The Week That Was: 2011-1-01 (January 1, 2011)
Brought to You by SEPP (www.SEPP.org)
The Science and Environmental Policy Project

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PLEASE NOTE: The complete TWTW, including the articles, can be downloaded in an easily printable form at the SEPP web site: www.sepp.org, which has been reactivated.

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Fred Singer is traveling again, this time to Southern California. His tentative schedule for the first and second week of January includes stops at JPL, Cal Tech, UCLA, Chapman U., UC-I, and Scripps Oceanographic Institute. On Jan 7 he will give a public talk at Chapman University, Orange, CA, at 1 pm in 404 Beckman. For other possible lectures open to the public, please contact Ken@Haapala.com.

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A Special Report to Friends and Supporters of SEPP
By S. Fred Singer, Chairman SEPP, /12/20/10

The months from Nov 2009 to Nov 2010 have been momentous and spell a sea-change for Global Warming policy:

It started with the release of the Climategate e-mails and the spectacular collapse of international negotiations in Copenhagen (dubbed Flopnhagen). It continued with the discovery of well-publicized errors in the IPCC report that have eroded public confidence in the IPCC process. The various efforts to whitewash the manipulations of the Climategate principals have come to naught; no one believes them. And it ended with the US midterm elections that brought a group of self-professed climate skeptics to the 112th Congress, eager to investigate climate misdeeds.

Yes, Siree. Come January 2011, it will be a new and different ballgame. This is the beginning of the end of the hyped GW scares by Al Gore and Jim Hansen. The final days of the failed Kyoto Protocol are near.

SEPP Business

We at SEPP have not been sitting on our hands:

We set up the group called *VA Scientists and Engineers for Energy & Environment*, with chapters in five major population centers. VA-SEEE has been educating the public through lectures, newspaper articles, and pamphlets. We actively support our Attorney General Ken Cuccinelli in his quest to extract the e-mails of 'Hockeystick-inventor' Michael Mann from the University of Virginia. We try to keep Governor McDonnell from investing public funds in uneconomic energy schemes.

You may have noticed that our web site is being revamped and updated, thanks to the splendid efforts of Exec VP Ken Haapala. The readership of TWTW (The Week that Was) is expanding steadily and sending us rave reviews.

Climate Science
I have spent much time fending off attacks on the NIPCC summary report [2008] *Nature Not Human Activity Rules the Climate* http://www.sepp.org/publications/NIPCC_final.pdf (See the attached semi-popular talk.) I have submitted three papers to scientific journals; they are now undergoing peer-review.

I am also in the process of updating the NIPCC summary -- a major undertaking. And with co-authors Craig Idso and Prof Bob Carter, we are preparing the next edition of the full NIPCC report *Climate Change Reconsidered-2*, to be published in 2013.

The last 12 months have also been busy ones for talks, both popular and scientific, in far-away places like India (twice!), Singapore, Colombia, and at least a two dozen all over Europe and the US. I stopped counting them but want to mention several debates (London, Princeton, Purdue) and a special briefing in Berlin for members of the Bundestag. The last drew a violent reaction from the German Green Party; they are listening and getting worried.

Earlier this year SEPP joined the Competitive Enterprise Institute (CEI) and FreedomWorks in filing a joint petition in the Federal courts challenging the scientific basis for the EPA's supposedly scientific finding that CO2 threatens human health and welfare. This EPA finding is the basis for EPA's efforts to control carbon dioxide emissions. SEPP provided the scientific expertise, CEI the legal expertise, and FreedomWorks the broad based, grass roots support for the petition.

After Christmas I will be setting off on a lecture tour of Southern California for more climate talks --both technical and popular. We cannot neglect the latter as a way of reaching the public.
In this connection, please look at my articles for the *American Thinker*. You can find them at http://www.americanthinker.com/s_fred_singer/ Be sure to look also at Comments from readers.

I close by thanking you, the Friends of SEPP, for your generous donations. **Our work depends on your continued support.**

Season's Greetings and best wishes for happy, healthy, and prosperous New Year.
Fred

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Quote of the Week:
"… six, key, well-mixed GHGs—CO2, CH4, N2O, HFCs, PFCs, and SF6 –threaten the public health and welfare of current and future generations." Administrator of the EPA

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Number of the Week: 3

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THIS WEEK:

By Ken Haapala, Executive Vice President, Science and Environmental Policy Project (SEPP)

Today marks the re-launch the SEPP web site, www.sepp.org. The web site is on a new server with an exceptional software system that allows great flexibility and features that were not available on the previous system, to include advanced search options. One can now view current and past TWTWs on sepp.org. These will be updated consistently.

Significant work remains to be done so parts of the site will be under construction for some time. Please bear with us. Within a few months we expect to build a reliable and current search tool for all. For the next month TWTWs will be listed in the new site and the temporary site www.haapala.com/sepp. The temporary site will be phased out in February.

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While many people were on their holidays, or stranded in snow bound air or ground traffic, the Obama Administration was advancing its goal of controlling use of carbon based energy. On January 2, the US EPA will start enforcing a new regulatory system that requires special permits for new facilities or ones significantly improved. These permits severely restrict greenhouse gas emissions (GHG). Of course, the main GHG that is being regulated is carbon dioxide. Currently, the main targets are power plants, refineries, iron and steel, pulp and paper, and cement plants. Subsequent regulations are forthcoming for existing facilities, boilers, etc. and new trucks, and automobiles.

It is useful to re-cap how the EPA obtained its position to declare that, under the Clean Air Act (CAA), it has powers to regulate carbon dioxide (CO_2) a trace gas that is so necessary for life.

The CAA contains no rigorous definition of pollutant or toxicity. Its language is vague. Massachusetts sued EPA claiming CO_2 emitted by automobiles was a pollutant under CAA, which EPA has the power to regulate. Joining Massachusetts were California, Connecticut, Illinois, Maine, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont and Washington, the cities of New York, Baltimore ,and Washington, DC, the territory of American Samoa, and the Center for Biological Diversity, Center for Food Safety, Conservation Law Foundation, Environmental Advocates, Environmental Defense ,Friends of the Earth, Greenpeace, International Center for Technology Assessment, National Environmental Trust, Natural Resources Defense Council, Sierra Club, Union of Concerned Scientists, and U.S. Public Interest Research Group.

The following is from an EPA Fact Sheet: http://www.epa.gov/airquality/pdfs/settlementfactsheet.pdf. [H/t Richard Trzupek]

> On April 2, 2007, the Supreme Court found that GHGs, including carbon dioxide, fit within the definition of air pollutant in the CAA. *Massachusetts v. EPA*, 549 U.S. 497 (2007). The Court found that when responding to a rulemaking petition under section 202(a) of the CAA, EPA was required to determine whether or not GHG emissions from new motor vehicles cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare, or whether the science is too uncertain to make a reasoned decision.
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> On December 7, 2009, the EPA Administrator signed two distinct findings regarding GHGs under section 202(a) of the CAA:
>
> **Endangerment Finding:** The Administrator found that the current and projected atmospheric concentrations of the six, key, well-mixed GHGs—CO_2, CH_4, N_2O, HFCs, PFCs, and SF_6 – **threaten the public health and welfare of current and future generations**. (Emphasis added.)
>
> **Cause or Contribute Finding:** The Administrator found that the combined emissions of these well-mixed GHGs from new motor vehicles and new motor vehicle engines contribute to the greenhouse gas pollution which threatens public health and welfare.

To expand its power that was limited to a Supreme Court decision on new motor vehicles, the EPA used a well-honed technique. EPA entered into consent agreements (privately negotiated) with friendly litigants. These consent agreements were endorsed by Federal courts. These agreements, not contested, require that EPA expand its powers to include power plants, refineries, large boilers, cement plants, etc. Thus, EPA now claims many companies and states are now subject to its powers even though those so regulated had no clear opportunity to protest.

According to EPA documents, the litigants with whom it reached consent agreements are: New York, California, Connecticut, Delaware, Maine, New Mexico, Oregon, Rhode Island, Vermont, and Washington, Massachusetts, the District of Columbia, and the City of New York; Natural Resources Defense Council (NRDC), Sierra Club, Environmental Defense Fund (EDF) and Environmental Integrity Project.

These events are a stark example how significant environmental policy is all too frequently established in Washington – certain agencies expand their powers by consent agreements with friendly litigants using

vague laws. There is little actual scientific evidence establishing the need for such policy, or public discussion, or any clear responsibility by the publically elected representatives.

