

The Week That Was: 2012-08-25 (August 25, 2012)
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The Science and Environmental Policy Project

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Quote of the Week: *The epitaph that I would write for history would say: I conceal nothing. It is not enough not to lie. One should strive not to lie in a negative sense by remaining silent.* -Leo Tolstoy, novelist and philosopher (1828-1910)

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Numbers of the Week: \$321,277; \$38,400; \$205,236 per job

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THIS WEEK:

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

Changing Sun: A study published in the journal of the American Geophysical Union (AGU) shows an association between the freezing of the Rhine River in Central Europe and variation in sunspots. The study examined records of the Rhine going back to 1780 and noted that it froze in places 14 times from that period to 1963. It has not frozen since. Ten of the 14 times it froze were periods of a quiet sun (few sunspots). The suggested link is that a dormant sun emits less ultraviolet energy, which heats the upper atmosphere, thus changing the atmospheric circulation patterns and weather patterns for various regions of Europe. The study suggests that the unusually cold winters in Central Europe in 2010 and 2011 were the result of low solar activity, contradicting those who are claiming these are the result of declining Arctic sea ice. Of course, the study is not definitive, but suggests further investigation is needed.

Quite separately, in a post on his web site, Tim Ball speculates on the possible causes of changes in the El Niño Southern Oscillation (ENSO). He suggests that ENSO changes may be related to variation in the energy emitted by the sun, in this instance the solar wind. The mechanism is similar to the Rhine study. The varying energy changes pressures on the upper levels of the atmosphere which are reflected in the lower layers. These, in turn, cause variations in atmospheric circulation patterns and wind patterns. As Ball points out, these links were discussed before and ignored by the UN Intergovernmental Panel on Climate Change (IPCC). Other than sunlight, which changes little, the IPCC does not wish to depart from its theme that humans are responsible for 20th century climate change. Please see links under Science: Is the Sun Rising?

Changing Climate: The British Antarctic Survey announced the publication of a study of an ice core from James Ross Island in the Antarctic Peninsula. Subject to ocean currents, the instruments on the Peninsula have shown recent warming, while instruments on the main Antarctic continent have shown cooling. Among the striking findings are that the Peninsula warmed by 6°C as it emerged from the last ice age, and that about 11,000 years ago it was about 1.3°C warmer than today's average temperatures. After that the climate cooled, reaching the lowest point about 600 years ago (during the Little Ice Age). "Approximately 600 years ago, the local temperature started to warm again, followed by a more rapid warming in the last 50–100 years that coincides with present-day disintegration of ice shelves and glacier retreat."

These findings are further evidence that the Little Ice Age was global, not regional as the IPCC claims. Also, the variation in temperatures, especially the warming 11,000 years ago, is not explained by changing concentrations in atmospheric carbon dioxide. Alarmist journalists

immediately blamed human influence on the present-day disintegration of the ice shelves, totally ignoring the finding that it was significant warmer 11,000 years ago.

In its magazine, *Oceanus*, Woods Hole Oceanographic Institution (WHOI) published a more detailed report on its remarkable study of the decline of the poorly known Harappan civilization in the Indus basin (TWTW June 2, 2012). Starting about 5,000 years ago, the civilization flourished until about 3,800 years ago, and it disappeared by 3,000 years ago. Although it built no great monuments such as pyramids of Egypt, it may have been the largest and most advanced civilization of the ancient world. Its cities were laid out on a grid pattern and featured fine architecture, sophisticated sewer systems, and massive water storage tanks.

The new report gives greater detail of the investigation into the weakening of the wet monsoons that led to the destruction of the Harappan civilization and to the growth of farming in the Godavari basin of Southeast India. As suggested by HH Lamb for the desertification of the Sahara, these events coincided with global cooling, not warming. Divorced from subsistence agriculture and with far greater trading ability, modern civilizations need not suffer the same fate as the Harappan civilization. Please see the links under Changing Climate.

