60% of state legislators read Environment & Climate News

AG Drops Skeptic Investigation
Facing counter-suits, the attorney general of the Virgin Islands withdrew subpoenas he issued against ExxonMobil and CEI.

Utah Plans to Sue BLM
Utah lawmakers aim to retake control of federal lands in the state, and they have set aside millions of dollars to pay for the effort.

NY Policy Subsidizes Nuclear
Renewable mandates require New York to get 50 percent of its electricity from renewable sources. Ratepayers will pay $7.6 billion to keep struggling nuclear power plants operating.

Dems Promise End of Fossil Fuels
The Democratic Party’s 2016 platform calls for cutting carbon-dioxide emissions to 80 percent below 2005 levels by 2050 and ending fossil fuel use.

MONTHLY UPDATE
NASA SATELLITE GLOBAL TEMPERATURE READINGS

HOT TOPICS

Obama Signs GMO-Label Bill into Law

By Michael McGrady
President Barack Obama signed into law Senate Bill 764, the Safe and Accurate Food Labeling Act, requiring labeling of food produced using a particular kind of genetic modification that cannot be duplicated through traditional cross-breeding.

The bill was signed on July 29, 2016.
Farm groups, food companies, and the biotech industry had supported a bill earlier this summer, sponsored by Sen. Pat Roberts (R-KS), that would have made GMO labeling voluntary for companies. After Roberts failed to persuade the Senate to pass his voluntary labeling bill, the groups lined up to support SB 764, a compromise bill.

GMO, P. 6

GOP Adopts Pro-Energy, Pro-Growth Platform

By Kenneth Artz
The Republican Party’s newest platform, passed in July at the GOP convention, states in its preamble the party’s primary mission is to create policies that will “make America great and united again.”

To accomplish that goal, Republicans laid out several important policy proposals in the platform section on the environment, agriculture, energy, and climate, titled “America’s Natural Resources: Agriculture, Energy, and the Environment.” Among the solutions offered in that section is the promise to reduce or rescind various agricultural, climate, energy, and natural resource regulations that are currently under.
At our Winter Emerging Issues Forum we will look to the future and explore emerging issues in state public policy in the areas of energy, the economy, education, health care, and more.

The Emerging Issues Forum brings together elected officials, policy analysts, and government affairs professionals from across the country. You will hear from leading free-market experts as we explore innovative solutions to the top public policy issues that will face the states in 2017 and beyond. This year we’ve added workshops with tips and advice for more effective messaging through social media and other outlets.

Admission is free for elected officials and their staff. Tickets for others to attend are $100. The Heartland Institute also offers free accommodations at the host hotel and a limited number of $350 travel scholarships for members of its Legislative Forum.

To reserve your place at this event or learn more about how you can join the Legislative Forum, contact Lindsey Stroud, Heartland’s government relations coordinator, at 312/377-4000 or email lstroud@heartland.org. You can also register for the event online at eif.heartland.org.

Sponsorship opportunities are also available.
Virgin Islands Attorney General Withdraws Subpoenas Against ExxonMobil and CEI

By Bonner R. Cohen, Ph.D.

On June 29, 2016, Virgin Islands Attorney General Claude Walker abruptly withdrew his high-profile subpoena of documents belonging to energy giant ExxonMobil.

The subpoena cited ongoing investigations into climate research conducted or promoted by a host of businesses, academics, and free-market think tanks.

Walker’s subpoenas of Exxon, served in March 2016, and the Competitive Enterprise Institute (CEI), served in April 2016, demanded e-mails, statements, drafts, and other documents regarding their work on climate change and energy policy.

In the CEI subpoena, Walker also requested private donor information gathered from 1997 through 2007.

Walker’s demands were part of a larger, coordinated effort unveiled at a March 29 press conference in New York, during which 16 Democratic state attorneys general and Walker, calling themselves “AGs for Clean Power,” announced they would pursue Exxon and other companies and organizations for allegedly misleading the public on the causes and consequences of climate change.

Exxon and CEI refused to comply with Walker’s subpoenas and countersued. CEI General Counsel Sam Kazman issued a statement saying, “CEI will vigorously fight to quash Walker’s subpoenas and counter-sue. CEI has decided to seek court sanctions against Walker for his initial subpoena. Kazman told The Washington Times, ‘[Walker’s] withdrawal only strengthens our claim that this subpoena was a constitutional outrage from the very beginning, violating our right to free speech and our donors’ right to confidentiality, and threatening the right of all Americans to express views that go against some party line.’

“This was an abuse of process, plain and simple, and we’re determined to see that Walker faces sanctions for an action whose illegality he refuses to recognize,” Kazman told The Washington Times.

Legal Maneuvering Continues

Even though Walker has withdrawn his subpoenas, Exxon still faces subpoenas from New York Attorney General Eric Schneiderman and Massachusetts Attorney General Maura Healy requesting information concerning its work conducted with and its funding for climate skeptic organizations and researchers.

“None of the investigations or the intent of the attorneys general have anything to do with climate change,” said Jay Lehr, science director for The Heartland Institute, which publishes Environment & Climate News. “It is an assault on the First Amendment, which guarantees free speech in America.

“As there is no supportable scientific evidence mankind has any significant impact on the climate, those using the threat of climate change to limit individual freedom are now attempting to silence their opponents to keep the energy policies they prefer on track,” said Lehr.

Craig Rucker, executive director of the Committee For a Constructive Tomorrow, one of the organizations targeted by the attorneys general, is proud of the efforts taken to fight intimidation tactics.

“This attempt to snuff out dissent and free speech should be an affront to every American,” said Rucker. “On the other hand, [the refusal of the organizations named in the subpoenas issued by Healy, Schneiderman, and Walker] to knuckle under and to call things true that we know are lies has really gotten under their skin.”

Bonner R. Cohen, Ph.D. (bcohen@nationalcenter.org) is a senior fellow at the National Center for Public Policy Research.
mining the United States’ global competitiveness while producing little in the way of environmental benefits.

The platform makes specific commitments to end government favoritism for green-energy producers and endorses policies that would allow any form of energy that can compete in the free marketplace without subsidies to thrive. It pledges to expedite energy production on federal lands and promises the approval of natural gas and coal export terminals. The platform also states Congress shall “immediately pass universal legislation … requiring the federal government to convey certain federally controlled public lands to states … [because] [t]he residents of state and local communities know best how to protect the land where they work and live.”

Concerning climate change, the platform rejects a tax on carbon dioxide and demands an immediate halt to U.S. funding for the United Nations’ Framework Convention on Climate Change, including the Green Climate Fund.

‘Push in Right Direction’
Myron Ebell, director of the Center for Energy and Environment at the Competitive Enterprise Institute, says the policies described in the Republican Party’s platform would move the country in the right direction.

“Adopting the Republican platform on energy and climate would be a huge boost to restoring the United States to robust economic growth and a big push in the right direction,” said Ebell.

Ebell also lauds the Republican platform for taking up the issue of public land ownership, noting the federal government owns more than 50 percent of the land in Western states.

“Federal lands are being managed like a nature preserve, which has destroyed the economies of many rural Western areas and played havoc with the environment there,” Ebell said. “For example, the Pacific Northwest has some of the best timber resources in the world, but because federal land management policy puts much of it off-limits, Pacific forests are being managed by natural fires rather than the logging and timber industry.

“When these lands are returned, the states will start privatizing them and you will see new industries start popping up, fueling a long and sustained era of economic growth,” said Ebell.

Marita Noon, executive director of Energy Makes America Great, says the two parties’ respective energy platforms should help voters when they cast their votes on Election Day.

“Marita Noon’s *Energy Freedom* documents both the role energy plays in the exercise of American freedom and the efforts by some to subvert that freedom through restricting its supply.”

— HARRISON H. SCHMITT, GEOLOGIST, APOLLO 17 ASTRONAUT, FORMER U.S. SENATOR, AUTHOR OF *RETURN TO THE MOON*
Texas Sues EPA Over Methane Clampdown

By Kenneth Artz

The State of Texas sued the U.S. Environmental Protection Agency (EPA) on July 29, 2016, to block the agency’s new rules aimed at reducing oilfield methane emissions.

