HOT TOPICS

Colorado Energy Mandates
The Energy and Environment Legal Institute is suing Colorado to overturn the state’s renewable energy mandate.

Page 5

Pennsylvania CO2 Control
A new Pennsylvania law ensures the state legislature has final say over any state-developed carbon dioxide reduction plan submitted to the U.S. Environmental Protection Agency.

Page 9

Voters Reject GMO Labeling
Voters in Oregon and Colorado rejected midterm election initiatives that would have required genetically modified foods to carry labels.

Page 17

Testing Climate Models
With billions of dollars being spent on climate models, the public should demand they produce some useful information, such as medium-term rainfall forecasts.

Page 16

MONTHLY UPDATE

NASA SATELLITE GLOBAL TEMPERATURE READINGS

P. 20

Greens Lose Big in Midterm Elections

By Bonner R. Cohen

The Democratic Party suffered significant losses in the November 4 midterm election, representing a serious setback for policies pushed by environmental groups, their political allies, and financial backers.

Many issues were on the minds of voters during the election, including Obamacare, the sluggish economy, immigration, the rise of the Islamic State, and scandals at the Veterans Administration and IRS. Although energy and environmental issues, particularly global warming, seem not to have been decisive in the new Congress is seated in 2015.

The bill states it would “prohibit the Environmental Protection Agency from proposing, finalizing, or disseminating regulations or assessments based upon science that is not transparent or reproducible.”

Data Routinely Hidden
Each year, the Environmental Protection Agency routine

Bill Would End EPA Use of ‘Secret Science’
By H. Sterling Burnett

House Committee on Science, Space, and Technology Chairman Lamar Smith (R-TX) pushed to have H.R. 4012, the Secret Science Reform Act, voted out of committee in June 2014.

The bill was subsequently passed in the U.S. House of Representatives on November 19.

With no Senate sponsors for the bill, final approval will have to wait until the new Congress is seated in 2015. The bill states it would it would “prohibit the Environmental Protection Agency from proposing, finalizing, or disseminating regulations or assessments based upon science that is not transparent or reproducible.”

Data Routinely Hidden
Each year, the Environmental Protection...
The Tenth International Conference on Climate Change (ICCC-10) will take place on June 10-11, 2015, in Washington, DC. You won’t want to miss this event!

Republican mid-term election gains create new opportunities to stop and begin to repeal the anti-energy and anti-jobs policies adopted during the height of the global warming scare.

New scientific discoveries suggest the climate’s “sensitivity” to carbon dioxide is lower than previously thought, and economists warn that reducing emissions enough to have a discernible impact on climate would cause more “energy poverty,” exposing millions of people to hardship or even death.

The most recent conference in this series, ICCC-9, took place in Las Vegas in July 2014 and was widely acclaimed as the best in the series yet. Some 650 people turned out to hear 64 speakers cover every aspect of climate change. Thirty-two organizations cosponsored the event and ten prominent scientists and activists received awards. Video of every presentation along with speakers’ Powerpoints delivered at that event can be found at climateconferences.heartland.org.

For more information and to register, go to climateconference.heartland.org.

To learn more about climate change awards, visit climatechangeawards.org.
Storm Brewing Over New EPA Standard on Ozone

By Bonner R. Cohen

With Republican majorities in both the House and Senate, the incoming Congress is likely to be unresponsive to the Obama administration’s regulatory agenda and could pose resistance to the Environmental Protection Agency’s (EPA) highly controversial proposal to lower the National Ambient Air Quality Standards for ozone.

EPA’s new ozone standard, widely reported to be 60–70 parts per billion (ppb), was sent to the White House Office of Management and Budget (OMB) for review in mid-October, a move strongly suggesting EPA’s formal proposal is imminent.

Ground-level ozone, often referred to as smog, is not emitted directly; it is created by chemical reactions between oxides of nitrogen (NOx) and volatile organic compounds (VOCs) in the presence of sunlight. Emissions from industrial facilities and electric utilities, exhaust from motor vehicles, gasoline vapors, and chemical solvents are among the sources of NOx and VOCs.

Letter to McCarthy

The National Association of Manufacturers released an economic analysis suggesting tightening the nation’s ozone standards will cost an estimated $270 billion annually.

The Clean Air Act requires EPA’s Clean Air Scientific Advisory Committee (CASAC) to produce an evaluation of the adverse effects, including economic impacts, of attaining and maintaining a tighter standard. Despite repeated requests from Congress, CASAC has not produced the evaluation.

In a July 28, 2014 letter to EPA Administrator Gina McCarthy, Sen. David Vitter (R-LA), ranking Republican on the Senate Environment and Public Works Committee, and Rep. Lamar Smith (R-TX), chairman of the House Committee on Science, Space, and Technology, urged EPA and CASAC to abide by the CAA.

“EPA and CASAC do not get to pick and choose which parts of the Clean Air Act they choose to follow. Their continued disregard for this critical statutory mandate highlights a systemic bias at the Agency,” wrote Vitter and Smith. “It is careless and unacceptable to move forward with this rulemaking, defying both Congressional requests and statutory language. Transparent advice on any and all adverse effects of the proposed ozone standard is essential to the credibility of a new standard and the ability of our states to develop implementation plans to carry out these regulations.”

Science Questioned

“EPA’s proposed ground-level ozone standards are ... equivalent to 60 or 70 seconds in 32 years,” said Paul Driessen, senior policy advisor with the Committee for a Constructive Tomorrow.

“To suppose this additional 5–10 ppb reduction will improve human health or environmental quality is absurd. The proposed standards are below ozone levels naturally occurring in Teton County, Wyoming, the home of Jackson Hole and the Grand Tetons, and [they are] next door to Yellowstone National Park,” said Driessen.

“Predictably, EPA says the lower limits will reduce smog and respiratory problems, particularly for ‘at-risk populations,’” Driessen said. “It bases this claim on a 2009 study directed by University of California-Berkeley School of Public Health Professor Michael Jerrett, who claimed to find a connection between long-term ozone exposure and death.

INTERNET INFO


Fish-Discarding Case Reaches U.S. Supreme Court

By Ann Purvis

When Congress passed the Sarbanes-Oxley Act in 2002, it was hailed as a law protecting investors and combating accounting fraud.

Among other provisions, the bill criminalized the destruction of records, documents, and objects in order to impede a federal investigation.

No one mentioned it also could send a fisherman to jail for tossing fish overboard.

That, however, is how federal prosecutors used the law to prosecute John Yates. While Yates was fishing for grouper in the Gulf of Mexico in 2007, agents from the Florida Fish and Wildlife Conservation Commission boarded his boat to conduct a routine inspection. According to a state officer, there were six dozen grouper on board fewer than 20 inches in size, a violation of federal law. The officer handed Yates a civil citation and told him to bring the undersized fish to shore. Instead, he tossed them overboard.

The government charged Yates with violating the Sarbanes-Oxley Act’s anti-shredding provision, which carries a penalty of up to 20 years in prison. Yates was found guilty by a jury and served 30 days in jail. He has taken his case to the U.S. Supreme Court, contending the corporate fraud law was not meant to apply to fish.

Dispute Over Wording
Sarbanes-Oxley makes destruction of various forms of evidence illegal. Specifically, its anti-shredding provision states a person who “knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object” with intent to obstruct an investigation is guilty of a crime.

According to the Department of Justice, grouper fall within the prohibition because they are “tangible objects” Yates knowingly destroyed. Yates disagreed, contending the law was aimed at the destruction of records. His lawyer argued the phrase “tangible objects” was included to ensure information-storing devices, such as computers or hard drives, were covered by the fraud law.

Former Rep. Michael Oxley (R-OH), coauthor of Sarbanes-Oxley, filed an amicus brief in Yates’ favor, agreeing “tangible objects” referred to objects that store records, such as CDs and hard drives.

The title of the anti-shredding provision—“Destruction, alteration, or falsification of records in Federal investigations and bankruptcy”—would seem to confirm Yates’ reading, yet federal prosecutors argue the law criminalizes all evidence destruction.

Prosecutors’ Interpretation ‘Overbroad’
Ilya Shapiro, a senior fellow in constitutional studies at the Cato Institute, says the government’s reading of Sarbanes-Oxley is dubious. “If it was written in such a way as to sweep in things like destroying fish in a nonfinancial crime circumstance, then it is overbroad,” said Shapiro. “There are different ways the challengers have attacked the prosecution, both in terms of statutory interpretation and its application in this particular instance.”