Climategate Anew: Two years after they were requested under the Freedom of Information Act (FOIA) and after a number several efforts of subterfuge, the US National Oceanic and Atmospheric Administration (NOAA) has released emails requested by Christopher Horner of the Competitive Enterprise Institute (CEI). One of the more interesting subterfuges was the claim that the emails of NOAA employees working on IPCC issues are IPCC records, not NOAA records. According to this argument, these employees are actually not employees of the US government, even though the salaries and benefits are paid by the US government.

Thus far, little of great new significance has been revealed. However, they go further to the extent to which the Climate Establishment has manipulated climate science, including the reports of US Climate Change Science Program (CCSP) which has been re-named the US Global Change Research Program (USGCRP). On reviewing the emails, Roger Pielke Sr, relates how the CCSP resorted to the tricks of the IPCC, such as revising the agreed upon language by the scientists on the scientific findings. The editors inserted their political views that humans are responsible for recent global warming, making the findings less consistent with the actual scientific literature.

According to an April 26, 2012, estimate by the Congressional Research Service, in Fiscal Year 2012 the USGCRP is receiving \$2.427 Billion and in FY 2012 all the Climate Change Programs are receiving \$8.330 Billion. Changing scientific findings has its rewards. Please see links under Climategate Continued.

Oh' Mann: The July 15, 2012, edition of *The National Review* contained some less than flattering remarks on Michael Mann. These prompted a letter from Mann's attorney threatening to sue. In his editorial, the editor of *The National Review* was very clear of what he thought of the threat – "Get Lost." Now it appears Mr. Mann may sue and sue others such as the Competitive Enterprise Institute (CEI) as well.

The "Tree-Ring Circus" is becoming interesting. As explained above, Christopher Horner is with CEI, but he is also with The American Tradition Institute. As such, he is chipping away the

stonewall erected by the University of Virginia to hide Mr. Mann's emails, while he was at the University. This litigation is proceeding, with the latest defense of Mr. Mann claiming he was exonerated by the investigations taken by the University of East Anglia (UEA) and by Penn State. As pointed out in detail by Steve McIntyre, Andrew Montford, et al, these affairs were more a whitewash undertaken for the benefit of these universities. Please see links under Oh' Mann.

California Dreaming: During the US Senate Environment and Public Works Committee hearing held August 1st on "Update on the Latest Climate Change Science ...", Senator Barbara Boxer made much of a report on California entitled "Our Changing Climate 2012." She demanded if John Christy had seen the report and he admitted he had not, but may have seen prior drafts. Then Senator Boxer said the report was released the day before and stressed that it is based on more than 30 peer reviewed studies. Later, Christy asserted that he doubted that the studies included his peer reviewed studies such as that the snowpack in the Sierra Nevada Mountains is not declining, and that there have been no long-term temperature trends in the mountains. A quick review of the sources for the report failed to find any of the Christy studies.

The report represents a significant effort. It contains 38 chapters, some over 200 pages, separated into 9 sections: Executive Summary; Agriculture, 3 chapters; California's Changing Climate, 3 chapters; Coastal: Faster Rising Seas, 4 chapters; Ecosystems: Changing Landscapes, Vulnerable Species, More Fire, 9 chapters; Energy: Meeting Growing Demand in a Warming World, 3 chapters; Health: Many Opportunities to Reduce Social Vulnerability, 2 chapters; San Francisco Bay: A Regional Focus, 9 chapters; and Water: Every Drop Counts, 4 chapters.

The report is based on projections from six global climate models and two different methods were used to scale down the global results to obtain regional and local information.

A quick review of some of the more interesting chapters produced a few tidbits.

- By 2050 temperatures will be up by 2.7 deg above 2000 averages, and there will be a threefold increase in the rate of warming.
- Sea level rise (from models) will be between 110 cm to 160 cm from 2000 to 2100.
- Warming has been greatest in the Sierra Nevada, a large portion of total precipitation is falling as rain instead of snow, and the last 35 years both wettest and driest.
- The warming of the Sierra Nevada mountains will be up to 6 deg C (10.8 deg F)
- For Fresno County and Bay Area an Environmental Justice screening tool was applied. The two major inequalities were: #1 tree canopy shading, # 2 Social and health vulnerability – **largely caused by lack of car ownership.** [Emphasis added]

Needless to say, this is a continuation of the IPCC Climate Science claiming that everything bad about the weather will be worse – except for snowfall. It would be perversely amusing if homeowner insurance companies justified increasing rates by using these reports. One can speculate how long the reports would last.

