Scientists Question Quality of Government’s Climate Data

By H. Sterling Burnett, Ph.D.

Approximately 300 scientists, engineers, economists, and other climate experts sent a letter on January 25 to U.S. House Science Committee Chairman Lamar Smith (R-TX) warning data the National Oceanic and Atmospheric Administration (NOAA) used to produce a June 2015 report failed to comply with the Data Quality Act (DQA).

The June NOAA report purported to find there had been no pause in rising global temperature during the past two decades.

The letter says under DQA, the U.S. Office of Management and Budget requires agencies to “ensure and maximize the quality, objectivity, utility, and integrity of information, including statistical information,” particularly when data are used in “highly influential scientific assessments” meant to inform the public and shape public policy.

NOAA’s research conflicted with all other pre-

Trump Vows to Cut EPA If Elected President

By H. Sterling Burnett, Ph.D.

In a campaign-stop interview, Republican presidential candidate Donald Trump reiterated statements he first made in early October about the Environmental Protection Agency (EPA) being a prime target for budget cuts if he is elected president.

The January 11 interview, which was conducted by The Wall Street Journal and New Hampshire tele-ph
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Rick Mundrief, President & CEO WPX Energy
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Register at www.WBPCNDCO.com
State Sen. Jennifer Fielder Fights for States’ Rights

By H. Sterling Burnett, Ph.D.

Burnett: Sen. Fielder, why have you focused so much of your effort in the Montana Senate on environmental issues and the appropriate balance of power between the federal and state government?

Fielder: What could be more important than protecting our environment, which sustains life, and preserving a constitutionally balanced government, which sustains our liberties, rights, and opportunities to enjoy life? Right now, both are off-track and our whole nation is suffering as a result. Distant federal bureaucracies have claimed control of over half the land in the American West. Federal policies are created by people living thousands of miles away from the lands in question, who don’t understand Western lands.

Burnett: As a state senator, you are steeped in endangered species issues. Which wildlife policy issues are you battling in Montana at this time?

Fielder: The biggest problem is the politicized science driving critical decisions in Washington, DC. Special interests are using every species and reason they can dream up to mislead caring people and shut down responsible management of our lands and resources. Much of the science being put forth is not sound science at all, and it is harming, not helping, our environment.

For example, data from a 1997 study, using outdated radio telemetry technology, were used to assert all grizzly bears avoid roads. The biologists only monitored two bears [on] two mornings per week. Their study was never peer-reviewed or published. Yet, citing this study, the U.S. Forest Service [USFS] produced a management plan preventing almost all human activity on millions of acres of public lands in the region, including access for recreation, wildfire prevention, and resource management. The federal government even acknowledged in its 2011 amendments to the Idaho Panhandle and Kootenai National Forests plans, “The selected alternative will limit our ability as resource managers to respond to fire, ... insects and disease, and to provide timber or other commodities.”

They completely ignored recent, more comprehensive studies using DNA samples and GPS satellite collars tracking numerous grizzly bears 24 hours a day, seven days a week. The newer studies clearly documented grizzlies preferred to spend more time around roads and human activity than in unroaded wilderness areas.

Despite repeated requests from elected officials to rewrite their plans considering the newer, more comprehensive scientific evidence, the USFS refused to do so. They claimed the 1997 study was “best available science,” acting as if better studies, one of which was performed under the direction of Chris Servheen, the U.S. Fish and Wildlife Service grizzly bear program manager, did not even exist. As a result, old logging roads that formerly provided access for forest management, recreation, search and rescue, and firefighting are being torn out at taxpayers’ expense. Vegetation management to reduce wildfire risk, improve habitat, and benefit our economy cannot be done in these areas now.

Burnett: Sen. Fielder, states are being buffeted by an array of new regulations and restrictions imposed by the federal government. What is your take on the federal government’s treatment of the states?

Fielder: It’s unfair and unwise. When federal bureaucrats control 80 percent of the land and resources in one state but control less than 1 percent in another state, there is no equality between states. Federal employees and federal judges who lord over millions of acres of land in the West are not elected and have no accountability to the citizens there. They get paid the same whether they do a good job or not. In too many cases they are doing a horrible job, utterly destroying our environment, jeopardizing lives, and killing our communities. This is why it is critical to transfer management of the public lands to the states for more effective local care.

H. Sterling Burnett, Ph.D. (hsburnett@heartland.org) is a research fellow with The Heartland Institute.
Farm Bureau Fights Federal Land Grab in Chesapeake Bay Region

By H. Sterling Burnett, Ph.D.

The American Farm Bureau Federation (AFBF) has asked the U.S. Supreme Court to hear a challenge to a lower court’s decision to allow the Environmental Protection Agency (EPA) to regulate land use and development decisions within the Chesapeake Bay watershed under the Clean Water Act.

At issue in American Farm Bureau Federation v. U.S. Environmental Protection Agency is EPA’s Chesapeake Blueprint, a plan to regulate the runoff of phosphorous, nitrogen, and sediment into the Chesapeake Bay. EPA claims it has authority over the entire watershed, which includes land in Delaware, Maryland, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

Courts and government agencies have historically recognized under the Clean Water Act state and local governments should supervise water and land-use decisions to ensure local needs are met at the same time federal water quality goals are achieved.

“This is EPA’s latest regulatory land grab,” said Timothy Bishop of Mayer Brown, LLP, who is representing AFBF.

The blueprint divides the watershed into 92 subsections and sets total daily maximum load (TMDL) allocations. EPA then sets specific limits for the amount of nitrogen, phosphorus, and sediment that can run off into the watershed from those areas from sources such as agriculture, urban runoff, forestry, and septic systems.

“EPA’s Chesapeake Blueprint states the agency will take action, such as cutting federal funding for various programs, if a jurisdiction fails to enforce its new requirements.

“This federal overreach threatens devastating harm to local farmers and rural communities,” said Ellen Steen, AFBF’s general counsel. “The Clean Water Act gives the power to regulate runoff to the states. This plan will strangle local farmers out of business, which is all the more unfair considering the tremendous strides farmers have made in adopting sustainable practices.”

Despite these improvements, the blueprint calls for dramatic further reductions from agriculture, on a compressed timeline, without regard to feasibility or cost,” Bishop said. “It does not allow states and localities the flexibility to take local human and social impacts into account.”

Pendleton County, West Virginia was one of eight counties to file a brief challenging the plan in the Third U.S. Circuit Court of Appeals in Philadelphia. As part of that brief, attorneys representing Pendleton County explained over 38 percent of the county is farmland, with 540 family farms making up a significant portion of the economic base in the rural, economically depressed area.

Under EPA’s Chesapeake Blueprint, “A significant amount of Pendleton county farmland will have to be removed from production due to its proximity to waterways and the resulting impact on the Bay TMDL ... Pendleton County has a very limited industrial base,” according to the counties’ brief. “Consequently, people who would be displaced from farming would have little to no opportunity to replace their loss.”

Model for Nationwide Zoning

Bishop says if EPA’s Chesapeake Blueprint is upheld by the courts, it could serve as a model for a federal regulatory takeover of local planning decisions in other watersheds around the nation.

“If the Supreme Court doesn’t agree to hear this case, they’re allowing for a dramatic expansion of federal power that could put farmers across the country out of business,” said Bishop.