There are at least three courses of action to defeat EPA's expansion of power: 1) litigation; 2) Congress removing from the EPA the power to regulate CO2, and 3) Congress removing funding of sections of EPA. Each method has its weaknesses.

A number of parties including Texas, Alabama, and Virginia have filed litigation challenging the Endangerment Finding (EF) that CO2 threatens human health and welfare. SEPP is one of the parties claiming the EF has no scientific basis. The EF is based on the 2007 IPCC report which contains great inaccuracies and false scientific claims. At most, EPA should have declared the science is too uncertain to make a scientific finding.

The litigation is proceeding very slowly and the courts have denied the petitions that EPA's rulemaking should not go into effect until after the courts have decided on the scientific merit of EPA's EF. The weakness of this approach is that all too frequently the courts defer to the "expertise" of the bureaucracy and do not fully consider the merits of the statements by plaintiffs. It is noteworthy that, generally, media articles that advocate expansion of EPA power fail to mention the scientific issue.

A second course of action is Congress removing from the EPA the power to regulate CO2. Will such an action pass both the significantly revised House of Representatives and the somewhat revised Senate and obtain the signature of President Obama?

A third course of action requires that the significantly revised House of Representatives remove from EPA the funding to enforce its regulations. Will it have the audacity to do so?

Please see Articles # 4 and 5 and the articles under "EPA and Other Regulators on the March" including the articles that Texas is intensely fighting the EPA. (In the near future, EPA documents quoted above will appear on the web site www.sepp.org.)

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The Department of Homeland Security has now added climate change as a priority. What this means is unclear. The Department of Agriculture, once known for establishing policy based on the best available science, has announced that it will accept environmental activists and critics of genetically modified crops to participate in regulatory decisions. This may be another blow to environmental policy based on science. (Please see articles under "EPA and Other Regulators on the March."

In addition, the Federal Energy Regulatory Commission (FERC) has come up with a scheme on how to deliver expensive, unreliable electricity from wind farms in the Midwest to the East that wants such electricity but is unwilling to pay for the long distance, high voltage lines necessary to obtain it. (Even T. Boone Pickens now recognizes wind farms do not work.) FERC's solution is to require all utilities in the path of these lines to pay for them even if these utilities prefer to obtain electricity from affordable, reliable, traditional sources. Of course, this scheme is directly contrary to the long held legal principle of regulated utilities that the user pays. (Please see Articles # 7 and 8.)

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Extreme weather is the focus of many political commentators and some policy makers. Northern Europe and eastern US has suffered from extreme cold and heavy snowfall. Unusual cold and snow have occurred in central China and in Australia as well. Unfortunately, many people are dying or suffering from these winter events.

Of course, we are being treated by the usual winter chorus of those who correctly declare that weather is not climate and we cannot assume extreme cold events, in themselves, are proof of cooling climate. Unfortunately, many in this chorus are in the summer chorus that declares that hot weather events are proof of global warming.

In their apparent efforts "to communicate better with the public", advocates of human-caused global warming have created a number of explanations for this cold. It appears as if the advocates are seeking the explanation which the public finds most plausible. For example, human-caused global warming is causing the Arctic ice to melt, which causes heavy snows to fall early in Siberia. The snow reflects sunlight, causing heat to escape into space, thus causing winter cooling. This explanation, and many others, requires that the planet has a negative feedback to human-caused warming, which advocates refuse to admit.

In the UK, the Met Office is under severe attack for predicting three mild winters in a row when the UK is now experiencing a third severe winter in a row. Why have these climate experts and their exceedingly expensive computer models performed so poorly? A reader provided an April 2007 press release from the UN Environmental Programme (one of the two parent organizations of the UN IPCC) which may provide the answer: "Europe set for warmer northern winters …" If UN press releases so state it, shouldn't the computer models do so as well?

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TWTW Note: Several readers have asked why comments in TWTW suggest that government expenditures and subsidies in wind generated electrical power do not necessarily create growth in jobs and the economy. This issue will be addressed, briefly, in the next TWTW.

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NUMBER OF THE WEEK: 3. Three US Federal government agencies have recently announced they are expanding their regulatory powers under the rubric of human-caused global warming or climate change, or actions these beliefs entail – EPA, Homeland Security, and Federal Energy Regulatory Commission (FERC). Some government agencies will do whatever is necessary to their expand power.

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SEPP Science Editorial #2011-1

By S. Fred Singer, Chairman, Science and Environmental Policy Project (SEPP)

Uncertainty in Climate Modeling

I recently read an interesting discussion on 'uncertainty in climate modeling' by Tebaldi, Schmidt, Murphy, and Smith in the *Bulletin of Atomic Scientists*, http://www.thebulletin.org/print/web-edition/roundtables/the-uncertainty-climate-modeling But the authors ignore some of the central problems that plague climate models that try to predict the development of future climate. I am referring here to three major issues:

1) Uncertainties of the scenarios that determine the emission of greenhouse gases, principally economic growth, which is closely tied to the use of energy. Economic growth in turn, is a function of population and economic development and may be roughly approximated by GDP growth. The IPCC lists a wide spectrum of what they consider to be plausible scenarios and calculates global temperatures for the year 2100 with an uncertainty spread of an order of magnitude [IPCC 2007, Fig. SPM.5, p.14].

2) Structural uncertainties. I include here uncertainties in climate forcing, both anthropogenic and natural; in climate feedbacks; and in the hundred or so parameters that go into constructing a model, mainly concerned with clouds. While the IPCC uses fairly precise numbers for the various greenhouse gases, it omits the most important one, namely water vapor. Its contribution is encompassed within the

models in terms of a positive feedback that amplifies the forcing of anthropogenic greenhouse gases by a factor of about 3.

The uncertainties listed for aerosols are quite large, particularly for the indirect effects of aerosols in providing condensation centers for cloud formation. [IPCC-AR4 2007, Fig. TS-5, p.32]. In addition, aerosols come in different flavors, ranging from reflecting sulfates to absorbing soot particles. Unlike well-mixed GH gases, like CO2, aerosols show particular geographic and temporal distributions, which also affect climate projections significantly. Given the realistic range of aerosol compositions used here, it is not possible for global models to correctly calculate the cloud albedo effect if composition is ignored [Roesler and Penner 2010].

James Hansen, a leading climate modeler, called attention to our inadequate knowledge of radiative forcing from aerosols when he stated, "the forcings that drive long-term climate change are not known with an accuracy sufficient to define future climate change" [Hansen 1998].

Parameterization is a vexing issue for climate modelers. James Murphy [Nature 2004] lists some 100 or more parameters that must be chosen, using the modelers."best judgment." Varying just six of these parameters related to clouds can change the climate sensitivity from 1.5 up to 11.5 degC [Stainforth et al 2005].

Even more important, the feedbacks (from WV and from clouds) may actually be negative rather than positive (as assumed in all climate models). This possibility follows from the analyses of satellite data [by Lindzen and Choi 2010 and by Spencer and Braswell 2010].

3) Chaotic Uncertainty. It is well understood that climate is a chaotic object and climate models reflect that property. The outcome of a particular model run ("simulation") depends sensitively on the initial conditions; even minute changes can lead to greatly differing outcomes. For example, the five runs of a Japanese MRI model show temperature trends that differ by almost a factor of 10, an order of magnitude. (If more runs had been performed, the spread would have been even greater.) One can show [Singer and Monckton 2011] that taking the mean of an ensemble of more than 10 runs leads to an asymptotic value for the trend. However, most modelers face constraints on time and money and are not able to carry out so many runs. For example, of the 22 models in the IPCC compilation of "20 CEN" [an IPCC term for a group of climate models] there are 5 single run models, 5 two-run models, and only 7 models with four or more runs.

Conclusion:
Clearly, models cannot be used to predict future global temperatures reliably. (Note that variability and uncertainty of models is even greater for regional temperatures and for quantities other than temperature, such as precipitation.) The chief value of models, I believe, derives from their use to test sensitivity of outcome to variations in specific forcings or input parameters.

References:

Hansen, J.E., et al. 1998. Climate forcings in the industrial era. Proc. Natl. Acad. Sci. USA 95: 12753-12758.

IPCC-AR4 2007. Climate Change 2007: The Physical Science Basis. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change. Cambridge University Press.

Murphy, J.M., et al. 2004. Quantification of modeling uncertainties in a large ensemble of climate change simulations. Nature 429: 768-772.