No disclaimer appeared in the Executive Summary. A needed disclaimer would be that the global models have not been validated; thus, the results of the models are not scientific predictions, but speculative projections and the global climate models have no demonstrated skill in making local and regional predictions.

Without such strong disclaimers the report does not meet the minimum requirements of a Wall Street investment solicitation, yet the politicians expect the citizens to buy its claims? Please see link under California Dreaming.

Emerging Islands: The Maldives are islands southwest of India and are considered the lowest lying country in the world. They have been an IPCC poster child for rising sea levels. The government held a cabinet meeting underwater, with scuba gear, to publicize their fate. Now, the new president is soliciting investors for new resort complexes on the islands including an extremely expensive golf course encompassing several man-made islands. They may use the same disclaimer advisors that California does. See link under Below the Bottom Line.

Numbers of the Week: \$321,277; \$38,400; \$205,236 per job. As mentioned in last week's TWTW, at the above mentioned hearing, Senator Boxer was quite taken by the Brookings Institution 2011 report on green jobs. It claimed there are 2.7 million jobs in the clean economy and only 2.4 million in the fossil fuel industry. Yet less than 1 percent of the jobs are found in Biofuels, 20,680; about 1.1% in PV and thermal solar combined, 29,531; and less than 1% in wind power, 24,294. [The numbers are taken as given by Brookings.]

A July 2011 report by the Energy Information Administration gave estimates of Federal government "energy-specific subsidies and support by type for FY 2010" (ending September 2010). These totaled \$6,644,000,000 for Biofuels, 1,134,000,000 for solar, and \$4,986,000,000 for wind.

Using simple arithmetic, in Fiscal Year 2010 the subsidies per job calculates out to be \$321,277 for Biofuels, \$38,400 for solar, and \$205,236 for wind that year. No wonder some people are asking that after spending so much money on these renewable, where are the jobs?

The above calculations only give approximations, they are not precise. One should note that the subsidies for Biofuels ended in 2011, the production tax credits for solar are scheduled to end in 2013 and production tax credits for wind are scheduled to end in 2012. Other support and subsidy programs may remain. Ethanol Biofuels are still mandated by the EPA. Further, the amount for wind in 2010 was unusually high because that was the last year the developers of wind farms could take an up-front cash payment in lieu of a ten year production tax credit.

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ARTICLES:

For the numbered articles below please see this week's TWTW at: www.sepp.org. The articles are at the end of the pdf.

1. Paul Ryan, the Perfect Anti-Gore

By S. Fred Singer, American Thinker, Aug 20, 2012

http://www.americanthinker.com/2012/08/paul_ryan_the_perfect_anti-gore.html

2. A Coca-Cola Solution to High Gas Prices

Regulations interfere with competitive markets and render all of us more vulnerable to supply disruptions.

By Andrew Morriss and Donald Boudreaux, WSJ, Aug 21, 2012

http://online.wsj.com/article/SB10000872396390443989204577603153204915834.html?mod=WJ_Opinion_LEFTTopOpinion

[SEPP Comment: A brief history on market fragmentation of what should be a commodity.]

3. EPA Smack-Down Number Six

A federal court cashiers another illegal Obama regulation.

Editorial, WSJ, Aug 21, 2012

http://online.wsj.com/article/SB10000872396390443989204577603462733432478.html?mod=ITP_opinion_2

4. Layoffs Latest Hit for Nuclear Plant

By Rebecca Smith and Tamara Audi, WSJ, Aug 22, 2012

http://online.wsj.com/article/SB10000872396390444082904577605703883229714.html?mod=ITP_pageone_1

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NEWS YOU CAN USE:

Science: Is the Sun Rising?