Texas Attorney General Ken Paxton challenged the federal government’s authority to force oil and gas companies to reduce methane leaks. In an official statement, Paxton called the agency’s rules “a gross demonstration of federal overreach.”

Paxton also faulted regulators for failing to consider the economic harm oil and gas producers would suffer in order to comply with the new rule, especially at a time when they are already reeling due to low oil prices.

Texas became the second state, following North Dakota, to challenge EPA’s new methane rule. After Texas announced its suit, 13 additional states—Alabama, Arizona, Kansas, Kentucky, Louisiana, Michigan, Montana, North Carolina, Ohio, Oklahoma, South Carolina, West Virginia, and Wisconsin—also filed suit challenging EPA’s methane rule. The 15 states’ lawsuits have been consolidated into a single case, which is now before the U.S. Court of Appeals for the District of Columbia Circuit.

Regulations Will Harm Small Producers

“President [Barack] Obama’s methane regulations are not law; they have not been voted upon, they have not passed through Congress, nor have they even been debated, but they have been crammed down our throats by regulatory agencies, primarily EPA,” said Gary L. Stone, vice president of engineering at Five States Energy Capital.

“These regulations impact small producers,” Stone said. “Unlike big producers, the guys producing just three or four barrels of oil per day will not be able to afford the technology necessary to comply with the new rules.”

Stone says the cost of installing emissions-monitoring devices could push operating costs beyond what small producers can afford.

“When you add an additional $100 to $1,000 of compliance costs per month to the cost of a break-even well, it will put them out of business,” Stone said.

‘Solution in Search of a Problem’

Isaac Orr, a research fellow for energy policy at The Heartland Institute, which publishes Environment & Climate News, says methane emissions from oil and gas operations are so small, the rule will accomplish very little.

“The new methane rule is a solution in search of a problem,” said Orr. “The oil and gas industry has already reduced methane emissions 14.3 percent from 2008 to 2012, and emissions from natural gas hydraulic fracturing operations have fallen 73 percent from 2011 to 2013.

“If the previous rules intended to combat climate change are any indication, the new methane rules will prove expensive and ineffective,” Orr said.

Kenneth Artz (kartz@heartland.org) writes from Dallas, Texas.

Constitutional Issues at Stake in Methane Lawsuits

By Kyle Maichle

The attorneys general of 15 states, led by North Dakota, Texas, and West Virginia, filed a lawsuit asking the Court of Appeals for the District of Columbia to block new methane rules imposed by the U.S. Environmental Protection Agency (EPA).

The Obama administration is targeting methane emissions for reduction as part of its effort to raise the cost of fossil fuels. EPA’s new rules require reducing oil and gas methane emissions by 40 percent below 2012 levels by 2025. Oil and gas companies would be required to repair leaks and limit emissions from equipment used in oil and gas production, including wells, pumps, pipelines, and compressor stations. The methane rules also require more monitoring for possible leaks.

North Dakota filed the first state lawsuit challenging the methane rules in mid-July, followed by Texas on July 29 and the other 13 states on August 2. North Dakota claims the new methane rules are “arbitrary, capricious, an abuse of discretion and not in accordance with law,” while Texas Attorney General Ken Paxton said in a statement the rule represents “a gross demonstration of federal overreach.”

Constitutional Interposition

According to Rob Natelson, senior fellow in constitutional jurisprudence at The Heartland Institute, which publishes Environment & Climate News, it is not uncommon for states to sue to block federal regulations. Natelson says it is part of the process of interposition, in which states defend their residents and businesses from federal laws and regulations that arguably go beyond the authority specifically delegated to the federal government by the U.S. Constitution, or when regulations go beyond what the law specifically allows, or when regulatory agencies do not follow their own rules when enacting new regulations.

“States often sue the federal government or its officials to prevent enforcement of laws or regulations they consider to be unconstitutional,” said Natelson, who recently published a Heartland Policy Brief titled “The States’ Duty to Defend Against Federal Excess: James Madison and the Methods of Interposition.”

In the Policy Brief, Natelson discusses how interposition by states helps maintain the constitutionally designed balance between federal and state power and individuals’ rights.

“States suing the federal government because of overreach or illegal or abusive practices is a form of interposition,” said Natelson.

Ilya Shapiro, senior fellow in constitutional studies at the Cato Institute, says states are challenging EPA for going beyond its legal authority.

“If states are harmed by a federal regulation, they can challenge it if it goes beyond federal power or otherwise violates the relevant statute,” said Shapiro. “This is a claim by an aggrieved party, [the states]. The [federal] government is acting without legal authority.”

Kyle Maichle (kmaichle@heartland.org) is project manager for The Heartland Institute’s Center for Constitutional Reform.

INTERNET INFO

President Obama Signs GMO-Label Bill into Law

Continued from page 1

Bloomberg News reports the groups would rather be held to one national standard than a complex patchwork of different state labeling laws, such as the one passed in Vermont that came into effect July 1. The federal GMO labeling bill nullifies and preempts state and local GMO food-labeling laws.

Effect Unclear
How many foods will be affected, when the labels will start to appear, and what form they will take remain unclear.

Seventy-five percent of the foods Americans consume contain genetically modified ingredients. Highly refined food products derived from genetically modified sources—such as oils made from canola, corn, or soy and syrup made from corn or sugar beets—will not have to be labeled, because they don’t fit the law’s definition of “bioengineering.”

In addition, products such as butter, meat, and milk made from animals that consumed GMO feed will not have to be labeled. Nor does the law require restaurants to label foods they prepare using GMO produce.

Genetically modified fresh foods are less common than processed foods. Nevertheless, some fresh foods will have to be labeled under the law, including GMO apples, potatoes, and salmon recently approved by the Food and Drug Administration (FDA) but not yet on store shelves.

The U.S. Department of Agriculture (USDA) has two years to finalize the regulations. It will have the authority to determine how long food companies will have once the regulations are finalized before they are required to start labeling their products.

Producers will have a variety of label types to choose from. Manufacturers will have the option of providing a label with a USDA symbol, which has not yet been designed, indicating the presence of GMOs, or providing a label using plain language that states the product was produced using genetically modified ingredients. They will also have the option of adding a scanner-or smartphone-readable QR code that links to ingredient information.

The bill contains no penalties for companies that do not comply with the law, and it specifically precludes the secretary of agriculture from recalling any food subject to the law based solely on whether the food lacks a GMO label.

Studies Indicate GMOs Are Safe
Many firms, agricultural scientists, and public policy analysts have opposed mandatory labeling. They argue the presence of the label suggests to consumers GMOs may not be safe, which they say is erroneous. Every major research body that has looked into the health and safety of genetically modified crops—including the National Academy of Sciences, Royal Society, World Health Organization, American Medical Association, FDA, and USDA—have endorsed their use.

A May 2016 report from the National Academies of Sciences, Engineering, and Medicine determined GMO crops are safe and could be better for people’s health and the environment than non-GMO crops.

Congress Usurps States’ Rights
Daren Bakst, a research fellow in agriculture policy at The Heritage Foundation, says although the food industry’s concerns about costs linked to complying with multiple states’ GMO-labeling laws are legitimate, that does not justify a national mandatory labeling bill.

“Congress, once again, took a bad situation and made it worse,” said Bakst.

“GMO foods on the market are as safe as their non-GMO counterparts. Simply labeling them and making them appear different in some way gives the public the impression they are not.”

Daren Bakst
Research Fellow, The Heritage Foundation

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**INTERNET INFO**

Utah lawmakers have set aside $4.5 million to pay for expenses related to the state’s attempt to gain control of 30 million acres of national forest and Bureau of Land Management-controlled acreage within its borders.

House Bill 287, passed during Utah’s 2016 legislative session, which ended in March, establishes a special public-lands litigation account to fight the U.S. Department of Interior to gain lands proponents say were promised at statehood and to force the federal government to comply with a state law Utah passed in 2012.

In Utah, nearly 70 percent of the land is owned by the federal government, limiting the state’s control over land uses such as grazing, oil and gas development, and forest management. Proponents of the legislation argue such a high percentage of federal ownership puts the state at an economic disadvantage compared to states on the East Coast.

