Local, State, and Federal Agencies Share Blame for Flint Water Crisis

By D. Brady Nelson

In the midst of a financial crisis, Flint, Michigan’s city council voted 7–1 to approve a proposal in 2013 to switch water providers from the Detroit Water and Sewage Department (DWSD) to the Karegnondi Water Authority (KWA).

Though Flint city officials touted the switch as a sound money-saving measure, DWSD predicted the new water system would actually cost more than continuing to buy from Detroit. The City of Detroit even offered to modify its rate structure for Flint to keep the city in DWSD.

Flint signed with KWA, and DWSD notified Flint it would need to find a new water sup-

Members of the National Guard help distribute bottled water to the people of Flint earlier this year.

By Bonner R. Cohen

Washington Gov. Jay Inslee’s (D) effort to impose a statewide cap on greenhouse gas emissions through executive action has provoked some state lawmakers to offer legislation in the state’s Senate that would prevent such unilateral action.

State Sen. Doug Ericksen (R-Ferndale), chairman of the Senate Committee on Energy, Environment, and Telecommunications, introduced Senate Bill 6173, which would prohibit state regulators from adopting rules restricting carbon dioxide emissions without legislative consent. The Senate approved the bill on January 21.

Inslee says he is determined to com-

By Matthew L. Rooda

President Barack Obama designated three new national monuments in California, placing more than 1.8 million acres of California desert off-limits to commercial development.

N.C. Wastes Resources

A new paper shows expensive energy investments made by several school districts in North Carolina to reduce energy costs have had the opposite effect.

Water-Saving GMO Rice

If a team of scientists is successful, it will produce a genetically modified strain of rice that needs less water to grow.

Climate Scientist Arrested

Climate scientist Daniel Alongi has been indicted by the Australian government on charges of defrauding taxpayers.

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Wash. State Bill Would Block Carbon Cap Plan

Local, State, and Federal Agencies Share Blame for Flint Water Crisis

Members of the National Guard help distribute bottled water to the people of Flint earlier this year.
Questions Arise Whether the GOP Candidates Remain Climate Skeptics

By Kenneth Artz

MSNBC reports leading Republican presidential candidates who once denied humans are the cause of global warming are now softening their stance and subtly embracing the anthropogenic global warming (AGW) theory.

In a February 11 article, MSNBC reporter Tony Dokoupil advanced his claim by pointing to real estate billionaire Donald Trump’s recent appearance on Fox News Channel’s Fox and Friends morning show, where he said, “Obviously, I joke [about global warming]. I know much about climate change, and I often joke that this is done for the benefit of China.”

MSNBC contrasts this statement with posts made by Trump on social media site Twitter between 2012 and early 2015, in which he said climate change was a “con job,” a “canard,” a “hoax,” and a concept “created by and for the Chinese in order to make U.S. manufacturing non-competitive.”

MSNBC also points to an appearance by Trump on conservative pundit Hugh Hewitt’s radio show, during which Trump, while criticizing President Barack Obama for trying “to solve a problem that I don’t think in any major fashion exists,” seemingly opened the door to the possibility climate change may cause at least small problems in the future.

Trump isn’t the only candidate MSNBC says has reversed his position on climate change. MSNBC claims Sen. Marco Rubio (R-FL) stressed "I don't think in any major fashion exists," seemingly opened the door to the possibility climate change may cause at least small problems in the future. to back away,“ Morano said.

Rubio has been a deer in the headlights when it comes to climate change. … He makes a reasonable skeptical statement and then seems to back away,” Morano said.

Sen. Ted Cruz (R), who MSNBC says has never wavered in his claim climate change is “the perfect pseudo-scientific theory.”

Don’t Buy the Premise

Marc Morano, publisher of Climate Depot, says he does not believe Republican candidates are changing their views on climate change.

“Let’s start with Trump,” Morano said. “He has not backed away from anything. He made some really sensible comments about climate, about how China started it and mocking AGW when it snows, and now he sounds perfectly nuanced and sound on the issue.”

“I don’t see a shift in Trump,” Morano said.

Rubio has been a deer in the headlights when it comes to climate change. … He makes a reasonable skeptical statement and then seems to back away,” Morano said.

Sen. Cruz and Rubio have slightly different understandings of climate science, but their policy positions are very close,” said Ebell. “Cruz and Rubio have both said that they will overturn the EPA’s greenhouse gas rules.

“Sen. Cruz promised to withdraw from the Paris climate treaty, while Sen. Rubio promised to submit it to the Senate, with the understanding the Senate will defeat ratification,” said Ebell.

Standing Up to the UN and EPA

“If any Republican candidate but Cruz is elected president, hopefully a President Trump or Rubio would stand up to the United Nations’ Intergovernmental Panel on Climate Change and the U.N. Paris agreement, as well as reverse the EPA regulations,” Morano said.

Kenneth Artz (iamkenartz@hotmail.com) writes from Dallas, Texas.
Mid-Atlantic Eyed for Marine Reserve, Monument

By Bonner R. Cohen

With less than one year left in office, President Barack Obama is moving forward with plans to restrict fishing in two areas off the Atlantic Coast.

In February, the Mid-Atlantic Fishery Management Council voted to name an off-shore area stretching from North Carolina to New York State the Frank J. Lautenberg Deep Sea Coral Protection Area.

Spanning 35,000 square miles, approximately the size of South Carolina, the area contains 15 undersea canyons. The National Oceanic and Atmospheric Administration is expected to approve the name and the designation of the area as a marine reserve.

Once the reserve is officially established, bottom trawling within its boundaries will be banned as part of an effort to protect slow-growing deep-water corals, which provide homes for numerous species.

Lautenberg, a long-time Democratic U.S. senator from New Jersey who died in 2013, was a staunch advocate of limiting commercial fishing, inserting a provision in the landmark Magnuson-Stevens Marine Fishery and Conservation Management Act (1976) encouraging fishery councils to ban or restrict fishing in areas where there is deep-sea coral.

North of the Lautenberg reserve, another sizeable area of the Atlantic—one that’s rich in fishing grounds and undersea geological formations—may also soon receive federal protection.

Critics complain national monuments are often declared despite objections from people living nearby, who often earn a living from the areas.

“No one should be a couple of people sitting around a table in the West Wing and deciding this kind of thing,” Vanasse told the Associated Press.

Creating Property Rights in Fisheries

“These designations are less about the environment and more about politics and resource control,” said Brian Seasholes, director of the Endangered Species Project at the Reason Foundation.”

If the Obama administration truly cared about the effects of fishing on the environment, then it would pursue the creation of property rights in fisheries, which have proven to be successful in a number of countries, including Iceland and New Zealand.

“Property rights in fisheries encourage conservation and cut down on waste and inefficiency,” said Seasholes.

“Cordoning off the ocean and creating maritime reserves to save fisheries ignores and perpetuates the underlying flaws associated with public ownership that have proved so unsuccessful,” Seasholes said.

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

Nonsense!

Is global warming really a crisis? Can renewable energy really replace fossil fuels?