Shapiro says prosecutors could have used simple obstruction of justice charges to go after Yates.

“It’s not like there is no way to prosecute hiding evidence of your crime,” Yates said. “Sarbanes-Oxley was specifically about documents and financial instruments and things like that. There are garden-variety local laws in place, or state laws in place, to go after this.”

Although prosecutors have an incentive to be creative, “I think there are more than enough laws in place to go after these local types of regulatory violations,” said Shapiro.

Case Comparisons
The case raises issues of over-criminalization and prosecutorial overreach, in addition to questions about statutory interpretation, says Shapiro.

Some legal analysts are comparing the case to one heard by the Supreme Court last fall. In Bond v. United States, the court refused to apply the Chemical Weapons Convention to a woman who had spread chemicals on a doorknob and caused a minor burn to the hand of her husband’s mistress. Federal prosecutors charged the woman under the chemical weapons law, but Chief Justice John Roberts concluded such an interpretation “would transform the statute from one whose core concerns are acts of war, assassination, and terrorism into a massive federal anti-poisoning regime that reaches the simplest of assaults.”

If the court rules in Yates’ favor, the decision would “put prosecutors on notice they need to have a little more common sense,” Shapiro said. “I imagine, between Bond and this case, there is some training being modified, or at least should be, of prosecutors.”

Ann Purvis (ann.purvis@ncpa.org) is a senior research fellow with the National Center for Policy Analysis.
Colorado’s Renewable Energy Mandate Challenged

By H. Sterling Burnett

The Energy & Environment Legal Institute (EELI) is challenging the constitutionality of Colorado’s renewable energy standard (RES).

In November 2004, Colorado voters passed a referendum imposing a renewable portfolio standard on the state. This was the first time a referendum had been used to pass a renewable power mandate (RPM), which occurred after the Colorado legislature had rejected proposed mandates three times.

Colorado’s two-tiered approach requires large industrial and investor-owned power plants to meet stricter standards than electricity cooperatives. Since the referendum passed, legislators have increased the renewable requirements three times: in 2007, 2010, and 2013, with the 2013 change requiring electric cooperatives to supply 20 percent of their power from renewables by 2020 instead of the original mandate of 10 percent.

Raising Prices

Analyses confirm Coloradans are paying significantly more than the national average for electricity because of the renewable energy mandate. U.S. Energy Information Administration (EIA) data show Colorado electricity prices rose 20 percent faster than the national average since the renewable mandate passed in 2004.

A second analysis, by James M. Taylor, senior fellow for energy and the environment at The Heartland Institute, which publishes Environment & Climate News, showed the average Coloradan household has paid an additional $2,100 for electricity (more than $350 per household per year) beyond what it would have paid if the state’s electricity prices had risen at the national average since 2007.

In 2014, Republican legislators tried to roll back the higher renewable energy mandate imposed in 2013. Democratic legislators beat back the Republican challenge on a party line vote, keeping the newer standards by one vote.

Commerce Clause Cited

EELI’s suit argues Colorado’s RES violates the U.S. Constitution’s Commerce Clause by providing economic benefits to renewable electricity generators located in Colorado unavailable to out-of-state renewable power producers and by imposing Colorado’s laws on businesses operating in other states.

The argument pertains to Article I of the U.S. Constitution, which states Congress has the power to regulate commerce with foreign nations, among the states, and with Indian tribes. The clause implies states may not implement protectionist legislation favoring in-state interests or industries or regulating business outside of a state’s border.

The renewable mandate discriminates against out-of-state producers by defining retail distributed generation as a renewable energy source located on the site of the customer’s facility interconnected to the customer’s side of the utility meter. Since customers of a Colorado utility will generally be Colorado residents, this definition usually requires distributed generation come from within Colorado. In addition, wholesale distributed generation is explicitly defined as a “renewable energy resource” in Colorado.

These requirements clearly discriminate against electric power producers in other states, EELI’s complaint argues.

Enables Discovery of Facts

David Schnare, general counsel of the Energy & Environment Legal Institute, said, “Courts of law offer what academia from time to time forgets to provide—a neutral forum within which to debate scientific findings that allows full exposition of facts as they relate to policy. The Energy & Environment Legal Institute challenged the Colorado Renewable Energy Standard for two reasons. It is unconstitutional, and it causes more harm to human health and the environment than it prevents.”

DAVID SCHNARE
GENERAL COUNSEL OF THE ENERGY & ENVIRONMENT LEGAL INSTITUTE

REM Health Hazards Asserted

In addition to being unconstitutional, the REM is bad public policy and a human health threat, says Schnare. “Examination of the 665 pages of expert reports and several thousands of documents produced during the litigation result in the unimpeached finding the Colorado statute would cause the premature death of up to 250 Colorado citizens in 2015 alone, with that number rising in future years, without preventing a single premature death.”

Heartland Institute Policy Analyst Taylor Smith applauds the EELI’s challenge in Colorado. Smith, who has worked extensively on renewable energy mandates, said, “It’s great to see E&E Legal is not giving up on this very important issue. Colorado has one of the nation’s most stringent renewable energy mandates, a law that accomplishes little else than shift resources from productive sectors to unproductive ones. Let’s hope the law is found unconstitutional.”

H. Sterling Burnett (hsburnett@heartland.org) is managing editor of Environment & Climate News.

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Climate Change Reconsidered II, by Craig D. Idso, Robert M. Carter, and S. Fred Singer, is available for free online at climaterechangeconsidered.org.

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Greens Lose in Midterms

Continued from page 1

shaping the outcome, the new Republican-controlled Congress likely will be more critical of the administration’s regulatory agenda.

Voters Cool to Scares

Widespread indifference to man-made climate change was evident in a Pew Research poll conducted September 2–9 in which the environment ranked eighth of 11 issues the public is concerned about.

This worked against hedge-fund billionaire Tom Steyer, whose NextGen Climate Action PAC spent a reported $67 million on candidates embracing his belief in impending man-made climate change. Steyer donated millions of dollars to two of the election’s biggest losers—Colorado Sen. Mark Udall (D), who lost his seat to Republican Cory Gardner, and Iowa Rep. Bruce Braley (D), who was defeated in his effort to win an open Senate seat by Republican Joni Ernst. Steyer, an outspoken opponent of the Keystone XL pipeline, seems to have lost on this issue as well.

The League of Conservation Voters spent $25 million on green-friendly candidates and, like Steyer, will be faced with Oklahoma Sen. Jim Inhofe (R), an ardent critic of the theory of dangerous anthropogenic global warming, chairing the Senate Environment and Public Works Committee (EPW). Under Chairman Inhofe, EPW is expected to pursue vigorous oversight of the administration’s regulatory initiatives, particularly those relating to climate change.

In one race, the Obama administration’s energy and environmental policies played a decisive role. In West Virginia’s 3rd Congressional District, Republican Evan Jones unseated Democrat Nick Rahall, bringing an end to Rahall’s 38-year career on Capitol Hill. Republicans succeeded in tying Rahall to Obama’s anti-coal policies, which are very unpopular in coal-producing West Virginia.

Jobs Trumped Warming Fears

“To the extent climate change was an issue in the midterm elections, it was a negative one, one that fought the primary issues of a stronger economy, more jobs, and higher pay,” said Tom Randall, senior partner in the Chicago-based public issue consulting firm Winninggreen, LLC. “Keystone XL was an issue that trumped global warming. In voters’ minds, it meant more jobs.”

Nebulous claims of protecting the environment meant fewer jobs. “The current environmental euphemism, ‘climate change,’ fails to cut it with voters,” Randall continued. “When they hear it, they have been conditioned to [hear] ‘global warming.’ In a sense, the environmentalists have trapped themselves.”

Bonner R. Cohen, Ph.D. (bc@nationalcenter.org) is a senior fellow with the National Center for Public Policy Research in Washington, DC.

Bill Would End EPA Use of ‘Secret Science’

Continued from page 1

tional Agency (EPA) issues hundreds of new regulations that significantly affect the economy. According to EPA, increased regulations intended to protect human health and the environment will ultimately create jobs.

Members of the House have complained data and research used to justify EPA regulations have been hidden, unavailable for review even by congressional committees with oversight of EPA.

According to Myron Ebell, director of the Center for Energy and Environment at the Competitive Enterprise Institute, “The EPA has based regulations costing tens of billions of dollars on secret studies.