Ninety-two members of Congress, 22 states, and numerous forestry groups filed friend-of-the-court briefs asking the U.S. Supreme Court to hear AFBF’s case. Business organizations, including the U.S. Chamber of Commerce, National Association of Manufacturers, and the National Federation of Independent Business—groups that often favor uniform federal standards over complying with myriad local regulations—also filed friend-of-the-court briefs supporting AFBF’s request.

The briefs universally object to EPA’s assertion of regulatory power over land-use decisions within watersheds, and they support state and local authorities’ objections to the plan.

H. Sterling Burnett, Ph.D. (@heartland.org) is a research fellow with The Heartland Institute.
Obama Official Sued for Access to Private Emails

By Ann N. Purvis

The Competitive Enterprise Institute (CEI) has appealed a decision by a federal court denying it access to work-related e-mails belonging to the private e-mail account of John Holdren, director of the White House Office of Science and Technology Policy.

In 2013, CEI filed a Freedom of Information Act (FOIA) request for work-related e-mails located in Holdren’s e-mail account at the Woods Hole Research Center. Responding to the FOIA request, the Office of Science and Technology Policy said the e-mails were not subject to FOIA, prompting CEI to file a lawsuit in a federal district court.

In March 2015, a district court granted the federal government’s motion to dismiss the suit, ruling since the agency lacked control over Holdren’s e-mails, it had no obligation to produce them under FOIA. “Agency reluctance to turn over private server e-mails, especially from high officials, unfortunately is not uncommon,” said Sam Kazman, general counsel for CEI. “But what we thought was totally unjustified was the district court dismissing the case at the very outset.”

CEI appealed, and the DC Circuit Court of Appeals heard oral arguments on January 14, 2016.


The brief says if federal workers are able to shield personal e-mail accounts from the public, there is no way for the public to hold government workers accountable. “If e-mail that meets the definition of an ‘agency record’ is not subject to FOIA simply because it happens to be stored on a private e-mail account, vast swaths of government conduct will be hidden from public view,” said RCFP in the brief.

Kazman says the ability to reach Holdren’s e-mails would not constitute a privacy intrusion. “When we’re arguing e-mails on a private server are subject to FOIA, we are not saying FOIA gives the agency the right to examine everything in that private e-mail account,” Kazman said. “It is simply that work-related documents in that e-mail account constitute agency records and someone comes into the job knowing that, so there’s no real intrusion on privacy here.”

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

Critics Say FOIA Reform Bill Would Reduce Government Secrecy

By Bonner R. Cohen

Congress is considering legislation that would enact far-reaching reforms of the Freedom of Information Act (FOIA).

On January 11, the U.S. House passed the FOIA Oversight and Implementation Act, which includes new limitations on the ability of federal agencies to withhold information requested under FOIA. The U.S. Senate has already passed a similar bill.

The bill’s sponsor, Rep. Darrell Issa (R-CA), former chairman of the House Government Reform and Oversight Committee, said, “We regularly use the Freedom of Information Act, and we regularly find ourselves frustrated,” according to a report in The Hill.

Issa’s frustration is shared by many of his colleagues and by outside groups, who complain their FOIA requests are frequently met by long delays, heavily redacted documents, and refusals by agencies to turn over documents, citing numerous exemptions in current law.

Dozens of groups across the political spectrum have called for FOIA reform to improve government transparency, including the American Civil Liberties Union, American Library Association, Competitive Enterprise Institute, Data Transparency Coalition, FreedomWorks, Government Accountability Project, Human Rights Watch, National Taxpayers Union, People for the American Way, R Street Institute, and Sunlight Foundation.

EPA Is a Repeat FOIA Offender

The Environmental Protection Agency (EPA) has recently received much criticism from advocacy groups, members of Congress, and some federal courts for its alleged abuse of FOIA loopholes to deny access to government information.

In a highly critical 25-page opinion issued on March 2, 2015, Judge Royce C. Lamberth of the U.S. District Court for the District of Columbia ruled EPA had shown “apathy and carelessness” in carrying out FOIA requests from conservative organizations. Lamberth admonished the agency for its handling of an open-records request from the Landmark Legal Foundation.

“The recurring instances of disregard that EPA employees display for FOIA obligations should not be tolerated by the agency at large,” Lamberth said in his ruling. “This court would implore the Executive Branch to take greater responsibility in ensuring that EPA FOIA requests—regardless of the political affiliation of the requester—are treated with equal respect and conscientiousness.”

“This bill will not solve the problem, but it is a big step forward,” Schnare said.

“The administration touts itself as being the most transparent in history, but it tends to confuse transparency with invisibility. FOIA reform might well reduce that confusion.”

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

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INTERNET INFO

Trump Vows to Cut EPA if He’s Elected President

Continued from page 1

vision station WMUR, took place at a diner in Manchester, New Hampshire shortly after a large town hall meeting.

Trump said he would do “tremendous cutting” of the federal government. In particular, Trump pledged to cut the budget of EPA, which he called “the laughingstock of the world.”

Trump’s remarks were similar to statements he made on Fox News Sunday on October 18, 2015. In that interview, Trump singled out EPA as an agency that will face particularly steep cuts if he becomes president.

“[EPA], what they do is a disgrace,” said Trump. “Every week they come out with new regulations.”

Christopher Horner, senior fellow at the Competitive Enterprise Institute, says he agrees with Trump about the need to cut back EPA’s powers.

“It is difficult to think of a better candidate for drastic downsizing cuts than this agency … one that alternately takes credit for having cleaned up our world only to foster alarmism about a tsunami of grave new threats that will overwhelm us unless it is further empowered and enriched,” said Horner.

EPA’s ‘Existence Threatened’

Sen. Ted Cruz (TX), another Republican presidential candidate, has also said he would cut EPA’s powers if elected president. As chairman of the U.S. Senate Subcommittee on Space, Science, and Competitiveness, Cruz held hearings in December to present the views of climate scientists whose research has led them to be skeptical of the claim humans are causing catastrophic climate change. The day after the hearing, Cruz called climate change the “perfect pseudoscientific theory for a big-government politician who wants more power” in an interview with NPR.

“The EPA faces two challenges: maintaining its funding and its narrative the country—and even the world—is threatened by climate change,” said Merrill Matthews, a resident scholar at the Institute for Policy Innovation. “Donald Trump’s assertion that as president he would slash EPA funding is driving the first challenge, and Sen. Ted Cruz’s recent hearing on climate change data is helping drive the second.

“Ironically, if either [Trump or Cruz] wins the White House, it’s the EPA’s, not the human race’s, existence that will be threatened,” Matthews said.

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

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MERRILL MATTHEWS
RESIDENT SCHOLAR
INSTITUTE FOR POLICY INNOVATION
Obama Halts New Coal Mining Leases on Public Land

By Bonner R. Cohen

In a move seen by many critics of President Barack Obama as a continuation of his administration’s “war on coal,” Interior Secretary Sally Jewell ordered a three-year moratorium on new coal leases on federal land.

Existing coal leases on public land would not be affected by the rule.

In her January 17 announcement of the rule, Jewell cited concerns over coal’s supposed contribution to climate change as the reason for the moratorium, saying the Interior Department will conduct a new analysis of how the extraction and burning of coal could make global climate change more likely.

Marita Noon, executive director of Energy Makes America Great, says the ban will have little impact on actual coal production, but she says it could become an important campaign issue.