Donn Dears answers these and other critical questions in a book called “a must-read book for anyone who wants to understand the facts about climate change and the war on fossil fuels and carbon dioxide,”* and “a book college students, your nieces and nephews, and maybe your parents will actually read and come away convinced that global warming is ‘nothing to fear.’”**

Buy it today at Amazon.com or store.heartland.org.

* William O’Keefe
** Joseph Bast
founder
president
George Marshall Institute
The Heartland Institute

A Map of the Atlantic Ocean with the Mid-Atlantic Fishery Management Council's Districts and the boundaries of the proposed deep-sea coral reserve.

The light-colored area, located off the East Coast from North Carolina to New York, is scheduled to become the largest marine protected area in the eastern United States.

By Bonner R. Cohen, Ph.D.

The final year of the Obama administration will be characterized by land grabs and sea grabs, restricting the American people’s access to their nation’s abundant resources,” said Craig Rucker, executive director of the Committee for a Constructive Tomorrow.

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Study Says Ethanol Harms Corn-Growing Counties

By Ann N. Purvis

Opponents of the federal Renewable Fuel Standard (RFS) mandate, which requires a certain amount of biofuels to be mixed with gasoline annually, often decry the requirement’s impact on prices and car engines. A new study from researchers at Strata Policy (SP) and the Institute of Political Economy (IPE) at Utah State University suggests RFS also harms the very farmers the ethanol mandate was designed to help.

RFS was created by Congress as part of the Energy Policy Act of 2005. The ethanol mandate was touted by supporters as a way to boost profits for farmers in corn-producing regions of the United States.

According to the study by SP and IPE, the result has been just the opposite. The researchers say American taxpayers have spent $58 billion for direct ethanol subsidies alone since 1980, in addition to the costs added to the economy by the mandate.

Comparing counties in the Corn Belt region, which includes eastern Kansas, eastern Nebraska, Illinois, Indiana, Iowa, southern Michigan, southern Minnesota, Missouri, and western Ohio, to the rest of the United States, the study finds residents have suffered an income loss 20 percent greater than the losses suffered throughout the rest of the nation since the renewable fuel mandate was implemented in 2005.

Per-capita income in the Corn Belt has dropped by $1,942.51 over the period, compared to $1,614.32 in the rest of the United States. Unemployment in the Corn Belt declined by 1.41 percent, while it fell by 1.89 percent in the rest of the United States.

**Refineries Fail**

The study reports corn counties often lured ethanol refineries to their communities by offering tax incentives and special agreements, and the communities suffered when those refineries struggled. The researchers cite the failure of the VeraSun plant in Dyersville, Iowa as an example. The VeraSun plant received a 20-year tax incentive from the City of Dyersville, only to file for bankruptcy two months after starting its operations because of rising corn prices, which were the result of provisions contained within the renewable fuel mandate.

Ryan Yonk, an assistant research professor at Utah State University and one of the lead authors of the study, says the VeraSun situation is not unique.

“With prices of corn being volatile, gasoline demand fluctuating, and production so reliant on these government handouts, the number of refineries was just too high,” Yonk said.

Yonk says ethanol refineries sprung up rapidly across the Corn Belt in response to government policies, but, as Yonk explained, “Too many opened too fast, all clamoring for the government subsidies instead of responding to market demand.”

Yonk says approximately 10 percent of refineries in the United States shut down in 2012 alone. “Whether that’s permanent or not is yet to be seen, but it has a major impact on these small Corn Belt towns,” said Yonk.

**Mandates ‘Distort Markets’**

Yonk says RFS distorted the market in the Corn Belt.

“Instead of seeing substantial investments in all other areas or diversification of crops, investment was diverted to growing corn and refining ethanol,” said Yonk. “This makes the economies of these areas more reliant on this one single industry than it would naturally be, so when things turned south for corn and refining, the shocks were much larger to the local economy than the [U.S.] economy as a whole.”

Yonk says the RFS-created single-sector economic environment in the Corn Belt is likely the reason for the region’s sluggish economic conditions.

“While the rest of the economy is recovering with a wider, more diverse set of industries, the Corn Belt rises and falls to a greater extent around just the fate of ethanol,” Yonk said.

Marita Noon, executive director for Energy Makes America Great, is skeptical lawmakers will actually repeal RFS in the near future.

“The problem is subsidies are always crammed into multi-billion-dollar grab-bag spending packages in 11th-hour bipartisan deals,” Noon said. “I think until the overall culture of Washington[,] DC politics and legislating changes, these types of handouts will continue.”

Ann N. Purvis (ann.n.purvis@gmail.com) writes from Dallas, Texas.
Local, State, Federal Agencies Share Blame in Flint

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pier by April 2014, when its contract was set to expire. Flint was unable to finish the new system and pipeline by the deadline, so Flint chose to reopen an old local facility that relied on the Flint River as its water source in the interim.

The level of corrosion caused by Flint River water is 1,900 percent higher than the corrosion caused by the Lake Huron supply DWSD uses, according to researchers from Virginia Tech University. Making matters worse, the City of Flint failed to treat the Flint River water with an anti-corrosive agent required by federal law. The combination of these factors led to the erosion of the iron water mains in the city, which resulted in lead leaching into the Flint water supply.

Shortly after Flint switched to using water from the Flint River in April 2014, residents began to complain of a decline in the city’s water quality, noting the new water was visibly cloudy, brown, and tasted and smelled bad. By August 2014, Flint issued its first boil-water advisory, due to high levels of E. coli in the water. Other boil-water advisories would soon follow.

By October 2014, General Motors (GM) announced it would stop using water from Flint. GM said the water was causing rust and corrosion on newly machined parts.

Despite the discovery in Flint’s water supply of levels of pollutants, including lead, exceeding federal limits, the city refused a January 2015 offer from the Detroit Water and Sewage Department to reconnect Flint to its system at no charge if the city would agree to a long-term contract. Gov. Rick Snyder’s (R) office estimated switching back to Detroit’s water supply would save Flint $4 million over the long run.

Reports now indicate at the time of the DWSD offer, Michigan’s Department of Environmental Quality (DEQ) knew Flint’s water violated state and federal water quality standards, but the state agency neither penalized Flint nor forced it to fix the problem.

By late February 2015, the U.S. Environmental Protection Agency (EPA) became aware of Flint’s problem. Although DEQ acknowledged to EPA Flint had no corrosion control in place, by October 1, 2015, when the city finally urged residents not to drink the water and a public health emergency was declared, neither DEQ nor EPA had halted Flint’s use of water from the Flint River, and neither required the city to properly treat the water. On October 16, 2015, using state and private funds, Flint reconnected to the Detroit Water and Sewage Department’s water supply.

Prioritizing Jobs Over Costs, Health

Why did the City of Flint enter into a water contract studies indicated would cost more money than the deal offered by DWSD, and why did Flint choose to ignore the health issues raised by its residents? One possible answer comes from a Reason Foundation investigation, which found the new water arrangement was not really an effort to cut costs; it was seen by many public officials as a job-stimulus program.