Roesler, E.L. and J.E. Penner. 2010. Can global models ignore the chemical composition of aerosols? GRL 37: doi:10.1029/2010GL044282

Singer, S.F. and C.W. Monckton. 2011. Chaotic behavior of climate models. (Submitted)

Stainforth, D.A., et al. 2005. Uncertainty in predictions of the climate response to rising levels of greenhouse gases. Nature 433: 403-406.

##

ARTICLES:

For the numbered articles below please see: **www. sepp.org**.

1. Secondhand Smoke, Lung Cancer, and the Global Warming Debate

By S. Fred Singer, American Thinker, Dec 19, 2010
http://www.americanthinker.com/2010/12/second_hand_smoke_lung_cancer.html

2. CARB's Carbon Capers

By S. Fred Singer, American Thinker, Dec 27, 2010
http://www.americanthinker.com/2010/12/carbs_carbon_capers.html

3. No proof man causes global warming

Natural variation fits facts more closely
By S. Fred Singer, Washington Times, Dec 28, 2010
http://www.washingtontimes.com/news/2010/dec/28/no-proof-man-causes-global-warming/

4. How Congress Can Stop the EPA's Power Grab

Courts have yet to decide if the agency's proposed controls on carbon emissions are even legal.
By Fred Upton (US Rep.) and Tim Phillips, WSJ, Jan 2, 2010 [H/t Moorad Alexanian]
http://online.wsj.com/article/SB10001424052748703929404576022070069905318.html?KEYWORDS=fred+upton

5. EPA Rules Will Trump Your Rights

Editorial, IBD, Dec 30, 2010
http://www.investors.com/NewsAndAnalysis/Article.aspx?id=558325&p=1

6. A Wind Power Boonedoggle

T. Boone Pickens badly misjudged the supply and price of natural gas
By Robert Bryce, WSJ, Dec 22, 2010
http://online.wsj.com/article/SB10001424052748704368004576027310664695834.html?mod=ITP_opinion_0

7. The Midwest Wind Surtax

The latest scheme to socialize the costs of renewable energy
Editorial, WSJ, Dec 30, 2010 [H/t Randy Randol]
http://online.wsj.com/article/SB10001424052970204527804576043893513811886.html

8. The Wind Subsidy Bubble

Green pork should be a GOP budget target
Editorial, WSJ, Dec 20, 2010

http://online.wsj.com/article/SB10001424052748703395204576023820064646268.html

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NEWS YOU CAN USE:

Challenging the Orthodoxy

The Abiding Faith Of Warm-ongers

Editorial, IBD, Dec 22, 2010 [H/t Tom Sheahen]
http://www.investors.com/NewsAndAnalysis/Article/557597/201012221907/The-Abiding-Faith-Of-Warm-ongers.aspx

Time for global warming lobby to admit they could be wrong, says meteorologist

By Alex Singleton, Telegraph, UK, Dec 29, 2010 [H/t Marc Morano, Climate Depot]
http://blogs.telegraph.co.uk/news/alexsingleton/100069902/time-for-global-warming-lobby-to-admit-they-could-be-wrong-says-meteorologist/

Extreme Weather

Potsdam Climate Institute Now Says To Expect "Warmer Colder" Winters!

By P. Gosselin, No Tricks Zone, Dec 23, 2010 [H/t Anne Debeil]
http://notrickszone.com/2010/12/23/potsdam-climate-instutute-now-says-to-expect-warmer-colder-winters/
["Hard winters do not refute global warming, instead they more so confirm it."]

Bundle Up, It's Global Warming

By Judah Cohen, NYT, Dec 25, 2010
http://www.nytimes.com/2010/12/26/opinion/26cohen.html?_r=1&ref=opinion
[SEPP Comment: "Annual cycles like El Niño/Southern Oscillation, solar variability and global ocean currents cannot account for recent winter cooling." A break through discovery, El Niño/Southern Oscillation, solar variability and global ocean currents are annual cycles.]

Biting winters driven by global warming: scientists

By Marlow Hood, AFT, Dec 21, 2010, [H/t Marc Morano, Climate Depot
http://www.google.com/hostednews/afp/article/ALeqM5hwIixVf3dEodLigiCqing9TAv-6A?docId=CNG.3b29b364e92472d3587fc96ce6d6698b.301

How a freak diversion of the jet stream is paralyzing the globe with freezing conditions

By Niall Firth, Daily Mail, Dec 22, 2010
http://www.dailymail.co.uk/sciencetech/article-1340436/Why-cold-warm-Greenland-Diverted-jet-stream-letting-icy-blast-Arctic.html

Why is it so cold? Simple… it's the North Atlantic Oscillation – and it's got a bit stuck

By Fred Pearce, Mail, UK, Dec 28, 2010 [H/t Brad at Prescott]
http://www.dailymail.co.uk/sciencetech/article-1341618/Why-cold-Simple--North-Atlantic-Oscillation--got-bit-stuck.html
[SEPP Comment: But the IPCC dismisses such cycles.]

Heaviest December Snows in Six Decades to Further Disrupt New York Commuters,

Bloomberg, Dec 28, 2010
http://forum1000.com/top-stories/2010/12/28/heaviest-december-snows-in-six-decades-to-further-disrupt-new-york-commute-bloomberg.html

Brace yourselves for a 'mini ice age': This winter set to be coldest in 300 YEARS

By Fiona Macrae, Mail Online, Dec 30 2010 [H/t Brad at Prescott]
http://www.dailymail.co.uk/news/article-1342515/UK-snow-big-freeze-weather-means-winter-set-coldest-300-YEARS.html

Holiday Blizzard: More Signs of Global Warming
By Bryan Walsh, Time, Dec 28, 2010 [H/t Best on the Web]
http://www.time.com/time/health/article/0,8599,2039777,00.html

Europe set for warmer northern winters, hotter southern summers and worsening droughts and floods
Press Release, UN Environmental Programme, April 2007 [H/t Robert Sheaffer]
http://www.unep.org/Documents.Multilingual/Default.asp?DocumentID=504&ArticleID=5560&l=en
[SEPP Comment: An April 2007 prediction from the IPCC – the true reason why the UK Met predicts mild winters three years in a row?]

GWPF Calls For Independent Inquiry Into Met Office's Winter Advice
By Benny Peiser, GWPF, Dec 21, 2010 [H/t ICECAP]
http://www.thegwpf.org/uk-news/2086-gwpf-calls-for-independent-inquiry-into-met-offices-winter-advice-.html

The Winner of This Year's 'Best Climate Predictor" Award (Clue: It Wasn't Al Gore!)
By Howard Richman & Raymond Richmond, American Thinker, Dec 27, 2010
http://www.americanthinker.com/2010/12/the_winner_of_this_years_best.html

BP Oil Spill and Aftermath

Small producer raises its voice over permits, ATP Oil & Gas frustration grows as deep-water project awaits OK
By Tom Fowler, Houston Chronicle, Dec 27, 2010 [H/t Cooler Heads Digest]
http://www.chron.com/disp/story.mpl/headline/biz/7355807.html

EPA and other Regulators on the March

Obama's regulators kowtow to Big Green, imperil the economy
Editorial, Washington Examiner, Dec 26, 2010
http://washingtonexaminer.com/opinion/editorials/2010/12/obamas-regulators-kowtow-big-green-imperil-economy

E.P.A Limit on Gases to Pose Risk to Obama and Congress
By John Broder, NYT, Dec 30, 2010
http://www.nytimes.com/2010/12/31/science/earth/31epa.html?_r=1&nl=todaysheadlines&emc=tha23

EPA's carbon-cutting power
Editorial, Washington Post, Dec 30, 2010 [H/t David Manuta]
http://www.washingtonpost.com/wp-dyn/content/article/2010/12/30/AR2010123004169.html?referrer=emailarticle

EPA Agrees to Limit Emissions From Power Plants, Refineries
By Gabriel Nelson, Greenwire, NYT, Dec 23, 2010 [H/t Cooler Heads Digest]
http://www.nytimes.com/gwire/2010/12/23/23greenwire-epa-agrees-to-limit-emissions-from-power-plant-95260.html

EPA blows off Congress, voters
Editorial, Orange County Register, Dec 27, 2010
http://www.ocregister.com/opinion/regulations-281791-congress-epa.html

Messing With Texas
Editorial, IBD, Dec 28, 2010
http://www.investors.com/NewsAndAnalysis/Article.aspx?id=558013&p=1