AGU: Link found between cold European winters and solar activity

From AGU, ICECAP, Aug 24, 2012

http://icecap.us/index.php/go/political-climate/agu_link_found_between_cold_european_winters_and_solar_activity/

[SEPP Comment: The graph of Central Europe temperature anomaly at the bottom of the article is very interesting.]

What Causes El Niño / La Niña? IPCC Doesn't Know, But Builds Models and Makes Projections Anyway

By Tim Ball, A Different Perspective, Aug 16, 2012

<http://drtimball.com/2012/what-causes-el-nino-la-nina-ipcc-doesnt-know-but-builds-models-and-makes-projections-anyway/>

Climategate Continued

NOAA releases tranche of FOIA documents – 2 years later

By Christopher Horner, CEI, Aug 21, 2012

<http://wattsupwiththat.com/2012/08/21/noaa-releases-tranche-of-foia-documents-2-years-later/>

First look: ‘Hit on the head with a hockey stick’ – some selected emails from the recent NOAA FOIA release 2 years later

By Anthony Watts, WUWT, Aug 22, 2012

<http://wattsupwiththat.com/2012/08/22/first-look-hit-on-the-head-with-a-hockey-stick-some-selected-emails-from-the-recent-noaa-foia-release-2-years-later/>

Yet Another Example Of IPCC Advocacy

By Roger Pielke Sr, Climate Science, Aug 24, 2012
<http://pielkeclimatesci.wordpress.com/2012/08/24/yet-another-example-of-ipcc-advocacy/>

US reaction to Climategate

By Andrew Montford, Bishop Hill, Aug 22, 2012
<http://bishophill.squarespace.com/blog/2012/8/22/us-reaction-to-climategate.html>

All communications on this issue are being coordinated with the White House.

More NOAA FOI emails – A question for Bill Lambrecht of the Post Dispatch

By Anthony Watts, WUWT, Aug 23, 2012
<http://wattsupwiththat.com/2012/08/23/more-noaa-foi-emails-a-question-for-bill-lambrechth-of-the-post-dispatch/>

Challenging the Orthodoxy

The Manmade Contribution to Global Warming Is Not a Planetary Emergency

By Václav Klaus, President, Czech Republic, World Federation of Scientists, August 2012 [H/t Christopher Monckton]

http://www.wnd.com/files/2012/08/monckton_klaus.pdf

[SEPP Comment: Summarizing the Climate Establishment and its Global Warming Doctrine.]

John McLean – ENSO drives sea surface temperatures on the Great Barrier Reef

By Jo Nova, Her Blog, Aug 24, 2012
<http://joannenova.com.au/2012/08/john-mclean-enso-drives-sea-surface-temperatures-on-the-great-barrier-reef/#more-23496>

Models, Not Climate, Are Hypersensitive to Carbon Dioxide

By Steve Milloy, American Thinker, Aug 24, 2012
http://www.americanthinker.com/2012/08/models_not_climate_are_hypersensitive_to_carbon_dioxide.html

How Bad Data Contribute to Global Warming Hysteria

By John Hinderaker, Powerline, Aug 16, 2012
<http://www.powerlineblog.com/archives/2012/08/how-bad-data-contribute-to-global-warming-hysteria.php>

Defending the Orthodoxy

Nobel prize-winning scientist cites evidence of link between extreme weather, global warming

By Staff Writers, Philadelphia PA (SPX), Aug 22, 2012
http://www.terraily.com/reports/Nobel_prize_winning_scientist_cites_evidence_of_link_between_extreme_weather_global_warming_999.html

[SEPP Comment: Molina is an atmospheric chemist, not a meteorologist.]

The Cost of Cool

By Elisabeth Rosenthal, NYT, Aug 18, 2012
http://www.nytimes.com/2012/08/19/sunday-review/air-conditioning-is-an-environmental-quandary.html?_r=1&emc=eta1

[SEPP Comment: How will the environmental zealots keep them down?]

Questioning the Orthodoxy

Madrid '95: What went wrong?