Reason discovered documents showing staying with Detroit water would have saved an estimated 20 percent in the long run compared to making the switch to Karegnondi, but signing a deal with Karegnondi offered the opportunity to initiate a new “shovel-ready” public infrastructure project.

Many analysts say the Flint water crisis is another instance of government failing to do what’s best for citizens, and pro-liberty advocates say the lesson to be learned in this tragedy is private water systems are safer and more responsive to drinking water supply problems.

“What is going on in Flint is a tragedy,” said James Hohman, assistant director of fiscal policy for the Mackinac Center for Public Policy. “The failure to adequately treat the water distributed to homes in the city is a type of mismanagement that should not happen in America.”

“In a competitive market, where consumers don’t face a monopoly, this kind of contamination would never be allowed to happen,” Cordato said. “The reasons are competition and legal liability, both of which would destroy the profitability of any company acting so negligently. On the other hand, under socialist ownership, the government has no such concerns.

“Sure, some heads may roll, but in the end the state’s water monopoly will remain intact,” said Cordato.

Floy Lilley, an associate scholar at the Mises Institute, says what happened in Flint should serve as a warning to the rest of the nation.

“Sadly, Flint residents have become ‘canaries’ in a pipeline,” said Lilley. “[R]esidents have now been red-flagged in advance of something the rest of us will come to learn.

“America’s drinking water infrastructure barely earns a D grade,” said Lilley. “It is nearing the end of its useful life, and replacing every pipe will probably cost more than $1 trillion.”

D. Brady Nelson (darren.nelson@me.com) is a regulation policy advisor with The Heartland Institute.
Obama Designates 3 New Monuments in California

By Alyssa Carducci

The Obama administration designated 1.8 million acres of California desert as three national monuments under the 1906 Antiquities Act on February 12.

The administration’s action now prevents various commercial activities on the lands, such as mining and energy production—which had previously been allowed—unless a party receives government approval.

The three new monuments—the Mojave Trails, Sand to Snow, and Castle Mountains—were designated at the request of Sen. Dianne Feinstein (D-CA). In 1994, Feinstein sponsored the California Desert Protection Act, placing significant restrictions on 7.6 million acres of federal lands through the creation of Death Valley National Park, Joshua Tree National Park, and the Mojave National Preserve. The lands within the three monuments established by President Barack Obama link or are adjacent to the parks created in 1994.

Facing the possible expansion of wind and solar farms in the area, Feinstein attempted to get Congress to pass the California Desert Conservation and Recreation Act in 2015, but the bill failed, so Feinstein urged Obama to use the Antiquities Act to expand desert lands under federal protection.

The addition of the three new monuments brings the amount of federally protected acreage added through an executive action by Obama to more than 265 million acres of land and water. Obama has brought more acres of land and water under federal protection than any previous administration in U.S. history.

“The most recent designation of the three new national monuments in the Mojave Desert of California has taken place on already well-protected and regulated federal lands,” said R.J. Smith, senior fellow for environmental policy at the National Center for Public Policy Research. “It serves only to further ratchet down even more tightly the regulation on the use of these lands.”

Antiquities Act Draws Criticism

The executive branch’s unilateral use of the 1906 Antiquities Act to protect large swaths of land without congressional input has drawn criticism for decades. Under the law, monument designations were intended to be limited “to the smallest area compatible with proper care and management of the objects to be protected.”

Congress, reacting to large monuments created through executive action in 1943 and 1978, amended the Antiquities Act in 1950 and again in 1980 to limit the executive branch’s authority to declare national monuments in Alaska and Wyoming.

“The 1906 Antiquities Act was enacted to protect cultural and historical sites of particular significance to Native Americans,” said Bonner Cohen, a senior fellow with the National Center for Public Policy Research. “Starting with the [Bill] Clinton administration and continuing through the [George W.] Bush and Obama administrations, the law has become a convenient vehicle for unilateral executive action [that ensures] land and water designated as national monuments are off-limits to commercial activity.

“Republicans in the House and the Senate have introduced numerous bills to attempt to weaken the unilateral power of the president to lock-up land,” said Smith. “Bills have been introduced requiring county governments, state legislatures, and governors in areas of proposed monument designation to approve any new monuments.”

Rep. Rob Bishop (R-UT), chairman of the U.S. House Natural Resources Committee, has led recent efforts to limit the use of Obama’s unilateral ability to declare national monuments. Most recently, on February 2, the Senate narrowly rejected an amendment made by Sen. Mike Lee (R-UT) to the Energy Policy Modernization Act, which would have overturned any monuments established by a presidential administration if those monuments had not been approved by Congress and the legislatures of the states within three years of the designation.

Costs to Economy, Liberty

Rep. Paul Cook (R-CA), whose district covers some of the area contained in the newly designated monuments, had backed different legislation to create the monuments, but his bill would have allowed limited mining and continued off-road vehicle use within the Mojave Trails monument.

“I’m not opposed to national monuments,” Cook said in a statement. “I’m opposed to the president creating national monuments through unilateral executive action, ignoring the legislative process. … [S]pecial interest groups hijacked these monument designations and ignored the wishes of those who live closest and use the land most often,” Cook said.

Ryan Yonk, an assistant research professor at Utah State University, and several of his colleagues have conducted research on the impacts of the creation of a national monument on nearby local economies, and they say when public lands formerly open to multiple uses are designated national monuments, there is often a decline in commercial activity.

“These large-scale land restrictions often come with costs to local economies,” said Yonk.

“Clinton’s Grand Staircase-Escalante National Monument is one example,” Yonk said. “Despite its advocates’ assurances the designation would serve as a boon to local communities, the area’s economic fortunes since then say otherwise.”

“A people cannot remain free if the government owns the lion’s share of the land and resources. One of the first tasks for champions of liberty in Congress would be to completely repeal the no-longer-necessary and dangerously tyrannical Antiquities Act of 1906.”

Alyssa Carducci (ad.carducci@gmail.com) writes from Tampa, Florida.
Bill Would Block Washington State’s Carbon Cap Plan

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bat what he calls “the scourge” of man-caused climate change. Inslee was part of a U.S. delegation that attended the United Nations-sponsored Conference of the Parties climate summit in Paris in December.

“We are the first generation to feel the sting of climate change, and we are the last to be able to do something about it,” Inslee told the Seattle Times shortly before he left for Paris.

In 2015, Inslee promoted a bill in the Washington State Legislature that would have capped carbon dioxide emissions for major emitters and establish a state-wide system to trade “allowances”—certificates allowing companies facing the cap to emit specified amounts of carbon dioxide.

Despite the fact the Democratic Party, to which Inslee belongs, controlled the state’s House of Representatives at the time, the bill failed. Inslee then ordered the state’s Department of Ecology (DOE) to draft its own rule, which Inslee plans to impose using executive action.

DOE’s proposed rule would initially cover about two dozen manufacturing plants, refineries, power plants, natural gas distributors, and other facilities emitting at least 100,000 metric tons of carbon dioxide annually. It would require them to cut greenhouse gas emissions by 5 percent every three years. The threshold would be lowered over time, restricting the emissions from many other facilities and eventually bringing the state’s manufacturers into a cap-and-trade system.