By Kenneth Artz

Dismay with Federal Land Ownership
Shawn Regan, a research fellow at the Property and Environment Research Center, co-authored a report titled “Divided Lands: State vs. Federal Management in the West,” which compares state and federal land management in four Western states. The study shows the federal government loses money managing valuable natural resources on federal lands, while states generate significant financial returns from state trust lands.

Regan says one key difference between federal and state land management is states have a fiduciary responsibility to generate revenues from state trust lands, while federal land agencies face overlapping and conflicting regulations and often lack a clear mandate.

East-West Divide
Utah’s legal campaign advocating for the return of federal lands to the state began in March 2012, when state Rep. Ken Ivory (R-West Jordan) introduced House Bill 148, which requires the federal government to give back more than 20 million acres to the state. That bill was signed into law by the governor on March 23, 2012.

Ivory says although the federal government ignored the law and its 2015 deadline to return federal lands to the state, there has been a wave of support to return federal lands to the Western states.

Arkansas, Georgia, South Carolina, and Tennessee have passed resolutions supporting the transfer of federal lands back to Western states, and the 2016 Republican Party platform included a provision in support of this movement. “Congress shall immediately pass universal legislation providing for a timely and orderly mechanism requiring the federal government to convey certain federally controlled public lands to states,” reads the GOP platform’s plank.

“We are never going to prosper as a country with more than 50 percent of the land in Western states locked up and mismanaged by the federal government, which takes a museum approach to federal land management: You can look but can’t touch,” Ivory said. “There is a modern-day environmental, economic, and constitutional renaissance waiting to happen, and all we have to do is return to our promise as a nation to treat Western states the same as the Eastern ones, where only 5 percent of the land is held by the federal government.”

Kenneth Artz (kartz@heartland.org) writes from Dallas, Texas.

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Utahns Oppose Bears Ears National Monument

By Ann N. Purvis

Utah’s congressional delegation has for three years been developing legislation that would conserve large swaths of wilderness in Utah and open up some land to energy exploration and recreation.

But at the last minute, a coalition of tribal leaders and environmental activists has asked President Barack Obama to label much of the land at issue a national monument, throwing a wrench into a plan that has taken years to develop.

Introduced in July by Utah Reps. Rob Bishop (R) and Jason Chaffetz (R), House Resolution 5781, the Utah Public Lands Initiative (UPLI), would conserve 4.6 million acres of land, creating 11 new conservation areas and 41 wilderness areas. The bill also would open up more than 1 million acres to development and new recreation opportunities, reform the energy permitting process, and transfer some federal lands to the state. In all, the bill covers 18 million acres of land across seven Utah counties.

The federal government owns 66 percent of the land in Utah, limiting the state’s tax base and its control over resources. Though many Western states have fought for more control over the federal lands within their borders over the past several decades, Utah has led this fight recently, passing a law in 2012 demanding the federal government turn over millions of acres of land within its borders.

Bears Ears Dispute

Environmentalists oppose the bill and instead are pushing Obama to use the 1906 Antiquities Act to create the 1.9-million-acre Bears Ears National Monument. Under the Antiquities Act, presidents can unilaterally deem land a national monument. Such a designation often results in land-use restrictions.

Supporters of UPLI have complained out-of-state environmental interests are pushing the national monument designation and ignoring local concerns. In a joint statement, Bishop, Utah Gov. Gary Herbert (R), and Sen. Mike Lee (R-UT)—who is sponsoring the companion bill to HR 5781 in the U.S. Senate—addressed this concern, saying, “We have listened to the people of San Juan County and the verdict is clear: the people who live near Bears Ears do not want Washington, DC to create a Bears Ears monument.”

Nicolas Loris, a fellow at The Heritage Foundation, says outside interests often play a large role in land-designation debates.

“That’s what I think is often misleading about these designations,” said Loris. “The public thinks [demand for a monument] is rising from the people who live on or near the land, when in fact the public is responding to outside pressure.”

Reforming Land Law

The Bears Ears issue and UPLI are just a small part of the overall debate over who can best manage Western lands and their resources. Half of the land in the West is federally owned.

Loris says it is time for the federal government to end federal control over so much of the Western states.

“It’s long past time we’ve gotten rid of this unilateral [national monument] authority to essentially take land and restrict its use without giving state and local governments and private individuals any say in what happens,” said Loris. “It’s time to begin a process to identify the lands that should be given or sold to the people and/or to the states.”

‘Blatant Inequality’

Utah state Rep. Ken Ivory (R-Salt Lake County), who sponsored the 2012 state law demanding the return of federal lands to Utah, agrees it is time for change in land ownership throughout the Western United States. He says UPLI does not go far enough.

“The unparalleled American promise is based on a simple recipe: secure the life, liberty, and property of the people and they will produce peace and prosperity,” said Ivory. “So long as the federal government violates this promise and treats Western states and people unequally, we will not realize lasting peace and prosperity as a nation.”

“The public lands initiative attempts to address some of the symptoms of this blatant inequality of federal control over 50 percent of Western lands, however, until we restore the full equal protection of law and fundamental fairness to Western states, thereby enabling Western people to determine their own destiny, the root problem of federal overreach will continue as a cancer to the American promise,” Ivory said.

Matthew Anderson, a policy analyst for the Coalition for Self-Government in the West, a project of the Sutherland Institute, says UPLI is a step forward for Utah residents.

“Bishop’s bill is one of the first attempts to offer farsighted compromise on public lands, taking into account the concerns of native American tribes, the oil and gas industry, ranchers, environmental interests, and residents of the seven affected counties,” Anderson said. “UPLI isn’t perfect, but it is good policy crafted in the American spirit of cooperation, and abandoning it for the sake of political victory does a disservice both to Utahns and to the American political system.”

Ann N. Purvis (ann.n.purvis@gmail.com) writes from Atlanta, Georgia.
Dems Platform: End Fossil Fuels, Prosecute Skeptics

By Kenneth Artz

The energy and climate sections of the Democratic Party’s 2016 platform, approved at the party convention in July, call for a national mobilization to fight climate change.

On page 45 of the platform, the Democratic Party agreed, “We believe the United States must lead in forging a robust global solution to the climate crisis. We are committed to a national mobilization, and to leading a global effort to mobilize nations, to address this threat on a scale not seen since World War II.”

The platform states climate change is an “urgent and severe threat” and calls for an 80 percent cut in carbon-dioxide emissions below 2005 levels by 2050 and getting 50 percent of the nation’s electric power from “clean energy sources” by 2025. The platform also adopted a provision calling for the Department of Justice to investigate companies for statements they’ve made concerning the causes and consequences of climate change.

In addition, the platform supports the Paris Agreement, an international agreement adopted by 195 countries that aims to keep global temperature increases to “well below” two degrees Celsius.

A Move Toward ‘Negative Growth’

Myron Ebell, director of the Center for Energy and Environment at the Competitive Enterprise Institute, says the Democrats’ platform could end up constraining the U.S. economy.

“President [Barack] Obama’s environmental policies have already been hard on energy developers and the economy, so if we elect a Democrat president and follow their party’s environmental platform, Americans will have hugely expensive energy costs and no economic growth,” Ebell said.

“And if they continue with and expand President Obama’s climate agenda, we’ll [end up with] negative growth,” said Ebell.

Green Business Is Big Business

Gary L. Stone, vice president of engineering at Five States Energy Capital, says Democrats’ energy and climate platform is a wish list for those waging a war on fossil fuels.

“Anti-business Democrats are using their supposed concern for the environment as a tool to end the use of fossil fuels and capitalism,” said Stone.

“The Democrat coalition of radical environmental groups, the Environmental Protection Agency, and green companies claim they want to help the environment, but those claims are dubious at best since the oil and gas industry is already doing a good job of policing itself,” Stone said. “Being green is big business.”

Kenneth Artz (kartz@heartland.org) writes from Dallas, Texas.

New York Bails Out Nuclear Plants to Cut Carbon-Dioxide Emissions

By H. Sterling Burnett, Ph.D.

New York State’s Public Service Commission voted 4–0 on August 1 to adopt a “Clean Energy Standard,” requiring the state to get at least 50 percent of its electricity from renewable-energy sources in 2030 and cutting greenhouse-gas emissions by 40 percent.