Bu Bernie Lewin, Bishop Hill, Aug 20, 2012

<http://bishophill.squarespace.com/blog/2012/8/20/madrid-95-what-went-wrong.html>

Some confirmation of Spencer's cloud hypothesis – it is getting less cloudy and warmer at the same time

By Anthony Watts, WUWT, Aug 20, 2012

<http://wattsupwiththat.com/2012/08/20/spencers-cloud-hypothesis-confirmed/>

Why doom has not materialized

By George Will, Washington Post, Aug 17, 2012 [H/t ICECAP]

http://www.washingtonpost.com/opinions/george-will-why-doom-has-not-materialized/2012/08/17/fcf89ed6-e7fb-11e1-936a-b801f1abab19_story.html

Has Trenberth's missing heat been found? Southern Oceans are losing heat

By Anthony Watts, WUWT, Aug 21, 2012

<http://wattsupwiththat.com/2012/08/21/has-trenberths-missing-heat-been-found-southern-oceans-are-losing-heat/>

Gullible Warming: A Contrived Crisis That Is Too Good To Waste

By Larry Bell, Forbes, Aug 21, 2012

<http://www.forbes.com/sites/larrybell/2012/08/21/gullible-warming-a-contrived-crisis-that-is-too-good-to-waste/>

The \$6 Quadrillion Cost of the Climate Scam

Exclusive: Christopher Monckton of Brenchley on economics of fighting 'global warming'

By Christopher Monckton, WND, Aug 21, 2012

<http://www.wnd.com/2012/08/the-6-quadrillion-cost-of-the-climate-scam/>

Global Warming: a Marxist perspective

By Dennis Ambler, SPPI, Aug 20, 2012

<http://sppiblog.org/news/global-warming-a-marxist-perspective#more-8307>

[SEPP Comment: Environmental justice, not science, drives the EPA.]

Questioning European Green

Doubts mount over UK's nuclear energy future

Britain is supposed to be on the cusp of a nuclear renaissance. A country whose last new nuclear plant was hooked up to the grid in 1995 now aims to have five new stations operating by 2025.

By Emily Gosden, Telegraph, UK, Aug 21, 2012 [H/t GWPF]

<http://www.telegraph.co.uk/finance/newsbysector/energy/9488677/Doubts-mount-over-UKs-nuclear-energy-future.html>

Financial Times Deutschland Talks Openly About “Germany's Dirty Wind Energy Secret”

By P Gosselin, No Tricks Zone, Aug 18, 2012 [H/t Tomaz Orgin]

<http://notrickszone.com/2012/08/18/financial-times-deutschalnd-talks-openly-about-germanys-dirty-wind-energy-secret/>

Grid Instability Has Industry Scrambling for Solutions

By Catalina Schröder, Spiegel, Aug 16, 2012 [H/t Bishop Hill]

<http://www.spiegel.de/international/germany/instability-in-power-grid-comes-at-high-cost-for-german-industry-a-850419.html>

Don't mention renewable

By Peter Foster, Financial Times, Aug 17, 2012

<http://opinion.financialpost.com/2012/08/17/peter-foster-dont-mention-renewables/>

Questioning Green Elsewhere

Climate Change and Developing Countries

By Robert Rapier, Energy Tribune, Aug 20, 2012

<http://www.energytribune.com/articles.cfm/11464/Climate-Change-and-Developing-Countries>

Seeking a Common Ground

“Changing The Climate Change Debate” – A Message From A News Article From 2001 That Is Just As Needed in 2012

By Roger Pielke Sr, Climate Science, Aug 23, 2012

<http://pielkeclimatesci.wordpress.com/2012/08/23/changing-the-climate-change-debate-a-message-from-a-news-article-from-2001-that-is-just-as-needed-in-2012/>

[SEPP Comment: In spite of the US expenditure of tens of billions on climate science, the climate establishment has done little to promote the understanding the complex system called climate.]

Comments On “The Shifting Probability Distribution Of Global Daytime And Night-Time Temperatures” By Donat and Alexander 2012 – A Not Ready For Prime Time Study

By Roger Pielke Sr, Climate Science, Aug 21, 2012

<http://pielkeclimatesci.wordpress.com/2012/08/21/comments-on-the-shifting-probability-distribution-of-global-daytime-and-night-time-temperatures-by-donat-and-alexander-2012-a-not-ready-for-prime-time-study/>

Communicating Better to the Public – Exaggerate, or be Vague?