Ericksen has been an outspoken critic of Inslee’s energy policies. According to the Associated Press, Ericksen doubts DOE has any legal basis to issue or enforce carbon dioxide restrictions.

In a statement issued in response to DOE’s proposed rule, Ericksen said, “This proposed rule gives manufacturers a perverse incentive to leave the State of Washington.

“It creates a trading system that can be manipulated and gamed,” Ericksen said. “And it repeats many of the flaws that led the majority Democrats in the House to reject a similar cap-and-trade proposal last year.”

According to Ericksen, his bill was offered to protect jobs in Washington State.

“Someone needs to stand up for working people and family-wage jobs,” Ericksen said in his statement. “Some parts of this program are so loose we’ll wind up with a frenzy of deal-cutting by the governor’s office, and ultimately it will become a full-employment act for lobbyists. This is no way to make good law.”

DOUG ERICKSEN, STATE SENATOR
FERNDALE, WASHINGTON

Without comment, U.S. Supreme Court Chief Justice John Roberts turned down the request of 20 states to stay the Environmental Protection Agency’s (EPA) Mercury and Air Toxics rule while the U.S. Court of Appeals for Washington, DC grapples with the Court’s June 2015 decision requiring EPA to carry out an adequate cost-benefit analysis to determine whether the rule is justified. The decision by the Supreme Court leaves intact the federal rule, which targets mercury and other toxic pollutants, giving EPA time to fix legal problems related to the rule and to develop a revision.

Led by Michigan, the 20 states that brought the suit argue leaving the rule in place has already imposed billions of dollars of compliance costs on utility companies, and they say it is unfair to allow EPA to continue to enforce the standards after the Supreme Court found EPA ignored the costs it imposes on power plants. It is now up to the U.S. Court of Appeals to decide how the cost-benefit analysis should be conducted and whether the benefits ultimately justify the costs.

Supreme Court Denies Mercury Rule Stay

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Supreme Court Denies Mercury Rule Stay
Final Obama Budget Makes Climate Top Priority

By Kenneth Artz

President Barack Obama’s final budget request seeks to boost climate-change-related funding across multiple federal agencies.

The White House Office of Management and Budget wrote in a tweet Obama’s commitment to action combating global warming is “evident throughout his budget, cover to cover.”

Obama proposes the Environmental Protection Agency (EPA) receive a total $8.2 billion in discretionary funding in 2017, and it requests Congress provide $1.65 billion over the next 10 years in mandatory government spending to harden infrastructure against climate-change-related threats, a project that tops it off with the creation of another $1.6 billion slush fund for the EPA. “The fact the president requests hundreds of millions of dollars for the United Nations … and then tops it off with the creation of another $1.6 billion slush fund for the EPA … shows this is not a serious budget proposal.”

DAN KISH
SENIOR VICE PRESIDENT FOR POLICY INSTITUTE FOR ENERGY RESEARCH

The budget would also direct EPA to grant $25 million to states to help them implement the Clean Power Plan—EPA’s program for reducing carbon dioxide emissions from existing power plants—and Congress would be required to give the United Nations Green Climate Fund $750 million, an increase over the Obama administration’s fiscal year 2016 request of $500 million.

Other climate provisions in Obama’s budget proposal include $100 million for NASA to develop low-carbon aircraft and $311 million for the National Flood Insurance Program’s efforts to help communities prepare for increased flood risks caused by climate change.

Could Stifle American Economy

James M. Taylor, a senior fellow for environment and energy policy at The Heartland Institute, which publishes Environment & Climate News, says Christmas will not come early this year for EPA or other potential beneficiaries of Obama’s budget.

“Powerful scientific evidence indicates we are not facing a global warming crisis,” Taylor said. “Devoting scarce economic resources to battling this fictitious crisis continues to stifle the American economy. Fortunately, Congress is unlikely to play Santa Claus for Obama’s fairytale global warming wish list. Doing so would raise energy prices and cost the average American household thousands of dollars each year.

“If President Obama truly believes we are facing a serious climate crisis, he should push his liberal allies to support more development and utilization of affordable hydro, natural gas, and nuclear power,” Taylor said.

Dan Kish, senior vice president for policy at the Institute for Energy Research, said, “The president is totally out of touch with reality when it comes to his budget proposals, starting with his proposed $10.25 tax per barrel on oil. “The fact the president requests hundreds of millions of dollars for the United Nations to build a climate empire and then tops it off with the creation of another $1.6 billion slush fund for the EPA, to be doled out to their friends to carry out their global warming mission, shows this is not a serious budget proposal, and Congress should not humor his fantasies,” Kish said.

Kenneth Artz (iamkenartz@hotmail.com) writes from Dallas, Texas.
Obama Seeks More Funds for Land Acquisitions

By Ann N. Purvis

A mong the $4.1 trillion in spending requests contained in the Obama administration’s 2017 budget proposal is $4.9 billion designated for the U.S. Forest Service (USFS).

The funds would pay for additional land acquisitions and programs that would limit or close entirely previously allowed agricultural and commercial uses of the lands purchased.

The Land and Water Conservation Fund (LWCF), created in 1965, is dedicated to acquiring lands for the federal estate and helping to fund state land purchases. LWCF is funded by royalties from offshore oil and gas production. LWCF funding was allowed to lapse in 2015 for the first time in its 50-year history. At the time funding lapsed, LWCF contained $20 billion.

The lapse occurred amid disagreements in Congress over proposed reforms to the program, including reforms that have limited future federal land purchases and would have allowed some LWCF funds to be used to enhance, maintain, and preserve lands the federal government already owns.

Rep. Rob Bishop (R-UT), chairman of the U.S. House Natural Resources Committee, released a draft bill to reform LWCF in November 2015. Bishop says his bill would “restore” LWCF to the role it was originally intended to have when it passed.

“The law’s original intent was perverted long ago, when the federal government’s powerful drive to acquire more land gradually began crowding out the stateside program,” Bishop said. “This is what we are seeking to restore.

“The Obama administration operates [LWCF] like it’s their own personal piggy bank,” said Bishop. “They refuse to tell us where the money is going and for what purpose.”

Despite the concerns expressed by Bishop and other members of Congress who support LWCF reform, Congress extended LWCF funding for three years without making meaningful changes when it passed the December 2015 omnibus budget bill.

Budget Request Dedicated Spending

President Barack Obama’s proposed budget, released February 9, asks Congress to provide $900 million for LCWF, the full annual amount authorized by law. Congress authorized just $300 million for LWCF in 2015 and $450 million in 2016.

To prevent the law from lapsing again, Obama’s budget requests Congress make LWCF permanent and provides a minimum of $425 million in annual mandatory funding.

The 2017 budget proposes Congress increase actual spending on land acquisitions made through LWCF. Under current federal law, Congress is responsible for authorizing LWCF’s annual spending. The 2017 budget request would double the authorized amount spent for land acquisitions, from $63.5 million in 2016 to $128 million in 2017.

Massive Maintenance Backlog

Multiple agencies receive money from LWCF to purchase land, including USFS, the National Park Service (NPS), Bureau of Land Management (BLM), and Fish and Wildlife Service (FWS).