The plan also requires utilities to purchase electric power from several New York nuclear power plants, all of which are struggling financially, at above-market rates.

Gov. Andrew Cuomo (D) justified the staggering $7.6 billion nuclear bailout as necessary to meet the state’s ambitious carbon-dioxide emissions reduction goals. If the non-carbon-emitting nuclear plants were to close, they would likely be replaced by facilities burning fossil fuels.

The major beneficiary of the nuclear portion of the Clean Energy Standard will be Exelon, which owns the Ginna and Nine Mile Point nuclear plants and is in talks to purchase the FitzPatrick plant, which is owned by Entergy Corp.

Low natural-gas prices are hurting nuclear plants’ abilities to compete with gas-fired plants. The Ginna plant already has been receiving government support throughout the past few years, thanks to a surcharge placed on bills sent to customers of the New York State Electric and Gas Corporation and Rochester Gas and Electric, while Entergy announced in 2015 it planned to close FitzPatrick in 2017 unless it received government support.

Renewable, Not Nuclear

Some environmental groups objected to New York’s Clean Energy Standard, saying it gives short shrift to renewable-power sources while giving billions to large energy companies.

The Lohud Journal News reports Alex Beauchamp, Northeast regional director for Food and Water Watch, a pro-renewable-power group, called the plan “reckless.”

“New York needs a true clean energy revolution to move the state to 100 percent renewable energy, but the billions announced today to bail out an old, dangerous, and unprofitable technology make that revolution even more difficult,” Beauchamp told the Journal News.

‘Energy Laboratory’

Dan Kish, senior vice president for policy at the Institute for Energy Research, says New York’s energy policies resemble a flawed science experiment.

“New York is becoming an energy laboratory, using humans as guinea pigs,” said Kish. “Every crazy idea that comes along, they turn it into law, and as a result, New Yorkers’ electricity bills are going through the roof.”

Myron Ebell, director of the Center for Energy and Environment at the Competitive Enterprise Institute, says the Clean Energy Standard is just the latest New York initiative to damage the state’s business environment.

“New York, once the manufacturing capital of the world, has regulated and taxed most of its industries out of business,” said Ebell. “The next step in destroying the state’s economy and impoverishing its citizens is to raise energy prices.”

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

New York, once the manufacturing capital of the world, has regulated and taxed most of its industries out of business. The next step in destroying the state’s economy and impoverishing its citizens is to raise energy prices.”

Myron Ebell
Competitive Enterprise Institute
Despite the impression given by its name and the way in which the media portrays it, the Union of Concerned Scientists (UCS) is not a professional scientific organization. In fact, for a $25.00 donation, you too can become a “concerned scientist.”

Founded in 1969 by faculty, including some scientists, and students at the Massachusetts Institute of Technology, UCS’ mission from the beginning has never been the pursuit of knowledge through scientific discovery. It has instead pursued left-wing advocacy on technology, environmental, and energy issues—regardless of what the scientific data have shown.

Early Anti-War Focus
Growing out of Vietnam War protests on college campuses across the nation in the 1960s, UCS’ founding document states it was formed to “initiate a critical and continuing examination of governmental policy in areas where science and technology are of actual or potential significance” and to “devise means for turning research applications away from the present emphasis on military technology toward the solution of pressing environmental and social problems.”

In 1984, UCS sent popular science writer Carl Sagan on a 15-city tour to bolster Democratic presidential nominee Walter Mondale and his opposition to President Ronald Reagan’s Strategic Defense Initiative. In 1988, UCS opposed research on what’s now called the “stealth bomber,” claiming it would make war with the Soviet Union more likely.

From humble beginnings, UCS has grown to become one of the most well-connected and influential pro-big-government, anti-free-market, left-wing advocacy organizations. It has worked tirelessly to spread unscientific alarmism about genetically engineered foods, climate change, and other technology, environmental, and energy issues.

Green Foundations Back UCS Advocacy
Among its biggest supporters are a number of major left-wing foundations, many of which are featured on the LeftExposed website, a project of The Heartland Institute, which publishes Environment & Climate News.

From 1998 through 2014, UCS received 1,294 grants totaling $97.6 million from 237 foundations. Most donors are members of the Environmental Grantmakers Association, a planning and organizing cartel for Big Green foundations. The donors who have given at least $1 million include The Energy Foundation ($15.3 million), William and Flora Hewlett Foundation ($6.2 million), John D. and Catherine T. MacArthur Foundation ($5.7 million), David and Lucile Packard Foundation ($3.6 million), and Pew Memorial Trust ($1 million).

These foundations are among the top foundations funding anti-science, pro-regulation campaigns carried out by groups such as UCS. They actively work to limit logging, fossil-fuel development and use, the development and commercialization of genetically modified foods, and commercial fishing. The founders of many of the foundations making grants to UCS would likely be surprised and appalled at how their money is now being used. For instance, the Pew Charitable Trusts—of which the Pew Memorial Trust is a part—were founded by Sun Oil Company founder Joseph Newton Pew. The most active donor to the Pew Memorial Trust was J. Howard Pew, who lived from 1882 to 1971. Joseph Pew believed individual freedom was closely linked to political, religious, and “industrial freedom,” and until shortly after his death, the Pew Trusts supported a variety of conservative think tanks.

UCS has worked hard during the past decade to develop an establishment-friendly image, keeping its tax-exempt procedures in accordance with all of the IRS’ rules and developing a reputation as a well-run nonprofit. Charity Navigator, an independent nonprofit organization that evaluates U.S. charities, gave UCS a four-star rating (out of a possible four stars) and an overall score of 91.19 out of 100 for keeping fundraising expenses and salaries low relative to overall income and revenue spent on operations. In 2014, UCS reported spending $3.2 million on fundraising, $14.9 million on salaries, and just $43,135 on lobbying.

Connected to Political Establishment
UCS has influenced policy almost since its inception, and it has operated as a revolving door for government agencies and congressional offices. UCS employees have given testimony before the U.S. Senate on 453 occasions, despite the fact UCS has conducted little experimental science or independent research. UCS has instead concentrated on producing literature reviews highlighting scientific research that agrees with its political goals.

Nine UCS employees have served as members of 11 federal advisory committees from 2000 to 2015. One example is David Friedman, who served as a member of the National Academy of Sciences’ panel charged with reviewing and making recommendations concerning the nation’s Corporate Average Fuel Economy (CAFE) Standards in 2007. Friedman was appointed to this important post despite having no advanced or technical degrees and having never served in an academic position. Friedman was a well-known proponent of increasing fuel-economy standards, and his writing on the topic was published almost exclusively by UCS and without peer review.

Friedman later left UCS to join the Obama administration’s Department of Energy as acting assistant secretary for the Office of Energy Efficiency and Renewable Energy.

UCS staff also has been involved in producing the U.S. Global Change Research Program’s (USGCRP) draft report. Of the 13 senior scientists who put together USGCRP’s January 2013...
draft report, four have ties to UCS, including USGCRP Chair Jerry Mello, a contributing author for UCS; Susanne Moser, a former UCS staff scientist; Andrew Rosenberg, a UCS director; and Donald Wuebbles, an author of UCS reports.

Additionally, Brendan Bell, a senior Washington, DC representative for UCS, joined Sen. Frank Lautenberg’s (D-NJ) staff as a legislative assistant, serving Lautenberg in 2013, the year before Lautenberg died.

**Controversial, Hypocritical Campaigns**

UCS recently has involved itself in a number of controversial and hypocritical political campaigns. In 2012, UCS attempted to stigmatize General Electric (GE) for its corporate giving. UCS and its analysts used corporate data to “imply that General Electric executives were climate change hypocrites,” because GE has said it believes the “scientific consensus” is humans are causing dangerous climate change while also supporting some think tanks who have written skeptically concerning the causes and consequences of climate change, including the Reason Foundation, which UCS accused of “misrepresenting climate change science.”