“The announcement by the Obama administration will have little impact on actual coal production, as its efforts to kill coal have already taken their toll—with five major mining companies filing for bankruptcy in less than two years,” Noon said. “What it does show is how intent this White House is in its assault on the industry and how important the 2016 presidential election is.”

Locking Up Resources

At least 30 mine applications in nine states would be blocked by the moratorium, according to the Bureau of Land Management (BLM). The largest projects blocked are in the Powder River Basin, the nation’s top coal-producing region, which is located in Colorado, Montana, Utah, and Wyoming.

Coal production on federal land in Western states currently brings in more than $1 billion per year in annual revenue to the federal government.

In a statement issued after Jewell’s announcement of the moratorium, U.S. Rep. Rob Bishop (R-UT), chairman of the House Natural Resources Committee, criticized the administration’s move.

“We should be putting our nation on the path of continued energy strength—and not undermining our energy security at the bequest of radical environmentalists who wish to keep our resources under lock and key.”

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FDA Approves Second-Generation GMO Potato

By Alyssa Carducci

The Food and Drug Administration (FDA) has given J.R. Simplot Co., one of the world’s largest agribusiness companies, the green light to sell a potato genetically engineered to resist the pathogen that caused the Irish Potato Famine.

FDA determined Simplot’s second-generation Innate potato, the Russet Burbank Generation 2 (RBG2), isn’t different in composition or safety from other products on the market and does not require further premarket vetting. Before selling the new genetically modified potato, the company must receive approval from the Environmental Protection Agency (EPA).

Henry I. Miller, the Robert Wesson Fellow in scientific philosophy and public policy at the Hoover Institution, says he doesn’t expect EPA to prevent Simplot’s new product from hitting the market, but given EPA’s history, Miller says anything is possible.

“The on the merits, Innate should sail through, but given that it’s EPA—chronically incompetent, politicized, and corrupt—who knows?” Miller said.

The benefits of RBG2 include reduced bruising and black spots, resistance to late blight pathogens, and enhanced cold storage capability.

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Oregon Bill Proposes Ban on Coal-Generated Electricity by 2035

By Bonner R. Cohen

In a vote that could have far-reaching implications for Oregon’s residential and commercial electricity users, the state’s legislature will soon consider a bill sponsored by state Rep. Jeff Barker (D-Aloha) and state Rep. Brian Clem (D-Salem) that would eliminate electric-}

try generated by coal-fired power plants from the state’s power grid by 2035.

The Portland Tribune reports Oregon’s two investor-owned utilities, Pacific Power and Portland General Electric (PGE), both of which own out-of-state coal facilities, support the bill. The utilities agreed to back the legislation in exchange for environmentalists withdrawing a November ballot initiative that, if approved by voters, would impose an even more rapid phase-out.

PGE and Pacific Power agreed to phase out coal by 2035 and pledged, rather than replacing coal with natural-gas-fired electricity, half the electricity they sell in Oregon by 2040 will come from non-hydro renewable sources.

The two utilities were successful in lobbying to have included in the bill a provision that would allow them to charge ratepayers for building electric vehicle charging stations and a provision that would make it easier for them to finance large-scale solar projects in Oregon.

‘Subsidizing Uneconomic Renewables’

Coal-generated power plants currently supply Oregon with 33.4 percent of the state’s electricity, while non-hydro renewables, such as wind and solar, account for only 5 percent of the state’s power. As a result, analysts say the elimination of coal, even if it is assumed improvements in the efficiency of wind and solar power will occur during the next two decades, could result in a substantial shortfall in power available to Oregon’s homes and businesses.

John Charles, president and CEO of the Cascade Policy Institute, notes both wind and solar facilities are highly dependent on favorable weather conditions to generate electricity. Charles says during the “peak periods” of winter, when utilities must supply the maximum amount of reliable electricity, weather-related interruptions of wind and solar power can play havoc with the electric grid.

“Under this deal, ratepayers will be forced to spend … uncalculated amounts of money subsidizing uneconomic renewable energy facilities, and then [they will] have to pay a second time to maintain and operate natural gas-fired generators necessary to back up unreliable wind and solar plants,” Charles said.

Threatening Electric Reliability

“Efforts to wean Oregon off coal do not make sense,” said John Eick, director of the Energy, Environment, and Agriculture Task Force at the American Legislative Exchange Council. “Coal can provide something to Oregonians wind and solar currently cannot: continuous, reliable, baseload power that is immune to variable weather conditions.”

Tom Tanton, director of science and technology assessment at the Energy and Environment Law Institute, says Oregon’s lawmakers should reject efforts to shut down coal-fired power plants.

“The Oregon legislature should acknowledge the importance of coal [in the creation of] affordable and reliable electricity, as well as tremendous improvements in efficiency and cleanliness of modern coal plants, and not try to shut down over one-third of Oregon’s power,” Tanton said.

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

Scientists Question Quality of Government’s Science Data

Continued from page 1

vious findings, including those produced by the Intergovernmental Panel on Climate Change in its most recent report, which acknowledged there has been a pause in rising temperature over the past 18 years.

Many scientists have said they have serious doubts about the quality and objectivity of NOAA’s report, which was published in Science. NOAA’s adjustments to ocean temperature data between 1998 and 2012 made recent global temperature changes appear two times warmer than the original recorded measurements.

“The House Committee on Science, Space, and

INTERNET INFO

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corning-noaa-data-quality-act-violation

“Under this deal, ratepayers will be forced to spend … uncalculated amounts of money subsidizing uneconomic renewable energy facilities, and then [they will] have to pay a second time to maintain and operate natural gas-fired generators necessary to back up unreliable wind and solar plants.”

JOHN CHARLES
PRESIDENT AND CEO
CASCADE POLICY INSTITUTE

“If NOAA had obeyed the law and carried out the required peer review of [the report], this whole affair could have been avoided. Hopefully NOAA will obey the law in the future.”

WILLIAM HAPPER, PH.D., PRINCETON UNIVERSITY

“Technology is charged and qualified to insist that federal agencies obey the law of the land, in this case the Data Quality Act (DQA), which calls for a thorough peer review of ‘highly influential scientific assessment,’” said letter signatory William Happer, Ph.D., professor emeritus of physics at Princeton University. “The DQA recognizes scientific assessments of the federal government have a much greater weight than those from non-governmental research groups and should therefore be subject to more stringent peer review before publication.

“NOAA has carried out admirable internal peer reviews that fully satisfied the DQA on other controversial scientific assessments ... but the paper by Karl et al. was rushed into print with only the most cursory review by the journal Science,” Happer said. “If NOAA had obeyed the law and carried out the required peer review of [the report], this whole affair could have been avoided. Hopefully NOAA will obey the law in the future.”

Another signer, Lord Christopher Monckton, chief policy advisor to the Science and Public Policy Institute, said, “We wrote our letter as a reminder that the climate science community is as much subject to the law of the land as the rest of us. “Tampering with data at taxpayers’ expense in pursuit of a nakedly political objective that would have horrified the Founding Fathers of the United States is contrary to the law and may even be fraudulent,” Monckton said. “Be that as it may, the Data Quality Act must in the future be complied with.”

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

President Barack Obama proposed a $10 per barrel oil tax as part of his annual budget proposal, which was presented to Congress on February 4.

The White House says the tax will serve the dual purposes of reducing demand for oil, thus fighting climate change, and increasing funding for transportation.