Critics of LWCF say it’s a mistake to increase funding for land acquisitions at a time when the federal government is struggling to maintain its current land holdings. As of 2014, USFS, BLM, FWS, and NPS had deferred an estimated $18.8 billion in combined maintenance costs.

USFS, with a $5.1 billion backlog of maintenance projects, has struggled to maintain its trails. Only 26 percent of the agency’s trail miles met USFS standards in 2012. Substandard trails create safety risks and environmental harms.

According to a 2016 report from the Property and Environment Research Center (PERC), one-third of NPS trails were considered to be in “poor” or “seriously deficient” condition. PERC also says multiple parks face water system problems.

Shawn Regan, PERC’s director of publications, says it would be a mistake for the federal government to make new land acquisitions when significant backlogs exist.

“When you find yourself in a hole, the first thing you should do is stop digging,” said Regan. “When it comes to maintaining our federal lands, we’ve been in a hole for decades, yet we still acquire more federal lands without ensuring that our existing public lands are adequately cared for.”

Regan says the National Park Service recently announced its deferred maintenance backlog has reached $11.9 billion.

“That’s five times as high as [NPS’] entire annual appropriation from Congress,” Regan said. “This just goes to show the federal government should stop acquiring more public lands until it can adequately care for the lands it already controls.”

Opportunities for Reform?

PERC’s report suggests seven possible reforms for federal land management.

“Our first recommendation is to reform the Land and Water Conservation Fund to ensure any LWCF funds are used to address the existing maintenance backlog in our national parks before it is used to acquire new lands,” said Regan.

Regan says making funds available for deferred maintenance would allow agencies to better manage their lands.

“If park managers were able to tap LWCF funds for facilities maintenance, [instead of just land acquisitions], the park managers themselves would be able to determine what’s best for each individual park,” said Regan.

PERC’s report also suggests disposing of some federal lands and reauthorizing legislation that would allow park managers to charge and retain recreation fees.

“Under the status quo, LWCF will continue to lead to massive federal land grabs that compromise private property rights and economic opportunity for the American people,” Rep. Bishop said. “This must and will change.”

Ann N. Purvis (ann.n.purvis@gmail.com) writes from Dallas, Texas.

INTERNET INFO

Bipartisan Energy Bill Being Negotiated in Congress

By Kenneth Artz

A bipartisan energy bill currently being negotiated in the U.S. Senate contains provisions to speed up the review of natural gas export terminals; encourage technology upgrades to promote renewable energy industries; and serve on the Texas Energy Resources, Environmental Regulation, and Federal Environmental Regulation Committees.

The Senate rejected an amendment offered by Sen. Mike Lee (R-UT) to reverse presidential national monument designations, unless Congress or the hosting state enacts legislation making them permanent. The chamber also rejected an amendment by Sen. John Barrasso (R-WY) to expedite the permitting process for natural gas lines on federal and tribal land.

The Senate committee rejected amendments proposed by Sen. Sheldon Whitehouse (D-RI) requiring fossil fuel companies to disclose political donations to non-profit, grassroots, and political organizations that wouldn't otherwise require disclosure. An amendment proposed by Sen. Brian Schatz (D-HI) to end certain tax incentives benefiting fossil fuel companies was also rejected.

Whitehouse is actively working to vilify energy companies and reduce the number of organizations that admit the benefits of affordable, reliable energy from natural gas, oil, and coal,” said Dan Simmons, vice president of policy at the Institute for Energy Research.

“Sen. Schatz's amendment is designed to discriminate against natural gas and oil companies, by denying those companies access to the same type of tax breaks enjoyed by other companies,” Simmons said. “The tax code should be simplified, but Sen. Schatz’s amendment worked to discriminate against natural gas and oil companies.

“The Senate energy bill is a missed opportunity,” Simmons said. “It would have been a much better bill if the sponsors let American families and businesses choose what works best instead of limiting energy choices.”

Kenneth Artz (iankenartz@hotmail.com) writes from Dallas, Texas

Texas State Rep. Fights for Fracking

By H. Sterling Burnett, Ph.D.

Burnett: In 2015, you co-authored a bill preventing municipalities from banning fracking. Why did you feel this bill was needed?

King: Oil and gas deposits don’t stop at city limits. One of our largest natural-gas-producing counties has by itself over 30 municipalities. A patchwork of inconsistent municipal regulations would undermine Texas’ preeminent role in regulating oil and gas development. Furthermore, few cities, if any, have the in-house expertise needed to regulate drilling and production. That is not to say cities don’t have a role. Our legislation affirmed a municipality’s authority to regulate aboveground activity, including fire and emergency response, traffic, lights, noise, and reasonable setbacks. Bottom line: Texas must have consistent statewide regulations so natural resources can be developed safely, while protecting the environment, and also in a way that balances legitimate municipal interests with a property owner’s right to develop his or her estate.

Burnett: Texas is one of 27 states challenging the Obama administration’s Clean Power Plan in court. Do you support Texas’ suit, and, if you do, why do you support it?

King: I support Texas’ lawsuit challenging the so-called Clean Power Plan. [This Environmental Protection Agency] regulation is an unprecedented expansion of federal executive power far exceeding the EPA’s authority under Section 111(d) or any other provision of the Clean Air Act. If implemented, the result will be substantially higher priced electricity for homeowners and businesses, along with reduced reliability. The financial impact on low-income families alone is untenable. EPA’s plan also treads heavily on state sovereignty, particularly in Texas, where the majority of our electric grid is independent from the [Federal Energy Regulatory Commission’s] jurisdiction.

In light of the recent stay issued by the U.S. Supreme Court on the CPP, legislatures and governors should unite across the country to suspend state planning activities until such time as the next president is elected and the new administration’s intent with regard to the CPP is known.

Burnett: Many federal regulations seem to have an especially disparate impact on Texas. What can the legislature do to limit the impact federal rules have on Texas businesses and residents?

King: To say federal rules have a disparate impact on Texas is an understatement. No one ever thought, for example, the Clean Air Act [of 1970], the Endangered Species Act [of 1973], or the Clean Water Act [of 1972] could be so brazenly expanded by federal agencies. Our legislature must adequately fund litigation challenging such abuse, and we have to work closely with our congressional counterparts to rein in the federal agencies. Although we look for opportunities beyond this, options are frustratingly limited.

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

LEGISLATIVE PULSE: TEXAS

Texas State Rep. Fights for Fracking
VGW-DAY!
GLOBAL WARMING ALARMISTS LOSE HISTORIC BATTLE IN PARIS!

War on Fossil Fuels Ends!

On December 12, 2015, the war on consumers, taxpayers, and freedom waged for 30 years by the once-powerful global warming movement ended. Efforts in Paris to negotiate a new global warming treaty with legally binding targets and massive “reparations” payments to developing countries failed.

It was Victory on Global Warming Day! Read all about it at www.heartland.org/COP21

THE HEARTLAND INSTITUTE
IDEAS THAT EMPOWER PEOPLE
By H. Sterling Burnett, Ph.D.