The Reason Foundation showed UCS deliberately confused corporate matching funds given as a result of employees’ donations with direct donations made by GE. GE employees donated a total of $325 to the Reason Foundation, a sum GE matched as part of a matching gift program that did not concern itself with monitoring the organizations to which employees donated. GE executives had given a total of $497,744 to environmentally conscious organizations, but UCS attacked it for giving the $325 in employee-matching grants to the Reason Foundation.

In 2015, with the publication of *Freedom to Bully: How Laws Intended to Free Information Are Used to Harass Researchers*, UCS began to call for restrictions on scientific sharing and public oversight of research. UCS’ report laments scientists at public universities, research institutes, and federal agencies are subjected to demands for information under a variety of state open-records laws and the 1967 federal Freedom of Information Act (FOIA), which was designed to hold government agencies accountable by providing the public with access to records from any federal agency.

A statement on UCS’ Center for Science and Democracy (CSD) website declares, “Knowledge is power, and when citizens and communities are denied access to scientific knowledge, they are effectively disempowered. For this reason, transparency, access to information, and the public’s right to know are pivotal issues for science and democracy.”

Appearing to contradict this statement, Michael Halpern, CSD program manager and author of *Freedom to Bully*, says open-records laws should be amended to limit information available to the public, including limits on public access to e-mails between scientists, research notes, and primary data, telling the Associated Press, “We don’t want to work in an environment where every keystroke is subject to public records.”

Alarming, while UCS is calling for limits on the oversight of and access to scientific research, in 2013, Environmental Protection Agency (EPA) Administrator Gina McCarthy appointed Francesca Grifo, who ran UCS’ scientific integrity efforts, to run EPA’s scientific integrity program.

Under Grifo’s management, UCS attempted to suppress scientific dissent. For instance, UCS attacked one congressman who expressed skepticism concerning climate change after he was allowed to serve as member of the House Science Committee. Additionally, UCS’ Sound Science Initiative attempted to discredit the Global Warming Petition Project, a statement signed by more than 31,000 scientists stating humans are not causing a global warming crisis. UCS said the Petition Project is “non-scientific” because it was allegedly motivated by certain “value positions.”

It appears for UCS the only legitimate views are those expressed by scientists who share UCS’ values.

**UCS Goes After ‘Climate Deniers’**

UCS was a leading force behind the effort by the Justice Department and various Democratic Party state attorneys general to prosecute ExxonMobil, other fossil-fuel companies, researchers, and think tanks that have expressed doubts about the claim humans are driving dangerous climate change. UCS and the attorneys general have argued “climate deniers” could potentially be prosecuted under the Racketeer Influenced and Corrupt Organizations Act (RICO) for allegedly engaging in fraud and criminal conspiracy. RICO was enacted in 1978 to help reduce organized crime.

UCS conceived the strategy in conjunction with the three-person Climate Accountability Institute (CAI), which is run from a residence in Snowmass, Colorado. One of the three original CAI directors is climate alarmist Naomi Oreskes, author of *Merchants of Doubt*, and a new advisor is climate professor and “hockey-stick graph” inventor Michael Mann.

In 2012, in La Jolla, California, UCS and CAI co-sponsored a meeting of environmental activists and organization heads, titled “Establishing Accountability for Climate Change Damages: Lessons from Tobacco Control.”

The conference featured Richard Ayers, co-founder and current trustee of the Natural Resources Defense Council, who argued, “The RICO Act, which had been used effectively against the tobacco industry, could similarly be used to bring a lawsuit against carbon producers.” According to Ayers, charging fossil-fuel companies under RICO “would effectively change the subject to the campaign of deception practiced by the coal, gas, and oil companies.”

UCS’ efforts bore fruit when 18 Democrats in the U.S. House of Representatives directly cited UCS in a November 2015 letter requesting a formal investigation into ExxonMobil, among others, stating, “UCS uncovered many internal company documents confirming a massive coordinated campaign of deception conducted by the industry to deceive the public of climate science that even their own scientists confirmed.”

UCS’ efforts to constrain technology, capitalism, and the use of fossil fuels is grounded in leftist ideology, not science. Its efforts merit no media recognition or financial support.

Ron Arnold (arnold.ron@gmail.com) is a free-enterprise activist, author, and commentator.

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- Pew Charitable Trusts
- Center for American Progress
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- Environmental Working Group
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- The Xerces Society
- The Clinton Foundation
- Wikimdia Foundation
- Rockefeller Brothers Fund
- The Hewlett Foundation
- The Tides Foundation
- Environmental Grantmakers Association
- Bill McKibben
- Sheldon Whitehouse
- Michael E. Mann
- Naomi Oreskes
- James Hansen
Environmental Groups Oppose WA Carbon Tax Initiative

By H. Sterling Burnett, Ph.D.

Environmental activists in Washington State running a campaign called “Carbon Washington” successfully obtained the required number of signatures to get ballot initiative 732 (I-732) on the November ballot.

I-732 would impose a carbon-dioxide tax of $25 per metric ton on fossil fuels consumed in Washington State. If the voters approve the initiative, Washington would become the first state to impose a tax on carbon-dioxide emissions from fossil fuels.

The initiative aims to be revenue neutral, reducing the state sales tax a full percentage point and rebating up to $1,500 per year for 400,000 low-income working households. In addition, recognizing the tax will increase the cost of manufacturing in Washington State relative to competing states, the initiative effectively eliminates the state’s business and occupation tax—a gross receipts tax—for manufacturers.

Most environmental groups—including the Sierra Club, Washington Environmental Council, Climate Solutions, and Alliance for Jobs and Clean Energy—say they oppose I-732. They say rather than using the revenues generated by the tax to fund programs they support, the referendum returns the money to taxpayers.

“Revenues from its carbon tax would not be invested in ramping up jobs in clean fuels infrastructure or energy efficiency,” says the Sierra Club on its website.

Fox News reports the Audubon Society is nearly alone among national and state environmental organizations in supporting the measure. Speaking with Fox News, Gail Gatton, executive director of Audubon Society-Washington State, said, “I think for us, I-732 isn’t about money. It really is about what are the market-based incentives that will drive people to reduce greenhouse gas emissions.”

Gatton also told Fox News it’s the first time she can remember when the Audubon Society was at odds with the Sierra Club and other green groups in the state.

“Battle is for Revenue, Not Carbon Cuts

Some believe the rift exposes a secret about the environmental movement: Many regulations and green programs are about money, not protecting people or the environment.

“Are left-wing environmental activists more afraid of climate change or tax cuts? Their opposition to this initiative makes it clear they fear tax cuts more.”

Todd Myers
Environmental Director
Washington Policy Center

The same people who say ‘we can’t wait’ to fight climate change are willing to wait if the policy doesn’t increase taxes and expand government,” said Myers. “It is the type of hypocrisy we see again and again from the Seattle environmental community.”

Robert Bradley Jr., CEO of the Institute for Energy Research, says the fact environmental groups are fighting I-732 in Washington State shows they are against consumer choice.

“The anti-fossil-fuel Left is playing some strange new cards,” said Bradley. “Some now want nuclear no matter what the cost, and the latest is any carbon tax must add to existing taxes for new tax-and-spend programs.

“A clearer example of anti-consumerism could not be given,” Bradley said.

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

Six States Away from Making History

Join the Fight for a Balanced Budget Amendment

The Balanced Budget Amendment Task Force is leading the charge for a single subject Article V convention for the purpose of a balanced budget amendment to the Constitution of the United States. 28 states have already enacted applications calling on Congress for a balanced budget amendment.

We need six more states to help make it a reality.

The Balanced Budget Amendment Task Force will plan target its resources in states like Kentucky, South Carolina, Virginia, Wisconsin, and Wyoming during the 2017 legislative session. Your Support is very crucial in finally helping control our out of control national debt.

To learn more about our campaign, read the latest research from our team of experts, and make a financial contribution today visit bba4usa.org.
SolarCity-NY Gov Alliance Puts Taxpayers at Risk

By Bonner R. Cohen, Ph.D.

New York State’s effort to bring jobs to economically depressed Buffalo by luring solar-panel manufacturer SolarCity could cost the state’s taxpayers nearly $1 billion, according to a June 29 study by the Empire Center.

SolarCity plans to build a solar-panel manufacturing facility in Buffalo using $959 million in state funds.