Obama’s proposal comes at a time when oil prices are at their lowest point in years, causing many oil and gas companies to scale back operations. In 2015, oil and gas companies laid off more than 60,000 workers globally. More than 60,000 oil and gas industry workers lost their jobs in Texas alone, and the number of active drilling rigs in the United States fell by 61 percent.

Highway Funding Gaps

Federal spending on road construction and maintenance comes from the Highway Trust Fund (HTF), which is funded by an 18.4-cents-per-gallon tax on gasoline and a 24.3-cents-per-gallon tax on diesel fuel. HTF has been running annual shortfalls topping $10 billion in recent years, and estimates show there is a $740 billion backlog of repairs to the nation’s roads and bridges.

The reasons behind the shortfall include people driving fewer miles due to poor economic conditions and because a growing percentage of vehicles on the road today are fuel-efficient. These factors have resulted in a decline in oil consumption of two million barrels per day since 2005.

As much as 25 percent of highway funding is diverted annually to non-highway projects, including mass transit, bike trails, and visitor centers.

Obama’s proposed tax would be phased in over five years, and the Obama administration says it would generate approximately $65 billion annually when fully enacted. Obama proposes diverting more than $30 billion each year of the new revenue to fund the creation of additional public transit options and to encourage local and state governments to implement regional land use planning to reduce carbon dioxide emissions.

Myron Ebell, director of the Center for Energy and Environment at the Competitive Enterprise Institute, believes Obama’s oil tax proposal is political theater.

“Since Obama knows the current Congress will not consider this oil tax, I can only conclude it’s political symbolism aimed at [pleasing] the international climate cabal,” said Ebell.

Tax ‘Dead on Arrival’

Congressional Republicans and energy industry insiders reacted negatively to Obama’s oil tax proposal.

Rep. Paul Ryan (R-WI), speaker of the U.S. House of Representatives, issued a statement in which he said, “Once again, the president expects hardworking consumers to pay for his out of touch climate agenda. A $10 tax for every barrel of oil produced would raise energy prices—hurting poor Americans the most. The good news is this plan is … dead on arrival in Congress.”

C. Jeffrey Eshelman, senior vice president for operations and public affairs at the Independent Petroleum Association of America, says Obama’s oil tax will hurt consumers.

“President Obama said on many occasions, ‘We can’t drill our way to lower gas prices,’ but we did, in the process creating thousands of jobs and providing billions of dollars to local, state, and federal treasuries,” Eshelman said. “Now, with the industry struggling, the president is choosing climate activism over common sense, ignoring the benefits of American energy.”

H. Sterling Burnett, Ph.D.
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Nourishing Our Resources

Aquanomics Water Markets and the Environment
Edited by B. Delworth Gardner and Randy T Simmons

“Gardner and Simmons have brought together an important book in Aquanomics. Given massive population and urban expansion in the last century we must face up to the challenge of potential ‘water crisis’ of immense importance. . . . This book does so clearly and with substantial depth.”

—Elinor Ostrom, Nobel Laureate in Economic Sciences

Aquanomics reveals the enormous ecological and economic advantages in establishing private water rights and markets. As with any other resource, if people own water it will be protected. The authors discuss and illustrate the need for such policies in order to maximize water quantity and quality.

Plowshares & Pork Barrels

The Political Economy of Agriculture
E. C. Pasour, Jr. and Randall R. Rucker

“The superb book, Plowshares & Pork Barrels, by Pasour and Rucker, is both analytically rigorous and readable. It is the single best guide available to the historical path and complexities of U.S. agricultural policies.”

—Lee J. Alston, Ostrom Chair and Director of the Vincent and Elinor Ostrom Workshop in Political Theory and Policy Analysis, Indiana University

Established in 1860, the U.S. Department of Agriculture has grown continuously and is now the most robust of all federal programs. Plowshares & Pork Barrels now provides the context necessary to make sense of agricultural policies and offers market-based reforms that will benefit both consumers and farmers in an increasingly interdependent global economy.
Physicist Happer Takes Us Down the Rabbit Hole of Climate Science

By H. Sterling Burnett

Burnett: Please tell our readers a little about your research background and how you came to work on climate issues.

Happer: Much of my work as a physicist involved the interaction of radiation with matter. I am probably best known as the inventor of the sodium guide star, which is used on big modern telescopes to eliminate the blurring of stellar images by atmospheric turbulence. I served as the director of the Office of Energy Research, now the Office of Science, in the U.S. Department of Energy, from 1990 to 1993, where I was responsible for all of the non-weapons basic research of the department. In addition to areas such as high-energy physics, materials science, and the human genome, I was responsible for DOE’s work on climate science. During my time at DOE, my office established the Atmospheric Radiation Measurement Climate Research Facility, which includes remote sensing observatories all around the world. The facility is still going strong and providing high-quality observational data on atmospheric physics.

Burnett: Degrees of skepticism exist regarding the theory humans are responsible for climate change and whether its impacts on human well-being and ecosystem health will be negative. Some don’t believe humans are playing any role in present climate conditions, others think they have had a modest impact, and still others think humans are affecting climate but that it’s not likely to have a dangerous impact, with some in this group saying they believe it could even be beneficial. Where do you fall on the spectrum?

Happer: Doubling the carbon dioxide concentration will probably cause a warming of around 1 degree Celsius, close to the theoretical, feedback-free value. A warming of 1 to 2 degrees Celsius will be beneficial in itself by lengthening growing seasons and cutting winter heating bills. Remember that most of the warming will be in temperate or polar latitudes—not in the tropics—and [the warming will mostly occur] at night, not during the day. The U.N. Intergovernmental Panel on Climate Change’s “most likely” warming estimate if carbon dioxide is doubled [is] 3 degrees Celsius, which is almost certainly much too large.

In addition to the direct beneficial effects of modest warming, there will be a huge benefit to agriculture from more carbon dioxide. By the standards of geological history, with hundreds of millions of years when carbon dioxide concentrations were several thousand parts per million [ppm], we have been in a carbon dioxide famine over the past tens of millions of years, with low concentrations of several hundred ppm. More carbon dioxide will increase crop yields, make plants more tolerant to droughts, and will shrink deserts. Yet, we keep hearing about “carbon pollution.” Carbon dioxide is beneficial, not a pollutant.

Burnett: At ICCC-10, your presentation compared the claims made by proponents of the theory humans are causing catastrophic global warming with the famous novel Alice’s Adventures in Wonderland. What parallels did you find?

Happer: Wonderland is the kingdom of the absurd, presided over by the Queen of Hearts. Desperate lackeys painted white roses red to please the queen. To please their masters before the [2015 Paris Climate Conference] U.S. federal employees diddled the flat temperature record for the past decade or two into a robust warming. This was done with great fanfare, despite the fact the “pause” or “hiatus” was almost universally acknowledged, even by the IPCC. The infamous hockey stick temperature record of the past millennium was an analogous effort to erase the embarrassing Medieval Climate Optimum, when Vikings farmed Greenland and when wine grapes grew in Britain, but when not much fossil fuel was being burnt. The Earth’s climate has always changed and always will, no matter how many stupid laws are passed by governments and no matter how much “science” is made up to support the laws.

Burnett: Attacks on climate realists such as yourself have become personal in many instances. What have you found to be the most disturbing aspect of the way the climate change debate and climate policy have developed?

