while providing few, if any, net environmental benefits,” Benson said. “This is a bad idea all around.”

Vivian E. Jones (vivianejones@aol.com) writes from Murfreesboro, Tennessee.
U.S. Methane Emissions Much Lower Than Previously Estimated, Study Finds

By H. Sterling Burnett

A new study published in the peer-reviewed journal Geophysical Research Letters finds methane emissions from U.S. oil and natural gas production over the past decade are “an order of magnitude lower” than what has been reported by previous studies.

“Based on long-term and well-calibrated measurements, we find that (i) there is no large increase of total methane emissions in the United States in the past decade; (ii) there is a modest increase in oil and gas methane emissions, but this increase is much lower than some previous studies suggest; and (iii) the assumption of a time-constant relationship between methane and ethane emissions has resulted in major overestimation of an oil and gas emissions trend in some previous studies,” the study claimed.

The study was conducted by researchers from the University of Colorado at Boulder, the National Oceanic and Atmospheric Administration, and the Lawrence Berkeley National Laboratory.

Previous Estimates Error-Prone

The much higher methane emission estimates found in previous studies were caused by errors resulting from using ethane and propane measurements as a stand-in for methane emissions, the study states.

“Although ethane and propane are appropriate indicative tracers for [oil and natural gas] emissions, [methane] trends cannot be accurately estimated from ethane and propane,” the study states. “Thus, any conclusion of a large fossil methane increase in the past decade from studies that have used the constant [overall emission reduction efficiency] assumption is unreliable.”

Confirms EPA Estimates

The results of the Geophysical Research Letters study are bolstered by the U.S. Environmental Protection Agency’s (EPA) 2018 Greenhouse Gas Inventory (GHGI), released in April 2019, which reported greenhouse gas (GHG) emissions in the United States decreased by approximately 0.5 percent from 2016 to 2017. As a result, U.S. GHG emissions are now at their lowest levels since 1992 and only 1.3 percent higher than their 1990 levels.

EPA’s GHGI also reports U.S. methane emissions have declined by 15.8 percent since 1990, and those emissions from petroleum and natural gas systems have decreased by 10.5 percent and 14.2 percent respectively, even as oil production in the United States has increased by 80 percent and natural gas production has increased by 51 percent.

Huge Air Quality Improvement

At current levels, neither regulated air pollutants in general nor methane emissions from oil and gas in particular pose any threat to human or environmental health, says Tim Benson, a policy analyst with The Heartland Institute, which publishes Environment & Climate News.

“Overall, air pollution is becoming less and less of a problem over time, with the Texas Public Policy Foundation reporting that from 1970 to 2017 the United States saw aggregate emissions of the six criteria pollutants regulated under the Clean Air Act decline by 73 percent even as population and energy consumption increased, U.S. GDP rose 262 percent, and the vehicle miles traveled increased by 189 percent,” Benson said. “Neither U.S. air quality nor methane emissions threatens human health or the environment.

“Air quality in the United States has reached a point where tighter standards are no longer necessary,” said Benson. “As a result, rather than wasting billions of taxpayer dollars chasing away the last remaining molecules of methane or regulated pollutants, lawmakers should refrain from passing new legislation and allow air quality to improve even further as technological advancements develop, as has occurred in the oil patch.”

Industry Clean-Up

The study confirms industry has taken seriously its responsibility to reduce emissions through improved efficiency, says Gary Stone, executive vice president of engineering at Five States Energy and a policy advisor to The Heartland Institute.

“The results of this research are not surprising, since study after study has shown the oil and gas industry has made great progress in reducing air emissions, resulting in today’s air being cleaner than at any time during the Industrial Age,” Stone said. “One only has to compare old pictures of industrial towns to today to confirm the research.

“The groups claiming otherwise have no scientific basis for their arguments,” said Stone. “Their goal is political and economic control, and an active and burgeoning energy industry goes against their agenda.”

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

INTERNET INFO


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GARY STONE EXECUTIVE VICE PRESIDENT OF ENGINEERING FIVE STATES ENERGY

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The Heartland Institute
Supreme Court Allows Fast Tracking of Property Rights Cases

Continued from page 1

Grave Access
In 2012, Scott Township in Pennsylvania passed an ordinance requiring anyone with a cemetery on their property to open the area to the public during daylight hours. Town officials then found several stones on Rose Mary Knick’s farmland that the town claimed were grave markers. Knick disputed the town’s claim, saying there was no evidence there was a cemetery on her property.

The ordinance required Knick to maintain her property as if it were a public cemetery, including trimming grass and pruning shrubs regularly, and open her land to the public for visitation. Knick faced fines ranging from $300 to $1,200 a day for failing to comply. Town officials refused to compensate Knick for any of these demands.

Knick sued in state court, arguing the cemetery ordinance amounted to a constitutional taking of her private property. The state court rejected her case, ruling it could not hear it until the town actually penalized Knick.

Federal Courts Punted
Instead of waiting to be fined and then starting the state legal process over again, Knick sued in the U.S. District Court for the Middle District of Pennsylvania to enforce her constitutionally protected property rights.

The district court ruled it could not hear Knick’s claim because of a 34-year-old Supreme Court decision in Williamson County Regional Planning Commission v. Hamilton Bank of Johnson City, which held property rights claims against local governments must be adjudicated in state courts before plaintiffs could file a claim in federal court. On appeal, the Third Circuit Court also rejected the case.

Supreme Court Overturns Precedent
The U.S. Supreme Court accepted Knick’s appeal and held two hearings on the case.

Writing for the majority in a five to four decision overturning the Williamson precedent, Chief Justice John Roberts said it would be an injustice for Knick and plaintiffs like her to be unable to receive a federal hearing on their property rights claims.

“A person cannot go to federal court without going to state court first; but if he goes to state court and loses, his claim will be barred in federal court,” Roberts wrote.

“We now conclude that the state-litigation requirement imposes an unjustifiable burden” on the property owner, Roberts wrote. “Contrary to Williamson County, a property owner has a claim for a violation of the Takings Clause as soon as a government takes his property for public use without paying for it.”

“Williamson County was not just wrong,” Roberts wrote. “Its reasoning was exceptionally ill founded and conflicted with much of our takings jurisprudence.”

‘Full-Fledged Constitutional Status’
The Court’s decision restores property ownership as a fundamental right protected by the Constitution, Roberts writes.

“Fidelity to the Takings Clause and our cases construing it requires overruling Williamson County and restoring takings claims to the full-fledged constitutional status the Framers envisioned when they included the Clause among the other protections in the Bill of Rights. ... The state-litigation requirement relegates the Takings Clause ‘to the status of a poor relation’ among the provisions of the Bill of Rights,” Roberts wrote.

Leveling the Playing Field
Property owners with takings claims often prefer to take their cases to federal court because they may view them as more objective than state courts, which might be influenced by local politics, says J. David Breemer, a senior attorney with the Pacific Legal Foundation, who represented Knick in her federal takings claims. During the second round of oral arguments in January, Associate Justice Samuel Alito accused the local government of seeking “home-court advantage” in state court, Breemer says.

“This decision is a very long time coming for Rose and other property owners who have had federal courtroom doors slammed shut in their faces whenever they seek compensation for a governmental taking of their private property,” Breemer said.

The Supreme Court remanded Knick’s case back to the lower federal court for a decision on the merits of her takings claim.

Holding State Courts Accountable
The Knick decision should help ensure states play fair with takings claims, says Devin Watkins, an attorney with the Competitive Enterprise Institute.

“State court judges are often friendly with the local elected officials, who often are the ones who put them on the bench,” said Watkins. “As such, there is an incentive for judges to give the local officials a break and maybe be less aggressive concerning what is a taking or how much ‘just compensation’ is.

“Federal judges often have never even met the local elected officials and will rule solely based on the law as they see it,” Watkins said. “This creates a competition between federal judges and state judges ... encourage[ing] state judges to be fairer.”

In her dissenting minority opinion, Associate Justice Elena Kagan wrote, “Under cover of overruling ‘only’ a single decision, today’s opinion smashes a hundred-plus years of legal rulings to smithereens.”

The Court’s liberal wing is fighting to protect decisions established by decades of previous pro-government Court majorities, says Watkins.

“The left wing of the Court sees a lot of their most valued precedents at risk with a new conservative majority. These justices also see the Takings Clause as an obstacle to their goals of using government to control what they see as ‘bad’ uses of property, notably in environmental takings or ‘rich guy versus poor guy’ cases such as beach access.”