“It’s a scandal, and what’s more scandalous is that current EPA Administrator Gina McCarthy has promised House and Senate committees several times she would turn over the two key epidemiological studies that supposedly justify the EPA’s outlandish health claims for its Clean Air Act rules, and she has broken every promise she has made,” Ebell said. “McCarthy probably wouldn’t have been confirmed by the Senate as administrator last year if she hadn’t promised Sen. David Vitter to turn over the studies. Now she is defying a subpoena for the studies by the House Science Committee.”

To remedy this problem, David Schweikert (R-AZ), chairman of the House Committee on Science, Space, and Technology’s Subcommittee on the Environment, introduced the Secret Science Reform Act in February 2014.

The bill requires EPA to disclose all the science, research, models, and data used to justify regulations, and the results would have to be reproducible by independent researchers. According to the sponsors of the bill, research used to make rules imposed on the public, especially when it is funded directly or indirectly by taxpayers, should be transparent.

Publicly Justifying Costly Rules


“For far too long, the EPA has approved regulations that have placed a crippling financial burden on economic growth in this country without public evidence to justify their actions. This common-sense legislation forces the EPA to be transparent and accountable with their findings,” Schweikert added.

“EPA’s conduct is truly outrageous, and it is high time the Congress forced the EPA to base its regulatory decisions on science that is open for analysis and replication by scientists who aren’t bought and paid for by the EPA,” said Ebell.

H. Sterling Burnett, Ph.D. (hsburnett@heartland.org) is managing editor of Environment & Climate News.
Congress, White House in Keystone XL Showdown

By Bonner R. Cohen

The much-delayed Keystone XL pipeline has taken center stage in Washington, DC in the wake of the 2014 midterm elections.

Trying to boost the reelection chances of Sen. Mary Landrieu (D-LA) in her December runoff against Rep. Bill Cassidy (R-LA), Senate Democrats agreed to a vote on the pipeline. Landrieu has long pushed for a vote but had been stymied by Senate Majority Leader Harry Reid’s refusal to allow consideration of the bill. Meanwhile, the House approved the project on November 17 by a vote of 252 to 161. The House bill was sponsored by Cassidy.

On November 18, by a vote of 59 to 41, Landrieu and her supporters fell one vote shy of reaching the 60-vote threshold needed to bring the bill to the Senate floor for a vote. Had the measure passed, President Barack Obama had indicated he would veto it. On December 6, Landrieu lost her re-election bid to Republican Bill Cassidy.

The pipeline is expected to come up for a vote again in early 2015, when the House takes over the Senate. With a few Democratic votes, Senate Keystone XL supporters may be able to override a presidential veto.

Red Tape

Keystone XL has been mired in the federal permitting process since Obama became president. Because the pipeline crosses an international border, the U.S. Department of State has jurisdiction over Keystone XL. In 2011 and 2014, the Department of State issued reports concluding the pipeline would not have a significant effect on greenhouse gas emissions and was safe for the environment, but Obama has not approved it.

Upon completion, Keystone XL would deliver approximately 730,000 barrels of oil per day from Alberta to U.S. refineries along the Texas Gulf Coast. Another 100,000 barrels of oil from the Bakken Shale in North Dakota and Montana also would be transported to Texas refineries.

Two segments of the proposed 1,200-mile pipeline are already transporting oil: a 298-mile stretch from Steele City, Nebraska to Cushing, Oklahoma and a 485-mile segment between Cushing and Nederland, Texas.

If Keystone XL is not approved, TransCanada, the owner of the pipeline, is prepared to route a pipeline to the Pacific Ocean, where the oil will be exported to China and other countries in Asia.

Mired in Controversy

Instead of being seen as an infrastructure project that could add to the vast U.S. pipeline network, Keystone XL became engulfed in the climate change debate.

Proponents tout the thousands of construction jobs the pipeline would create, and they point out moving oil by pipeline is environmentally safer than transporting it on trains.

Environmental groups, including the Sierra Club, claim extracting Alberta’s oil would add to what they call “carbon pollution.”

“The shenanigans are shameless,” said Marita Noon, executive director of the New Mexico-based organization Energy Makes America Great. “The environmental groups opposing the pipeline are using it as a rallying cry for their increasingly unpopular anti-fossil fuel stand while they ignore the tens of thousands of jobs it will create and the safer transport of Canadian oil it will offer. Regardless of whether Keystone [XL] is ever built, Canada will capitalize on its natural resources and sell the fuel to eager consumers. The only question is whether America will benefit from the largess our closest ally is offering us.”

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

Technology Is Driving Fracking Revolution

By Kenneth Artz

Although energy producers have utilized fracking since the 1940s, today’s fracking revolution results from recent technological advances and new oil and natural gas discoveries.

Hydraulic fracturing, or fracking, extracts oil and natural gas from shale rock by drilling thousands of feet below Earth’s surface and then injecting water, sand, and trace chemicals under high pressure to create cracks in the shale formations, thus releasing oil and natural gas.

By some estimates, fracking could raise the average U.S. household income by $2,700 per year and create 1.2 million new jobs by 2020.

“The United States is not just the world’s leader in natural gas production, but now produces more natural gas than the entire Middle East combined. The reason for this is hydraulic fracturing combined with directional drilling and advanced underground imaging technology. These technologies allow people to literally produce natural gas and oil from solid rock,” said Dan Simmons, vice president of policy for the Institute for Energy Research.

Cracking the Shale Code

The technologies of hydraulic fracturing and horizontal drilling are revolutionary, says Mark J. Perry, Ph.D., a scholar at the American Enterprise Institute.

Both were developed by a fringe group of “petropreneurs” like Harold Hamm and George Mitchell over many decades of trial and error, Perry says.

“Oil companies and petroleum engineers and industry insiders have known for years oceans of shale oil and shale gas were trapped in shale rock formations miles below the ground, but they couldn’t figure out the right drilling and extraction technologies to economically access the shale resources until about 2008, when the fringe wildcatters managed to crack the shale code, which involved the right combination of water, sand, and additives to crack the shale rock and release the shale resources,” said Perry.

The fracking revolution has increased U.S. crude oil production 80 percent since 2008, from 5 million to 9 million barrels per day. This has resulted in an 88-cent drop in average retail gas prices since April 2014 from $3.71 to $2.83 per gallon, translating into about $118 billion, or more than $1,000 per U.S. household, in savings if prices remain low for the remainder of 2014.

Kenneth Artz (iamkenartz@hotmail.com) writes from Dallas, Texas.
Calif. Requires Oil, Gas Companies to Report Water Use

By Alyssa Carducci

The California State Senate unanimously passed a bill requiring oil and gas companies to report the source and amount of water they use in drilling operations.

The measure was approved during a prolonged and severe statewide drought.

Law May Backfire

“Requiring oil and gas companies to report water use falls firmly within this class of useless and possibly counterproductive actions: It is most unlikely to result in a more rational allocation of water; it will almost certainly not ensure that water is put to its best and highest valued use; it will do practically nothing to incentivize cost-effective production and distribution of water; and it is unlikely even to incentivize cost-effective conservation,” said Julian Morris, vice president of research at the Los Angeles-based Reason Foundation.

Author of bill 1281, state Sen. Fran Pavley (D-Agoura Hills), claims enhanced oil recovery operations used more than 80 billion gallons of water in the state in 2013.

Tom Tanton, president of T2 & Associates, a consulting firm to the energy and technology industries, says the bill will likely backfire on environmentalists. Making ethanol takes about 10,000 times more water to produce a British thermal unit (BTU) of energy, and soy biodiesel uses even more water than that.

“Furthermore, once the productivity and GDP impact of oil and gas development are more broadly recognized, the comparative advantage of water use in oil and gas operations, compared to other uses, will look like a bargain,” Tanton said.

Morris expressed concern about the bill’s potentially counterproductive effects. “There is a chance that it will discourage investment in energy exploration and extraction, which might increase the cost of energy. Since energy is needed to pump water from places where it is more abundant but in relatively low demand to places where it is less abundant but in relatively high demand, such a requirement might therefore serve to increase water scarcity, with adverse effects for the economy and the environment,” he said.

Alyssa Carducci (ad.carducci@gmail.com) writes from Tampa, Florida.

By Alyssa Carducci

Western states have faced severe wildfire seasons in recent years.