Happer: The Queen of Hearts’ solution to any frustration was always the same: “Off with their heads!” Today, we hear demands by some politicians that any scientist who deviates from the governments’s party line on climate be prosecuted under the federal racketeering act. More extreme politicians want such “deniers” tried for treason. A servile media enthusiastically smears enemies of the climate establishment.

When I began my interest in climate research, it was not politics, but normal science, where skepticism is the most important guard against error. After all, the motto of Britain’s venerable Royal Society is “nullius in verba,” [which means], “Take no one’s word for it.” Apparently the Royal Society and many other scientific organizations in the United States have decided climate is an exception. A climate dogma has been promulgated, and heretics are punished. Someday, Ph.D. candidates will write dissertations on why so many educated elites embraced the myth of “carbon pollution.”

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

Data bearing the imprimatur of government agencies should enjoy as much trust as possible, but trust is a fragile asset that can easily be lost. Discussing Stalin’s brutal industrialization of the Soviet Union in The Great Terror, Robert Conquest writes, “Detailed comparisons were in any case impossible to make, owing to the secrecy and distortion of the Soviet system of the time.” Nobody trusted Soviet data.

For the most part, U.S. federal agencies deserve our trust. They have done an admirable job of collecting and disseminating reliable data. But there have been worrisome exceptions, often associated with environmental causes. Like most Americans, I am an environmentalist. I am fully committed to a clean, healthy environment, and I have a deep respect for nature. However, parts of the modern environmental movement, including parts of government agencies, have veered into a fanaticism raising doubts about how trustworthy they are.

Data Quality Mandated

To prevent an erosion of the trust in federal agencies, the Data Quality Act of 2001 (DQA) directed the Office of Management and Budget (OMB) to issue government-wide guidelines that “provide policy and procedural guidance to Federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by Federal agencies.”

The response by OMB, as well as by most other federal agencies, was to mandate rigorous peer review, well beyond the haphazard peer-review employed by scientific journals. Journals’ editorial bias or cronyism can ensure acceptance or rejection of manuscripts without regard to the intrinsic merits of the research.

Most federal agencies, most of the time, adhere to DQA requirements. For example, the National Oceanic and Atmospheric Administration (NOAA) subjected new findings of the effects of sonar on marine mammals to very extensive reviews, with the names of external reviewers publicized. While I am not an expert on the effects of sonar on marine mammals, I am confident the data finally released by NOAA should be taken very seriously, because the data were subjected to an extensive external peer-review process. Such action complies with the letter and the spirit of the DQA.

Data Quality Violated

In other instances, the DQA standards have been outright ignored. On June 26, 2015, the influential journal Science published “Possible Artifacts of Data Bases in the Recent Global Surface Temperature Warming Hiatus,” a paper co-authored by Thomas R. Karl, director of NOAA’s National Centers for Environmental Information. The paper announced remarkable findings: Karl and his co-authors assessed “the observational evidence related to a ‘hiatus’ in recent global surface warming” and concluded the evidence did not “support the notion of a ‘slowdown’ in the increase of global surface temperature.” This claim conflicts with the previous findings of many organizations worldwide, including the Intergovernmental Panel on Climate Change.

With great fanfare at the time of publication, NOAA issued a press release stating Karl and his co-authors “[refuted] the notion that there has been a slowdown or ‘hiatus’ in the rate of global warming in recent years.” NOAA stated the work had been carried out by a “team of scientists from the National Oceanic and Atmospheric Administration (NOAA) and the National Centers for Environmental Information (NCEI) and [the private consulting group] LMI using the latest global surface temperature data.”

A month after the hiatus had been declared dead in Science, the publication’s editor, Marcia McNutt, published an editorial titled “The Two Degree Inferno,” in which she proposed a special place in Hell for “deniers” of President Barack Obama’s position on climate change. Many were puzzled by this extreme position and were left wondering how questioning the supposedly scientific underpinnings of a political issue called for a declaration of religious heresy by the editor of one of the most prestigious scientific journals in the world. To many observers, the way NOAA publicized the death of the hiatus appeared to be part of a coordinated crescendo of propaganda meant to promote strong government action at the Paris Climate Conference, held in December 2015.

NOAA’s R.I.P. announcement for the hiatus seems to have violated DQA, as pointed out by more than 300 expert signers in a letter delivered to the U.S. House Committee on Science, Space, and Technology on January 28, 2016.

Satellite records continue to show the existence of a pronounced warming hiatus, with temperature peaks occurring every four or five years from El Niños, similar to the one in 2015, with cooling during subsequent La Niñas. A campaign to discredit the politically incorrect satellite data has recently begun. Slick, costly videos, congressional posturing, and many other propaganda tools have been unleashed to persuade the scientifically illiterate to ignore the satellite records.

Temperatures inferred from satellite radiometers agree extremely well with measurements of the same atmospheric layers taken with thermometers in weather balloons. Thermal microwave radiation is measured by satellites to determine atmospheric temperature in much the same way as infrared radiation from a patient’s ear is measured in modern hospitals to determine the patient’s temperature. Satellite temperature measurements are the gold standard, and they should have been part of the external peer-review process of the paper by Karl, et al., which is mandated by the DQA.

It is time for federal agencies to obey the DQA, even when it is politically inconvenient.

William Happer, Ph.D. (happer@princeton.edu) is an award-winning physicist and the Cyrus Fogg Brackett professor of physics at Princeton University.
Judge Andrew Napolitano

Tawfik Hamid
author, "Inside Islam", Defeating Radical Islamic Terrorism

Christina Tobin
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Ore. Congressman Offers Draft Bill to Resolve Issues in Klamath Basin

By Alyssa Carducci

U.S. Rep. Greg Walden (R-OR) released draft legislation on December 3 aimed at resolving a number of ongoing public land and water use conflicts in the Klamath Basin, which straddles the California-Oregon border.

Walden’s bill would transfer 200,000 acres of U.S. Forest Service (USFS) land to Klamath and Siskiyou Counties, split evenly. Supporters of the bill say the transfer would grow jobs in rural communities and improve forest health.

The legislation would also grant American Indian tribes in the Klamath Basin economic development funds and 100,000 acres of USFS land for timber production, in exchange for waiving their senior water rights claims.

‘Big, Bold, Proposal’

Rep. Rob Bishop (R-UT), chairman of the House Natural Resources Committee, praised Walden’s proposal. “Big, bold, and creative proposals are what’s needed to resolve these longstanding issues,” said Bishop in a statement.

“That means looking differently at the issue than the provisions and agreements that have been pending for over seven years,” said Bishop. “If we’re tied to these precedents that have failed, then we will fail in the future.

“[T]he federal land transfer provisions included in Congressman Walden’s draft legislation are ideas I could strongly support in order to move forward,” Bishop said. “While some immediately rejected any form of federal land transfer to empower local communities, I hope they will reconsider.”

Dam Controversy

The bill does not implement dam removal provisions related to the 2010 Klamath Hydroelectric Settlement Agreement, an agreement negotiated between Klamath tribes, irrigators, anglers, conservation groups, a number of counties, Oregon and California, various federal agencies, and PacifiCorp, which owns four dams on the Klamath River.

Addressing this concern, Walden said, “By now it should be clear to all the parties involved there are not the votes in the U.S. Senate or the U.S. House to pass the Klamath Basin Settlement Agreement and related agreements as proposed.”