Texas fiercely resists EPA air, water standards
By Ramit Plushnick-Masti, AP, Dec 30, 2010
http://www.washingtontimes.com/news/2010/dec/30/texas-fiercely-resists-epa-air-water-standards/

Wilderness Policy Sparks Western Ire
By Stephanie Simon, WSJ, Dec 30, 2010
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Obama's Energy Power Grab
By Rich Trzupek, Front Page, Dec 30, 2010
http://frontpagemag.com/2010/12/30/obamas-energy-power-grab/?utm_source=FrontPage+Magazine&utm_campaign=9817da4a3b-RSS_EMAIL_CAMPAIGN&utm_medium=email

Regs for Rigs: Update, EPA's Diesel Truck Fuel Economy Standards
By Marlo Lewis, Master Resource, Dec 28, 2010
http://www.masterresource.org/2010/12/regs-for-rigs-update-epa-diesel-trucks/
[SEPP Comment: A three part series describing how EPA's changing emission standards on heavy trucks lead to a decline in fuel economy which the EPA then used to justify establishing fuel economy standards. Of course, EPA does not admit that emissions standards reduce fuel economy. Instead it claims truckers and truck companies do not know how to best invest in order to reduce their fuel costs.]

Ag Department Uproots Science
Vilsack seeks out politically congenial scientific opinion
Editorial, WSJ, Dec 27, 2010
http://online.wsj.com/article/SB10001424052748703581204576033611631362824.html?mod=ITP_opinion_2
[May be behind a paywall.]

Napolitano Makes Global Warming a Homeland Security Priority
By Rory Cooper, Heritage.org, Dec 21, 2010 [H/t Bud Bromley]
http://blog.heritage.org/2010/12/21/napolitano-makes-global-warming-a-homeland-security-priority/

Subsidies and Mandates Forever

Dealing in Hot Air
The Pitfalls of Europe's New Emission Trading System
By Alexander Jung, Der Spiegel, Dec 30, 2010
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[SEPP Comment: A lengthy commentary of troubles with Europe's carbon trading system.]

The Chicago Climate Club Gets Capped
By Larry Bell, Forbes, Dec 22, 2010
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Massachusetts Sets Targets to Slash Carbon Emissions
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Energy Issues

China Fuels Its Ravenous Appetite for Coal
By George Will, Newsmax, Dec 30, 2010
http://www.newsmax.com/GeorgeWill/China-coal-carbonfootprint-globalwarming/2010/12/30/id/381435#ixzz19czr0xxj
[SEPP Comment: Another example of what China is actually doing rather than what political leaders and promoters of alternative sources of electricity would have us believe it is doing.]

From greenhouse gases to green agenda: 5 energy issues to watch
By Andrew Restuccia and Ben Geman, The Hill, Dec 27, 2010
http://thehill.com/blogs/e2-wire/677-e2-wire/135031-five-energy-issues-to-watch-next-year

African Huts Far From the Grid Glow With Renewable Power
By Elisabeth Rosenthal, NYT, Dec 24, 2010
http://www.nytimes.com/2010/12/25/science/earth/25fossil.html?nl=todaysheadlines&emc=a2
[SEPP Comment: Valuable uses for solar and wind.]

Whistling in the Wind

Turbines and turbulence
Editorial, Nature, 468, Dec 23, 2010
http://www.nature.com/nature/journal/v468/n7327/full/4681001a.html
[SEPP Comment: Do wind farms cause climate change?]

US challenges Chinese wind power subsidies at WTO
By Andrew Beatty, Yahoo, Dec 22, 2010 [H/t Toshio Fujita]
http://news.yahoo.com/s/afp/20101223/bs_afp/wtotradedisputechinausrenewableenergy
[SEPP Comment: Doesn't the US subsidize wind power?]

U.S. Seeks to Lease Federal Waters for Wind Energy
By Tennille Tracy, WSJ, Dec 28, 2010
http://online.wsj.com/article/SB10001424052970204467204576048183580215042.html?mod=WSJ_article_related
[May be behind a paywall.]

A Wind Farm in Deep Water off the U.S. Coast
A new type of wind-turbine platform can be placed much farther from shore.
By Phil McKenna, Technology Review, Dec, 20, 2010
http://www.technologyreview.com/energy/26964/?nlid=3905

[SEPP Comment: Those making a cost comparison with a nuclear plant forget that nuclear plants deliver over 90% of the time (except when humans shut them down for maintenance) and wind farms deliver when nature permits.)

Review of Recent Scientific Articles by NIPCC
For a full list of articles see www.NIPCCreport.org

Chinese Dust Storms

Reference: Zhu, C., Wang, B. and Qian, W. 2008. Why do dust storms decrease in northern China concurrently with the recent global warming? Geophysical Research Letters 35: 10.1029/2008GL034886.
http://www.nipccreport.org/articles/2010/dec/21dec2010a6.html

Reality Check: Empirical Trends vs. global Warming Hype

A frequent claim of the climate alarmists and the IPCC is that CO_2-induced global warming will negatively affect livelihoods and reduce well-being in the developing world. However, as shown in the material below, decades-long empirical trends of various climate-sensitive parameters related to human well-being suggest otherwise.
The topics are; Agricultural Productivity and Hunger; Disease; Poverty; Extreme Weather Events; and Water Shortages
http://www.nipccreport.org/articles/2010/dec/21dec2010a8.html

Effects of Habitat on Coral Bleaching

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Africa's Vegetative future in a CO2-Enriched and Warmer World

Reference: Scheiter, S. and Higgins, S.I. 2009. Impacts of climate change on the vegetation of Africa: an adaptive dynamic vegetation modeling approach. Global Change Biology 15: 2224-2246.
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Other Scientific Issues

The Continuing Recovery From The Little Ace Age"

By Syun-Ichi Akasofu, Pielke Research Group, Dec 27, 2010
http://pielkeclimatesci.wordpress.com/2010/12/27/guest-post-the-continuing-recovery-from-the-little-ice-age-by-syun-ichi-akasofu/

Other Issues that May Be Of Interest

China shrinks rare earths export quota

By Associated Press, Washington Times, Dec 28, 2010
http://www.washingtontimes.com/news/2010/dec/28/china-shrinks-rare-earths-export-quota/
[SEPP Comment: Trouble for turbines.]

China calls on other countries to develop their own rare earth resources

By Andrew Restuccia, The Hill, Dec 30, 2010
http://thehill.com/blogs/e2-wire/677-e2-wire/135493-china-calls-on-other-countries-to-develop-their-own-rare-earth-resources

Mainstream media helps to brainwash

By William Gray, Coloradoan, Dec 21, 2010 [H/t ICECAP]
http://www.coloradoan.com/apps/pbcs.dll/article?AID=201012210302

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BELOW THE BOTTOM LINE:

Global Warming has Gone Downhill Best on the Web
By James Taranto, Best on the Web,WSJ, Dec 30, 2010
http://online.wsj.com/article/SB10001424052748703909904576051572334343448.html?mod=djemBestOfTheWeb_h
[SEPP Comment: How the Natural Resources Defense Council and the National Ski Areas Association saved skiing. May be behind a paywall.]

Behavioral Frontiers: Can Social Science Combat Climate Change?
Scientists remove some of the guesswork about how individuals will use energy in 2050 by looking at past campaigns to induce personal change and their effectiveness
By Lisa Palmer, Scientific American, Dec 28, 2010 [H/t Best on the Web]
http://www.scientificamerican.com/article.cfm?id=can-social-science-help-combat-climate-change

Broken Glass Yields Clues to Climate Change
Press Release, National Science Foundation, Dec 27, 2010 [H/t WUWT]
http://nsf.gov/news/news_summ.jsp?cntn_id=118267&org=NSF&from=news
[SEPP Comment: An annual budget of $6.9 Billion must show something.]

Climate Change and 'Balanced' Coverage,
By Justin Gillis, NYT, Dec 23, 2010 [H/t Marc Morano, Climate Depot]
http://green.blogs.nytimes.com/2010/12/23/climate-change-and-balanced-coverage/
[SEPP Comment: According to Richard Alley of Penn State University, the worst case from a doubling of CO2 will be an increase of 16 degrees! No wonder Alley was an expert witness at the last hearing of the sub-committee on Energy and the Environment of the last Congress.]