This year was no exception, prompting officials in many states to bemoan the growing threat wildfires pose to the environment and economy. A multi-year drought in the region has resulted in 14 wildfires scorching more than 183 square miles of timber and brush along the borders of California and Oregon.

Amid the destruction and millions of dollars spent, officials are analyzing how best to reduce and fight the number and severity of wildfires, including the use of logging.

Senate Wildfire Hearings

On July 15, the U.S. Senate Committee on Energy and Natural Resources held a hearing on wildfires and pending legislation that would reform funding for wildfire suppression.

The hearing, titled “Wildfire Preparedness & Forest Service 2015 Fiscal Year Budget,” featured legislators, officials from local forestry departments, and federal land managers. It highlighted two pending bills addressing funding: the FLAME Act Amendments of 2014 (S.2593) and the Wildfire Disaster Funding Act (S.1875).

Catastrophic “mega-fires” make up only 1 percent of wildfires but take up nearly 30 percent of the fire suppression budget. The FLAME Act Amendments of 2014 would prohibit federal agencies from dipping into the fire prevention funds to fight emergency fires, known as “fire borrowing.” The bill also redirects more funds to hazardous-fuel reduction projects and provides financial incentives to undertake more active forest management plans, which could include logging, brush clearing, and reforestation.

The Wildfire Disaster Funding Act would create a special disaster fund specifically for the purpose of fighting “mega-fires.” This fund would curtail the raiding of fire prevention funds to pay for emergency firefighting efforts.

“The Nature Conservancy supports the Wildfire Disaster Funding Act in the House [H.R. 3992] and Senate. This bill is a budget fix for the Interior appropriations bill that would fund fires that are disasters in the same way as other natural disasters,” said Cecilia Clavet, a senior policy advisor at the Nature Conservancy.

State Officials Advocate Logging

Some officials are advocates for the use of logging to thin forests in order to reduce the number of fires.

In California, in the aftermath of the Rim Fire, which blackened 400 square miles of the Stanislaus National Forest in 2013, Susan Skalski, supervisor of the Stanislaus National Forest, proposed logging trees destroyed by the fire.

Her proposal, finalized on August 28, 2014 angered environmental groups who oppose the approval of logging in 24 square miles of the burned mountain range. In addition, logging would be permitted on 28 square miles along roads over which trees are expected to fall and threaten safety.

The California Forestry Association (CFA) commended the U.S. Forest Service for putting together a sound environmental impact statement through an open and transparent process.

“Our members are eager to see treatments implemented that help restore the burned areas of the forest and that reduce threats to public safety posed by the standing dead trees created by the fire,” CFA President David Bischel said in a statement.

“The Conservancy also supports increasing forest management activities, like restoration, that help improve forest health and reduce the risk and costs of wildfires. Fixing the fire funding portion of wildfires through the Wildfire Disaster Funding Act will allow for more restoration activities to take place,” Clavet said.

Alyssa Carducci (ad.carducci@gmail.com) writes from Tampa, Florida.
Pa. CO2 Regulations Will Require Legislature’s OK

By Taylor Smith

Pennsylvania law now requires approval by the state legislature of any state-developed carbon dioxide reduction plan before it is submitted to the U.S. Environmental Protection Agency (EPA) under its proposed Clean Power Plan rule.

House Bill 2354, the Pennsylvania Greenhouse Gas Regulation Implementation Act, passed both chambers by overwhelming margins before being signed into law by Gov. Tom Corbett (R) on October 22, 2014.

**CO2 Plan**

“Effective immediately, Pennsylvania will craft its energy strategy to reduce greenhouse gases,” said the author of the legislation, Pam Snyder (D), representative of Pennsylvania’s 50th legislative district, in a press release. “The commonwealth will advance using 21st century technologies and employing the state’s unique blend of resources and experience.”

On June 2, 2014, the Obama administration proposed mandating a 30 percent cut in carbon dioxide (CO2) emissions from U.S. power plants compared to 2005 levels by 2030. According to EPA’s website, the proposal, known as the Clean Power Plan, “provides guidelines for states to develop plans to meet state-specific goals to reduce carbon pollution and gives them the flexibility to design a program that makes the most sense for their unique situation.”

As EPA has been developing these guidelines, state legislatures’ responses have varied widely, but the fact steep emissions cuts could be enacted without congressional approval is proving controversial on both sides of the aisle. Snyder hopes to bring some much-needed democratic review to a process that so far has experienced none, she says.

**Legislative Accountability**

“While the EPA managed to develop its emissions mandate without congressional authorization, the Pennsylvania General Assembly will have its say on any plan submitted to Washington, DC,” said Snyder.

Opponents of Pennsylvania’s law include many of the nation’s major environmental activist groups, who argue the law adds an unnecessary roadblock to emissions cuts.

Snyder disagrees, telling Environment & Climate News Act 175 does nothing to stop or undermine the Clean Power Plan regulation. Instead, it just modifies the process to better serve Pennsylvanians who may be affected by the regulations, she says.

“[M]y legislation guarantees Pennsylvania will have a state plan—with direct input from the elected members of the General Assembly—and that the plan will be built on a least-cost basis with an additional focus on electric reliability. This pro-consumer approach balances all of Pennsylvania’s interests,” said Snyder.

Snyder says environmental activists and companies who oppose Act 175 may be doing so for self-serving reasons.

“Since the EPA’s greenhouse gas rule goes beyond simply regulating carbon dioxide, there are organizations, companies, and businesses which stand to benefit greatly, depending on how the state plan is written, and who would like to use the state plan as an energy policy to advance their particular interests,” said Snyder.

“Act 175 … ensures that the voices of all regulators, residents, businesses, and environmental advocacy groups that will be impacted by these new regulations will be heard,” Snyder said.

Taylor Smith (tsmith@heartland.org) is a policy analyst at The Heartland Institute.
Why Progressives Must Reverse Course on Climate Change

Tom Harris, executive director of the International Climate Science Coalition, discusses his conversion to skepticism and his efforts to reach political progressives. This interview took place following his speech at the Ninth International Conference on Climate Change (ICCC-9) in July 2014.

By H. Sterling Burnett

Burnett: You mentioned in your presentation at ICCC-9 you were once a moderate believer in catastrophic anthropogenic global warming. Could you describe your conversion to climate skepticism?

Harris: In 1999, I had an article in the Ottawa Citizen discussing comparative planetology, how studying the planets improves our understanding of Earth. Professor Tim Patterson of Carleton University made my article compulsory reading for his climate change students, while pointing out the mistake in my assumption that Venus’s high temperature, partly due to its high CO2 levels, is a warning of what could happen on Earth if we allowed CO2 levels to continue to rise. Patterson invited me to his lab to see what really drives climate change. I accepted his invitation, and Patterson showed me his proxy data demonstrated a clear correlation between solar forcing and Earth’s temperatures but little correlation with CO2 levels. He referred me to myriad scientific references and scientists to speak with about this rapidly evolving field. My subsequent investigations convinced me the climate scare was scientifically unfounded. So, I changed sides. Since then, Patterson and I have coauthored several dozen articles and occasionally appeared on the radio together.

Burnett: What is the International Climate Science Coalition (ICSC), what does it stand for, and how did it come about?

Harris: The ICSC is a nonpartisan group of independent scientists, economists, and policy experts working to promote better understanding of climate science and policy. We aim to create an environment in which a more rational, open discussion about climate issues emerges, thereby moving the debate away from costly and ineffectual “climate control” measures. Instead, ICSC encourages assisting vulnerable peoples to adapt to climate variability and continuing scientific research into the causes and impacts of climate change. ICSC also focuses on publicizing the repercussions of misguided plans to “solve the climate crisis.” This includes the dangerous impacts of attempts to force replacement of conventional energy sources with renewable energy sources.

The ICSC was created in 2007 by Terry Dunleavy of the New Zealand Climate Science Coalition (NZCSC) with the assistance of New Zealand-based power engineer Bryan Leland. Public and media response to the NZCSC’s nonpartisan, science-based approach had been so positive they wanted an international group to represent them across the world. In 2008, I became ICSC’s executive director. ICSC has about three dozen advisors in science and policy areas.

Burnett: You recently agreed with Intergovernmental Panel on Climate Change (IPCC) Chairman Rajendra Pachauri it was time to reverse course on climate change, but your idea of a course correction is very different from his. What course do you think needs to be charted?