Oregon state Sen. Doug Whitsett (R-Klamath Falls) says if the dams are removed, the region will lose hydro-power generation. Whitsett also says the Federal Energy Regulatory Commission (FERC) should be allowed to perform the tasks it is charged with, including making decisions concerning whether to relicense all, some, or none of the Klamath Basin’s hydroelectric dams.

Walden’s bill designates FERC as the agency charged with making any decisions about dam removal.

“In my opinion, the Klamath Hydroelectric Settlement Agreement was a political attempt to remove that decision from FERC authority,” said Whitsett. “I believe the dams should be modernized and enhanced to produce more carbon-free generation and relicensed.”

Contrary to claims made by those pushing for the removal of PacifiCorps’ dams, Whitsett says removing the dams will do little to improve the Klamath Basin’s environment.

“Removal of the dams will serve little if any water quality or fish passage purpose, because the overriding cause of poor water quality originates in Upper Klamath Lake, has existed for millennia, and will continue to exist into the foreseeable future,” Whitsett said.

Congressman Pushes Land and Water Conservation Fund Reform

By Kenneth Artz

A bill introduced by Rep. Rob Bishop (R-UT), chairman of the House Natural Resources Committee, would give states more control over funds held in the 50-year-old Land and Water Conservation Fund (LWCF).

LWCF, which now contains about $20 billion, is funded by royalties paid by companies producing oil and gas on the U.S. outer continental shelf. The funds are typically used to pay for federal land acquisitions.

Bishop’s bill would significantly cut the amount of money in LWCF used for federal land acquisition and would ensure up to 45 percent of the money appropriated from LWCF each year would go to states to support local recreation and development.

LWCF Is ‘Slush Fund’ for ‘Federal Bureaucrats’

Ron Arnold, executive vice president of the Center for the Defense of Free Enterprise, says states do not receive their fair share from LWCF.

“Under current law, [states] are supposed to get up to 50 percent of the fund in matching grants for local projects, but they are getting nowhere near that because it’s being used as a slush fund by federal bureaucrats,” Arnold said. “Bishop’s bill would rectify this imbalance.”

Arnold says LWCF’s benefits do not outweigh the problems it creates. “As far as conserving land and water, there are places where the fund has done more harm than good,” Arnold said.

Private Alternatives Improve Environment

John Baden, chairman of the Foundation for Research on Economics and the Environment, says although the federal government often mismanages public lands in the West, there is still a great deal of support for federal control.

“The government owns too much land, but there is overwhelming support for it, with roughly 80 percent of the public supporting federal retention,” Baden said. “They support this because people assume federal ownership of public lands implies the lands are maintained and protected.

“They aren’t,” said Baden. “Public lands have been badly mismanaged for decades, which is why I have proposed such lands be put into public trusts [or] other private alternatives to improve the environmental quality and economic performance of these lands.”

Kenneth Artz (iamkenartz@hotmail.com) writes from Dallas, Texas.
Obama Vetoes Congress’s Attempt to Block WOTUS

By Bonner R. Cohen

A bipartisan effort to block the controversial Waters of the United States (WOTUS) rule, which was put into place by the Environmental Protection Agency (EPA) and U.S. Army Corps of Engineers, failed on January 20, when President Barack Obama vetoed a congressional resolution of disapproval of WOTUS.

The WOTUS rule expands federal jurisdiction over ephemeral bodies of water on millions of acres of private land.

Under the 1996 Congressional Review Act, Congress can overturn a joint resolution of disapproval if a joint resolution of disapproval is passed by both chambers and signed by the president. The WOTUS resolution of disapproval, Senate Resolution 22, passed in the U.S. Senate on November 4, 2015, and was approved by the U.S. House on January 6.

Votes for the resolution fell short of the two-thirds majority necessary to override a presidential veto.

“We must protect the waters that are vital to the health of our communities and the success of our businesses, agriculture, and energy development,” Obama said in a statement upon vetoing the bill. “Because this resolution seeks to block the progress represented by this rule and deny the businesses and communities the regulatory certainty and clarity needed to invest in projects that rely on clean water, I cannot support it.”

Dispute Over Jurisdiction

Previous efforts by EPA to expand its jurisdiction under the 1972 Clean Water Act over non-navigable waterways were rejected by the Supreme Court in 2001 and in 2006, but the murky language of those decisions left the agency’s regulatory authority over wetlands ambiguous.

After Congress refused to expand EPA’s regulatory authority over temporary or isolated wetlands, EPA announced it would “clarify” the uncertainties by writing a new rule. WOTUS is the result.

WOTUS removes the word “navigable” from the phrase “navigable waters of the United States” in the Clean Water Act, thereby expanding the jurisdiction of EPA and the Corps over bodies of water on private land, including stock ponds, drainage ditches, prairie potholes, and other bodies of water that may be only intermittently wet.

‘Unconstitutional Power Grab’

Rep. Kevin Cramer (R-ND), who led efforts in the House to pass the resolution of disapproval, issued a statement saying WOTUS is “an unconstitutional power grab by the federal government which threatens the livelihood of producers and businesses across North Dakota.”

Cramer added the rule “undermines the role of the states as partners and co-regulators of the nation’s waters.”

“WOTUS is the biggest power grab in the history of the EPA,” said Craig Rucker, executive director of the Committee for a Constructive Tomorrow. “EPA has effectively rewritten the Clean Water Act to suit its purposes, ignoring two Supreme Court decisions and the will of Congress. This is lawlessness plain and simple.”

“It is Mr. Obama’s plan in his lame-duck year to seize control of every portion of American life,” said Jay Lehr, science director at The Heartland Institute, which publishes Environment & Climate News. “Control of every drop of water falling on the United States is a clever way of advancing that plan.”

With congressional efforts to overturn WOTUS stymied for the duration of Obama’s presidency, action shifts to the nation’s courts, where, on October 9, 2015, the U.S. Court of Appeals for the Sixth Court issued a nationwide stay on the rule, blocking EPA and the Corps from implementing WOTUS until the case is heard.

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

Utah Fights Effort to Introduce Mexican Gray Wolf in State

By Kenneth Artz

Utah state officials are fighting a Department of the Interior (DOI) plan to include southern Utah in a recovery zone for the Mexican gray wolf, a sub-species they say has never lived north of Interstate 40, which runs through the middle of New Mexico and Arizona.

The DOI plan is to lure Mexican gray wolves to southern Utah, an act the Utah Wildlife Board warned in a December 2015 letter to DOI would actually harm the species, because Mexican gray wolves would have to compete with and interbreed with northern gray wolves, a separate species.

Misuse of ESA

Brian Seasholes, director of the Reason Foundation’s Endangered Species Project, says it’s a mistake for the Interior Department to attempt to expand the range of the Mexican wolf into areas where it never existed.

“This is yet another attempt by [DOI], egged on by environmental pressure groups, to use the wolf’s status under the Endangered Species Act as a land use and resource use control tool,” said Seasholes. “If the primary issue was conservation of the Mexican wolf, then the Interior Department and others would concentrate their efforts on the wolf’s primary habitat, which is south of Utah and Colorado, and, more importantly, [they would make efforts] to compensate ranchers, homeowners, and others who have livestock and pets preyed on by wolves.”

‘Congress Is Impotent’

Utah state Rep. Ken Ivory (R-West Jordan) says the attempted introduction of the non-native wolf population is another sign animals on the Endangered Species List are more important to the federal government than farmers and ranchers.