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New York Adopts State ‘Green New Deal’

By Bonner R. Cohen

New York, the fourth most populous state in the United States, with the third-largest state economy, has adopted what Gov. Andrew Cuomo has dubbed the Green New Deal of New York, the most aggressive carbon-emissions-reduction goals in the nation.

The law puts the state on the path to derive 100 percent of its electricity from sources that emit no carbon dioxide during generation by 2040.

In addition to the net zero carbon dioxide electricity mandate, the Climate Leadership and Community Protection Act (CLCPA), brokered between Cuomo and the Democrat-controlled Senate and Assembly, commits New York to net zero carbon emissions, economy-wide, by 2050, with an interim target of reducing emissions 40 percent below the state’s 1990 emission levels by 2030.

Instead of forcing the business community and the state to emit absolutely no carbon dioxide by 2050, the new law requires the state and industry to reduce their emissions by 85 percent, with the remaining 15 percent of the net zero goal coming from carbon offsets such as from planting trees or some yet unidentified restrictions on agricultural emissions.

“Climate change is the issue of our lifetime, frankly,” Cuomo said on public radio on June 18. “I want the most aggressive goal in the country. ... I don’t think that we have a realistic option.”

Codifying Executive Actions

Cuomo had already enacted ambitious emissions-reduction targets earlier in his administration through a series of executive actions. After Democrats captured both houses of New York’s state legislature in Albany in the 2018 midterm elections, Cuomo moved to codify those targets into law and ultimately go even farther.

New York’s transition in two decades to 100 percent dependence on intermittent renewable energy, predominantly wind and solar power, is a massive undertaking that will affect all segments of the state’s economy.

Numerous Climate Commissions

The law creates several working groups tasked with carrying out its mandates, such as finding ways to reduce emissions from the millions of vehicles on the state’s roads.

Overseeing the transition will be a 22-member Climate Action Council, composed of the heads of various state agencies and members appointed by the governor, the Senate, and the Assembly.

The oversight structure will be all-encompassing, with an assortment of advisory panels developing a “scoping plan” to deal with buildings and construction, industry, land use and zoning, local governments, transportation, and more. These advisory panels are required to consult with a climate justice working group composed of representatives from low-income communities and environmental justice groups.

Another challenge facing the working groups and all New Yorkers will be securing adequate and reliable batteries to serve as backup sources of power when wind and solar facilities, subject to the whims of nature, fail to produce enough electricity. This will also entail finding ways to dispose of the batteries and their chemical wastes once the batteries die and must be replaced.

Cuomo ‘the Lead Lemming’

During previous sessions of the legislature, Republicans were able to prevent various provisions in the CLCPA, which had passed the Democrat-controlled state assembly, from becoming law when they held a majority in the state Senate until 2018.

Now in the minority, state Senate Minority Leader John Flanagan (R-Smithtown) says Republicans could do little more than warn the public that CLCPA would lead to lost jobs and higher energy prices for the state’s residents and businesses.

“I can’t in good conscience go back to the people I represent and say this is going to be in their best interest,” Flanagan said, according to press reports.

CLCPA will cost jobs and even lives in New York, says Dan Kish, a distinguished senior fellow at the Institute for Energy Research.

“Gov. Cuomo thinks he’s leading, but he’s really the lead lemming leading his state’s economy off the cliff. What New York is doing is meaningless, except to poor New Yorkers who won’t be able to afford energy and whose jobs will evaporate when businesses hasten their exodus from the state.”

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

People die from the cold in New York, and this [CLCPA] will make it happen faster and more often,” Kish said.

Special Interests, Not Experts

The various parties shaping CLCPA and the people who will staff its working groups are special interests with no particular expertise in money matters, says Craig Rucker, president of the Committee for a Constructive Tomorrow (CFACt).

“The Climate Action Council, along with the various working groups and advisory panels, are composed of special interests who stand to gain politically and financially from the climate scheme Cuomo and his allies have put in place,” Rucker said. “Completely absent are people with any understanding of how the transition to carbon-free energy by 2040 will lead to the deindustrialization of New York.

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Court Throws Out Lawsuit Blocking Keystone XL Construction

By Bonner R. Cohen

A three-judge panel of the U.S. Ninth Circuit Court of Appeals reversed a lower court’s decision blocking completion of the Keystone XL oil pipeline.

The ruling marks the latest skirmish in a conflict that has been raging for nearly a decade, involving two presidential administrations in Washington, D.C. with vastly different views on the nation’s energy future.

Upon completion, the $8 billion Keystone XL pipeline is expected to have the capacity to transport more than 800,000 barrels of oil per day from oil fields in northeastern Alberta through eastern Nebraska and on through already completed or previously existing pipelines to refineries on the U.S. Gulf Coast.

Presidential Change, Policy Reversal

In 2015, then-President Barack Obama, ignoring his own State Department’s determination the Keystone XL pipeline would create jobs at little or no risk to the environment, rejected the final leg of the Keystone XL pipeline. Obama said the project didn’t serve the national interest.

Following through on a campaign pledge, President Donald Trump on March 24, 2017 signed an executive order reversing Obama’s decision, directing the State Department to issue a construction permit.

Construction moved forward until November 2018 when Judge Brian Morris of the U.S. District Court in Montana sided with environmental groups, including the Natural Resources Defense Council and the Sierra Club, who had sued to halt the pipeline, and revoking the permanent restraining order Morris had issued.

Delays Continued

Despite the end of this lawsuit, construction on the final portions of the Keystone XL pipeline will not begin immediately. A state lawsuit in Nebraska challenging the pipeline’s completion is ongoing, and TC Energy still has to obtain certain permits from the U.S. government for construction.

In a case pending before the Nebraska State Supreme Court, private landowners, the Ponca Tribe of Nebraska, the Yankton Sioux Tribe, and the Sierra Club have argued the Supreme Court should not allow pipeline construction to proceed because the state allegedly did not follow the proper procedure in approving the route.

The project must also acquire additional permits from the U.S. Army Corps of Engineers and the Interior Department, although TC Energy says it believes those permits will be issued because the project has the Trump administration’s support.

‘Endless Attacks’

Environmentalists should stop fighting the project, because pipelines are a safe way to transport oil, says Dan Kish, a distinguished senior fellow at the Institute for Energy Research.

“The endless attacks on the Keystone XL pipeline by opponents of affordable energy have to stop,” said Kish. “We need safe and dependable pipelines to move North American energy, and the Keystone XL is just that. It’s a shame political demagogues have kept its benefits from Americans for this long,” Kish said.

Keystone XL and other pipelines are necessary to maintain the United States’ energy dominance, says Craig Rucker, president of the Committee for a Constructive Tomorrow (CFACT).

“The rise of the United States as a global energy superpower is rooted in favorable geology, mineral rights enabling landowners to team up with oil and gas companies to develop resources, and advances in technology, including fracking and horizontal drilling, that have made extraction of resources both economically and environmentally responsible,” Rucker said. “That leaves infrastructure, which still needs to be upgraded and expanded.

“Pipelines, like the Keystone XL, are key to all of this, which is why they are under assault by environmentalists,” Rucker said. “That’s also why the Ninth Circuit Court’s ruling is to be welcomed.”

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EPA Reforms How It Calculates Cost-Benefit Analyses

By Bonner R. Cohen

Continuing the Trump administration’s overhaul of how executive agencies arrive at their regulatory decisions, Environmental Protection Agency (EPA) Administrator Andrew Wheeler issued new instructions for how the agency conducts cost-benefit analyses of environmental regulations.

In a two-page memo to EPA officials, Wheeler said “the agency should ensure that its regulatory decisions are rooted in sound, transparent, and consistent approaches to benefits and costs.”

Rectifying Inconsistencies

Although consideration of benefits and costs has long been an integral part of regulatory decision-making at the agency, the departments and offices have not used standardized or consistent methods of accounting for or comparing costs and benefits, Wheeler stated.

“[B]enefits and costs have historically been treated differently depending on the media office and the underlying authority,” Wheeler wrote in his May 21 memo. “This has resulted in various concepts of benefits, costs, and other factors that may be considered.

“This memorandum will initiate an effort to rectify these inconsistencies through statute-specific actions,” said Wheeler.

Improving Quality, Transparency

Wheeler’s memo instructs the assistant administrators of EPA’s offices of Air and Radiation, Chemical Safety and Pollution Prevention, Land and Emergency Management, and Water to institute reforms outlining how cost-benefit considerations will be applied in areas in need of greater clarity, transparency, and consistency.

EPA’s agency-wide overhaul also includes yet-unspecified revisions to key methodological and modeling choices, assumptions, uncertainties, and contexts used in the cost and benefit calculations underlying regulatory actions across the different departments.