Sea life 'facing major shock'

By Staff Writers, Brisbane, Australia (SPX), Aug 24, 2012

http://www.terraily.com/reports/Sea_life_facing_major_shock_999.html

Climate change puts Atlantic coastline in cross hairs

By Jeff Montgomery and Molly Murray, The (Wilmington, Del.) News Journal,

<http://www.usatoday.com/weather/climate/story/2012-08-19/climate-change-atlantic-coast-sea-level/57134636/1?csp=34news>

[SEPP Comment: Other than in areas of land subsidence, the hyped sea level rise is far above observations.]

Models v. Observations

AR5 Climate Forecasts: What to Believe

By Pat Frank, WUWT, Aug 23, 2012

<http://wattsupwiththat.com/2012/08/23/ar5-climate-forecasts-what-to-believe/>

[SEPP Comment: A somewhat technical discussion of the potential error range in the IPCC model projections.]

Measurement Issues

Spurious Warmth in NOAA's USHCN from Comparison to USCRN

By Roy Spencer, His Blog, Aug 22, 2012

<http://www.drroyspencer.com/2012/08/spurious-warmth-in-noaas-ushcn-from-comparison-to-uscrn/>

Hourly Temperature Change

By Vincent Gray, NCTCS, Aug 23, 2012

<http://theclimatescepticsparty.blogspot.com.au/2012/08/hourly-temperature-change.html>

[SEPP Comment: Using a small set of stations the author shows large discrepancies between an average of a maximum and minimum and an hourly average.]

Changing Weather

German National Weather Service: "No Significant Trend To More Drought In Europe...Dryness La Niña -Related"

By P Gosselin, No Tricks Zone, Aug 17, 2012 [H/t Climate Change Weekly]

<http://notrickszone.com/2012/08/17/german-national-weather-service-analysis-no-significant-trend-to-more-drought-in-europe-dryness-la-nina-related/>

Changing Climate

Press Release - New climate history adds to understanding of recent Antarctic Peninsula warming

By Staff Writers, British Antarctic Survey, Aug 22, 2012 [H/t WUWT]

http://www.antarctica.ac.uk/press/press_releases/press_release.php?id=1892

Man partly to blame for Antarctic ice shelf collapse: study

By Staff Writers, Paris (AFP), Aug 22, 2012

http://www.terraily.com/reports/Man_partly_to_blame_for_Antarctic_ice_shelf_collapse_study_999.html

[SEPP Comment: Headline writing to promote global warming fears.]

Climate Change Spurred Fall of Ancient Culture

Weakening monsoons in India affected plants and people

By Cherie Winner, Oceanus, Aug 24, 2012

<http://www.whoi.edu/oceanus/feature/LiviuIndia>

Mayans made drought worse with crops

By Staff Writers, New York (UPI), Aug 21, 2012

http://www.terraily.com/reports/Mayans_made_drought_worse_with_crops_999.html

Agriculture Issues & Fear of Famine

Study: U.S. could put a big dent in food prices by relaxing ethanol rules

By Brad Plumer, Washington Post, Aug 21, 2012

<http://www.washingtonpost.com/blogs/ezra-klein/wp/2012/08/21/study-u-s-could-put-a-big-dent-in-food-prices-by-relaxing-ethanol-rules/>

Review of Recent Scientific Articles by NIPCC

For a full list of articles see www.NIPCCreport.org

Plant Diversities on Sixty-Six Warming European Mountaintops

Reference: Pauli, H., Gottfried, M., Dullinger, S., Abdaladze, O., Akhalkatsi, M., Alonso, J.L.B., Coldea, G., Dick, J., Erschbamer, B., Calzado, R.F., Ghosn, D., Holten, J.I., Kanka, R. Kazakis, G., Kollar, J., Larsson, P., Moiseev, P., Moiseev, D., Molau, U., Mesa, J.M., Nagy, L., Pelino, G., Pusca, M., Rssi, G., Stanisci, A., Syverhuset, A.O., Theurillat, J.-P., Tomaselli, M., Unterluggauer, P., Villar, L., Vittoz, P. and Grabherr, G. 2010. Recent plant diversity changes on Europe's mountain summits. *Science* 336: 353-355.