Harris: Governments need to take a no-regrets approach to climate change, a strategy that creates real-world benefits regardless of whether it turns out we cause dangerous climate change. This approach would focus on helping vulnerable people across the world adapt to climate change in the present. Because it satisfies superior financial, political, and philosophical motivations having nothing to do with helping the environment or the poor, mitigation has received nearly all of the $1 billion per day currently being spent on climate across the world. Just one-twentieth of the funding goes to helping people cope with climate change today. This is immoral. Funding for mitigation efforts should be zeroed out entirely, but it is important to continue fundamental climate science research to better forecast future climate change, helping people prepare for whatever nature throws at us next.

Burnett: What do you see as the biggest challenges facing proponents of sound climate science?

Harris: Two things. First, most mainstream media act as a free communications arm for climate alarmists and thereby greatly amplify their voice. Second, funding for climate realist organizations is minuscule compared to what is available for alarmist groups. As a result, for example, for every press release ICSC can afford to put on a prominent wire service, Al Gore’s groups can put out 100. They simply swamp the media with easy-to-use, dramatic, but hyperbolic sound bites, while we struggle to be heard at all.

Burnett: If there was just one message you could help our readers understand, what would it be?

Harris: Climate alarmism is one of the core causes of progressives. This presents a serious challenge to climate realists because the United States and many other countries are evenly split between left wing and right wing. Consequently, valuable as it is to keep conservatives from falling off the wagon, to win the climate war, we must convince people of all political persuasions the climate scare is not substantiated scientifically, which makes it a colossal waste of scarce resources. To do this, we need to use nonpartisan arguments and appeal to what non-right-wingers say they consider important: social justice, tolerance, and protecting nature. We need to show them what else could be done to help the poor and the environment with the money wasted on climate mitigation. In other words, we have to work with those who may be our intellectual opponents in other areas. ICSC’s nonpartisan, science-based approach is opening doors traditionally closed to skeptics in the past.

INTERNET INFO

International Climate Science Coalition, http://www.climatescienceinternational.org/. Donations in support of its work can be made there.

H. Sterling Burnett, Ph.D. (hsburnett@heartland.org) is managing editor of Environment & Climate News.
Editors note: Tom Harris, executive director of the International Climate Science Coalition, received the 2014 Excellence in Climate Science Communications Award at the Ninth International Conference on Climate Change, July 8, in Las Vegas.

By Tom Harris

At stake in the climate debate are billions of dollars, countless jobs, and, if President Obama is right, the fate of the environment.

We need leaders in climate science, economics, engineering, and public policy to contribute to the discussion without fear of retribution.

Sadly, the opposite is happening. The debate is riddled with censorship, logical fallacies, defamation, and even death threats. As a result, many of the world’s leading experts will not comment publicly. If today’s discourse on global warming is an indication of the state of science-based policymaking, the world is in big trouble.

Ideally, opinion leaders in government, academia, and the press would call for an open debate on climate, inviting well-informed opinion from specialists on all sides of the issue, and would condemn anyone who tries to block them. Unfortunately, Obama, most university spokespeople, and the mainstream media instead fan the flames of intolerance, intentionally or otherwise, encouraging suppression, if not outright aggression, toward anyone who disagrees with politically correct climate dogma.

We urgently need scholars who specialize in rational argumentation to point out the fallacies sabotaging the discussion.

Philosophers to the Rescue

Since ancient Greece, philosophers have taught students to think and argue rationally. Socrates, Plato, Aristotle, and their intellectual descendants believed societies suffered if logical thinking is suppressed. The situation is no different today. We need philosophers to help get the climate debate back on track before it does us irreparable harm.

When people who question the causes of climate change are criticized as “right-wing, oil-funded lobbyists,” philosophers should respond, “That is irrelevant. All that matters is whether what the skeptics are saying is correct or not.”

Philosophers must explain it is a fundamental error in reasoning to dismiss someone’s arguments because they appear to have a vested interest. It is the “motive intent” logical fallacy.

Similarly, when skeptics are called deniers, philosophers should intervene, noting, “They are not denying. They are questioning, as all scientifically minded people should do when dealing with a complex, rapidly evolving field. The ‘deniers’ label is an attempt to equate those who question climate change causes to Holocaust deniers. It is an ‘ad hominem’ logical fallacy—‘against the man,’ instead of engaging the idea.”

Motive intent and ad hominem fallacies are only two of the many logical errors philosophers should explain are poisoning the climate debate. Campaigners regularly use guilt by association, straw-man arguments, and appeals to emotion, authority, and consensus to divert the public from considering skeptics’ arguments.

Particularly misleading is the fallacy of “affirming the consequent.” It works like this: “If my theory is true, then a logical consequence is X should turn red. X does turn red; therefore, my theory is true.” This is a logical fallacy. Something unrelated to your theory could have caused X to turn red.

When climate campaigners argue rising carbon dioxide levels occurring concurrently with rising temperature proves the theory of CO2-induced global warming, philosophers should explain they are committing the fallacy of affirming the consequent. The fact scientific theories make correct experimental predictions does not mean the theories are true. Newton, Galileo, and their peers all knew this, but many of today’s climate scientists seem to have forgotten it.

Philosophers must shine a light on this flaw.

Universal Truth Elusive

Finally, philosophers should refute the idea scientists discover universal, necessary, and certain truths. Truth applies to mathematics and games, because we establish the rules, but never to our findings about nature, which are educated opinions based on scientists’ interpretations of observations. Since empirical evidence has long been recognized as particular, contingent, and having some degree of probability, observation cannot be used to prove anything true.

This does not stop the United Nations Intergovernmental Panel on Climate Change (IPCC) from using observational evidence to prove supposed truths. For example, the very first sentence in the “Synthesis Report” of IPCC’s Fourth Assessment Report starts, “Warming of the climate system is unequivocal, as is now evident from observations of…”

Philosophy Professor Steven Goldman of Lehigh University, who supports the dangerous human-caused global warming (DAGW) hypothesis, said in a personal communication this is “an attempt to persuade extra-rationally.” Dr. David Wojick, who does not support the DAGW hypothesis, agreed, stating, “Reasoning from evidence is inductive logic. As for unequivocal, that is never the case in inductive logic.”

High-Minded Motives?

Why don’t more philosophers alert the public to these serious mistakes in thinking?

Part of the answer may be the vast majority of philosophy professors are politically left of center, and “stopping climate change” is a cause liberals are expected to support. Fear of being out of step with their intellectual fellow travelers can be an important driver encouraging conformity.

Academics may also think widespread acceptance of climate concerns will encourage pollution reduction, alternative energy, conservation, increased foreign aid, social justice, and world government—things many regard as beneficial. They keep their doubts to themselves to advance progressive policies.

Whatever their cause for silence, philosophers have a moral obligation to speak out. The stakes are too high for society for them to do anything less.

Tom Harris (tom.harris@climatescienceinternational.net) is executive director of the Ottawa, Canada-based International Climate Science Coalition.
U.S. Proposes Declaring African Lion Threatened

By Alyssa Carducci

The U.S. Fish and Wildlife Service (FWS) is proposing to list the African lion as threatened under the Endangered Species Act (ESA) after determining the species is in danger of extinction in the foreseeable future.

The FWS decision came on October 27, 2014 three years after a coalition of organizations petitioned the agency to list the lions as endangered, prompting a formal review. According to FWS, the main threats to lions are habitat loss, loss of prey the lions feed on, and increased human-lion conflict.

John J. Jackson, chairman of Conservation Force, an international organization focused on wildlife conservation, education, and research, disagrees with such listings of foreign species because ESA doesn’t provide the same benefits for foreign species it provides for domestic ones.

“It is like a false promise that the United States can recover foreign species, when instead it often obstructs expert-designed conservation plans and activities in the foreign land and often does so over the objections of the wildlife authorities in that foreign country,” Jackson said.

Habitat Encroachment

Although African lions are found all across the continent, nearly 70 percent of the lion population exists in ten major strongholds. Human settlements and farm expansions are encroaching on habitats, putting livestock in closer proximity to lions. According to FWS, lions’ natural prey are also hunted by humans, diminishing the wild food supply. This results in lions killing more livestock and humans killing more lions in response.

FWS also proposes to require permits for the importation of sport-hunted lion trophies. Although sport hunting has not been found to be a threat to the species, FWS wants to require the lions hunted to originate from countries with a U.S. government-approved management plan for African lions.