Critics of the agency have long raised concerns about the validity of projections of, for example, the number of premature deaths prevented by lowering the allowable amounts of various regulated criteria air pollutants, Wheeler noted in his memo. EPA’s reform is intended to standardize and improve the quality and transparency of such estimates.

‘More Good Than Harm’

EPA should impose new regulations only when they will produce net benefits, says Daren Bakst, a senior research fellow at The Heritage Foundation.

“EPA’s regulations should do more good than harm, a sentiment the agency has not always embraced historically,” said Bakst. “The agency issues some of the costliest regulations in U.S. history, affecting all our lives, yet it has often issued regulations without quantifying any benefits from limiting targeted pollutants.

“The Obama administration’s EPA argued it didn’t even need to consider the $9.6 billion in costs for its ‘mercury’ rule, a rule with just $4 million to $6 million in benefits,” Bakst said. “EPA should be commended for putting an end to past gaming and ignoring basic cost-benefit analysis.”

‘Should Thwart This Practice’

Wheeler is fighting an entrenched bureaucracy with this reform effort, says Jay Lehr, a senior policy analyst with the International Climate Science Coalition.

“Andrew Wheeler is to be congratulated for requiring all EPA departments to calculate cost-benefit ratios consistently and transparently,” said Lehr. “He remains stuck with a number of department heads who follow the Obama-era strategy of using EPA to dismantle much of the nation’s industrial base with fraudulent claims.

“This has allowed them to cook the books on cost-benefit analyses for carbon dioxide and other substances,” Lehr said. “Wheeler’s move should thwart this practice.”

Bonner R. Cohen, Ph.D. (bcohen@nationalcenter.org) is a senior fellow at the National Center for Public Policy Research and a senior policy analyst with the Committee for a Constructive Tomorrow.

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In The Tank Podcast

Part of the Heartland Daily Podcast
Circuit Court Overturns Montana Clean Water Act Conviction

By Duggan Flanakin

A federal court vacated the conviction of a property owner for violations of Section 404 of the Clean Water Act.

Jailed for Property Upgrades

The decision followed an April 2019 U.S. Supreme Court decision allowing the widow of the late Joe Robertson to have her day in court concerning his claim he had been wrongly charged and convicted.

Navy veteran Robertson, then 77, was arrested, charged, and convicted in 2016 for failing to obtain a Section 404 permit from the U.S. Army Corps of Engineers before constructing ponds and a firebreak on his own property. He was sent to prison for 18 months and fined $130,000.

On appeal, his conviction and fine were upheld by the Ninth Circuit Court of Appeals.

Robertson, who appealed this decision to the Supreme Court, died of a stroke while still on parole just a month before the Court issued its ruling in April immediately vacating the Ninth Circuit’s judgment while the latter court reconsidered the case.

The Court also agreed Joe’s widow, Carri, should be allowed to represent his estate in the case before the Ninth Circuit.

In a complete vindication for the late Joe Robertson, the Ninth Circuit Court vacated his conviction on July 10.

Arrested Over a Ditch

In 2013 and 2014, the Robertsons, who operated a small firefighting support truck business, built several ponds to allow them to fill up multiple water trucks to fight wildfires in the area. The U.S. Environmental Protection Agency claimed a small, foot-wide ditch on the property was a federally protected waterway that could not be altered or modified unless the owner received a permit from the government.

EPA argued this even though Robertson’s land was 40 miles from the nearest navigable river. Robertson was convicted of violating the Clean Water Act in 2016.

On appeal, the Ninth Circuit court upheld the lower court’s conviction.

With backing from the Pacific Legal Foundation (PLF), Judicial Watch, and the Allied Educational Foundation (AEF), Robertson appealed his conviction and the $130,000 fine on the grounds it “affirmed illegal agency actions in prosecuting Joseph Robertson based on a misreading of federal law.”

“The Court should take this opportunity to correct the confusion in over-broad interpretations of the Clean Water Act, which have led to unjust prosecutions and federal intrusions into both state authority and individual liberty,” the petitioners argued.

Considered Dirt a ‘Pollutant’

In its filing, Judicial Watch said Robertson’s ditches “were situated on or near a small downhill water flow of about three garden hoses in volume.”

In addition, Robertson’s legal team pointed out, there was no manufacturing or any other industrial activity nearby that could release chemicals or waste into the water, yet under the government’s interpretation of the Clean Water Act “even turning the soil with a shovel can be considered to be releasing a ‘pollutant’ into water.”

Called for Clarification

In their brief, Judicial Watch and AEF said the case involved issues larger than the Robertsons’ personal plight, including the constitutional separation of powers between Congress, the Executive Branch, and the Supreme Court, saying it was the Court itself that introduced confusion into the definitions of “adjacent wetlands,” “point source,” and “navigable waters.”

“It was not foreseen that the judiciary could eventually aid and abet the complete sacrificing of power by one of those two branches, effectively leaving a one-branch government where the founders intended three,” the plaintiffs’ legal brief stated. “When the Court goes too far in reading statutes as broadly assigning sweeping interpretive power to agencies, this allows Congress to give up power altogether and to stop the necessary work of revising and repealing statutes.

“Congress has proven itself either willing to give up those powers or unable to stop itself from doing so, preferring to ask the executive branch to reinterpret or reimagine statutes in ever more creative ways while sparing members of Congress the pain of responsibility for national policy,” the plaintiffs stated. “The Court should not countenance this upending of the constitutional order.”

Achieved a Limited Victory

Although the Supreme Court allowed Joe Robertson’s widow Carri to continue the case on his behalf, the justices did not overturn his conviction, decide whether Robertson’s ditches should have been subjected to Section 404 permitting in the first place, or address the broader issues concerning the separation of powers raised by Robertson’s legal team.

The Court simply remanded the case to the Ninth Circuit for further consideration.

The Supreme Court’s decision, though limited, was a victory for the Robertsons and other property owners, says Tom Fitton, president of Judicial Watch.

“This is a victory against an overreaching government bureaucracy. The government should not be allowed to regulate every drop of water in America, and the Supreme Court was right to brush back the radical bureaucrats.”

Received Complete Vindication

Although the time Robertson was imprisoned can never be returned, his criminal record is now clean and his estate does not have to pay the $130,000 fine initially awarded the government.

The ruling was fair and long overdue, says Tony Francois, a PLF senior attorney who worked on behalf of the Robertsons.

“We are very pleased that the Ninth Circuit agreed that Joe’s convictions should be vacated, and very pleased for Carri, who will no longer have a $130,000 federal judgment hanging over her head,” Francois said in a statement.

“It has been an honor to represent Joe and now to be able to complete his vindication on behalf of his wife, Carri,” Francois said.

Duggan Flanakin (dflanakin@gmail.com) writes from Austin, Texas.
Speakers at Climate Conference Flood Washington, D.C. with Facts

Continued from page 1

Comparing Models to Reality
The first science panel featured presentations by David Legates, Ph.D., a professor of climatology at the University of Delaware; Nir Shaviv, Ph.D., an astrophysicist at the Hebrew University of Jerusalem; and Roy Spencer, Ph.D., principal research scientist at the University of Alabama in Huntsville.

Spencer showed climate modelers build incorrect assumptions into their models, which then produce false results suggesting humans will cause dangerous climate change.

“Climate models’ global average temperature projections are what proposed energy policy changes are based upon, but they produce twice as much warming as is actually measured by global satellites and the average of four reanalyses,” Spencer said. “Reanalyses are global data sets [which include] all the observations they [scientists] can find—surface temperatures, weather balloons, commercial aircraft, ship [measurements], buoys, a variety of satellites. …

“The reanalysis data sets agree with the satellites that the climate models are producing too much warming,” said Spencer.

Benefits of Fossil Fuels
On a second science panel, Craig Idso, Ph.D., founder and chairman of the Center for the Study of Carbon Dioxide and Global Change; Patrick Michaels, Ph.D., past president of the American Association of State Climatologists; and meteorologist Anthony Watts, a senior fellow with The Heartland Institute, which publishes Environment & Climate News, documented the use of bad data to promote the idea humans are causing dangerous climate change.

Michaels showed researchers have adjusted land and ocean temperature data to make past temperatures appear consistently cooler than what was recorded and recent temperatures consistently warmer than recording systems report, making the past century’s warming appear steeper than it actually was.

Watts presented research showing the vast majority of land-based temperature recording network sites are badly compromised, being located near artificial sources of heat or concrete and buildings that absorb and radiate heat, making their recorded temperatures invalid.