<http://www.nipccreport.org/articles/2012/aug/21aug2012a1.html>

Acidification Effects on Deep-Sea Corals and Other Megabenthos

Reference: Thresher, R.E., Tilbrook, B., Fallon, S., Wilson, N.C. and Adkins, J. 2011. Effects of chronic low carbonate saturation levels on the distribution, growth and skeletal chemistry of deep-sea corals and other seamount megabenthos. *Marine Ecology Progress Series* 442: 87-99.

<http://www.nipccreport.org/articles/2012/aug/21aug2012a2.html>

Winter Snow Accumulation in the Andes of Chile and Argentina

Reference: Masiokas, M.H., Villalba, R., Christie, D.A., Betman, E., Luckman, B.H., Le Quesne, C., Prieto, M.R. and Mauguet, S. 2012. Snowpack variations since AD 1150 in the Andes of Chile and Argentina (30°-37°S) inferred from rainfall, tree-ring and documentary records. *Journal of Geophysical Research* 117: 10.1029/2011JD016748.

<http://www.nipccreport.org/articles/2012/aug/21aug2012a3.html>

The Roman Warm Period in Southwest Scotland

Reference: Wang, T., Surge, D. and Mithen, S. 2012. Seasonal temperature variability of the Neoglacial (3300-2500 BP) and Roman Warm Period (2500-1600 BP) reconstructed from oxygen isotope ratios of limpet shells (*Patella vulgata*), Northwest Scotland. *Palaeogeography, Palaeoclimatology, Palaeoecology* 317-318: 104-113.

<http://www.nipccreport.org/articles/2012/aug/21aug2012a4.html>

Effects of Elevated CO₂ and Warming on Photosynthesis in a Major Desert Biocrust Moss

Reference: Coe, K.K., Belnap, J., Grote, E.E. and Sparks, J.P. 2012. Physiological ecology of desert biocrust moss following 10 years exposure to elevated CO₂: evidence for enhanced photosynthetic thermotolerance. *Physiologia Plantarum* 144: 346-356.

<http://www.nipccreport.org/articles/2012/aug/22aug2012a2.html>

Litigation Issues

U.S. Court of Appeals: Food, Fuel Groups not Injured by EPA's Approval of E15, Hence Lack Standing to Sue — Huh?

By Marlo Lewis, Global Warming.org, Aug 17, 2012

<http://www.globalwarming.org/2012/08/17/u-s-court-of-appeals-food-fuel-groups-lack-standing-to-challenge-epa-approval-of-e15-huh/>

Bird Conservancy Sues Feds for Wind Turbine Information

By Brian Fojtik, Heartlander, Aug 9, 2012

<http://news.heartland.org/newspaper-article/2012/08/09/bird-conservancy-sues-feds-wind-turbine-information>

Federal Court Strikes CSAPR, Reactions Swift

By Sonal Patel, Power News, Aug 23, 2012

http://www.powermag.com/POWERnews/4926.html?hq_e=el&hq_m=2508673&hq_l=4&hq_v=5e660500d0

Cap-and-Trade and Carbon Taxes

California Suspends Cap-and-Trade Provision for Electricity Imports

By Sonal Patel, POWERnews, Aug 21, 2012

http://www.powermag.com/POWERnews/4916.html?hq_e=el&hq_m=2508673&hq_l=8&hq_v=5e660500d0

Is CO2 mitigation cost-effective?