Hunters Protecting Wildlife

Terry Anderson, the William A. Dunn distinguished senior fellow at the Property and Environment Research Center, says restricting sport hunting will have dire consequences for lion populations.

“Reducing the demand for hunting in Africa will reduce the incentive for natives to conserve lion habitat[s],” Anderson said.

Jackson agrees, saying the proposed listing would cause the loss of most African lions, because most lion conservation and habitat funding arises directly and indirectly from U.S. hunters, through regulated hunting in the user-pay system supported by hunter-funded conservation organizations such as Conservation Force.

Elephant Ivory Ban Backfired

Ben F. Carter, executive director of the Dallas Safari Club, an international organization of hunters and conservationists, says countries allowing lion hunting have healthy populations of lions.

“Science shows harvesting mature males that are not head-of-a-pride or breeding males, and preferably six years old or older, has no long-term impacts on a population. If hunting is stopped in Tanzania and Zimbabwe, it could be the death knell for lions. Without hunters and hunting concessions, there is no money for anti-poaching efforts and no motivation for local communities to tolerate lions,” Carter said.

As an example, Carter points to the recent “politically motivated” decision to ban elephant ivory out of Zimbabwe and Tanzania. Many parts of Zimbabwe are actually overpopulated by elephants, and elephant populations will suffer as a result.

“The ban on importing Zimbabwe elephant ivory will have a negative effect on the population, because local villagers will not tolerate destruction and will remove elephants,” Carter said.

Carter says proponents of hunting bans point to an incident where a number of elephants were shot or poisoned. “They blame it on hunters, when in fact it was native people in the area whose homes and crops were being damaged by the overpopulation of elephants in a nearby national park,” he said.

Canned Hunts

Anderson mentioned another element possibly driving the proposal to list lions as endangered: “canned” lion hunts. These hunts target lions raised in enclosures and then released into larger areas to be hunted.

“They may not be sporting, but ‘canned’ hunts do reduce pressure to hunt in other areas where hunts are very expensive,” Anderson said.

“Because of the concern about ‘canned’ hunts, I think listing is likely to happen and restrictions on importation will follow.”

FWS will move forward after the close of a 90-day public comment period.

Alyssa Carducci (adcarducci@gmail.com) writes from Tampa, Florida.
Fracking Is Leading to Economic Growth, More Jobs in N. Dakota

By Kenneth Artz

While much of the nation is still struggling to recover from the 2008 recession, the fracking boom in North Dakota has been a job-creating machine.

The state is now the nation’s second-leading oil producer, and it has the nation’s lowest unemployment rate—2.8 percent in October 2014—more job openings than applications.

Companies are desperate for workers. Arby’s is offering benefits to work there. Walmart’s starting pay is $20 an hour for stockers.

“What’s really interesting is lots of immigrants are going to North Dakota to find work,” said Orr, who visited Dickinson, North Dakota in September to attend the North Dakota Petroleum Council’s annual meeting. “I had lunch with a roughneck who had worked in Washington, DC, and he told me North Dakota was the only place he’d been that reminded him of Washington, DC, because everyone there was from somewhere else.”

Orr added, “Housing costs are extremely high right now. In order to get a place not considered a dump, you’re looking at $2,000 a month. Needless to say, when a house comes up for rent, it sometimes gets snapped up in minutes.

“North Dakota needs workers, and if you can swing a hammer, you can find a job, and even that’s an understatement,” Orr said.

$600 Million Budget Surplus

The state now produces more than one million barrels of oil per day, compared to just under 200,000 barrels a day five years ago. Oil and gas extraction taxes account for 50 percent of all taxes collected by the state. That means the increased oil production has been a bonanza for the state government, which receives 11.5 cents for every $1 the oil industry makes and 11 cents of every $1 the gas industry earns. Increased oil and gas revenues have translated into a projected $600 million surplus for North Dakota’s current fiscal year.

In 2013, the state legislature established an allocation plan for the surplus revenues generated by oil and gas production within the state. Thirty percent of all oil and gas revenue is allocated to the Legacy Fund, the state’s rainy day fund. North Dakota expects to generate nearly $7.5 billion in oil and gas tax revenue during the 2013–2015 biennium and anticipates beginning to use these funds in 2017.

The state expects to spend some of the revenue on infrastructure development in oil- and gas-producing cities and counties; on various services for Indian tribes and the development of their lands; on water-related projects; and on K–12 education. Funds also were set aside for land and energy conservation initiatives.

“None of this could have been possible without fracking,” Sandstrom said.

Momentous Shale Revolution

The economic and geopolitical implications of the shale revolution in North Dakota and other states are truly momentous, says Mark J. Perry, Ph.D., professor of finance and business economics at the School of Management at the University of Michigan-Flint. He describes the shale revolution as the “energy equivalent of the Berlin wall coming down.”

“The shale revolution has moved the U.S. closer to energy self-sufficiency and independence, reduced our dependence on foreign sources of oil from unfriendly countries, and supercharged the U.S. economy with jobs, investment, revenues to landowners and local and state governments, and lower energy costs for consumers,” Perry said.

The shale revolution delivered an incredibly well-timed stimulus to the U.S. economy, Perry explains.

“At the exact time the U.S. economy was crippled in 2008 with the Great Recession, along came the shale revolution that started supporting the U.S. economy with jobs and investment capital. Without that stimulus, it’s certain the Great Recession would have been much worse and lasted much longer, and the economic and jobs picture today would be much bleaker,” Perry said.

“America’s energy industry remains one of the strongest sectors of the U.S. economy, and it provides one of the best reasons to be optimistic about America’s future,” said Perry.

Kenneth Artz (iankenartz@hotmail.com) writes from Dallas, Texas.
Maine, Michigan Voters Go Opposite Directions on Wildlife Management

By Alyssa Carducci

For the second time in ten years, voters in Maine rejected a ban on baiting, trapping, or hounding bears for hunting purposes.

In Michigan, voters rejected two proposals to restart wolf hunts in the state, though Michigan’s courts will ultimately decide whether their votes count. Michigan’s Proposals 1 and 2 would have upheld the existing laws designating wolves as game animals and allowed the Michigan Department of Natural Resources to manage them as such, which would have allowed the reestablishment of hunting seasons. The referenda were decisively defeated.

The Maine Department of Inland Fisheries and Wildlife (IF&W) publicly opposed the referendum that sought to establish stringent restrictions on hunting bears, citing a need to control bear populations. Mark Latti, a spokesperson for IF&W, says the ban would have crippled the department’s ability to control bear populations. Mark Latti, a spokesperson for IF&W, says the ban would have crippled the department’s ability to control bear populations.

Concern over Livestock Attacks
There are an estimated 636 grey wolves in Michigan’s Upper Peninsula, an increase from just six in the 1970s. The proposed hunts were aimed at reducing attacks on livestock, which have increased dramatically as wolf populations have grown.

Despite voters’ clear statement at the polls, the decision to continue the ban on wolf hunting may not count for much. In mid-2014, the Michigan legislature passed a law that would make hunting wolves a possibility, reaffirming the authority of the Michigan Department of Natural Resources (DNR) to name game species and establish hunting seasons. The law included a $1 million appropriation for DNR to fight invasive species. The appropriation prevents the law from being overturned through referendum.

Ongoing Court Challenges
The anti-hunt campaign, led by Keep Michigan Wolves Protected, a group funded by the Humane Society of the United States (HSUS), announced it plans to challenge the law in court. HSUS says the law is unconstitutional because it bundles two unrelated topics, wolf management and invasive species funding, arguably violating the state’s rule that a law must have one subject.

HSUS also actively supported Maine’s bear-hunting referendum and spoke out against IF&W for publicly supporting the state’s existing management procedures in speeches and ads. HSUS sued IF&W in Maine superior court, claiming the state’s involvement in the election was illegal. On October 22, the superior court ruled against HSUS. HSUS announced it plans to appeal the decision.

Latti notes IF&W is funded through sales of hunting and fishing licenses and associated permits.

Perhaps the state court put it best when it ruled that not only is it legal for the department to advocate on this issue, but that “This statutory language expressly directs [IF&W] to advocate for its positions regarding wildlife management, including bear management,” he said.

Alyssa Carducci (ad.carducci@gmail.com) writes from Tampa, Florida.