Idso cited data showing people in countries that use fossil fuels at higher rates experience less hunger and malnutrition, achieve greater food production, and have longer lifespans, lower infant mortality rates, and significantly higher per capita GDP than those in countries with less access to fossil fuels.

“Countries with lower per capita CO2 emissions have lower per capita GDP, whereas countries with higher per capita CO2 emissions have higher per capita GDP,” said Idso. “Fossil energy use is fundamentally linked to economic growth.

“As countries have embraced and increased their production and use of fossil energy, their citizens have been amply rewarded with increased economic development and growth,” Idso said.

Economics of Carbon Dioxide Cuts
The speakers on the Energy and Climate Economics panel were Roger Bezdek, Ph.D., president of the energy and environmental research firm MISO; Kevin Dayaratna, Ph.D., senior statistician and research programmer in The Heritage Foundation’s Center for Data Analysis; and Benjamin Zycher, Ph.D., a resident scholar at the American Enterprise Institute.

Zycher and Dayaratna said the Green New Deal (GND) proposed by freshman Rep. Alexandria Ocasio-Cortez (D-NY) and sponsored and endorsed by more than 100 Democrat or Independent members of the U.S. House and Senate, including every senator currently vying for the 2020 Democratic presidential nomination, would cost trillions of dollars and provide little to no benefits.

Zycher said the GND would require an authoritarian takeover of the economy, and Dayaratna said his research indicates the trillions of dollars and millions of jobs lost would have a negligible impact on the climate.

“[GND] would result in a peak employment shortfall of over 5.3 million jobs, … [and] a typical family of four would experience $8,000 in lost income per year, amounting to a total loss of $165,000 [per household] through 2040,” Dayaratna said. “Yet, even eliminating carbon dioxide emissions from the economy completely … would produce less than 0.2 degrees Celsius temperature mitigation by the end of the century [and] less than 2 centimeters of sea level rise reduction.”

“As countries have embraced and increased their production and use of fossil energy, their citizens have been amply rewarded with increased economic development and growth.”

Craig Idso, Ph.D.
Founder and Chairman
Center for the Study of Carbon Dioxide and Global Change

‘Not a Winning Political Issue’
Speaking on the panel on Winning Public Policy Options, James Taylor, director of The Heartland Institute’s Arthur B. Robinson Center on Climate and Environmental Policy, said Republicans who embrace carbon taxes and increasing subsidies for renewable energy production are committing political suicide.

“A watered-down Green New Deal is a losing policy for Republicans,” said Taylor.

Polls show the public does not rank climate change high among its list of concerns and people are unwilling to pay much to combat it, said Taylor.

“Republicans who have said we need to take action on climate change and the way to win votes of voters in the future is to show that concern,” have consistently lost elections, Taylor said.

“They were unable to win over the far Left … but what they are doing is [losing] me and people like me who say there is no way I’m going to cast a ballot for somebody who is going to [restrict fossil fuel use].

“Going to the left on climate change is not a winning political issue,” said Taylor.

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INTERNET INFO
13th International Conference on Climate Change, The Heartland Institute, July 25, 2019: https://climateconference.heartland.org/
Climate Conference Keynote Speakers, Award Winners Defend Climate Realism

By Tim Benson

Three diverse keynote speakers highlighted The Heartland Institute’s 13th International Conference on Climate Change in Washington, DC.

In addition, four prominent longtime proponents of climate realism were presented with awards at the conference held at the Trump International Hotel on July 25.

Solidarity vs. Climate Authoritarianism

The breakfast keynote was delivered via video by Dominik Kolorz, chairman of the board of the Śląsko-Dąbrowski Region of Polish Solidarity, the labor union which famously led a civil resistance movement against the Soviet Union and its Polish puppet government in the 1980s.

Kolorz said the climate policies of the European Union are dangerous to Europe generally and Poland specifically.

“Since 2005, [Solidarity] has been actively involved in the process of assessing climate policy,” said Kolorz. “We are the first institution in Poland which began to pay attention to the fact that the climate policy which suggests that carbon dioxide emissions, that man [is] responsible for global warming, will have huge social and economic consequences. ... The climate goals of the European Union, associated with the [United Nations’] climate goals, make us increasingly likely to be in a social and economic crisis.

“Just like The Heartland Institute, we do not deny that we are in a time where the temperature on Earth is different, higher ... than what has occurred over the recent periods,” Kolorz said. “We do not deny that we are in a period of global warming, but since there is no real scientific consensus, in our opinion, about human responsibility for climate change, we cannot allow that in the guise of climate change that poorer societies only bear the results of climate policies.”

Climate Truth Award

Harley Moody, chairman of the board of The Heartland Institute, which publishes Environment & Climate News, presented the Dauntless Purveyor of Climate Truth Award to Jay Lehr, Ph.D., a senior policy analyst with the International Climate Science Coalition, who served as Heartland’s science director for 26 years.

“Science education has been my life’s work,” said Lehr. “From 1968 to 1971, myself and half a dozen other people worked to successfully convince [President] Richard Nixon to form an Environmental Protection Agency.

“For the last 30 years, I’ve been working to dismantle the EPA,” Lehr said.

Tackling Flawed Predictions, Policies

Rep. Tom McClintock (R-CA), ranking member of the Water, Ocean, and Wildlife Subcommittee in the U.S. House of Representatives, gave the lunch keynote presentation. McClintock said members of the radical environmental Left, such as his House colleague Alexandria Ocasio-Cortez (D-NY) and even Charles, Prince of Wales, have been making “apocalyptic” predictions about climate change that always happen to be wrong.

“This [doomsday forecasting] would be amusing except it continues to drive public policy despite the failure of every one of their predictions and forecasts to coincide with the actual data that we’ve accumulated since this nonsense began,” McClintock told the audience. During the Little Ice Age from the sixteenth through the eighteenth centuries, superstitious locals would have exorcisms performed on the edges of advancing glaciers and would go on witch hunts “to punish those responsible for the famine and disease and suffering that this era of prolonged cold produced,” McClintock said.

“We laugh at the superstition and folly of those who blamed witchcraft for the severe climate change of the Little Ice Age, but I’m convinced future generations are going to be looking at ours in precisely the same way, except our generation won’t have the excuse of ignorance,” McClintock said. “With all of our knowledge and technology, we’ve allowed ourselves once again to be thrown into panic over forces that have been at work shaping our planet since it formed.”

Awarded for Defending Science

Three awards were presented at the dinner session. The Lifetime Achievement in Climate Science Award, from The Heartland Institute, was given to Dr. Timothy Ball, a former climatology professor at the University of Winnipeg and chief science advisor of the International Climate Science Coalition.

Dr. Richard Lindzen, the Alfred P. Sloan emeritus professor of meteorology at MIT, was the recipient of the Frederick Seitz Memorial Award for Exceptional Courage in the Quest for Knowledge, from the Science and Environmental Policy Project.”

Exceptional Courage in the Quest for Knowledge, from the Science and Environmental Policy Project. In his acceptance speech, Lindzen discussed the dozens of prominent scientists, including many who directed or worked in government agencies charged with climate monitoring, whose research undermining the claim humans are causing dangerous climate change has been ignored by journalists intent on pushing what Lindzen says is a false narrative of a scientific consensus on climate change.

The last award of the evening, Heartland’s Courage in Defense of Science Award, was presented to Patrick Michaels, Ph.D, longtime director of the Center for the Study of Science at the Cato Institute and a past president of the American Association of State Climatologists.

Hurricanes: Fact vs. Fiction

ICCC-13 wrapped up with a rousing dinner keynote speech from Joe Bastardi, the longtime AccuWeather meteorologist who is now co-chief forecaster at WeatherBELL Analytics.

Bastardi described the media’s tendency to cover each new major hurricane making landfall in the United States as if anthropogenic climate change were responsible for it. Bastardi said the media ignores the fact more destructive, more powerful, and more deadly storms ravaged the country long before climate change became a scientific and public policy issue.

Timothy Benson (tbenson@heartland.org) is a policy analyst for The Heartland Institute.
More Federal Lands to Be Opened to Hunting, Fishing

By Duggan Flanakin

The U.S. Department of the Interior announced it is significantly revising rules for hunting and fishing on federal wildlife refuges across the nation.

The changes would revise federal hunting and fishing rules at wildlife refuges in all states to coincide more closely with state regulations and to expand or create new opportunities for hunting and fishing on approximately 1,451,000 acres of federal land.

The proposed rule changes, announced on June 5 by Interior Secretary David Bernhardt, will result in “a major expansion of hunting and fishing in the nation’s wildlife refuges,” said Bernhardt in a press release.