A new report by the John Locke Foundation (JLF) reveals efforts to reduce school energy costs by upgrading and refurbishing existing schools and building new schools using materials and designs recommended by the U.S. Green Building Council’s (USGBC) Leadership in Energy and Environment Design (LEED) system have largely failed to reduce energy costs or energy use.

According to the JLF report, in no school district where schools were designed to be “green,” or energy efficient, were green schools the best-performing in energy use, when compared to similar schools in the same district.

“School boards are promised green schools will save energy and the environment, but the record in North Carolina is these buildings cost more to build and use more energy,” said report author Todd Myers, director of the Center for the Environment at the Washington Policy Center. “It is a lose-lose for students and the environment.

“Sadly, green schools are another example of the trend toward phony environmentalism,” Myers said.

Two examples cited by JLF are the Charles T. Koontz and Joe. P. Eblen Intermediate Schools in North Carolina’s Buncombe County School District. Both received USGBC “Silver” LEED certifications and were designed to use 30 to 35 percent less energy than a typical school in the state. Despite the certifications, utility data show the two schools rank below average for energy efficiency; both schools use more energy per square foot than the district’s other middle schools. They spent 77 cents per square foot for energy through May 2015, while the other eight middle schools in the district averaged 72 cents per square foot. Instead of using 30 percent less energy, the two green schools used 7 percent more energy.

Similar results were found in other districts adopting green building designs. Third Creek Elementary, located in North Carolina’s Iredell-Statesville school district, despite being the first LEED “Gold” certified school building in the nation, spends approximately $7,775 more per year on energy than the average elementary school in the district does.

The JLF report authors say North Carolina’s results are not unique. Research from school districts across the United States shows green schools often use more energy than their non-green counterparts.

“Sadly, this is not unusual,” said Myers. “From Washington State to Colorado, Nevada, and North Carolina, green schools consistently perform poorly.”

Commenting on the study, North Carolina state Rep. Mike Hager (R-Rutherford) says school districts should better focus their spending.

“Rather than wasting scarce resources on so-called ‘green’ school projects, we should be funneling money into our more precious commodity, which is the education of our children,” said Hager. “As state governments continue to operate under tightened budgets, policymakers have a duty to allocate financial resources responsibly,” said John Eick, director of the American Legislative Exchange Council’s Energy, Environment, and Agriculture Task Force. “Rather than spending frivolously on pet projects that fail to deliver cost savings, school districts should get back to basics by allocating money to only legitimate educational expenses.”

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

INTERNET INFO

Scientists Developing Climate-Adapted GMO Rice

By Bonner R. Cohen

Genetically engineering a new strain of hyper-efficient, drought-resistant rice, known as C4, is part of a multi-national research effort the Massachusetts Institute of Technology has called one of the “10 Breakthrough Technologies of 2015.”

A team of scientists from eight countries at the International Rice Research Institute in Los Baños, Philippines is genetically modifying certain strains of rice to reduce the amount of water required to grow the rice. Rice is a staple food crop in many countries around the world. Rice crop failures have led to malnutrition, disease, and death for millions of people over the past 10,000 years.

Rice plants grow through a chemical process known as C3 photosynthesis, which wastes a great deal of water and reduces plant’s food-making efficiency. It also makes C3 plants vulnerable to the extremely warm weather often experienced in many rice-growing regions of the world.

Natural C4 plants have a different cell structure in their leaves, enabling a more efficient photosynthesis process. Because they lose less water through transpiration, C4 plants are more likely to produce successful yields during droughts. Rice is a water-intensive crop, so reducing the amount of water lost through transpiration is important in regions that experience frequent or periodic irregular drought.

By genetically engineering rice strains using the C4 process, scientists hope to develop a durable and drought-resistant rice plant that could be used in many areas around the world.

‘Like Putting a Turbocharger in a Car’

In an article published in Newsweek on the C4 rice project, Paul Quick, one of the leading scientists at the International Rice Research Institute, said, “It’s like putting a turbocharger in a car. These plants focus carbon dioxide so that instead of having 400 parts per million, you’ve got 1,000 or 1,500 parts per million.”

“C4 plants grow in hotter, drier areas,” Julian Hibberd, a professor of molecular physiology at Cambridge University, told Newsweek. “They have a better tolerance for periods of low water supply.”

‘Vindication of Genetic Engineering’

Analysts say if scientists achieve the C4 rice breakthrough they are seeking, it will be further proof of the success and significant potential of genetically modified (GM) crops.

“C4 rice would represent an important breakthrough in sustainable agriculture,” said Gregory Conko, author of numerous articles and books on GM crops, such as wheat and barley, scientists were forced to abandon out of fear of a ginned-up public backlash,” Popoff said.

Bonner R. Cohen, Ph.D. (bcohen@nationalcenter.org) is a senior fellow at the National Center of Public Policy Research.
**Channel Islands Foxes No Longer Endangered**

By Bonner R. Cohen

On February 12, the U.S. Fish and Wildlife Service (FWS) proposed removing the San Miguel, Santa Rosa, and Santa Cruz fox subspecies from the Endangered Species List and degrading the Santa Catalina Island fox from “endangered” to “threatened” status.

The four fox subspecies native to the California Channel Islands were listed as endangered in 2004 under the Endangered Species Act (ESA) after researchers reported population declines of more than 90 percent.

**Recovery Strategies**

Since 2004, FWS has spearheaded efforts to recover the island fox populations, including relocating non-native golden eagles from the northern Channel Islands, vaccinating foxes against canine distemper, and breeding foxes in captivity and then releasing them into the wild. FWS undertook these steps as part of a coalition with the National Park Service, Nature Conservancy, and Catalina Island Conservancy, which combined own all of the land occupied by the fox subspecies.

“The speed at which these subspecies have recovered points to the strength of the ESA in focusing conservation attention and catalyzing recovery actions, and demonstrating what we can achieve working together,” said Dan Ashe, FWS’s director, in a statement.

**ESA Superfluous to Recovery**

Because the Channel Islands where foxes live are either federally owned or owned by non-profit conservation organizations devoted to protecting the islands’ unique ecosystems, critics of ESA note the law was not necessary to help them recover.

Brian Seasholes, director of the Endangered Species Project at the Reason Foundation, says FWS is trying to mislead the public into believing ESA is an effective statute in dealing with endangered species.

“The claim by the Fish and Wildlife Service the recovery of these three foxes represents proof the ESA works is absurd,” said Seasholes. “The federal government owns the three islands on which the three foxes live, so the federal government should be doing all it can to preserve species on its land.

“Most endangered species live on private land, so the example of the three foxes is not representative of the realities facing most endangered species,” Seasholes said. “The ESA’s penalty-based approach creates strong incentives for landowners to make their property inhospitable to species.”

Craig Rucker, executive director of the Committee for a Constructive Tomorrow, says the claims made by FWS touting ESA are “propaganda.”

“While we welcome the recovery of the island foxes, we do not welcome what is little more than government propaganda in support of the fatally flawed ESA,” Rucker said. “Landowners across the country have seen their livelihoods destroyed because their farms, ranches, orchards, or forests harbored endangered species. The ESA is bad for species and landowners, because it turns them into enemies.”