Australian City Takes Moderate Approach to Sea-Level Rise

By H. Sterling Burnett

Councilors of the Australian coastal city of Shoalhaven have taken a moderate approach to planning for sea-level rise.

Shoalhaven’s future planning decisions and real estate notices will be made in anticipation of sea levels rising by nine inches by 2050. Nine inches was a mid-range estimate, more than an inch below the level recommended by consultants Shoalhaven hired to help develop its planning response to rising sea levels.

Shoalhaven’s passing of its new planning levels is the first public rejection of the Commonwealth Scientific and Industrial Research Organization’s (CSIRO) recommendation to plan for up to 31 inches of sea-level rise. CSIRO is the Australian national science agency.

Other coastal towns planning for rising sea levels have adopted CSIRO’s recommendations.

Evidence, Not Models
The Shoalhaven councilors noted research shows sea-level projections are very imprecise, and the further out you go, the less precise they become. In addition, plans for higher sea levels like those projected by CSIRO will greatly affect coastal housing and increase the costs associated with insuring or selling properties.

The councilors built a relief valve into their coastal impact planning, something other councils have not done. Every seven years, the town will compare projected sea levels to the actual measurements; if sea-level rise slows or rises beyond projections, adjustments can be made to coastal impact plans.

In response to Shoalhaven’s planning decision, Tom Harris, executive director of the International Climate Science Coalition, said, “The rate of change of average global sea level is immaterial to coastal planning. It is only the rate of local change that matters to cities, towns, and other settlements. It is very perceptive of Shoalhaven city planners to actually measure local sea-level rise on a periodic basis and make their future plans based on what they actually observe.”

H. Sterling Burnett (hsburnnett@heartland.org) is managing editor of Environment & Climate News.
Hughes Exposes the Truth on Environmental Scares

Popular Deceptions: What they haven’t told us and how much it’s going to cost
Randall L. Hughes
CreateSpace Independent Publishing Platform
April 10, 2014, 278 pages; $12.75 on Amazon

Review by Jay Lehr, Ph.D.

For 30 years, energy engineer Randall Hughes has been frustrated by widespread misinformation on the subject of energy, chemical use, and other targets of environmentalists’ wrath. His frustration has resulted in a book that tackles major public deceptions, written for a layman. It can be enjoyed by anyone with a desire to forego technical jargon and get to the bottom of these tough and important issues. He has succeeded so well I do not know quite where to start in praising the book. I encourage you to make it a Christmas present for the open-minded on your gift list.

Many Subjects

To set up his observations about popular deceptions, Hughes surfs across subjects known to many of us, including autism, asthma, ozone, golden rice, and prairie chickens. He explains the evolution of lies and the reasons some individuals and groups have little problem playing the deception game to achieve hidden agendas. The table of contents includes more than 120 items, making it easy to navigate the book for quick reference.

Hughes shows so many of today’s headlines use nothing more than cherry-picked statistics, and he demonstrates most green initiatives are often motivated more by someone’s financial gain than saving Earth. Hughes supports his arguments with 311 footnotes. His cost data are exceptional. For example, he wrote, “The costs and actions required to comply with the new ozone standard alone is projected to destroy 7.3 million jobs and cost the nation one trillion dollars by 2020. These aren’t the numbers we’ll hear from the mainstream media and certainly not the message we’ll hear from the environmental lobby.”

Hughes does a nice job explaining unconscionable battles against phthalates, bisphenol A (BPA), and chlorine chemicals, and he documents how our children are being brought up on cartoons aimed at sowing fear and mistrust of the free market and industry.

EPA: Job Killer

Among the book’s 22 chapters, Hughes spends the most time on the Environmental Protection Agency (EPA), referring to it as the “Employment Prevention Agency.” Most of our readers know EPA has become a travesty, but few understand the details he conveys so simply.

Hughes’ chapters on global warming provide an excellent review for the general reader. Of particular interest is Hughes’ exposure of 150 years of New York Times’ fear-mongering headlines concerning weather that promote the paper’s absurd opinions of man’s impact on today’s climate. Consider these as examples:

January 2, 1870—“Ice Melts Suddenly on the Hudson River”
June 23, 1890—“Winters Are Not So Cold Anymore”
December 16, 1934—“Colder Winters Than in Grandfather’s Day”
January 30, 1961—“Experts Agree Climate Is Getting Colder”
July 18, 1970—“US and Russia Researching Why World Is Getting Colder”

Very Cold

Among the many refreshing insights in the book is a report Hughes uncovered from a PR firm for environmental activists that promotes scuzzy talking points such as, “the argument is already won,” the “skeptics are paid experts,” “talk about human values not science,” “avoid discussing costs,” and “alarmism can be a good thing.”

Hughes is at his best when explaining how the world works, such as why the mainstream media strive so diligently against the truth: “The news media is not in business to deliver facts. They’re in business to sell advertising. The more they increase subscription rates or increase viewers and listeners, the more they can charge for airing commercials. The news itself may be a public service, but the bottom line for the news media is the same as it is for any major corporation, making a profit. The news is designed to shock, surprise and entertain—all in an attempt to increase audience size and increase profits. That’s why catastrophe, scandal, corruption and environmental wrong doing gets top billing.”

And that’s why you need to read this book and provide copies to your family and friends.

Jay Lehr, Ph.D. (jlehr@heartland.org) is science director at The Heartland Institute.
Better Medium-Term Rainfall Forecasts Would Improve Climate Science

By Jennifer Marohasy

The classical liberal, like the ordinary person, has a general aversion to revolutionary change.

This is justified in the spheres of politics and economics. The history of science, however, shows progress is made principally through revolution.

Scientific Revolutions
In his seminal 1963 book, The Structure of Scientific Revolutions, Thomas Kuhn shows every significant scientific development, including those associated with the names Copernicus, Newton, Lavoisier, and Einstein, required the complete overthrow of one time-honored scientific theory in favor of another incompatible theory.

A second important point Kuhn makes, one much more aligned with classical liberal thinking, is competition between segments of the scientific community is the only historical process to actually precipitate such revolutions.

This presents a significant problem for the growing number of nonscientists who would like to see the overthrow of the anthropogenic global warming (AGW) theory. Rather than simply ridiculing AGW theory, they will need to find, and actively support, competition. To this end, it is important to realize simply repeating claims climate change is natural, a point often correctly made by many skeptical geologists, is not enough. Indeed, stating climate change is natural does not constitute a theory amenable to falsification by experiment.

Valuing a Scientific Theory
A good test of the value of any scientific theory to those external to the discipline is its utility. For example, calendars developed based on Nicolas Copernicus’s Heliocentric Theory of the Universe were better than those based on Ptolemy’s Handy Tables. The new calendars, based on a new theoretical approach, more precisely predicted the position of the sun and the planets—and thus the seasons, which, of course, influence the weather.

In the same way, those who want to see AGW theory discarded need to increase their expectations of climate science and demand some practical benefit from the billions of dollars spent on the development of the General Circulation Models (GCM) underpinning AGW theory. For example, GCMs would be useful if they could provide medium-term rainfall forecasts, including the actual quantity of anticipated rainfall in millimeters for specific localities for particular periods.

Consider this issue from a different perspective. It can be argued scientific theories and their overarching paradigms garner a high status when they are successful in solving important problems. AGW theory, with its focus on carbon dioxide emissions, solves a problem that has preoccupied activists for years: It provides proof industrial activity is despoiling Earth. An alternative theory of climate, for example one useful to industry, might make as its focus detailed and accurate climate and weather forecasts.

Australian Example
The very wet summer of 2010–2011 severely affected mining operations in Queensland. It is estimated 85 percent of Queensland coal mines had to restrict production or close entirely. By May 2011, Queensland’s coal mining sector had recovered to only 75 percent of its pre-flood output.

These events led to a loss of $5.7 billion, equivalent to 2.2 percent of Queensland’s gross state product for the financial year ending in June 2011. A report prepared for Australia’s National Climate Change Adaptation Research Facility concluded currently available climate forecasts lack localized information, and other micro details, to enable focused advanced planning and risk management.

In Australia, the Bureau of Meteorology (BOM) has directed most of its research efforts over recent decades toward the Predictive Ocean Atmosphere Model for Australia (POAMA), modeling climate systems forecasting the impact of increasing levels of carbon dioxide on climate. POAMA had not been used for official seasonal rainfall forecasts because POAMA’s forecasts are not very good. POAMA could improve its utility by shifting focus from AGW predictions to rainfall forecasts.