The proposal follows a first-ever comprehensive review of federal and state rules by the U.S. Fish and Wildlife Service.

New Outdoor Opportunities

The proposed rules would open up hunting or sport fishing in nine National Wildlife Refuge (NWR) areas where the activities are currently forbidden.

The changes would also expand hunting and sport fishing at 65 other NWRs, formally open 15 units of the National Fish Hatchery System (NFHS) to those activities, and add pertinent station-specific regulations for other NWRs and the 15 NFHS sites on migratory game bird hunting, upland game hunting, big game hunting, and sport fishing.

Final public comments on the rule changes are due by August 12. Bernhardt says he hopes to have the final rules in place in time for this September’s dove season.

“The True Conservationists’

Secretary Bernhardt credited President Donald Trump for DOI’s decision to expand hunting and fishing opportunities on federal lands.

“The president fundamentally gets that hunters and anglers are the true conservationists in our society,” said Bernhardt in a statement. “He understands that history and that we need to act in efforts to expand hunting and fishing while at the same time being respectful of private land rights, [and] respectful of state law.

[The proposal is] a dramatic statement about our commitment to access. ... The goal is to get more people out,” said Bernhardt. “The biggest reason people don’t start or don’t stay hunting or fishing is largely the access to areas. I think there’s a lot of opportunity to expand access.”

Tangle of Authorities, Regulations

A February 2018 Congressional Research Service report stated hunting and fishing generate billions of dollars each year for regional economies, but conflicting regulations from agencies with federal land management responsibilities and between federal and state agencies unnecessarily limit opportunities for outdoor recreation.

“Each year, millions of individuals participate in hunting and fishing activities, bringing in billions of dollars for regional and national economies,” said R. Eliot Crafton, an analyst with the Congressional Research Service and author of *Hunting and Fishing on Federal Lands and Waters: Overview and Issues for Congress*. “Most federal lands and waters are open to hunting and/or fishing. Stakeholders contend that these areas provide many hunters and anglers with their only or best access to hunting and fishing.

“Federal land management agencies have hunting and fishing policies ... derived from statutes establishing the agencies as well as federal and state laws pertaining to hunting and fishing,” Crafton writes. “In general, federal land management agencies have hunting and fishing policies that are either open unless closed or closed unless open, depending on the mission of the agency.”

Part of DOI’s effort aims at harmonizing federal and state hunting and fishing regulations, which Bernhardt says is a complex maze of rules that is difficult for the average person to navigate.

“You’ve got to be a lawyer to figure out if you can hunt or can’t hunt,” said Bernhardt.

Implementing Orders

Prior to the DOI’s announcement, the Hunting and Shooting Sports Conservation Council, chaired by Jeff Crane, president of the Congressional Sportsmen’s Foundation, submitted a letter to Bernhardt urging the agency to continue its efforts to prioritize public hunting and fishing opportunities on federal lands that were expanded through Secretarial Orders 3347 and 3356 issued by former DOI Secretary Ryan Zinke in 2017.

Zinke said he issued those orders to carry out Trump’s Executive Order 13443 directing federal agencies, including DOI, to improve the management of game species and their habitat on federal lands and expand and enhance hunting opportunities. Zinke said at the time Trump’s order was about upholding the conservation legacy of President Theodore Roosevelt.

“As a servant of the American people, the Department will continue to strengthen President Roosevelt’s conservation stewardship legacy through this Order by seeking to expand recreational and conservation opportunities for all Americans,” said Zinke.

Reducing, Modifying Restrictions

As published in the *Federal Register*, the proposed rule also requires administrative updates to every NWR refuge-specific regulation, removes approximately 2,100 regulations with no impact on the administration of hunting and sport fishing in the refuge system, and simplifies the language of more than 2,900 refuge-specific regulations to comply with Trump’s mandate to ensure rules are written in simple, plain language the public can easily understand.

The proposal also amends certain regulations specific to Alaskan NWRs, such as removing restrictions on same-day hunting under certain conditions for select species on the day hunters fly into camp.

The proposed rule changes will improve hunting and fishing opportunities, says Crane, who lauded the move.

“The Congressional Sportsmen’s Foundation applauds Secretary Bernhardt for his efforts to expand hunting and fishing opportunities within the National Wildlife Refuge System,” Crane said. “This announcement builds off momentum generated over the last few years through Interior Secretarial Orders and advances recent recommendations submitted by the Hunting and Shooting Sports Conservation Council to increase hunter and angler access to federal lands and waters, including the Refuge System.”

Duggan Flanakin (dflanakin@gmail.com) writes from Austin, Texas.
The Wisconsin Supreme Court ruled Dane County cannot force a company to purchase special environmental liability insurance as a condition of permission to expand an oil pipeline.

The court found state law bars local governments from imposing special insurance requirements on oil and gas pipelines.

The court voted four to one on June 27 to reverse an appeals court decision that had allowed Dane County’s insurance requirement. Two justices abstained.

“In this case, it would be ... absurd to force Enbridge to repeat the permitting process when the County Board knowingly issued a Conditional Use Permit with unlawful conditions,” the majority opinion said. “The insurance conditions imposed by Dane County in the CUP issued to Enbridge were rendered unenforceable by Act 55.”

With the court’s action, Enbridge Inc. may now move forward with its expansion plans.

Law Bars Special Requirements
Enbridge applied for a permit to build a pumping station in Dane County in 2015 as part of an expansion of its Line 61 pipeline corridor. One of five Enbridge pipelines in Wisconsin, Line 61 runs from the city of Superior, near Wisconsin’s northern border, to the state’s southern edge, delivering Canadian heavy tar sands crude oil to a terminal in Illinois.

The expansion will allow Enbridge to triple the amount of oil flowing through pipelines across the state.

Dane County approved Enbridge’s permit in April 2015, subject to the company purchasing an additional $25 million in environmental liability insurance. The county cited a spill on one of Enbridge’s pipelines on the Kalamazoo River in Michigan in July 2010 as justification for the requirement.

Enbridge appealed this provision to the Dane County Board, pointing out the company already had comprehensive liability coverage. While the appeal was under consideration, Wisconsin lawmakers passed a law blocking municipalities from requiring companies to obtain special insurance if the company has comprehensive general liability insurance.

“A county may not require an operator of an interstate hazardous liquid pipeline to obtain insurance if the pipeline operating company carries comprehensive general liability insurance coverage that includes coverage for sudden and accidental pollution liability,” 2015 Wisconsin Act 55 states.

Despite the new state law, the Dane County board upheld the requirement. Enbridge sued to have the permit enforced without the special insurance requirement.

Upholding Rule of Law
The court’s ruling upholds the primacy of state law, says Corydon Fish, general counsel for Wisconsin Manufacturers & Commerce (WMC), which filed an amicus brief supporting Enbridge’s suit.

“Local governments do not have the authority to supersede [sic] the will of the people, as enacted by the Legislature, and must not be allowed to ignore legislative directives,” Fish wrote in his amicus brief for WMC.

“The Wisconsin Supreme Court fired a shot across the bow of local municipalities that often like to flout state law,” Fish told Environment & Climate News after the ruling. “This case reinforces the rule of law in Wisconsin, and that makes Wisconsin more prosperous and more free.

“This Supreme Court decision says there are consequences for acting outside of the law,” said Fish. “I hope this will be the first in a series of victories for the business community.”

Vivian E. Jones (vivianejones@aol.com) writes from Murfreesboro, Tennessee.
Defending Constituents’ Climate Interests in Oregon

By H. Sterling Burnett

Burnett: There was much controversy in Oregon over a bill designated as H.B. 2020. What was that legislation about?

Olsen: House Bill 2020, known as the Clean Energy Jobs bill, was a copy of California’s law. Commonly referred to as cap and trade, its goal was to cap carbon dioxide emissions by putting a price per metric ton on those that “polluted.” I personally referred to H.B. 2020 as Cap and Swindle, because its goal was not to reduce so-called pollution but to redistribute wealth from the productive to those who saw free money on the horizon.

Carbon dioxide is necessary for life on earth. Without it, vegetation would not exist, but Al Gore declared CO2 a “greenhouse gas,” and the Democrats figured out how to tax it.

In Oregon and California, only those emitting 25,000 metric tons or more of carbon dioxide per year had to pay. Those emitting 24,999 metric tons were exempt. They still emit CO2, but are exempt from the tax. Although smaller emitters were exempt, they would receive a carbon dioxide credit they could sell on the open market and make additional money for doing nothing other than staying below the cap.

Burnett: How would H.B. 2020 have affected the state’s economy and the global environment?