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ARTICLES:

1. Secondhand Smoke, Lung Cancer, and the Global Warming Debate

By S. Fred Singer, American Thinker, Dec 19, 2010
http://www.americanthinker.com/2010/12/second_hand_smoke_lung_cancer.html

In 1993, the EPA published a report claiming that secondhand smoke **(**SHS -- also sometimes known as environmental tobacco smoke or ETS) causes three thousand deaths from lung cancer every year. Anyone doubting this result has been subject to attack and depicted as a toady of the tobacco lobby. The attacks have been led by a smear blog called DeSmogBlog, financed by the Canadian PR firm of James Hoggan, and have been taken up with great enthusiasm by self-styled "science historian" Professor Naomi Oreskes.

The tobacco smoking issue has also become a favorite tool for discrediting climate skeptics. A prime example is the book *Merchants of Doubt* by Oreskes and Eric Conway, which attacks several well-known senior physicists, including the late Dr. Fred Seitz, a former president of the U.S. National Academy of Sciences, the American Physical Society, and (most recently) Rockefeller University.

No matter what the environmental issue -- ozone depletion, acid rain, pesticides, etc. -- any and all scientific opposition based on objective facts is blamed on an imagined involvement with tobacco companies. None of this is true, of course. Oreskes and Conway claim to be academic historians, yet they have consistently ignored factual information, have not bothered to consult primary sources, have never interviewed any of the scientists they try to smear, and generally have operated in a completely unprofessional way.

Oreskes' and Conway's science is as poor as their historical expertise. To cite just one example, their book blames lung cancer from cigarette smoking on the radioactive oxygen-15 isotope. They cannot explain, of course, how O-15 gets into cigarettes, or how it is created. They seem to be unaware that its half-life is only 122 seconds. In other words, they have no clue about the science, and apparently, they assume that the burning of tobacco creates isotopes -- a remarkable discovery worthy of alchemists. As an aside, when not engaged in smearing scientists by linking them to the tobacco lobby, Oreskes' and Conway's book claims that opposition to environmental regulation of greenhouse gases and other "pollutants" is based on anti-communism!

The ultimate aim of these attacks, at least in my case, has been to discredit my work and publications on global warming. I am a nonsmoker, find SHS to be an irritant and unpleasant, have certainly not been paid by Philip Morris and the tobacco lobby, and have never joined any of their front organizations. And I serve on the advisory board of an anti-smoking organization. My father, who was a heavy smoker, died of emphysema while relatively young. I personally believe that SHS, in addition to being objectionable, cannot possibly be healthy.

So what is the truth about SHS and lung cancer? I am neither an oncologist nor a chemical toxicologist, but I do know some statistics, which allows me to examine the EPA study without bias. I can demonstrate that the EPA fudged their analysis to reach a predetermined conclusion -- using thoroughly dishonest procedures. EPA "scientists" made three major errors: 1) They ignored "publication bias." 2) They arbitrarily shifted the statistical "confidence intervals." 3) They drew unjustified conclusions from a risk ratio that was barely greater than 1.0.

- Since none of the epidemiological studies provided the clear answer they wanted, the EPA carried out a "meta-analysis," lumping together a selected group of studies. Unfortunately, this approach ignores publication bias -- i.e., the tendency for investigators not to publish their studies if they do not find a positive result.
- The EPA, in order to calculate a positive risk ratio, relaxed the confidence intervals from the generally accepted 95% standard to 90% -- and admitted this openly.
- Even so, their "Risk Ratio" was just a little above 1.0 -- whereas careful epidemiologists, because of the presence of confounding factors, generally ignore any result unless the RR exceeds 2.0.

To sum up this somewhat technical discussion, while I cannot give specific answers about lung cancer or other medical issues connected with SHS, I can state with some assurance that the EPA analysis -- to paraphrase my former teacher, Nobel physicist Wolfgang Pauli -- is "not only wrong, but worthless."

My assessments are independently confirmed by the Congressional Research Service (in report CRS-95-1115) and by a lengthy judicial analysis in 1998 by Judge William Osteen -- all available on the internet. Science journalist Michael Fumento presented, in 1993, a well-researched and eminently readable account in Investors Business Daily.

In the largest (in terms of statistical power), most detailed (in terms of results presented), and most transparent (in terms of information about its conduct) epidemiologic paper on SHS and mortality ever published in a major medical journal (in the May 17, 2003 issue of the British Medical Journal), UCLA Prof. James Enstrom found no significant relationship between secondhand smoke and lung cancer. It is worth noting also that the World Health Organization, in a just-completed study reported in the British medical journal Lancet, gives a lung-cancer death rate (for US, Canada, and Cuba) of barely six hundred per year, only a fraction of the EPA number of *U.S.* deaths. An independent study, published in BioMed Central (2010) and supported by the Canadian National Cancer Institute and Canada's Cancer Society,

found no noticeable lung-cancer effect from SHS in nonsmokers; however, there was a significant effect from welding, use of paint thinners and solvents, and exposure to diesel exhaust, soot, and smoke from sources other than tobacco.

But just when we thought that nothing could top the EPA claims, along comes this bombshell from Obama's surgeon general Regina Benjamin: "Even brief exposure to secondhand smoke can cause cardiovascular disease and could trigger acute cardiac events like heart attack." Not just long-term exposure to SHS -- just a whiff can kill you, asserts the surgeon general's media release of Dec. 9, 2010. Of course, there is no evidence cited to back up this wild claim -- just the usual and undisputed evidence about the health consequences to actual (primary) smokers.

So what does it all mean? The issue is not whether SHS is healthy; it obviously is not. One issue is the use of the "tobacco weapon" to attack the credibility of climate scientists -- in place of using scientific arguments. It bespeaks of the desperation of those who don't have any valid scientific arguments and wish to avoid public debate. (Imagine, if you will, Oreskes attacking the validity of the notorious "hockey stick" temperature curve by linking its author, Michael Mann, to tobacco company Philip Morris, instead of describing his faulty use of statistics.)

The other issue is the conduct of science and the integrity of the science process: the intrusion of government political agenda -- worthy or not -- on the way science is done and reported to the public. The corruption of science in a *worthy* cause is still corruption, and it has led to its further corruption in an *unworthy* cause -- the ideologically driven claim of anthropogenic global warming.

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2. CARB's Carbon Capers

By S. Fred Singer, American Thinker, Dec 27, 2010
http://www.americanthinker.com/2010/12/carbs_carbon_capers.html

In a nearly unanimous vote, the California Air Resources Board (CARB) just approved a statewide cap-and-trade scheme to limit emissions of CO_2 from six hundred major industrial plants, starting in 2012. Proposition 23 on the California ballot, defeated in November, was an attempt to at least delay the state's Cap-and-Trade law, AB-32, until California's record unemployment eased. However, the slanted description appearing on both the official Voter Guide and the ballot, written by then-State Attorney General Jerry Brown and his office, the well-funded "No-on-23" campaign, and some very heavy media bias, had Californians believing that Prop. 23 would thwart efforts to curb air pollution -- i.e., smog. So Prop 23 went down in flames, threatening hundreds of thousands of jobs, and perhaps a million.

The "Cooler Heads" blog relates that the adopted regulation is more than three thousand pages long, but most of the details have yet to be worked out. CARB rushed to meet a December 31 deadline set by the 2006 legislation that authorizes CARB to reduce the state's greenhouse gas emissions to 1990 levels by 2020. In order to protect California businesses from out-of-state competition, CARB will (initially) allocate emissions credits (aka energy-rationing coupons) for free. The European Union Emissions Trading Scheme (ETS) is the only precedent for free allocation of carbon credits; it resulted in windfall profits for politically connected industries and higher electricity prices for consumers.

Not surprisingly, the New York Times approves of the scheme: "[AB32] will put the state far ahead of the rest of the country in energy reform."

The regulations, if they go into effect, will create the largest market for carbon trading in the country. (Ten states including New York, New Jersey, Delaware, Maryland, and the New England states are participating in a less extensive system known as the Regional Greenhouse Gas Initiative, which covers only electric utilities.)

By the time the CARB program takes effect in 2012, California regulators plan to have created a framework for carbon trading with New Mexico, British Columbia, Ontario, and Quebec -- some of its partners in the Western Climate Initiative. But as long as Congress and the Obama administration shun cap and trade, California, instead of being the forerunner of a national movement, will remain part of a far-flung archipelago of states and provinces participating in a small carbon market.