Richard Lindzen, a professor of atmospheric sciences at the prestigious Massachusetts Institute of Technology, wrote in a recent article for the Journal of American Physicians and Surgeons global climate alarmism has been both costly to society and damaging to science. According to Lindzen, this form of climate science has become a source of authority rather than a mode of inquiry, and it has successfully taken over nearly all of institutional climate science research.

Competition Required
The history of science provides some insight into how to respond to this challenge. The successful overthrow of an established paradigm occurs only when there is competition. Competition can manifest as something wholly political and strictly within the scientific discipline, or it can be about the evaluation of a theory based on its utility to those external to the discipline.

Indeed, if skillful medium-term rainfall forecasting were a goal of climate research, then evaluating the relative skill of competing theories could be an objective measure of its respective utility and by extension, we would argue, its essential truth.

In short, those skeptical of AGW theory may be able to help precipitate its overthrow by demanding better medium-term rainfall forecasts.

At the moment, however, there is no understanding such a choice potentially exists. Indeed, in Australia, and the West more generally, unless significant political pressure is brought to bear, entire research and development budgets will continue to be spent on GCMs with limited utility beyond politics, simply because they represent what’s considered to be modern climate science.

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INTERNET INFO
States Reject GMO Scares

By Alyssa Carducci

Voters in two states, Colorado and Oregon, defeated genetically modified organisms (GMO) labeling at the ballot box on Election Day in November.

This is the third year in a row activists who support mandated labels identifying genetically modified foods have lost state initiatives and referenda.

Voters rejected Colorado’s Proposition 105 with 67 percent of the vote. Measure 92 in Oregon was a much closer race, with 49 percent of the vote in support of the initiative.

Despite continuous defeats, experts agree campaigns demanding GMO labeling are far from over.

Activists Won’t Give Up

“The hallmark of the hard left is never to give up on a theme until long after it is dead. ... I expect no let-up,” said Dennis Avery, director of the Center for Global Food Issues, which studies agriculture and environmental concerns regarding food production.

Competitive Enterprise Institute Executive Director Greg Conko agreed: “We’re just at the beginning. “I’m very happy the labeling initiatives in Colorado and Oregon failed on Election Day, just like prior initiatives in Washington State last year and California in 2012. But I’m still troubled they’ve attracted as much support as they have,” Conko said.

GMOs Declared Safe

Avery says the attraction for labeling genetically modified foods has grown over the past 20 years despite scientific research demonstrating the safety of genetic modification. Domestic and international bodies, such as the World Health Organization (WHO) and the National Academies of Science, agree GMOs are safe.

Conko notes the U.S. Food and Drug Administration already requires producers to inform consumers any time a food has been changed in a way that impacts safety, wholesomeness, nutritional value, or even traits such as taste, color, or the way food feels in the mouth beyond the normal range of what consumers would expect.

Conko pointed out GMO labeling doesn’t actually tell consumers what’s different about their food. “Its sole purpose is to use scary terminology to make consumers think there’s something to be concerned about, when nothing could be further from the truth,” he said.

Opposing Interest Groups

The campaigns pitted environmental activists against major corporations, including Monsanto Co., Kraft Foods Group Inc., and Coca-Cola Co.

Opponents of GMO labeling don’t agree so-called activists are truly grassroots groups.

“These labeling initiatives are sometimes characterized by proponents as arising from grassroots movements, but they are something quite different: They are funded by self-interested special interests—the organic agriculture/food industry and the producers of various kinds of ‘natural’ remedies and other products that are nothing more than modern-day snake oil,” said Henry I. Miller, the Robert Wesson fellow in scientific philosophy and public policy at the Hoover Institution.

Conko argues anti-GMO laws and referenda are unnecessary because consumers already have multiple avenues to identify GMO products, including GMO-free shopping guides and smart phone apps listing GMO-free foods.

“The market has identified a demand for that information, and normal market forces are finding a variety of ways to supply it,” Conko said.

Alyssa Carducci (ad.carducci@gmail.com) writes from Tampa, Florida.

“The hallmark of the hard left is never to give up on a theme until long after it is dead. ... I expect no let-up.”

DENNIS AVERY, DIRECTOR, CENTER FOR GLOBAL FOOD ISSUES

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Battle Lines Form Over Renewable Fuel Decision

By Bonner R. Cohen

Situated on opposite sides of the fence, refiners and producers of biofuels are anxiously awaiting a decision by the Obama administration on the amount of renewable fuels Washington, DC will mandate for use in the transportation sector.

In November 2013, the Environmental Protection Agency (EPA) proposed a significant reduction in the federally mandated volume of biofuels in its Renewable Fuels Standard (RFS) for 2014. Biofuels include ethanol from corn or other crops, soy-diesel, fuel from waste cooking oil, and other vegetable oils or plant matter. EPA proposed limiting the mandate of domestic corn-based ethanol use to 13 billion gallons and reducing its target for cellulosic ethanol to 17 million gallons. EPA recommended cutting the renewable fuels mandate from 18.15 to 15.21 billion gallons.

Under a 2007 law creating RFS, refiners are required to blend increasing quantities of biofuels into the nation’s motor fuel supply every year, reaching 36 billion gallons per year by 2022. The law, however, gave EPA some flexibility in setting annual mandates should conditions warrant. In the seven years since the statute was enacted, conditions have changed considerably.

Unforeseen Developments

Contrary to the expectations of lawmakers in 2007, cellulosic fuels made from switchgrass, corn stover, wood chips, and other materials have not been produced in sufficient quantities. Nevertheless, EPA has targeted refiners with steep fines for not blending the unavailable cellulosic ethanol into the fuel. Also, gasoline consumption rose less than expected, primarily as a result of the 2008 recession and the subsequent weak economic recovery. People are driving less and companies are shipping less than anticipated when the levels were set.

Meanwhile, U.S. production of crude oil has skyrocketed as a result of hydraulic fracturing (fracking) and horizontal drilling in shale formations. With an abundance of domestic gasoline available, the argument the United States needs to devote substantial amounts of farmland to the production of fuel, instead of food for humans or livestock, is being increasingly called into question.

These developments prompted EPA to take a second look at RFS. Christopher Grundler, head of EPA’s Transportation and Air Quality Office, told the Senate Environment & Public Works Committee in December 2013 that RFS was forcing refiners to produce a blend of gasoline cars can’t use.

Competing Interests

A letter coordinated by the American Fuel & Petrochemical Manufacturers, a group of more than 30 refiners, urged President Barack Obama to stick with the lower RFS EPA proposed last year. “Although renewable fuels already have a place in the fuel supply, the federal government should not force consumers to use certain fuels, and particularly those that cannot be safely integrated into existing vehicles, small engines [such as lawn equipment and marine engines], and retail infrastructure,” the letter said.

“EPA proposed a reasonable set of RFS standards for 2014 that will maintain ethanol’s market share, addressed the issue of E10 blend wall, and provided cellulosic biofuel growth,” the refiners said. “Although Congress still needs to reform the RFS for the long term, EPA’s proposal is doing the right thing for the short term. Now is not the time to backtrack on a proposal to avoid economic disruption.”

More Biofuels Requested

Biofuels producers are urging the administration to reject EPA’s lower RFS. In the run-up to the 2014 midterm elections, the biofuels industry ran a series of ads on radio and the Internet, praising renewable fuels’ contributions to the nation’s energy supply. One ad showed Obama speaking in March 2010: “There shouldn’t be any doubt that renewable, homegrown fuels are a key part of our strategy for a clean energy future.” The video then says, “Mr. President, keep your promise. Don’t gut the renewable fuels mandate.”

Fuels America, a coalition of biofuels, agriculture, and national security groups, was behind the ads. EPA sent its final RFS rule to the White House Office of Management & Budget for review in August. Release of the final rule is expected shortly.

“The RFS should be reformed, and the current reduced mandate is a step in the right direction,” said Tom Tanton, director of science and technology assessment for the Energy & Environment Legal Institute.

Promises Unfulfilled

“Biofuels have not lived up to their promise,” Tanton explained. “Has the RFS reduced prices? No. Consumers continue to pay high costs for the short supply, relative to the mandate. That’s not even including the lower energy content and increased refueling inconvenience.”


INTERNET INFO


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

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TOM TANTON
DIRECTOR OF SCIENCE AND TECHNOLOGY ASSESSMENT
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