**The Perils of Incentives**

Economist John Bacheller, former deputy commissioner for policy and research at the New York State Department of Economic Development and author of the Empire Center report, says there are a number of problems with the New York-SolarCity agreement.

“The existence of economic development incentives encourages businesses to game the system by claiming that, without government assistance, they might not locate within a state ... or upgrade operations,” wrote Bacheller in the report.

Enticed by incentives to set up a factory in a state-designated location, Bacheller says companies can be tempted to exaggerate the number of jobs a project will create in order to seal the deal.

“[S]ome of the 5,000 promised new jobs to be generated in New York by the SolarCity project will be sales and installation positions that would be created in the state even if the same factory were constructed ... anywhere else in the world,” Bacheller wrote.

Even before breaking ground on the new factory, SolarCity reduced the number of jobs it committed to bring to Buffalo from an initial promise of creating 1,450 jobs to 500 jobs.

**Taxpayers Left Holding the Bag?**

“[B]ecause the company has not invested its own money in the facility, it has less reason to remain in Buffalo after the [10-year] lease period ends than if it had invested its own money,” wrote Bacheller.

Dan Simmons, vice president for policy at the Institute for Energy Research, said, “New York has made its business climate so bad it has to offer massive subsidies to get companies to move there. These kinds of incentives are unfair and harm taxpayers.”

James Taylor, president of the Spark of Freedom Foundation, says even with the subsidies, SolarCity will need further government support to make it profitable.

“The solar industry—and SolarCity in particular—already benefit from billions of dollars of sweetheart subsidies from federal, state, and local governments,” said Taylor. “Despite all these advantages, SolarCity still cannot attract customers without additional laws requiring utilities to purchase its power at above-market rates.

“Government plans to lure such a fragile, failing business to Upstate New York is a recipe for disaster,” Taylor said. “Gov. Andrew Cuomo should lift the state’s fracking ban, which would allow energy companies to access the state’s plentiful natural gas. That would revive the economy with minimal environmental impact.”

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

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**Legislative Pulse: Fighting EPA Overreach in North Dakota**

**Editor’s Note:** Two-term state Rep. Diane Larson (R-Bismarck) serves on the Agriculture and Judiciary standing committees and on the interim Agriculture and Natural Resources and Judiciary Committees of the North Dakota Legislature.

By H. Sterling Burnett, Ph.D.

**Burnett:** What has the fracking revolution meant for North Dakota and the United States as a whole?

**Larson:** This technology has been revolutionary in allowing us to get the oil out of the ground and into the hands of consumers. North Dakota has been producing oil from the Bakken Formation since the 1950s, but modern horizontal drilling and fracking have allowed producers to recover much more oil. This commodity helped us as a nation to be more energy independent, and it has been a financial and quality-of-life boon for us, creating more jobs and a healthier economy.

Additionally, I’ve seen firsthand the safety precautions used to ensure the workforce, as well as the environment, is protected.

**Burnett:** Recently, the Obama administration proposed new regulations limiting methane emissions from oil and gas production. Do you believe these rules are necessary?

**Larson:** Further limits on methane emissions are unnecessary. The Environmental Protection Agency’s own data show emissions are down substantially [because] capture technology [has improved]. The market is a great motivator to prevent leaks and reduce emissions from escaping. Oil and gas drilling is subject to strict state regulation and, as with most regulations, this should remain in the hands of state, not federal, regulators.

As a legislator, I don’t like duplication of services, and this federal regulation is not only duplicative, it is burdensome to the point of the Obama administration actually trying to cripple or kill industry and jobs.

**Burnett:** In August 2015, North Dakota joined 12 other states in a lawsuit challenging the Environmental Protection Agency’s Waters of the United States rule. The states won a stay of the rule. Do you think the states’ challenge is justified?

**Larson:** This is blatant overreach by the federal government to attempt to govern how our land is used. Our 2015 legislature appropriated additional money to our attorney general’s office to fight this outrageous rule.

Our farmers were the first ones who brought this to my attention. Farmers regularly have water in their ditches after the snow melt and after heavy rains. Under this rule, the federal government would actually have jurisdiction over these small, temporary bodies of water—not the farmer who cares for and uses the land.

This land-grab by the federal government is an infringement of states’ rights, and this should be left to the individual states to manage. I hope every state gets involved in stopping this effort by the Environmental Protection Agency and [Army] Corps of Engineers.

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

“Oil and gas drilling is subject to strict state regulation and, as with most regulations, this should remain in the hands of state, not federal, regulators. As a legislator, I don’t like duplication of services, and this federal regulation is not only duplicative, it is burdensome to the point of the Obama administration actually trying to cripple or kill industry and jobs.”

Diane Larson, State Representative, Bismarck, North Dakota
Calif. Insurance Commissioner Tells Insurers to Drop Coal Investments

By Ann N. Purvis

Since January 2016, California Insurance Commissioner Dave Jones has been calling on all insurers doing business in the state to divest from their coal investments.

While compliance with Jones’ request is voluntary, he says he will publicize the names of companies that do not comply. Jones is calling for divestment in companies that derive more than 30 percent of their revenues from coal and from utilities using coal to generate 30 percent of their energy.

The directive applies to all insurers doing business in the state. The state says the divestment request is grounded in the concern coal is becoming increasingly disfavored in a regulatory atmosphere that prizes low carbon emissions and prefers renewable energy, and Jones contends insurers with coal investments are putting their policyholders at risk.

According to a recent study by Steven Greenhut, Western region director for the R Street Institute, available data do not support Jones’ concerns. Coal represents less than 1 percent of the California insurance industry’s investments, Greenhut’s July policy study shows, and even for the insurer most heavily invested in fossil fuels—life insurers TIAA-CREF—coal investments constitute a meager 1.76 percent of its assets.

“It’s hard to make the case the divestment request is based in solvency concerns, not political ones, when coal-related investments pose such a small risk to insurers’ fiscal health,” Greenhut said.

Ensuring Solvency?
The California insurance commissioner is responsible for making certain insurers are solvent and capable of paying the claims of the insured. With so little investment in coal, Greenhut says Jones’ call for coal divestment does nothing to further that goal.

“The insurance commissioner has a legitimate authority to ensure solvency, but, as my white paper clearly shows, this really isn’t a legitimate solvency issue,” Greenhut said.

Greenhut says insurers hold safe, stable investments—primarily bonds, rather than stock—and as a result, even if the coal industry were to go belly-up, it would have little to no impact on California’s insurers.

For instance, while California’s life insurance sector has $58 billion invested in coal, that represents just 1.59 percent of life insurers’ invested assets and less than 1 percent of their total assets. The $7.4 billion property and casualty insurers have invested in coal represents just 0.49 percent of their invested assets and 0.41 percent of their total assets.

Political Motivations?
While insurers are not required to comply with Jones’ call for divestment, his threat to publicize their coal holdings and the broad authority the California insurance commissioner has over insurance rates has some questioning whether, in practice, the request for divestment is actually mandatory.

“The insurance commissioner is an elected position with a lot of power since California voters passed Proposition 103, which increased the authority of the insurance commissioner,” said Greenhut. “I can’t comment on anyone’s motives, but in my view, this clearly is a political play [considering] the weak evidence [attempting to show] insurance companies face any solvency danger.”

“For California Insurance Commissioner Dave Jones to threaten insurance companies with exposing their names if they do not comply with his order to voluntarily divest the majority of thermal-coal investments from their portfolios is coercion,” said Sally Pipes, president of the Pacific Research Institute. “By divesting these stocks, the return on investment to shareholders will decline, reducing the incentive for future stockholders to invest in these profitable companies.

“The thermal-coal sector is a major employer in the United States, providing employment opportunities for millions of Americans,” Pipes said. “Environmentalists want to eliminate this productive industry, thereby eliminating jobs in favor of expensive alternatives, such as wind and solar power, a tactic that must be exposed for what it is.”

Greenhut’s research says even if insurers do divest from their coal holdings, there will be little appreciable benefit to the environment because coal investments are often only one part of energy investment bundles, which often also include renewable-energy investments.

“If insurance companies have to sell their investments, someone will have to buy them,” said Greenhut. “I can’t see how it would fundamentally reduce climate change. It’s political symbolism.”