Mary D. Nichols, CARB's chairwoman, said, "We are well aware that we in California are on a different path from many other states in our willingness to be at the front" of the cap-and-trade movement. An idea of her mindset comes from a speech at the University of Rhode Island in November 2008, where she mentioned California's efforts on climate change:

We know that the economic crisis we will face from unmitigated climate change could dwarf [sic] anything we have ever seen. That alone is a compelling enough reason to take swift action. But there's another reason also, which is that developing a new clean energy economy that drives and rewards investment and innovation, creates jobs and serves as the engine for sustainable economic growth is exactly what we need at a time like this.

Transportation and utility industry representatives see Nichols' push on climate-change regulation in California as evidence of an ingrained pro-regulatory bias.

I recollect Nichols as a former assistant EPA administrator in the Clinton years, under Carol Browner. In testimony to Congress in 2000, on phasing out the chemical fumigant methyl bromide (of great economic importance to agriculture but suspected of causing damage to the ozone layer), she claimed benefits of 32 trillion dollars! And no one questioned how she arrived at this wild number. A more reasonable value, I argued in my opposing testimony, would be zero benefits: There was no evidence of MeBr, with an atmospheric lifetime of only a few months, reaching the stratosphere; no evidence of a bromine-caused ozone depletion; and no evidence from ground-level monitoring stations of any increase in cancer-causing solar UV.

Among the industries immediately affected by the CARB rules will be producers of cement, which requires an industrial process in which the release of carbon dioxide is an integral part. Steve Regis, vice president of CalPortland, said in an interview, "We feel like we're really exposed because 60 percent of our direct emissions are from the process -- nothing we can do about them." The re-engineering of that process, Regis said, would entail major costs, if it is even possible. He added that some California plants had recently shut down and moved their production out of state.

The midterm elections turned into a sweeping repudiation of the Democrats' failed status quo -- except, that is, in California, says Investor's Business Daily. With the exception of the governor's office, California has been a virtual one-party state since the 1960s. Now, thanks to decades of anti-business policies promulgated by a series of left-leaning legislatures, its economy and finances are a mess, and it is hemorrhaging jobs, businesses, and productive entrepreneurs to other states.

How bad has it gotten in the erstwhile Golden State? Consider:

- Some 2.3 million Californians are without jobs, making for a 12.4-percent unemployment rate -- one of the highest in the country.
- From 2001 to 2010, factory jobs plummeted from 1.87 million to 1.23 million -- a loss of 34 percent of the state's industrial base.

- With just 12 percent of the U.S. population, California has almost a third of the nation's welfare recipients; meanwhile, 15.3 percent of all Californians live in poverty.
- The state budget gap for 2009-2010 was $45.5 billion, or 53 percent of total state spending -- the largest in any state's history.
- Unfunded pension liabilities for California's state and public employees may be as much as $500 billion -- roughly 17 percent of the nation's total $3 trillion at the state and local level.

This disaster has been building for decades. In the end, only the voters of California could have changed things. But on Tuesday, November 2, they opted for more of the same governance. Empowering CARB regulation will only make conditions worse.

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3. No proof man causes global warming

Natural variation fits facts more closely
By S. Fred Singer, Washington Times, Dec 28, 2010
http://www.washingtontimes.com/news/2010/dec/28/no-proof-man-causes-global-warming/

International climate negotiations collapsed in December 2009 in Copenhagen (soon dubbed "Flopnhagen") - and the just-completed round in Cancun, Mexico, achieved little. Basically, the public no longer trusts the science being dispensed by the United Nations. Also, major developing countries, including China and India, refuse to sacrifice economic growth for an uncertain goal.

Yet, in most policy discussions- and in Al Gore's movie - it is still assumed, without question, that the warming trend, since about 1900, is human-caused. But there is no good evidence to support this belief except constant repetition of the mantra "The science is settled." The summary of the 2007 report of the U.N. Intergovernmental Panel on Climate Change (IPCC) claims as its key conclusion: "Most of the observed increase in global averaged temperatures since the mid-20th century is very likelydue to the observed increase in anthropogenic greenhouse gas concentrations." But the evidence they present is not at all convincing - and indeed, there is contrary evidence that the IPCC cavalierly ignores. The claimed reality of man-made or anthropogenic global warming (AGW) is of obvious importance and is key to any policy of climate mitigation.

A commonly cited "proof" for AGW claims there is a "scientific consensus" - based mainly on a flawed study by University of California science historian Naomi Oreskes, published in the journal Science in December 2004. However, a 2003 poll by German researchers of 530 climatologists in 27 countries showed just 34.7 percent endorsing the AGW hypothesis, while 20.5 percent rejected it - with the rest undecided. In a 2006 survey of 793 members by the National Registry of Environmental Professionals, 41 percent disagreed that recent warming "can be, in large part, attributed to human activity." There are statements from scientific groups and professional societies on both sides of the issue.

But even if a majority of scientists had voted for AGW, that's not how science works. Unlike in politics, the majority does not rule. In fact, every advance in science has come from a minority that found that observed facts contradicted the prevailing hypothesis. Sometimes it took only one scientist; think of Galileo or Einstein.

Another so-called "proof" for AGW: Glaciers are melting and Arctic sea ice is disappearing. But this is a necessary consequence of warming and says nothing about its cause. Any warming - whether man-made or natural - will melt ice. Confusing cause and effect is faulty logic.

Some cite the fact that the climate has warmed since 1900 and the level of carbon dioxide in the atmosphere has increased. True - but correlation is never proof of causation. In Europe, the birthrate is

decreasing and so is the number of storks. Does this correlation prove that storks bring babies? Besides, the climate cooled for much of the 20th century, from 1940 to 1975, even while CO2 was increasing rapidly - and it has not warmed in the past decade.

What about some 20 greenhouse climate models, all predicting warming - from as low as 1.4 Celsius all the way to 11.5 Celsius, for a doubling of atmospheric CO2. Yet no one can tell us which of these answers is correct - if any. And, none of these models can explain why the climate cooled from 1940 to 1975 without using special ad-hoc assumptions. In any case, model results are never evidence; only actual observations count.

Crucially, greenhouse models cannot explain the observed patterns of warming - temperature trends at different latitudes and altitudes. These data, published in a U.S. government scientific report in May 2006, lead me to conclude that the human contribution is not significant. Most of current warming therefore must stem from natural causes; it may well be part of a solar-driven 1,500-year cycle of warming and cooling that's been documented in ice cores, ocean sediments, etc., going back a million years.

If indeed most current warming is natural - not caused by human emission of greenhouse gases - then there is little point in reducing CO2 emissions from fossil-fuel burning. The Kyoto Protocol - generally agreed to be quite ineffective in controlling the rise in atmospheric CO2 - would be even less effective in slowing the rate of warming.

Everyone accepts that Kyoto, never ratified by the U.S. and due to expire in 2012, would reduce the calculated temperature rise for 2050 by only 0.05 Celsius - an unmeasurable one-twentieth of a degree. Programs and policies associated with Kyoto should therefore be scrapped - including uneconomic alternative-energy sources, carbon-capture-and-sequestration efforts and costly emission-trading schemes. All of these schemes waste money and squander scarce resources without in any way impacting on the climate. Humans have adapted to natural climate changes in the past; we should have no problem doing so in the future.

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4. How Congress Can Stop the EPA's Power Grab

Courts have yet to decide if the agency's proposed controls on carbon emissions are even legal.
By Fred Upton (US Rep.) and Tim Phillips, WSJ, Jan 2, 2010 [H/t Moorad Alexanian]
http://online.wsj.com/article/SB10001424052748703929404576022070069905318.html?KEYWORDS=fred+upton

On Jan. 2, the Environmental Protection Agency will officially begin regulating the emission of carbon dioxide and other greenhouse gases. This move represents an unconstitutional power grab that will kill millions of jobs—unless Congress steps in.

This mess began in April 2007, with the Supreme Court's decision in *Massachusetts v. EPA*. The court instructed the agency to determine whether greenhouse gases like carbon dioxide pose (or potentially pose) a danger to human health and safety under the Clean Air Act. In December 2009 the agency determined they were a danger—and gave itself the green light to issue rules cutting CO2 emissions on a wide range of enterprises from coal plants to paper mills to foundries.

In response, states including Texas and Virginia, as well as dozens of companies and business associations, are challenging the EPA's endangerment finding and proposed rules in court. The U.S. Court of Appeals for the D.C. Circuit is currently considering a partial stay of the EPA's rules and is expected to begin issuing decisions sometime in 2012.