Olsen: This legislation was a scam from the beginning, driving up costs to companies, utilities, manufacturers, gasoline distributors, etc., so Oregon could reduce its already very low emissions. This meant every Oregonian would have higher electric and gas bills.

Manufacturers who compete nationally and globally—called Energy Intensive, Trade Exposed companies in the bill—would receive a few free credits, but they would quickly be reduced. The logic was this: would give these companies an opportunity to use new technology, which currently does not exist, to lower their emissions.

The problem is, to reduce emissions without new technology, companies would have to raise prices to buy credits, which don’t reduce emissions; it just makes you pay for what you emit, or failing the ability to raise prices, lay people off to control costs, or reduce production. None of those options being palatable, the last option is to move out of state, which many companies threatened to do.

Proponents’ own experts testified that even if successful, Oregon’s carbon dioxide reduction would have an “imperceptible” impact on Climate Change.

I opposed H.B. 2020 for these reasons.

Burnett: Why did Republicans feel it was necessary to walk out of the Senate to prevent a vote on the bill?

Olsen: The Senate Republicans prevented a quorum so a vote would not be taken on H.B. 2020. We, the Republicans, left the building, some even the state.

Several Republican members had been on the Joint Carbon Reduction Committee from its inception. We heard testimony from all sides and submitted over sixty amendments to the legislation. Few, if any, were accepted. It was a “my way or the highway” mentality from the supermajority, so we chose the highway.

By preventing a quorum, we focused attention on the fact the bill would raise $550 million in the first year alone, costing Oregonians higher utility bills and at least an additional 22 cents per gallon of gas. These were costs were too impactful on Oregonians to let stand.

This bill did not count this increased revenue as a tax, which would require 20 votes on the floor of the Senate to pass. The supermajority knew they would never get the necessary votes for this legislation, so they intentionally wrote it as mandatory purchase of credits, stating explicitly it was not a tax.

They even included a section in the bill moving any lawsuit challenging it immediately to the state Supreme Court for adjudication. The problem, as I see it, is all the justices were appointed by the governor, making one skeptical of the outcome.

I liken our action to the Boston Tea Party: battling taxation without representation. In our case, however, the majority party was on a power trip, denying the minority party input into the process. The walkout was necessary to bring this to the public’s attention. Our departure did that. The uproar from Oregonians was profound. The bill died.

Burnett: Oregon recently imposed a five-year ban on fracking. How did you vote on the bill?

Olsen: The fracking bill was an interesting piece of legislation: Ban something that does not happen in our state. Sounds like the supermajority needed to placate the environmental base while they still held power, which seemed to be a theme this session.

Oregon has only one area that can provide natural gas, in the northwest corner of the state. No fracking has taken place there, and no other areas of the state have any known resources that could possibly be released through fracking. Thus the bill makes no difference.

We banned nuclear power. We banned soda straws. We banned plastic bags. Environmentalists rule the roost in this state. If we don’t like it, ban it. If we can’t ban it, tax it.

Welcome to the new Oregon society.

The legislation was a waste of time and money, so I voted no.

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

Official Connections:

Editor’s Note: Oregon state Sen. Alan Olsen (R-Canby), a U.S. military veteran with a degree in chemistry and a minor in physics, is serving his third term in the Oregon Senate. He is chairman of the Senate Committee on Veterans and Emergency Preparedness and serves on the Senate Committee on Business and General Government and the Joint Committee on Carbon Reduction and as vice-chair of the Senate Committee on Environment and Natural Resources. He also serves on the Oregon Global Warming Commission.
The very fabric of America is under attack— our freedoms, our republic, and our constitutional rights have become contested terrain. The Epoch Times, a media committed to truthful and responsible journalism, is a rare bastion of hope and stability in these testing times.

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CA Slow-Walks Compensation for Farmers, Ranchers

By Kenneth Artz

California landowners who had their land seized years ago through eminent domain for the state’s high-speed rail project are still waiting to be paid for the expenses owed them, for land the state might never even get around to using.

As part of the process for building a proposed high-speed rail project from San Francisco to Los Angeles, the state seized many farmers’ and ranchers’ properties, using orders of possession from California’s Superior Court.

For years, California has delayed negotiations with landowners for the reimbursement of expenses related to the transfer of ownership, such as road replacement, repositioning of irrigation systems, tree clearing, lost production, and even payments for land seized, and now much of the land is unlikely ever to be used for the rail project.

‘Crass Lack of Concern’

One farmer has been waiting three years for the $1.9 million compensation California owes him for the taking of his land and associated expenses, the Los Angeles Times reports.

The state has even stiffed farmers who voluntarily agreed to sell their land for the rail project. Among these is farmer Ralph Vartabedian, who voluntarily sold some of his land to the state for $630,000 and has gone unpaid for three years, the Times reports.

The landowners’ plight is one injustice heaped upon another, says Adrian Moore, vice president of the Reason Foundation.

“Taking people’s property against their will is harsh enough, but failing to pay them for it, and for the related costs the seizure imposes, is mindboggling,” said Moore. “The crass lack of concern by state leaders for the lives they damage in pursuit of their political dreams is stunning.”

All Pain, No Train

California’s high-speed rail project has proven to be an expensive unfulfilled fantasy, says Moore.

“The California high-speed rail project was, and continues to be, a boondoggle sold to voters using lies about its speed, ridership, financing, and cost. Not a single penny of private money has been invested, and now the original price tag of the San Francisco to Los Angeles buildout has risen from $45 billion to more than $100 billion.”

Lawrence J. McQuillan
Director of Entrepreneurial Innovation
Independent Institute

“The Constitution says farmers are due just compensation, but they have been treated unjustly by a government which entered into a project it was hardly ready to start, much less finish,” Jackson said.

‘Smoke and Mirrors’

California’s high-speed rail project was an unrealistic pipedream from beginning to end, says McQuillan.

“The California high-speed rail project was, and continues to be, a boondoggle sold to voters using lies about its speed, ridership, financing, and cost,” said McQuillan. “Not a single penny of private money has been invested, and now the original price tag of the San Francisco to Los Angeles buildout has risen from $45 billion to more than $100 billion.

“It was sold using smoke and mirrors, and now that the smoke has cleared and reality has set in, even Gov. Gavin Newsom has decided to scale the project back to a single leg between Bakersfield and Merced,” McQuillan said. “It is past time to pull the plug on the so-called high-speed train.”

Kenneth Artz writes from Dallas, Texas.

INTERNET INFO

President Signs Executive Order to Speed Biotech Development

By Chris Talgo

President Donald Trump signed an executive order to streamline the process for gaining government approval of genetically modified crops in order to reduce costs and encourage development.

The order will “speed up reviews of biotechnology so that farmers can get access to critical scientific advances faster and reap the full benefits of American innovation for many years into the future,” Trump said in a White House press release.

Modernizing Regulatory Framework

The nation’s biotechnology regulations needed updating, the president stated in his Executive Order on Modernizing the Regulatory Framework for Agricultural Biotechnology Products on June 11.

“Recent advances in biotechnology have the potential to revolutionize agriculture and thereby enhance rural prosperity and improve the quality of American lives,” Trump said in the order. “Biotechnology can help the Nation meet its food production needs, raise the productivity of the American farmer, improve crop and animal characteristics, increase the nutritional value of crop and animal products, and enhance food safety.

“In order to realize these potential benefits, however, the United States must employ a science-based regulatory system that evaluates products based on human health and safety and potential benefits and risks to the environment,” Trump’s order states. “Such a system must both foster public confidence in biotechnology and avoid undue regulatory burdens.”

The White House statement says the order “will help eliminate delays, reduce developer costs, and provide greater certainty about the review process for farmers.”

“Commonsense measures to minimize risks from continued innovation are fine, but current regulations create needless obstacles to new developments that could provide badly needed nutrients to hundreds of millions of the poor around the world.”

E. Calvin Beisner
Founder, Cornwall Alliance for the Stewardship of Creation

Congress Considers Extending Tax Credit for Expensive Offshore Wind Projects

By Kenneth Artz

U.S. Senators Tom Carper (D-DE) and Susan Collins (R-ME) have introduced a bill they say will increase investment in offshore wind power.

The Incentivizing Offshore Wind Power Act would extend a 30 percent investment tax credit (ITC) to offshore wind projects that start construction by January 1, 2027 or the year after the United States has reached 3,000 megawatts of new offshore wind capacity, whichever is later.

Under current law, offshore wind projects received a 30 percent investment tax credit until 2016, at which time the tax credit began to decline and, absent renewal, would lapse at the end of this year.