“I spoke to the county commissioners in the area where the Mexican wolves will be introduced, and they’re extremely frustrated,” Ivory said. “They feel the government is attacking the very principles this country was founded upon.

‘Congress is impotent,’ said Ivory. “To beat back this onslaught from the federal government, the people of Western states must amend the Constitution through an Article V convention and constrain the government so that it returns to its proper role of protecting the life, liberty, and self-determination of the people.”

Kenneth Artz (iamkenartz@hotmail.com) writes from Dallas, Texas.
The U.S. House of Representatives passed the Supporting Transparent Regulatory and Environmental Actions in Mining Act (STREAM) on January 12.

If STREAM becomes law, it would block a new Obama administration stream protection rule that requires a buffer zone of 100 feet between coal mines and streams.

David Williams, president of the Taxpayers Protection Alliance, and other critics say the regulation is intended to further limit coal production by increasing mining costs in Kentucky, Ohio, Pennsylvania, and West Virginia.

“It has been seven years since President [Barack] Obama [first] took office, and one area where he has been consistent is his penchant for regulatory expansion, particularly when it comes to energy and the environment,” Williams said. “The coal industry has been the main target of those regulations, and the damage is clear: Industry production is at a 30-year low and some of the largest coal companies have filed for bankruptcy.”

‘Vital to Coal Industry’
STREAM would require the Office of Surface Mining Reclamation and Enforcement (OSM) to conduct a study of the stream protection rule’s impact on industry and would block the rule for one year after completion of that study, giving Congress, industry, and the public time to review the findings. STREAM also requires OSM to publicly release all scientific data used in the drafting of any new rule.

STREAM was sponsored by U.S. Rep. Alexander Mooney (R-WV), whose office has provided the public with a factsheet addressing why the law is needed. According to the factsheet, the stream protection rule would dramatically increase energy costs and wipe out 220,000 coal-related jobs in Appalachia. Mooney says West Virginia will be hit particularly hard if the rule is not blocked, as 90 percent of the state’s electric power comes from coal-fired power plants and 60 percent of the revenues from the state’s business taxes comes from coal-related businesses.

‘No Environmental Purpose’
“The [stream protection rule] has no environmental purpose since OSM’s own state reports show mines overwhelmingly comply with existing regulations, with more than 90 percent of operations showing zero off-site environmental impacts,” Popovich said.

“Vital to Coal Industry”

“The STREAM Act will be vital for sustaining a viable coal industry and its employment base,” said Luke Popovich, vice president of external communications at the National Mining Association. “The measure would restore state agencies to their rightful place in regulating mining’s impact, prevent OSM from usurping that authority with bogus authority Congress did not grant, and put facts and science-based determinations at the forefront of regulatory decisions.”

D. Brady Nelson (darren.nelson@me.com) is a regulation policy advisor with The Heartland Institute.
Colorado Supreme Court Considers the Legality of Local Fracking Bans

By Kenneth Artz

Colorado is on the front lines of a battle between states and local communities who want to ban or impose moratoria on fracking, overriding state control of the oil and gas industry.

On December 9, the Colorado Supreme Court heard challenges brought by the cities of Longmont and Fort Collins. The cities claim they should have the power to ban fracking, regardless of decisions made by state agencies.

In 2012, voters in Longmont approved an amendment to its city charter banning fracking. In 2013, voters in Fort Collins approved a five-year moratorium on fracking. Lower courts overturned both limits, citing prior Colorado Supreme Court decisions determining the state, not localities, have control over oil and gas development. The courts found state regulators were solely authorized to regulate fracking.

‘Fracking Is Beneficial’

Jonathan Lockwood, executive director for Advancing Colorado, a pro-environment, free-market advocacy group, says Colorado is the epicenter of attacks on the energy industry from out-of-state anti-fracking groups seeking to evict the energy industry from the state, despite the fact the industry is one of the bright spots in the state’s economy.

“Out-of-state special-interest groups with extreme views have flooded our state with anti-energy campaigns, preyed on vulnerable communities, and tried to confuse voters,” Lockwood said. “Protesters in the past have been organized by the same people who organize minimum wage hike protests. The chants are even the same. At one demonstration, a protester held a sign that said, ‘Burn cop cars, not tar sands,’ showing how out-of-control these anti-energy activists really are.

‘Fracking helps our communities and local mom-and-pop businesses,’ said Lockwood. “It helps our schools, [and] helps keep our homes warm and our lights on. The anti-energy activists seem to have a problem with twenty-first century cutting-edge technology that helps the environment and helps society, and that’s why people don’t trust these out-of-state-backed radical environmentalists.”

No Play, No Pay

Lockwood says if the Colorado Supreme Court allows local regulation of fracking, Colorado should deny proceeds from state oil and gas severance taxes to communities imposing bans or moratoria on fracking operations.

“People cannot be allowed to harvest the fruits of other communities’ responsible energy production that they shun,” Lockwood said. “This is not The Hunger Games and this is not a dictatorship. Communities trying to ban fracking are like hungry hippos voraciously clamoring for severance tax revenues.”

‘Local Bans Sow Confusion’

Michael Sandoval, an energy policy analyst with Colorado’s Independence Institute, says the benefits of state regulation for the oil and gas industry are consistency across communities, the protection of property rights, and less regulatory red tape.

“Consumers see lower prices, and mineral owners can rely on their rights being protected across the state, all while producing affordable, reliable, and safe energy,” Sandoval said. “Local bans or moratoria on oil and gas development or hydraulic fracturing create confusion for operators and citizens alike, resulting in a hodge-podge of regulatory schemes designed to drive out natural resource development. [This suppresses] local government property and severance taxes, harming school districts and law enforcement, killing the local economy and driving out jobs, all while increasing prices for consumers.

“This dislocation does nothing to help the environment or nurture communities,” said Sandoval.

“The oil and gas industry wants consistent, even as it participates fully in the conversation about what level of regulation and other protections allow the state to develop oil and gas responsibly,” Sandoval said. “Allowing a patchwork of disparate and sudden regulatory changes with respect to local bans, pushbacks, or other measures would further harm the state’s ability to remain competitive as we endure the current commodity downturn.”

State Regulation Provides Uniformity

Gary Stone, vice president of engineering for Five States Energy Capital, says states have traditionally taken the lead in regulating oil and gas activities to produce uniform safety standards and efficient production.

In Texas, this authority is granted primarily to the Texas Railroad Commission (TRC), Stone says.

“All phases of the industry are regulated, from permitting to drilling to production and reservoir maintenance to transportation,” Stone said. “Instead of a hodge-podge of local regulation, producers are held to uniform safety standards throughout the state, and reservoirs are produced in the most efficient manner possible. It should be noted many activities like changing field production rules or forming cooperative units, for example, require technical hearings before the TRC and specific approvals.”

Stone says localities do have some say over oil and gas production.

“Cities and counties are typically allowed [to] regulate above-ground nuisances through ordinances imposing reasonable limits on noise and nighttime lighting and set-backs from schools or churches,” said Stone.

The protection of property rights is another important issue that arises as localities attempt to limit fracking, says Stone.

“The majority of oil and gas reserves in the United States are beneath privately owned land and have long been held to be the property of the land [or] mineral owner,” Stone said. “For a locality to deny a property owner the ability to produce and profit from the sale of that oil and gas is in effect the taking of property without compensation, which is a violation of the Texas Constitution, and I suspect it violates the [Colorado Constitution] and other states’ constitutions also.”