The EPA, of course, is in a hurry to move ahead. It wants to begin regulating the largest emitters first. But it has the authority under its endangerment finding to regulate emissions by hospitals, small businesses, schools, churches and perhaps even single-family homes. As companies wait for definitive court rulings, the country could face a de facto construction moratorium on industrial facilities that could provide badly needed jobs. Moreover, the EPA has never completed an analysis of how many jobs might be lost in the process—although Section 321 of the Clean Air Act demands that it do so.

The best solution is for Congress to overturn the EPA's proposed greenhouse gas regulations outright. If Democrats refuse to join Republicans in doing so, then they should at least join a sensible bipartisan compromise to mandate that the EPA delay its regulations until the courts complete their examination of the agency's endangerment finding and proposed rules.

Like the plaintiffs, we have significant doubt that EPA regulations can survive judicial scrutiny. And the worst of all possible outcomes would be the EPA initiating a regulatory regime that is then struck down by the courts.

For the last year or so, some in Congress have considered mandating that the EPA delay its greenhouse-gas regulations by two years. But that delay is arbitrary—it was selected because a handful of Democrats needed political cover. There is no way to know whether two years will be sufficient time for the courts to complete their work.

Moreover, the principal argument for a two-year delay is that it will allow Congress time to create its own plan for regulating carbon. This presumes that carbon is a problem in need of regulation. We are not convinced.

Thus the minimally responsible approach—the one that will reduce the potential for confusion, uncertainty and regulatory mayhem—is to delay EPA action until the courts have had time to rule. This approach would ensure that small businesses, states and even the EPA itself have the certainty needed to proceed.

The day after the recent midterm elections, President Obama was asked about the voters' repudiation of cap and trade. He responded: "Cap and trade was just one way of skinning the cat; it was not the only way. It was a means, not an end."

Cuts in carbon emissions would mean significantly higher electricity prices. We think the American consumer would prefer not to be skinned by Obama's EPA.

Mr. Upton, a Republican from Michigan, is chairman-designate of the House Energy and Commerce Committee. Mr. Phillips is president of Americans for Prosperity.

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5. EPA Rules Will Trump Your Rights

Editorial, IBD, Dec 30, 2010
http://www.investors.com/NewsAndAnalysis/Article.aspx?id=558325&p=1

Environment: Ignoring both Congress and the voters, the Environmental Protection Agency starts the new year governing by decree with job-killing regulations. Take a deep breath, but if you exhale you're a polluter.

Cap-and-trade is dead, long live cap-and-trade in the form of regulations promulgated in the coming year by what George Orwell might call the Ministry of Environment. It claims that the Clean Air Act and a Supreme Court ruling in 2007 let the EPA regulate carbon dioxide as a planet-warming pollutant. We recently commented on the EPA's recent commandeering of the permitting process from Texas, with which it is in a legal tussle over federalism, states' rights and the Constitution's enumeration of powers and who may exercise them.

The federal agency also plans to issue greenhouse gas permits in seven other states — Arizona, Arkansas, Florida, Idaho, Kansas, Oregon and Wyoming.

The EPA held its fire, hoping a Democratic Congress would get cap-and-trade legislation through both houses. In April, 2009, Time magazine ran a piece titled "EPA'S CO2 Finding: Putting A Gun To Congress' Head." Last year the New York Times said that if Congress fails to ram through cap-and-trade legislation, the EPA should ram it down our throats. And so it did.

With Barack Obama's election, liberal hopes for cap-and-trade rose. But neither businessmen nor homeowners were buying it, especially after the data manipulation and fraud perpetrated by the U.N.'s IPCC, Britain's Climate Research Unit and even our own NASA.

So now just as rationing and death panels return under regulations written "as the secretary shall determine," a phrase rapidly replacing "we the people" under this administration, the EPA plans to propose so-called performance standards for oil- and coal-fired power plants in July 2011 and for refineries in December 2022.

"We are following through on our commitment to proceed in a measured and careful way to reduce (greenhouse gas) pollution that threatens the health and welfare or American and contributes to climate change," says EPA administrator Lisa Jackson. Perhaps she appreciates the irony of the people of Cowlitz, Wash., as columnist George Will points out, approving construction of a coal export terminal to send energy-hungry Beijing coal we won't burn here. The transporters? Ships that themselves burn fossil fuels.

Oh, and remember those high-speed electric trains in China that have people like the New York Times' Tom Friedman cooing over how green China is? James Fallows, writing in the Atlantic, quotes a Chinese official as saying they are being built to move passenger trains out of the way of coal trains.

As it turns out, much of China's domestic coal is far inland away from urban centers. High-speed trains, as such, have nothing to do with being "green." Far from it. They enable China to use more coal — not less.

As Sen. James Inhofe, R-Okla., ranking Republican on the Senate Environment and Public Works Committee, related on a YouTube video: "Lisa Jackson, Obama's EPA administrator, admitted to me publicly that EPA based its action today (issuing its finding) in good measure on the findings of the U.N.'s Intergovernmental Panel on Climate Change, or IPCC. She told me that EPA accepted those findings without any serious, independent analysis to see whether they were true."

We hope the incoming Republican House will deal rapidly with what is bad regulation based on junk science.

Rep. Darrell Issa, R-Calif., incoming chairman of the House Oversight and Government Reform Committee, says: "There are serious questions about EPA's decision to move forward with these job-killing regulations that will usurp power from the states, violating the principles of federalism that are the backbone of the Clean Air Act."

Otherwise China will burn our coal and steal our jobs, polluting planetary skies, with that pollution wafting its way across the Pacific to the Western shores of an industrially neutered America and a foolish California.

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6. A Wind Power Boonedoggle

T. Boone Pickens badly misjudged the supply and price of natural gas
By Robert Bryce, WSJ, Dec 22, 2010
http://online.wsj.com/article/SB10001424052748704368004576027310664695834.html?mod=ITP_opinion_0

After 30 months, countless TV appearances, and $80 million spent on an extravagant PR campaign, T. Boone Pickens has finally admitted the obvious: The wind energy business isn't a very good one.

The Dallas-based entrepreneur, who has relentlessly promoted his "Pickens Plan" since July 4, 2008, announced earlier this month that he's abandoning the wind business to focus on natural gas.

Two years ago, natural gas prices were spiking and Mr. Pickens figured they'd stay high. He placed a $2 billion order for wind turbines with General Electric. Shortly afterward, he began selling the Pickens Plan. The United States, he claimed, is "the Saudi Arabia of wind," and wind energy is an essential part of the cure for the curse of imported oil.

Voters and politicians embraced the folksy billionaire's plan. Last year, Senate Majority Leader Harry Reid said he had joined "the Pickens church," and Al Gore said he wished that more business leaders would emulate Mr. Pickens and be willing to "throw themselves into

Alas, market forces ruined the Pickens Plan. Mr. Pickens should have shorted wind. Instead, he went long and now he's stuck holding a slew of turbines he can't use because low natural gas prices have made wind energy uneconomic in the U.S., despite federal subsidies that amount to $6.44 for every 1 million British thermal units (BTUs) produced by wind turbines. As the former corporate raider explained a few days ago, growth in the wind energy industry "just isn't gonna happen" if natural gas prices remain depressed.

In 2008, shortly after he launched his plan, Mr. Pickens said that for wind energy to be competitive, natural gas prices must be at least $9 per million BTUs. In March of this year, he was still hawking wind energy, but he'd lowered his price threshold, saying "The place where it works best is with natural gas at $7."

That may be true. But on the spot market natural gas now sells for about $4 per million BTUs. In other words, the free-market price for natural gas is about two-thirds of the subsidy given to wind. Yet wind energy still isn't competitive in the open market.

Despite wind's lousy economics, the lame duck Congress recently passed a one-year extension of the investment tax credit for renewable energy projects. That might save a few "green" jobs.

But at the same time that Congress was voting to continue the wind subsidies, Texas Comptroller Susan Combs reported that property tax breaks for wind projects in the Lone Star State cost nearly $1.6 million per job. That green job ripoff is happening in Texas, America's biggest natural gas producer.

Today's low natural gas prices are a direct result of the drilling industry's newfound ability to unlock methane from shale beds. These lower prices are great for consumers but terrible for the wind business. Through the first three quarters of 2010, only 1,600 megawatts of new wind capacity were installed in the U.S., a decline of 72% when compared to the same period in 2009, and the smallest number since 2006. Some wind industry analysts are predicting that new wind generation installations will fall again, by as much as 50%, in 2011.