Proponents of the ITC extension, such as Carper, say continuing it will create jobs and reduce the need for fossil fuels.

“By harnessing offshore wind energy, we can create good-paying jobs, reduce our reliance on dirtier sources of power and provide more affordable electricity to consumers—all while helping to combat the worsening climate crisis,” Carper said in a press release announcing the bill he introduced in June.

‘False Statements’

Carper is not telling the truth about offshore wind power, says John Droz Jr., founder of the Alliance for Wise Energy Decisions.

“In just that one sentence from his press release, Sen. Carper has managed the dubious feat of making four misleading and/or false statements,” said Droz. “We can already create millions of jobs by requiring 20 percent of the public to use horse transportation, so his jobs claim is specious.

“Wind energy is married to an augmenting fast-responding electricity source, which typically is gas; ergo more wind means more natural gas, one of the supposedly dirty sources of power Carper rejects,” Droz said. “Offshore wind energy is five to six times the cost of onshore conventional sources of electricity, so the term ‘affordable’ is particularly egregious, and there is zero scientific proof wind energy consequently reduces carbon dioxide emissions, so any ‘climate’ claims are wishful thinking.”

Waste of Tax Breaks?

Extending tax credits for wind energy would be an environmentally damaging special-interest favor, says Jay Lehr, a senior policy analyst with the International Climate Science Coalition.

“When one considers the energy expended in mining, refining, and formulating the aluminum, cement, rare earths, and steel required to construct wind turbines, no wind turbine in its 15-year life ever delivers more energy than is required to construct them,” Lehr said. “In addition, the number of birds and bats killed by wind turbines exceeds the number protected by all the conservation regulations ever instituted by the federal government.

“And although the intent of the tax credit is to replace energy obtained from fossil fuels, wind power must be backed up 100 percent with power plants utilizing fossil fuels for the common periods when the wind does not blow or blows too strongly,” said Lehr.

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

Official Connections:
Sen. Susan Collins (R-ME): https://www.collins.senate.gov/
Massachusetts Electric Car Rebate Program to End in September

By Kenneth Artz

A rebate program designed to spur electric vehicle sales in Massachusetts is about to end.

Funding for the MOR-EV program is running out, forcing officials at a state Zero Emission Vehicle Commission meeting to announce they will extend the program one last time to cover electric vehicle purchases made through Sept. 30, 2019.

Massachusetts set a goal of having 300,000 zero emission vehicles (ZEV) on the state’s roads by 2025, and the rebate program was intended to prime ZEV sales.

The rebates have fallen badly short of achieving the intended goal. Since the program began in 2014, only 14,000 electric vehicle buyers have claimed rebates, totaling $30 million, and the state is less than 7.5 percent of the way towards its ZEV sales goal.

Subsidizing the Wealthy
Massachusetts’ electric vehicle program never made sense, says Baruch Feigenbaum, assistant director of transportation policy at the Reason Foundation.

“I think the reason they’re cutting the program now is the Republican governor, Charlie Baker, has never really been a fan of it,” said Feigenbaum. “And there also may have been a realization among some folks if subsidizing electric vehicles ever made sense, which I don’t think it did, it certainly doesn’t make sense now.

“The thing about electric vehicles is they tend to be bought by wealthier individuals who don’t need subsidies in order to afford them,” Feigenbaum said.

And Then There Were Cronies
Electric vehicle and ZEV rebates are examples of pure cronyism, says Jordan McGillis, a policy analyst with the Institute for Energy Research.

“When a small cadre of politically connected companies convinces a governing or regulatory body its product is of unique social value, the result is the phenomenon of concentrated benefits and dispersed costs,” McGillis said. “Massachusetts’ public has essentially been saddled with a ZEV subsidy program that facilitates transactions between politically connected companies and their wealthy potential customers.

“By bringing this program to a close, the Baker administration is taking a simple step toward a more balanced and fair market in auto sales,” McGillis said. “The U.S. Congress would be wise to follow Massachusetts’ lead and allow its own electric vehicle tax credit program to phase out as scheduled.”

‘Still Room for Rationality’
Massachusetts is demonstrating common sense by allowing the ZEV program to lapse, says David G. Tuerck, president of the Beacon Hill Institute.

“That the legislature would recognize this program as the boondoggle it is suggests there is still room for rationality in Massachusetts when it comes to the subject of climate change,” Tuerck said. “As the Beacon Hill Institute pointed out in 2017, the program was mostly a giveaway to the state’s wealthiest residents.

“Now, if only the state can start applying similar logic to other costly environmental programs,” said Tuerck.

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

U.S. House Committee Passes National Parks Upkeep Bill

By Kenneth Artz

Bipartisan legislation to use revenues from energy production on federal property to pay down the large maintenance backlog at national parks was approved by the U.S. House Committee on Natural Resources.

Under H.R. 1225, the Restore Our Parks and Public Lands Act, 50 percent of the revenues from oil, gas, coal, and alternative or renewable energy development on federal lands and waters from 2020 through 2024 would be dedicated to repairing and maintaining national parks. The funding, capped at $1.3 billion annually, aims at covering half of the National Park Service’s (NPS) deferred maintenance within five years.

National parks, monuments, historic sites, and other properties managed by NPS have aging buildings and crumbling roads, trails, and other facilities. The deferred maintenance backlog has grown from $11 billion to $12 billion since 2010.

The legislation now awaits action by the full House of Representatives.

Federal Lands in Disrepair
Over the years, Congress has irresponsibly increased the size of the federal estate without providing the resources needed to maintain properties it already controls, says Katie Tubb, a senior policy analyst at The Heritage Foundation.

“The Restore Our Parks and Public Lands Act is recognition of the significant catchup work Congress needs to do by focusing existing funds entirely on the maintenance backlogs,” Tubb said of the bill passed by the House committee in June. “It also wisely clarifies funds cannot be used to exacerbate problems by acquiring more lands or to write off routine maintenance.”

Tubb says park management is also plagued by misguided laws.

“Congress needs to get to work to address deeper policy issues driving maintenance backlogs,” Tubb said. “For example, thanks to the National Environmental Policy Act and a broken legal system, it took Yosemite National Park almost two decades to finalize management plans to address flood-damaged roads, bridges, campgrounds, and water and sewage infrastructure.

“America is getting exactly the results to be expected from such a poorly rationalized, highly conflicted approach to management,” Tubb said.

“Congress should look to reduce burdensome regulations thwarting stewardship and introduce principles of property rights and markets to make our national parks more sustainable for the long term.”

Katie Tubb
Senior Policy Analyst
The Heritage Foundation

Suggests Public Trusts
Government ownership of national parks is not a good idea, says John Baden, Ph.D., founder of the Foundation for Research on Energy and the Environment.

“I have proposed for the past 40 years national parks and wilderness lands, things like that, should be managed as public trusts,” said Baden. “We have about 500 years of experience with trusts, we know what the dangers are, the safeguards have evolved over the centuries, and it’s almost surely the most constructive thing we can do.

“For example, during a government shutdown several years ago, the national parks were closed, yet Monticello and Mount Vernon, which are public trusts, were open,” Baden said.

Kenneth Artz (kennethcharlesartz@gmx.com) writes from Dallas, Texas.
Enemies of Fossil Fuels Want to Take Away Others’ ‘Automobility’

By Robert Bradley Jr.

Hitting the open road for vacation or other sport is one of the great pastimes, and has been for generations. More Americans are driving more cars and more miles daily, undermining the claim Americans have reached peak demand for driving and associated infrastructure.

“The personal and professional mobility conferred by cars has been among the most powerful social forces of the twentieth-century Western world,” wrote Vaclav Smil, Ph.D., distinguished professor emeritus in the faculty of environment at the University of Manitoba, in his 1999 book Energies.

“The rise of the automobile industry and the socioeconomic impact of the road and the car are central to the history of the advanced capitalist countries in the twentieth century, and explain an especially large part of the history of the American people,” wrote the University of California at Irvine’s James Flink in his book The Automobile Age (1993).

Virtues of Automobility

Academics and other intellectuals easily explain why Americans like automobility.

“Cars and trucks are generally faster than alternatives because they can be parked close to where we live, work, shop, or worship; make stops along a route only when and where we want to; and take us right to the doorsteps of our destinations,” wrote Joseph Bast, then-president of The Heartland Institute, which publishes Environment & Climate News, and Jay Lehr, Ph.D., then Heartland’s science director, in their study of The Increasing Sustainability of Cars, Trucks, and the Internal Combustion Engine (2000). “Cars and trucks are generally more flexible than alternatives because we can decide at almost any time to change travel plans to pick up groceries, visit a friend, decide to arrive earlier than planned or leave later than planned, and so on” (emphasis in original).