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

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**Heartland Explores Climate Science Breakthroughs in Germany**

By Isaac Orr

The Heartland Institute hosted its 11th International Conference on Climate Change (ICCC-11) on December 12 and 13 in Essen, Germany.

ICCC-11 was held shortly after The Heartland Institute traveled to Paris to provide the global warming skeptics’ view of the negotiations that took place at the United Nations’ 21st Conference of the Parties (COP-21) meeting.

ICCC11 was cosponsored with the European Institute for Climate and Energy (EIKE), marking the second time Heartland and EIKE have partnered on an ICCC event. According to Wolfgang Mueller, general secretary of EIKE, ICCC-11 was the only conference held in 2015 to include scientists skeptical of the view humans are causing dangerous climate change that was open to the public and accessible to German speakers through simultaneous interpretation.

“The conference is proof that the debate is not over and the science is not settled,” Mueller said. “There is much more science out there than the alarmist media, politicians, activists, and special-interest groups pretend there is.”

Presenters at the conference consisted of international scientists and policy experts. Representing 13 countries, the presenters covered important topics such as melting glaciers, the cost of climate mitigation, tree ring temperature analyses, and many others.

James M. Taylor, a senior fellow of The Heartland Institute, which publishes Environment & Climate News, spoke concerning the impact of “green” lobby groups on climate science and climate policy.

Harvard-Smithsonian’s Willie Soon, Ph.D., and Henrik Svensmark, Ph.D., of the Danish National Space Center discussed the influence of the Sun and cosmic rays on Earth’s climate cycles.

Friedrich-Karl Ewert, Ph.D., described the differences between actual measured temperatures and reported temperatures after they have been adjusted.

Former head of the weather offices in Leipzig and Essen, Klaus-Eckart Puls’ presentation demonstrated, in contrast to projections made by scientists associated with the United Nations’ climate program, there has been no measureable increase in extreme weather events caused by global warming.

Mueller described ICCC-11, which was attended by more than 150 people, as the perfect place for scientists to meet and exchange ideas about existing and forthcoming research examining the impact humans have on the climate. Mueller also said ICCC-11 provided an opportunity for EIKE to showcase its ongoing efforts to promote sound climate science to an international audience.

“Research done by EIKE scientists gets published in peer-reviewed literature,” said Mueller. “And the findings of EIKE research neither support the claim of man-made global warming nor that it is necessary to change our energy supply.”

“EIKE’s research destroys the green-socialists’ monopoly of opinion in the climate debate, so no one can claim they did not know about the vast amount of research that does not support the claim of man-made climate change,” Mueller said.

Isaac Orr (iorr@heartland.org) is a research fellow for energy and environmental policy at The Heartland Institute.
Environmental Protestors May Have Staged Accident in Colorado

By Kenneth Artz

An environmentalist protesting oil and gas leases on federal lands at the Bureau of Land Management (BLM) headquarters in Lakewood, Colorado claims to have been deliberately hit by an SUV driven by a BLM-contracted auctioneer, but local police say the event was likely “staged.”

A group of demonstrators calling themselves Keep It in the Ground protested oil, gas, and coal extraction on federal lands at a November 12 BLM lease auction. As part of the demonstration, some protestors blocked the exit to the parking lot. After the auction ended, one of the protestors claimed to be struck by the auctioneer as he was leaving the event.

The Center for Biological Diversity (CBD) and Rainforest Action Network (RAN) sent a letter to BLM asking it to investigate the incident after the local police department closed its investigation of the claim and found no wrongdoing. CBD and RAN claim the alleged victim was hit in retaliation for the protest.

Environment and Energy Daily

Climate Scientist Accused of Fraud

By Tiffany Taylor

Climate scientist Daniel Alongi has been indicted by the Australian government on charges of defrauding taxpayers out of $556,000 in false government on charges of defrauding and deviating false invoices, credit card statements, and e-mails to cover his misappropriation of funds.

Alongi’s indictment raises serious questions concerning the credibility of his research. During the period of Alongi’s alleged fraud, his research focusing on the impact of climate change on the Great Barrier Reef, coastal mangroves, and coastal ecosystems was published in numerous national and international journals.

On his popular climate website Watts Up With That, meteorologist Anthony Watts said he’s concerned Alongi may have falsified scientific findings to justify his expenses. Alongi has published 140 scientific papers and his work has been cited 5,861 times by other researchers.

“I would expect many more revelations of financial improprieties to emerge as the global warming industry continues to receive lavish funding from governments, foundations, and universities,” Morano said. “The drive to have your work showcased in the media so you can get further funding increases the potential for financial fraud.”

Morano says the press is contributing to the spread of scientific fraud by choosing to advance only the views of global warming alarmists.

“By only promoting a fawning view of global warming claims, the mainstream media has also made the problem worse,” said Morano. “Normally, [the news media] is on the lookout for fraud and corruption, but [it] seems to turn away when it’s time to scrutinize climate change promoters.”

Tiffany Taylor (think@heartland.org) writes from Chicago, Illinois.

By Kenneth Artz

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New Standard Could Douse CFL Bulbs

By Ann N. Purvis

The compact fluorescent bulb (CFL) may soon be extinct, thanks to a new rule imposed by the Department of Energy (DOE) that increases energy efficiency standards for light bulbs.

On February 12, DOE increased the energy-use-per-lighting-output efficiency standard for light bulbs by an amount CFLs are unable to meet. This decision came less than two weeks after General Electric had announced its plans to discontinue production of the company’s line of CFLs due to poor sales.

Unless there is a breakthrough in CFL technology, industry analysts say CFLs will soon become extinct.

Recent Lighting History

A provision in the 2007 Energy Independence and Security Act (EISA) set new efficiency requirements for light bulbs. Incandescent bulbs are unable to meet the new standard, which meant traditional incandescent light bulbs were supposed to be phased out. The standard was to begin applying to traditional 100-watt bulbs in 2012, reaching 60- and 40-watt bulbs in 2014.

At the time the law was passed, DOE touted two expensive alternatives to the widely used incandescent light bulb: CFLs and light emitting diodes (LEDs). Legislators who supported the lighting efficiency standards in the 2007 law said the energy savings for consumers would more than make up for the higher purchasing prices of CFLs and LEDs.

Critics of the provision said the new regulations were unwarranted and another example of the federal government forcing consumers to use politically favored technologies. Critics also said the lighting industry favored the law because it believed at the time it would benefit from halting production of inexpensive incandescent bulbs and moving to CFLs and LEDs, which have higher profit margins.

Each year since EISA passed, Rep. Michael Burgess (R-TX), who fought the DOE light bulb provision when it was first proposed, has included in numerous spending bills appropriations riders barring DOE from enforcing its standards for incandescent bulbs. As a result, consumers can still purchase incandescent bulbs, though no domestic manufacturer makes them, which means all incandescent bulbs sold in the United States today are imported. Burgess’ rider does not cover the new CFL standard.