There's more bad news on the horizon for Mr. Pickens and others who have placed big bets on wind: Low natural gas prices may persist for years. Last month, the International Energy Agency's chief economist, Fatih Birol, said that the world is oversupplied with gas and that "the gas glut will be with us 10 more years." The market for natural-gas futures is predicting that gas prices will stay below $6 until 2017.

So what is Mr. Pickens planning to do with all the wind turbines he ordered? He's hoping to foist them on ratepayers in Canada, because that country has mandates that require consumers to buy more expensive renewable electricity.

How do you say boonedoggle in French?

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7. The Midwest Wind Surtax

The latest scheme to socialize the costs of renewable energy
Editorial, WSJ, Dec 30, 2010 [H/t Randy Randol]
http://online.wsj.com/article/SB10001424052970204527804576043893513811886.html

You'd think poor Michigan has enough economic troubles without the Federal Energy Regulatory Commission placing a $300 million to $500 million annual surtax on the state's electric utility bills. But on December 16 FERC Chairman Jon Wellinghoff announced new rules that would essentially socialize the cost of transmission lines across 13 states in the Midwest.

That region-wide pricing scheme, according to a study commissioned by utility companies, will force Michigan to pay about 20% of as much as $20 billion in new high-voltage transmission lines—though Michigan businesses and homeowners will get little benefit. Thanks to FERC's new tariff, nearly everything in Michigan—from cars and trucks to Frosted Flakes—will be more expensive to make. Indiana will also absorb new costs, as will industrial users and utility rate payers in Illinois, Minnesota and Wisconsin.

This is another discriminatory subsidy for wind energy that will raise electricity prices on everyone, notably on those who don't rely on wind for electric power. FERC's grand vision is to build hundreds of miles of transmission lines across the Midwest, linked to windmills in Iowa and the Dakotas. Mr. Wellinghoff says this new ruling "is the next step in the evolution of its transmission and cost allocation process."

In fact, this is the first step in a FERC scheme to socialize transmission costs nationwide. In June FERC drafted a rule to create a new national transmission pricing policy that would link wind and solar energy projects to the national electricity grid. (See our November 7 editorial, "The Great Transmission Heist.") Those rules are expected to be finalized in mid-2012.

Traditionally and by law, FERC has set prices on the economically efficient and environmentally sound standard that users pay for the cost of the electricity they consume. For at least 65 years, the courts have ruled that payment by the beneficiaries is the "touchstone in any legal analysis of FERC-approved rate schemes" (as the D.C. Circuit Court of Appeals has put it). The new pricing rule departs from that principle, because FERC would establish a new category of transmission lines called "Multi-Value-Projects." This would take into account broad "public policy goals," most notably increased use of so-called clean energy to comply with renewable energy standards.

Let's be very clear on what's happening here: Mr. Wellinghoff and FERC are trying to establish by regulatory fiat a national energy policy that Congress has refused to endorse. Last summer Congress rejected the Obama Administration's renewable energy standard law because it would have inflated power costs. So the fiefdom at FERC is unilaterally moving ahead to require that industries and homeowners pay

a surtax on their utility bills for a nonexistent renewable energy policy. This is similar to the EPA's initiatives to regulate carbon even after Congress rejected cap and trade.

It is true that about half the states have passed renewable portfolio standards, which require from 10% to one-third of electricity to come from wind, solar and other renewable sources. But these states have discovered that green energy is expensive and that ratepayers aren't thrilled about paying these higher costs.

For example, a 2009 study by the California Public Utilities Commission finds that to meet the state's "33% RPS by 2020 target, seven additional [transmission] lines at a cost of $12 billion would be required." By some estimates, electricity from the Cape Wind project off Massachusetts will cost about two to three times more per kilowatt hour than electricity from coal or natural gas. The wind industry has essentially conceded that without the ability to socialize the cost of multibillion dollar transmission lines, its projects can't compete with coal, natural gas and nuclear power.

The FERC pricing scheme is politically insidious, and arguably unconstitutional, because it enables states with renewable standards to export the costs of those policies to other states without these laws. Why should a factory in Pontiac, Michigan subsidize the wind energy costs of a plant in Elgin, Illinois? Michigan has a renewable energy standard, but it is already complying through instate renewables.

The governors of at least 15 Western and Northeastern states have sent a letter to Congress objecting to the socializing of costs, complaining that the pricing plans would make electricity more expensive. But Mr. Wellinghoff rebuffed Michigan's plea to exclude the state from the cost-sharing plan.

We hope that Fred Upton of Michigan, who will soon chair the House Energy and Commerce Committee, is paying attention. FERC is required under the Federal Power Act to set prices that are "just and reasonable." If Mr. Wellinghoff has his way, the people of Michigan and potentially residents and businesses in at least half of all other states are going to receive electric bills that are unjust, unreasonable and a lot more expensive.

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8. The Wind Subsidy Bubble

Green pork should be a GOP budget target
Editorial, WSJ, Dec 20, 2010
http://online.wsj.com/article/SB10001424052748703395204576023820064646268.html

Ethanol isn't the only heavily subsidized energy source that won a multibillion dollar jackpot in last week's tax deal. The other big winner was the wind industry, which received a one year extension of a $3 billion grant program for renewable energy projects.

Talk about throwing good money after bad. Despite more than $30 billion in subsidies for "clean energy" in the 2009 stimulus bill, Big Wind still can't make it in the marketplace. Denise Bode, CEO of the American Wind Energy Association, had warned that without last week's extension of the federal 1603 investment credit, the outlook for the wind industry would be "flatline or down." Some 20,000 wind energy jobs, about one-quarter of the industry's total, could have been lost, the wind lobby concedes. For most industries that would be an admission of failure, but in Washington this kind of forecast is used to justify more subsidies.

But what have these subsidies bought taxpayers? According to AWEA, in the first half of 2010 wind power installations "dropped by 57% and 71% from 2008 and 2009 levels." In the third quarter, the industry says it "added just 395 megawatts (MW) of wind-powered electric generating capacity," making

it the lowest quarter since 2007. New wind installations are down 72% from last year to their lowest level since 2006. And this is supposed to be the miracle electricity source of the future?

The coal industry, which Mr. Obama's Environmental Protection Agency and Interior Department have done everything possible to curtail, added almost three times more to the nation's electric power capacity in the first nine months of 2010 (39%) than did wind (14%), according to the U.S. Energy Information Administration.

The grant program that Congress has extended was created in the 2008 stimulus bill. It forces taxpayers to pay 30% of a renewable energy project's costs. Big Wind insisted on these grants because wind energy producers don't make enough net income to take advantage of the generous renewable energy tax credit.

The industry also wants a federal renewable energy standard, which would require utilities to buy power from green energy projects regardless of price. Without that additional subsidy, AWEA concedes that wind power will "stall out." It is lobbying for billions of dollars of subsidies to cover the cost of hooking off-shore wind projects to the electricity transmission grid. And now that the cap-and-tax scheme on coal and oil and gas has failed in Congress, the windmillers want the EPA to use regulation to raise costs on carbon sources of power.

Big Wind also has lobbying operations in state capitals, where it has been pushing state renewable energy standards. More than half the states—mostly in the West and Northeast—have enacted these mandates, which are already inflating home and business electricity bills.

According to an analysis by Chris Horner, an energy expert at the Competitive Enterprise Institute, the stimulus bill's subsidies for renewable energy cost taxpayers about $475,000 for every job generated. That's at least four times what it costs a nonsubsidized private firm to create a job—a lousy return on investment even for government.

The wind industry claims to employ 85,000 Americans. That's almost certainly an exaggeration, but if it is true it compares with roughly 140,000 miners and others directly employed by the coal industry. Wind accounts for a little more than 1% of electricity generation and coal almost 50%. So it takes at least 25 times more workers to produce a kilowatt of electricity from wind as from coal.

Given this level of inefficiency, it's no wonder that wind and solar energy require at least 20 times more in government subsidies per unit of electricity generated than the average for coal and natural gas, according to a 2007 study by the Energy Information Administration.

The wind industry gave the vast majority of its campaign contributions this election cycle to Speaker Nancy Pelosi's Democrats. If Republicans are serious about shrinking the federal budget and ending corporate welfare, a very good target would be green pork, starting with wind.

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