“Cars and trucks provide more privacy than alternatives, which are apt to require waiting in lines and sitting with strangers whose values may be unknown and whose conversations and activities can be disturbing,” Bast and Lehr write.

And when it comes to efficiency, cost, and emissions of criteria pollutants, the attractiveness and superiority of cars and trucks for travel and transport become even more apparent, the U.S. Environmental Protection Agency reports.

Foes of the Automobile

What is peculiar is the Malthusian and authoritarian pushback against the necessity and joys of driving.

In The Population Bomb (1968) and elsewhere, Paul Ehrlich, Ph.D. predicted a government-imposed “auto-control program” that, among other things, would require smaller, slower cars and ban motorized camping on public land (except “for those physically unable to back-pack”).

Speed limits would be lowered, Ehrlich predicted. Auto vacations would be discouraged, along with three-day weekends that cause “enormous jams on highways.” Under Ehrlich’s plan, gasoline taxes would be raised monthly until they reached European levels. As a result, “the large automobile should disappear entirely, except for some taxis,” Ehrlich wrote.

“Hydrocarbon Man shows little inclination to give up his car, his suburban home, and what he takes to be not only the conveniences but the essentials of his way of life. The peoples of the developing world give no indication that they want to deny themselves the benefits of an oil-powered economy, whatever the environmental questions. Any notion of scaling back the world’s consumption of oil will be influenced by the extraordi-

‘Mortal Threat’

Former Vice President Al Gore, another foe of automobility—for others, not his personal drivers—says driving cars and trucks threatens every country’s security and therefore must end.

“We now know that [the automobile’s] cumulative impact on the global environment is posing a mortal threat to the security of every nation that is more deadly than that of any military enemy we are ever again likely to confront,” Gore wrote in Earth in the Balance. His solution is “a coordinated global program ... completely eliminating the internal combustion engine, over, say, a twenty-five-year period [by 2017].”

Responding to Gore’s extremely misguided proposal, Bast and Lehr write, “Gore is wrong to call for the elimination of the internal combustion engine, and wrong again to call ‘absurd’ our current reliance on cars and trucks.

“Mobility is an essential and inseparable part of almost all that we value—from close-knit families to rewarding careers, quality educations, and fulfilling recreation. Mobility truly is what makes our autonomy possible.”

Not Going Quietly

Beware of the foes of modernity and would-be restrictors of movement. Worry not about getting your kicks on Route 66 or wherever the open road leads.

Automobility is the natural state of affairs and will overwhelm the fringe authoritarians, as Pulitzer Prize-winning author Daniel Yergin noted in his 1990 book The Prize: “Hydrocarbon Man shows little inclination to give up his cars, his suburban home, and what he takes to be not only the conveniences but the essentials of his way of life. The peoples of the developing world give no indication that they want to deny themselves the benefits of an oil-powered economy, whatever the environmental questions. Any notion of scaling back the world’s consumption of oil will be influenced by the extraordinary population growth ahead.”

What was true then is truer today.

Robert L. Bradley Jr., Ph.D. (robrbradley58@gmail.com) is founder and CEO of the Institute for Energy Research and a policy advisor to The Heartland Institute. He blogs at www.masterresource.org.
Pope’s Climate Policies Would Hurt the Ones He Loves

By Gregory Wrightstone

The Mills Brothers, among dozens of others, sang “You Always Hurt the One You Love.” Somebody should tell Pope Francis this doesn’t have to be true if the world follows a sensible energy policy.

On June 14, Francis met with the CEOs of British Petroleum, ConocoPhillips, ExxonMobil, Occidental Petroleum, and Royal Dutch Shell at the Vatican to promote schemes to mitigate what he says are the catastrophic effects of manmade global warming.

Speaking to the oil executives, the Pope said “today’s ecological crisis, especially climate change, threatens the very future of the human family, and this is no exaggeration.” Placing a price on carbon dioxide emissions is “essential” to the goal of stopping global warming, the Pope said.

“Faced with a climate emergency, we must take action accordingly, in order to avoid perpetrating a brutal act of injustice toward the poor and future generations,” Francis said at a separate conference sponsored by the University of Notre Dame.

‘Inconvenient Facts’

Francis is apparently ignorant of the many inconvenient facts indicating his notion of pending climate doom is mistaken. His ignorance is compounded by the large amount of information on climate change he believes to be true but is just not so.

To bolster his argument in support of immediate action, Francis argued wildfires, droughts, and extreme weather are increasing. If we can prevent these terrible catastrophes, Christians should strongly consider embracing measures to limit or end fossil fuel use, Francis said.

Reviewing the data concerning Francis’s claims about extreme weather, however, reveals inconvenient evidence showing so-called extreme weather events are not increasing and an impending planetary doom is not in the offing.

Il Papa is apparently unaware the modest increase in temperature over the past century and a half has been associated with a huge decrease in severe-weather-related deaths around the world. In the United States, deaths related to weather events have declined by 98 percent over the last 80 years. Heat-related deaths are outnumbered by those due to cold by as much as 20 to one, indicating modestly warmer temperatures would spare many millions from premature death.

In addition, contrary to the Pope’s assertions, the United States Drought Monitor shows the area of the United States affected by drought is at its lowest since data collection began.

Mistaken Sea Level Fears

Francis has also expressed concern greenhouse-driven warming will drive sea levels to dangerous and unprecedented heights, leading to mass migration and the inundation of entire islands.

Contrary to his belief, the oceans are nearly at historic low levels based on long-term tide gauges and proxy data going back to the end of the last ice age more than 10,000 years ago. Some of the lowest sea levels during our current interglacial period (Holocene) occurred in the mid-1800s and have increased by a little more than a foot since then, at a rate of less than 0.1 inch per year. This rise is due to the beneficial warming that started in the late seventeenth century.

To confirm this, Francis needs only to stroll from the Vatican to nearby Portus Traiani Felicus, one of the many Roman ports constructed during or shortly after the time of Christ that are now well inland and meters above our modern sea level. This ancient period of naturally driven high sea levels was due to high temperatures during the Roman Warm Period when citrus was grown in England as far north as Hadrian’s Wall.

Check Your Library

The Pope’s own voluminous library within the Vatican undoubtedly has information chronicling the close relationship between temperature and the human condition historically.

Contrary to alarming reports from the United Nations and the media, past warming periods were correlated with times of great prosperity and bountiful harvests. Before climate science became politicized, warming periods were known as “climate optima” because they were beneficial to both the humans and the planet.

The rise and fall of temperature is closely tied to the rise and fall of civilizations. Cold periods have historically been correlated with crop failure, famine, pestilence, and mass depopulation, just the opposite of what the Pope has stated.

Advancing the Poor

Currently, it is estimated pollution from dirty, inefficient cooking and heating fuels—often dung—leads to about 1.6 million premature deaths each year. Nearly half of the world continues to cook with solid fuels that give off a poisonous cocktail of particles and chemicals, which could be avoided through the use of the fossil fuels, such as natural gas, the Pope wants to ban.

If the world’s governments adopt the fossil fuel restrictions Francis is calling for, the poor he intends to help would be harmed the most. Abandoning low-cost, reliable energy provided by fossil fuels and embracing expensive, intermittent “green” energy, as the Pope proposes, would force the poor to do without economic development for decades and to pay more for energy than is necessary—policies that would only hurt the ones he loves.

Advancing the human condition requires full use of all of God’s Creation. Reliable, inexpensive energy is part of the solution which can lift billions of people out of systemic poverty and disease.

Instead of promoting misguided, harmful policies in a vainglorious attempt to control global temperature—a fool’s errand in any case—Christian leaders should embrace responsible environmental stewardship and energy policies that allow the expanded use of fossil fuels and make energy’s benefits more affordable for everybody, especially the impoverished.

Gregory Wrightstone (gwrightstone@gwrightstone.com), a geologist and policy advisor to The Heartland Institute, is the author of Inconvenient Facts: The Science That Al Gore Doesn’t Want You to Know.
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.lt_6.0beta5.txt](http://vortex.nsstc.uah.edu/data/msu/v6.0beta/tlt/uahncdc.lt_6.0beta5.txt). All past data were revised when the methodology was updated in April 2015.

### JULY 2019

#### GLOBAL AVERAGE

The global average temperature was 0.38°C above average.

#### NORTHERN HEMISPHERE

The Northern Hemisphere’s temperature was 0.33°C above average.

#### SOUTHERN HEMISPHERE

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