CFLs Out of Favor

A report by the National Center for Policy Analysis (NCPA) says CFLs have a number of problems. The bulbs contain mercury, requiring a lengthy, multi-step cleanup process when the bulbs break. According to the Environmental Protection Agency, when a CFL breaks, the room must be aired out, air conditioning systems must be turned off, and the bulb’s broken pieces must be sealed in a glass jar.

Absent legislative action, DOE’s proposed lighting efficiency rule would seem to leave LEDs as the last domestically manufactured bulb standing.

Efficiency Standards

Burgess proposes to expand consumer choice by ending DOE’s authority to establish energy efficiency standards for consumer products. Burgess’ Energy Efficiency Free Market Act of 2016 would do away with government efficiency standards on consumer products. The bill would repeal the part of the Energy Policy and Conservation Act that grants authority to DOE to set efficiency standards for a host of products, including light bulbs.

Burgess says the U.S. Constitution protects against the kind of federal government overreach exhibited by the burdensome regulations contained in the Energy Independence and Security Act.

“The Commerce Clause of the U.S. Constitution was meant as a limitation on federal power,” said Burgess. “It was never intended to allow the federal government to micromanage consumer products that do not pose a risk to human health or safety.”

Burgess says his legislation would effectively repeal sections of the 1975 Energy Policy and Conservation Act that give DOE authority to set efficiency standards on many consumer products, including battery chargers, ceiling fans, computers, furnaces, HVAC systems, and televisions.

“This legislation eliminates the overreaching arm of the federal government that continues to force itself into the household of the American consumer,” Burgess said. “When the market drives the standard, there’s no limit to how rapidly manufacturers can respond when consumers demand more efficient and better-made products.”

Ann N. Purvis (ann.n.purvis@gmail.com) writes from Dallas, Texas.
**COMMENTARY**

**Environmentalists Wield Powerful ESA to Kill Jobs in the Timber Industry**

By Ron Arnold

“Another one gone,” began the *Lost Coast Outpost’s* report in late January.

A.A. “Red” Emmerson, chairman of Sierra Pacific Industries, announced the permanent closure of its sawmill on the Samoa Peninsula in Arcata, California, resulting in the loss of 123 jobs. Emmerson cited reduced harvests from federal forests and regulatory burdens as the primary reason for the closure.

The shutdown of the last mill on the once-bustling Humboldt Bay was just the timber industry’s latest loss in a long and steady decline resulting from endless pressure from environmentalists and from U.S. Forest Service complicity.

In early 2015, the *North Coast Journal* reported the 131-year-old Korbel sawmill would close its doors in Humboldt County, California, putting 106 people out of work. In 2012, the Pulp and Paperworkers’ Resource Council released its 119-page “Mill Curtailments & Closures From 1990 to December 2012” report, which shows more than 1,700 nationwide mill closures had occurred in only 20 years.

### Continuing Spotted Owl Fallout

The closed mills and lost jobs are due primarily to a 1991 court ruling in which a group of local environmentalists, the Seattle Audubon Society, convinced a court protecting the spotted owl was more important than the robust logging industry in Washington State, Oregon, and California.

The ruling proved so devastating because U.S. District Court Judge William L. Dwyer granted the Seattle Audubon’s demands to use the “regional biogeography” principle promoted by a federal “Spotted Owl Task Force,” which stated, “The duty to maintain viable populations of existing vertebrate species requires planning for the entire biological community—not for one species alone. It is distinct from the duty, under the Endangered Species Act, to save a listed species from extinction.”

This decision was especially problematic because the “entire biological community” of the three-state area was not even known. Within five years of Dwyer’s ruling, 187 mills had been shuttered, wiping out 22,654 logging-related jobs throughout the three states, and the toll taken on the industry has continued to worsen ever since.

### Killing Navajo Jobs

The Center for Biological Diversity (CBD) is a radical environmental legal action group that’s known for frequently suing to block commercial, industrial, and personal activities in an effort to “save the environment,” regardless of who gets hurt. One of the group’s leaders and co-founders, Kieran Suckling, was a well-known activist in the 1980s and has been linked to the vandalism and sabotage group Earth First!

From its inception, CBD has sought ways to permanently stop natural resource use. With the help of environmental attorneys, CBD has successfully weaponized the Endangered Species Act (ESA) against ranchers, loggers, miners, and human activity in general. ESA was written in a way that theoretically allows it to halt virtually any activity or state or local law deemed to be harmful to plants or animals considered to be in danger of extinction, and CBD has taken advantage of the law’s vague and broad language to force extreme action against private industry and private property owners.

Even Native Americans, who are commonly thought of as America’s original keepers of nature, are not immune to CBD’s wrath. In 2015, CBD joined a federal lawsuit brought to block expansion of the Navajo Mine, located just south of Farmington, New Mexico. The mine is situated on the Navajo Nation’s reservation and is owned by the Navajo Transitional Energy Company, a wholly owned subsidiary of the Navajo Nation’s tribal government. The company had been granted a federal permit to expand the mine in March 2012.

The mine had been established for the sole purpose of providing coal to the five-unit Four Corners Power Plant, located nearby. Four Corners provides electricity to residents in Arizona, California, New Mexico, and Texas. Combined, the power plant and the mine bring in $40 million in annual revenue to the impoverished Navajo Nation, and provide 800 jobs.

CBD argues the mine and associated power plant are responsible for the mercury found in the muscle tissue of the endangered Colorado pikeminnow fish. To fight the mine’s expansion, CBD helped organize a coalition of co-plaintiffs to bring suit against the Navajo Nation. The coalition included small local groups, such as the Dine Citizens Against Ruining Our Environment and the San Juan Citizens Alliance, and the very influential and wealthy Sierra Club.

### Attacks Continue

The legal attack spearheaded by CBD secured a Colorado federal judge’s order to nullify the expansion permit. This decision was affirmed by the U.S. Court of Appeals for the 10th Circuit after the Navajo energy company lost its appeal for a stay on the lower court’s ruling. Having halted the expansion, CBD has worked to close the mine until a new environmental review of public health and environmental risks from the mine expansion can be conducted.

The Navajo Nation’s sovereignty claims, its agreement to undertake an environmental review, and signed agreements it has made with the U.S. Environmental Protection Agency to fight regional haze—by closing three of the plant’s five units and installing emission controls on the remaining two plants—have kept the mine open. This could change in the near future, as CBD has once again threatened to sue to halt operations.

Even the sovereignty that comes with being a federally recognized tribe on an established reservation is no protection against a weaponized Endangered Species Act.

*Ron Arnold (arnold.ron@gmail.com) is a free-enterprise activist, author, and commentator.*
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President & CEO Whiting Petroleum

Rick Muncieff
President & CEO WPX Energy

Gerbert Schoonman
VP, Onshore Bakken Hess Corp

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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. All past data were revised when the methodology was updated in April 2015.

FEBRUARY 2016

The global average temperature for February was 0.83°C above average.

The Northern Hemisphere’s temperature was 1.17°C above average.

The Southern Hemisphere’s temperature was 0.50°C above average.

219,000 years of Temperature Variation