Ann N. Purvis (ann.n.purvis@gmail.com) writes from Atlanta, Georgia.
WI Renewable Energy Mandate Has High Costs, Few Benefits

By Bonner R. Cohen, Ph.D.

A recent study by the MacIver Institute shows efforts by Wisconsin politicians to get an increasing amount of the state’s electricity from renewable-energy sources have led to greater power costs and failed to create a significant number of jobs.

According to the study, titled “Wisconsin's Renewable Portfolio Standards Economic Promises Fall Short,” Wisconsin’s renewable energy mandate (REM) is projected to cost consumers $472 million in higher electricity costs in 2016. The study also calculates higher electricity prices due to the state’s REM cost approximately $1 billion in lost economic activity statewide every year, and employment levels were found to be 7,000 to 10,000 below what they would have otherwise been without the REM, even after accounting for a small number of “green” jobs created.

Early Advocate of REM

Wisconsin was one of the first states to adopt an REM, approving its first plan in 1998. Known as the “25 by 25,” the law called for 25 percent of Wisconsin's electricity to come from renewable-energy sources by 2025. The law was altered in 2006 to require Wisconsin's utilities to derive 10 percent of their electricity from renewable energy, primarily wind and solar power, by 2015. Under the modified law, utilities are required to maintain those levels indefinitely.

Proponents of the plan, led by then-Gov. Jim Doyle (D), expressed confidence the state’s REM would bring huge economic benefits. The MacIver study quotes Doyle in his final State of the State Address in 2010, when he said, “Clean energy technology and higher-end manufacturing are Wisconsin’s future. ... We have more than 300 companies and thousands of jobs in the wind industry.”

Exaggerated Job Claims

The MacIver study shows those job promises have gone unfulfilled and other renewable-energy job figures have been exaggerated.

For example, Wisconsin Wind Works (WWW), a consortium of manufacturers representing the wind industry in the state, created a database purporting to show thousands of new wind jobs created. When MacIver researchers checked the numbers, they found the database counted jobs unrelated to wind power. For instance, the database counts 6,000 jobs created by Rexnord Industries, a supplier to the wind industry, but a Rexnord official told the MacIver News Service the company has only 1,500 employees in Wisconsin, and only five of those jobs are tied directly to the wind industry.

Maclver found the WWW database counted 7,632 jobs said to have been created by eight statewide manufacturers who supply materials to the wind industry, but Maclver’s investigation could identify only 31 jobs at those companies directly tied to wind energy.

High Price for Minimal Job Growth

By 2014, Wisconsin's utilities had succeeded in meeting the requirements of the 2006 REM—one year ahead of schedule. According to the MacIver report, this was achieved by raising the retail price of electricity for residential, commercial, and industrial customers. The law allows utilities to pass on the cost of compliance with the REM to ratepayers with permission from the Public Service Commission.

“The results of this study should come as no surprise,” said Dan Simmons, vice president for policy at the Institute for Energy Research. “Mandating expensive and unreliable sources of electricity generation will only increase the cost of power.

“It allowed the state to access a more affordable source of renewable energy as a ‘work around’ to a full repeal, which has had the benefit of reducing the cost of the [renewable energy mandate] to consumers and businesses. The modification to the Wisconsin REM, counting hydropower towards the REM, could be used as a model for states where full repeal or a freeze are not politically possible.”

Isaac Orr
Research Fellow, The Heartland Institute

“These schemes also hurt job growth, because increasing the cost of energy harms overall economic growth,” said Simmons.

Isaac Orr, a research fellow at The Heartland Institute, which publishes Environment & Climate News, previously worked for Wisconsin state Sen. Frank Lasee, who sponsored a law allowing electricity generated by hydropower plants in Canada to count toward meeting the state’s REM.

“It allowed the state to access a more affordable source of renewable energy as a ‘work around’ to a full repeal, which has had the benefit of reducing the cost of the REM to consumers and businesses,” Orr said. “The modification to the Wisconsin REM, counting hydropower towards the REM, could be used as a model for states where full repeal or a freeze are not politically possible.”

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

GREENPEACE is a Global Fraud

According to a lawsuit filed on May 31,* Greenpeace is “a global fraud” that has “fraudulently induced people throughout the United States and the world to donate millions of dollars based on materially false and misleading claims about its purported environmental purpose and its ‘campaigns’ against targeted companies.” The suit says “maximizing donations, not saving the environment, is Greenpeace’s true objective.

Read more at heartland.org.


* Resolute Forest Products, Inc. v. Greenpeace. United States District Court, Southern District of Georgia.
On July 20, 2016, the U.S. Fish and Wildlife Service (FWS) officially delisted the lesser prairie chicken from the Endangered Species List (ESL).

It had previously been listed as “threatened.”

The action came 10 months after a judge for the U.S. District Court for the Western District of Texas ruled federal regulators erred in listing the lesser prairie chicken as threatened under the Endangered Species Act.

In April 2014, as part of an agreement that settled a lawsuit with a number of environmental groups, FWS listed the bird as threatened. In response to the decision, the Permian Basin Petroleum Association and four New Mexico counties sued FWS, arguing the agency failed to consider the Lesser Prairie Chicken Initiative (LPCI), a voluntary conservation effort made by wildlife regulators, businesses, and individual landowners in the affected states: Colorado, Kansas, New Mexico, Oklahoma, and Texas. LPCI’s primary goal is to protect the species in order to avoid the potentially severe economic impacts of placing the chicken on the ESL.

Court Overrules FWS

In his September 1, 2015 decision, Senior U.S. District Court Judge Robert Junell vacated the FWS’ “Final Rule,” which had listed the lesser prairie chicken as a threatened species. Junell sided with the trade association and counties, agreeing FWS had failed to fully “take[e] into account those efforts, if any, being made by any State … to protect such species.”

Junell also concluded FWS violated its own rules by listing the lesser prairie chicken as threatened, writing, “FWS erred, acting arbitrarily and capriciously by improperly interpreting and then applying the [FWS’ Policy and Evaluation of Conservation Efforts] to the [Range Wide Plan] in a cursory and conclusory manner. This error warrants vacatur of the final rule and listing determination.”

On February 29, 2016, the Texas federal district court denied FWS’ request for reconsideration of its September ruling.

‘Victory for Landowners’

Texas Agriculture Commissioner Sid Miller says he’s pleased FWS finally carried out the federal court’s decision and delisted the lesser prairie chicken.

“We believe in sound decision-making, private property owners’ rights, and the fact that government is not the answer to every problem, and I’m pleased to see the U.S. Fish and Wildlife Service has dropped its latest attempt to impede our rights,” Miller said. “The latest action is a tremendous victory for Texas landowners, who have been battling the burden of an overreaching federal government and can now work to protect the lesser prairie chicken through voluntary conservation methods already working across many states.

“I commend our municipalities, farmers, and ranchers, who for years have proactively invested millions of dollars and acres into the voluntary lesser prairie chicken conservation program,” Miller said. “We must continue our efforts to fight federal overreach and protect our private property owners.”

Brian Seasholes, director of the Endangered Species Project at the Reason Foundation, says private conservation efforts are more effective at protecting species than ESA.

“The ESA is an 800-pound gorilla that can scare landowners and may lead to counterproductive results,” said Seasholes. “The polar opposite [of the ESA] is using a cooperative approach, as was done here.”

Mark Ramsey (m15@ramseyweb.com) writes from Houston, Texas.
A recent report published by the Institute for Energy Research (IER) concludes most existing electric power plants produce electricity with significantly lower costs than new-generation resources such as wind and solar energy.

The levelized cost of electricity is a way to compare different methods of electricity generation using the average total cost to build and operate a power-plant divided by its total lifetime energy output.

The IER study, titled “The Levelized Cost of Electricity from Existing Generation Resources,” found existing coal, hydroelectric, natural gas, and nuclear electric generation facilities produce much less expensive power than recent wind and solar power facilities.

“The lowest possible electricity rates will only be achieved by keeping existing generating resources in operation until their product becomes uneconomic,” the IER report states.