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“Network” has become a common last name for dozens of radical environmental groups, including the Rainforest Action Network, Pesticide Action Network, Climate Action Network, and many others, but the push to be part of a network is about more than puffery; it’s all about money.

Foundations funding the environmental movement are no longer satisfied with stand-alone groups saving the environment. They want to multiply the power of their grants by pressuring their grantees into coalitions of groups. These coalitions often take the form of networks that focus on climate change. Networks are better equipped to pool resources and are able to target more significant goals and influence governments to reshape the world economy and change human society.

The shift to climate change coalitions has caught the attention of academics. In 2015, the Oxford University Press published Climate Change and Society, in which 13 sociologists noted beginning in 2006 there had been a rapid increase in the number of organizations participating in coalition actions. By the end of 2010, “467 unique organizations had been identified as part of the national climate change movement,” wrote one contributor who provided a network diagram of the 467 organizations clustered into 21 coalitions.

Not surprisingly, the Climate Action Network, with its 900 global member groups, formed the largest coalition. There has been little coverage of the fact grant-making foundations are the driving force behind the emergence of climate change coalitions. Millions of dollars have gone to the Climate Action Network from the Sea Change Foundation, Energy Foundation, and Rockefeller Brothers Fund.

Green foundations have increasingly been using prescriptive grants—also called money accompanied by instructions and performance requirements—since 1992, when it was discussed at the Annual Retreat of the Environmental Grantmakers Association, a 200-member network of influential foundations.

‘Too Bad’
In a session featuring the Rockefeller Family Fund’s Executive Director Donald Ross, an official from another foundation asked Ross, “Do you detect, though, a resistance in the larger organizations to becoming grant-driven?”

Ross replied, “They don’t have the media, lobbying, grassroots organizing, Washington, DC base, litigation, etc. all wrapped in one organization. I think that there are things that could be done. I think funders have a major role to play. And I know there are resentments in the community towards funders doing that. And, too bad.”

Not every environmental group has caved to foundation pressure to join coalitions and focus their efforts on climate change. In 1997, three Oregon activists, Jeff St. Clair, Tim Hermach, and Michael Donnelly, won a campaign to stop logging in a particular watershed and found themselves invited to a lavish reception in Portland, Oregon. The host was Ross himself, along with officers from two other large foundations. Ross and the two foundation leaders proposed to give hundreds of thousands of dollars to St. Clair, Hermach, and Donnelly as part of a nationwide campaign. The plan was for the men to take their lead from public relations and media groups designated by the foundations.

St. Clair, Hermach, and Donnelly asked what would happen if they said “no,” to which Ross replied, “You’ll never see a dime of foundation money.”

The Oregon activists didn’t like the idea of being the foundations’ puppets, and they didn’t want to move to Washington, DC. They told Ross they weren’t interested, and they walked out.

Motivated by Money
Few environmental groups have followed this example. Most have instead proven only too willing to follow donors’ instructions to join climate-change-focused coalitions that promote false global warming solutions, such as ending the use of fossil fuels or engaging in efforts to silence climate skeptics by cutting their funding and criminalizing their research.

Things have changed. Stand-alone environmental activist groups are being co-opted into coalitions and given new marching orders. By forming coalitions or networks focused solely on the single issue of fighting climate change, foundations and their grantees have greater power to impose social change than acting as a loosely knit environmental movement made up of hundreds of individual organizations and groups fighting for a variety of disparate goals.

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I knew I was being asked to make a great sacrifice of time and emotion to read Bill Nye’s *Unstoppable: Harnessing Science to Save the World*, which I was sure would be a painful experience. It was even worse than I imagined.

It appears Nye truly does understand science and engineering, but like Luke Skywalker’s infamous father, Darth Vader, Nye has embraced the “dark side.”

Nye is a Cornell engineering graduate who had a successful television show, *Bill Nye the Science Guy*, and is now CEO of The Planetary Society, a non-profit organization that lobbies the government to fund space efforts, primarily trips to Mars.

Nye is convinced government-financed climate models are correct and that humans’ contribution to the atmosphere’s carbon dioxide levels is going to fatally warm the planet, raise sea levels, and destroy crops. A better title for the book would have been *Unsupportable*.

Nye skewers anyone who denies humans are causing catastrophic climate change, saying they are in need of psychiatric counseling. The book’s title, *Unstoppable*, stems from his belief, “Burning coal (and natural gas and petroleum) has unwittingly caused us to change the climate of our world and set in motion feedback loops that are going to be very, very difficult to tamp down.”

**Proposes to Restrict Freedom**

To prevent disaster, Nye proposes myriads of scary plans to restrict businesses and people’s personal lives to end our use of all fossil fuels. Nye writes we can run the planet on wind and solar energy, driving only electric cars powered by wind and solar farms. Older readers may remember a cartoonist by the name of Rube Goldberg who invented the most complicated machines to achieve the simplest feats. I believe Nye’s convoluted ideas for solving the world’s energy problems and climate change were likely influenced by Goldberg.

Nye shares his enthusiasm for NASA-CAR in a chapter focusing on professional racing’s use of ethanol for fuel. Nye argues ethanol could be a bridge fuel used to replace gasoline until better automotive fuels are discovered, but he could not be more wrong. Ethanol is an expensive, environmentally damaging niche fuel that would not be used by people today without current government mandates.

**Understanding Physics, Not Biology**

If you could eliminate the chapters dedicated to his nutty ideas of defeating global warming and the hundreds of sentences sprinkled throughout the book about climate change, Nye’s book is a reasonable science book for middle schoolers, explaining topics in physics and chemistry, such as how the electric grid works and how a large meteor ended the age of the dinosaurs.

Nye displays spotty understanding of the topics covered in chapters not devoted to discussing climate change. Nye’s discussions of nuclear power, how photovoltaic cells work, and what reverse osmosis is all about are interesting and informative, but Nye completely misunderstands how hydraulic fracturing works, and he neglects the well-established benefits of fracking. While Nye does offer an accurate description of basic thermodynamics, he unfortunately shows an almost total ignorance of biology and the fact plants require carbon dioxide to live and thrive.

To be fair, Nye honestly admits most of the policies and technologies he promotes to prevent dangerous climate change are not economically viable, and he torpedoes some of the most outlandish ideas proposed to fight global warming.

Additionally, Nye did teach me something of potential value: A quantum is the smallest amount of energy there is, so when someone says something is a “quantum leap,” intending to indicate the idea is a giant step forward, they are actually conveying the wrong message entirely; a “quantum leap” is actually a minuscule change.

It is unfortunate Nye wrote this book, because he appears to have a substantial following among a large segment of the U.S. population who may uncritically accept his statements concerning global warming and embrace his crazy quilt of ideas to prevent it.

I do not suggest any of my readers pick up a copy of this book, but there is an important lesson we can all learn from it: The publication of Nye’s book is evidence those of us devoted to science and the pursuit of the truth have to work even harder to dissuade reasonable people of the belief humans control the climate.

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

**JANUARY 2016**

### GLOBAL AVERAGE

The global average temperature for January was 0.54°C above average.

### NORTHERN HEMISPHERE

The Northern Hemisphere’s temperature was 0.70°C above average.

### SOUTHERN HEMISPHERE

The Southern Hemisphere’s temperature was 0.39°C above average.

### 219,000 years of Temperature Variation