**Renewables Replace Coal, Costs Rise**

“Under current laws, rules, and regulations, large amounts of generating [coal] capacity are slated to retire and will be replaced with new generating capacity, which will produce electricity at a far higher average Levelized cost,” the report said.

The IER report’s authors say renewable-energy subsidies and the current regulatory push to promote wind and solar power have forced the premature retirement of coal-fired power plants and led to energy price increases.

For instance, the report notes electricity from new wind and solar power is 2.5 to 5 times more expensive than electricity from existing coal and nuclear power.

**Existing Plants ‘Should Continue’**

Thomas F. Stacy and George S. Taylor, authors of the IER report, support continuing the operation of existing power plants until they become uneconomic.

“Our study suggests existing power plants should continue to operate until electricity from them is more expensive than power from new, equivalent replacements,” said Stacy. “For each major power plant technology, the average existing plants produce at a cost well below the cost from new power plants that might replace them.

“If a power plant works, don’t replace it with something new that will produce the same product at a higher cost or an inferior product at the same cost,” Stacy said. “If additional capacity isn’t needed, don’t permit the construction of new capacity—green or otherwise.

“Within limits, the more we use what we have already built, the cheaper electricity will stay,” Stacy said. “Don’t legislatively mandate people buy one kind of electricity over another kind. If a product requires a mandate to gain market share, that means it can’t gain market share by being cheaper or better.”

Taylor says continuing to operate existing facilities is the best way to keep prices down.

“In the absence of political intervention, the choice between maintaining existing facilities versus building new ones would be based on the anticipated cost of electricity from each choice,” Taylor said. “We were trying to make a simple point: Continuing to operate existing facilities is most likely the lowest-cost option in most places for the vast majority of the capacity.”

Michael McGrady (mmcgrady@uccs.edu) writes from Colorado Springs, Colorado.
The Global War Against Fossil Fuels

By Jay Lehr, Ph.D.

In their new book, Fueling Freedom: Exposing the Mad War on Energy, Stephen Moore and Kathleen Hartnett White explain the massive benefit the world’s vast and inexpensive supplies of fossil fuels have had and continue to have for people worldwide.

U.S. high school students, who are currently being bombarded with a steady stream of radical environmentalists’ lies, should read this book to see the incredible good that comes from common-sense energy development.

Moore and White show since the beginning of the Industrial Revolution, economic development has been driven by fossil fuels, not just all people, not just the privileged, have reaped the energy revolution’s benefits.

Moore and White do not mince words when describing the Marxist political philosophy, which they say has caused a great deal of damage to middle-income and poor people around the world when applied to energy policy.

“Most green energy policies undermine human progress,” wrote Moore and White. “They are regressive, disproportionately hurting low and middle income families by driving energy prices higher, thus eroding their standard of living.”

Fossil Fuels Are Valuable

As Fueling Freedom makes clear, the United States is the most energy-rich nation in the world. Objective estimates place the value of U.S. energy reserves at $50 trillion. Periodically, Moore and White point out the pitifully small contribution wind and solar make to our energy needs, all of which must be backed up by fossil-fuel energy sources.

Unfortunately, the Obama administration has prevented the United States from realizing its energy potential. It has essentially prevented shale development on federal lands, driving virtually all shale operations to private lands, where the owners also own the minerals below and can reap the benefits from their development.

Throughout the rest of the world, governments own all mineral resources, regardless of who owns the land, which discourages drilling. Foreign companies are building factories in the United States because our energy prices are one-third of the costs experienced throughout the rest of the world.

The reader may be surprised to learn of the critical role energy plays in agriculture and the amazing variety of important products made from petroleum and other fossil-fuel energy sources. As Moore and White point out, these products include pharmaceuticals, plastics, chemical feedstocks, soccer balls, guitar strings, fabric softener, artificial limbs, electrical tape, shaving cream, hair color, and hundreds more.

Green-Energy Boondoggles

In the final chapters, the authors show the folly of green-energy plans, through which governments foolishly undermine the development of safe, inexpensive fossil fuels while diverting scarce resources to expensive, unreliable green-energy businesses.

One example of this green crony capitalism is the solar industry, which probably would not exist if governments stopped propping it up using taxpayers’ money, as they have for the past 30 years. Despite the U.S. government pouring more than $150 billion into so-called “renewable energy,” the total share of electricity from U.S. wind and solar combined is expected to reach only 6 percent by 2040.

Green energy also uses more land and materials than conventional fossil fuels, which the authors note makes it questionable whether wind and solar are really “green” at all. For instance, Moore and White point out an average wind farm uses 460 metric tons of steel and 870 metric tons of concrete per megawatt produced, whereas a natural gas plant requires only three metric tons of steel and 27 cubic meters of concrete per megawatt.

The authors also offer a valuable and complete history of environmentalists’ fraudulent global warming arguments, and they explain how there is a lack of scientific evidence available to support the claim humans are responsible for catastrophic global climate change. Moore and White also show how the Environmental Protection Agency (EPA) misled the Supreme Court concerning the safety of carbon dioxide in order to get the Court to declare it a pollutant, which allows EPA to have the power to regulate it.

Many people erroneously think economic growth unavoidably leads to environmental degradation, but Moore and White show major improvements in air quality occurred as our use of fossil fuels doubled. New coal plants, for example, emit 90 percent less sulfur dioxide than plants built 50 years ago.

Moore and White rightly point out most of the advances that have been made are the result of efforts undertaken by private businesses to improve efficiency, not laws imposed by the national government.

A ‘$50 Trillion Opportunity’

In their final chapter, “A Declaration of Energy Independence: America’s $50 Trillion Opportunity,” Moore and White turn their attention to the United States’ good energy fortune. According to the authors, America has more recoverable oil and gas than Russia, twice as much as China, and three times as much as Saudi Arabia.

“America has won the lottery,” Moore and White wrote. “We have hit the jackpot. Achieving energy self-sufficiency will generate enough money in royalties and corporate income taxes to pay off much of the national debt without any other tax revenues.”

But as the authors point out, this will only happen if the government allows leasing, drilling, and production on federal lands and does not restrict oil and gas exploration on state and private lands.

The global war against fossil fuels is a war against progress, prosperity, and the poor. No one has ever explained this better than Stephen Moore and Kathleen Hartnett White do in Fueling Freedom.

Jay Lehr, Ph.D. (jlehr@heartland.org) is science director for The Heartland Institute

Fueling Freedom: Exposing the Mad War on Energy


“Most green energy policies undermine human progress. They are regressive, disproportionately hurting low and middle income families by driving energy prices higher, thus eroding their standard of living.”

Stephen Moore and Kathleen Hartnett White
Fueling Freedom: Exposing the Mad War on Energy
“We must all hang together, or most assuredly we will all hang separately.”
—BENJAMIN FRANKLIN

Our primary energy suppliers—coal, oil, natural gas, nuclear and hydro—must band together to fight environmental extremism that threatens them all.

Otherwise, Americans will be left freezing in the dark, as costs soar and millions of jobs are lost—all for no environmental benefit!

The Clean Power Plan is the latest dangerous, activist-driven energy policy. It targets coal, our cheapest and most plentiful electricity source. Rather than taking advantage of coal’s demise, energy providers and elected officials must explain how each energy source has its role to play in ensuring America’s prosperity.
**GLOBAL SATELLITE TEMPERATURES**

**HOW MUCH GLOBAL WARMING?**

Each month, *Environment & Climate News* updates the global averaged satellite measurements of the Earth’s temperature. These numbers are important because they are real—not projections, forecasts, or guesses. Global satellite measurements are made from a series of orbiting platforms that sense the average temperature in various atmospheric layers. Here, we present the lowest level, which climate models say should be warming. The satellite measurements are considered accurate to within 0.01°C. The data used to create these graphs can be found on the Internet at [http://vortex.nsstc.uah.edu/data/msu/v6.0beta/tlt/uahncdc.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 2016**

**GLOBAL AVERAGE**

The global average temperature for June was 0.39°C above average.

**NORTHERN HEMISPHERE**

The Northern Hemisphere’s temperature was 0.48°C above average.

**SOUTHERN HEMISPHERE**

The Southern Hemisphere’s temperature was 0.30°C above average.

**219,000 years of Temperature Variation**


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