By Christopher Monckton of Brenchley, SPPI, Aug 24, 2012

<http://sppiblog.org/news/is-co2-mitigation-cost-effective#more-8433>

Subsidies and Mandates Forever

Direct Federal Financial, Interventions and Subsidies, in Energy in Fiscal Year 2010

By Staff Writers, EIA, Jul 2011

<http://www.eia.gov/analysis/requests/subsidy/pdf/subsidy.pdf>

EPA and other Regulators on the March

GAO: EPA Rules Could Spur Retirements, Increased Power Prices

By Sonal Patel, Power News, Aug 23, 2012

http://www.powermag.com/POWERnews/4930.html?hq_e=el&hq_m=2508673&hq_l=9&hq_v=5e660500d0

Court sides with Texas, overturns EPA rule

By Staff Writers, KETK News, Aug 21, 2012 [H/t Jeff Braswell]

<http://www.ketknbc.com/news/court-sides-with-texas-overturns-epa-rule>

Energy Issues – Non-US

Crude on the rails: in for the long haul

By Yadullah Hussain, Financial Post, Aug 24, 2012

<http://business.financialpost.com/2012/08/24/crude-on-the-rails-in-for-the-long-haul/>

[SEPP Comment: Washington's energy policy. Pipelines are the safest, most cost effective method of transporting crude. According to the article the rail scheme will cost \$31 per barrel while pipeline costs run about \$8 per barrel.]

Harper's -Northern Vision

By Peter Foster, Financial Post, Aug 21, 2012

<http://opinion.financialpost.com/2012/08/21/peter-foster-harpers-%C2%ADnorthern-vision/>

Energy Issues -- US

Romney energy plan would hand drilling powers to states

By Ben Geman, The Hill, Aug 23, 2012

<http://thehill.com/blogs/e2-wire/e2-wire/244873-not-for-posting-until-midnight-romney-plan-hands-drilling-powers-to-states>

[SEPP Comment: The assertion in the article that there will be no major revenue increase in the next decade has been used to justify decades of freezing developable assets.]

Oil and Natural Gas – the Future or the Past?

Fracking is too important to foul up

By Michael Bloomberg and George Mitchell, Washington Post, Aug 23, 2012

http://www.washingtonpost.com/opinions/fracking-is-too-important-to-foul-up/2012/08/23/d320e6ee-ea0e-11e1-a80b-9f898562d010_story.html

[SEPP Comment: Although the assertion on carbon pollution is a bit much, the thrust of the article is to keep Washington out and have the states develop the necessary regulations. Most states with significant hydraulic fracturing appear to have already done so.]

IEA Chief: Policy Uncertainties Could Halt Natural Gas Revolution

By Sonal Patel, Power News, Aug 21, 2012

http://www.powermag.com/POWERnews/4918.html?hq_e=el&hq_m=2508673&hq_l=7&hq_v=5e660500d0

Return of King Coal?

Gas prices will spike: It's only a matter of time

By Frank Clemente, Energy Facts Weekly, Aug 20, 2012

<http://us1.campaign-archive2.com/?u=29bc7d5d85828d574f86c157a&id=016e97f9fb&e=>

[SEPP Comment: Since the spot prices are below production costs for dry gas wells, as opposed to natural gas liquids, this is a safe claim. But the question is at what price will it stabilize?]

Nuclear Energy and Fears

Nuclear's Dilemma: Few Jobs, Just Energy

By William Tucker, American Spectator, Aug 24, 2012

<http://spectator.org/archives/2012/08/24/nuclears-dilemma-few-jobs-just>

Alternative, Green (“Clean”) Solar and Wind

Renewable energy is a \$250 billion dollar industry that makes about 3% of our electricity

By Jo Nova, Her Blog, Aug 20, 2012

<http://joannenova.com.au/2012/08/renewable-energy-is-a-257-billion-dollar-industry-that-makes-only-3-of-our-electricity/#more-23360>

Wind Energy Blown Away by Natural Gas

By Kimball Rasmussen, Power News, Aug 1, 2012

http://www.powermag.com/issues/departments/commentary/Wind-Energy-Blown-Away-by-Natural-Gas-4831.html?hq_e=el&hq_m=2508673&hq_l=18&hq_v=5e660500d0

Does the Wind Production Tax Credit Matter?

The fledgling U.S. wind industry would be significantly set back if the credit isn't renewed.
By Mike Orcutt, MIT Technology Review, Aug 17, 2012

<http://www.technologyreview.com/news/428927/does-the-wind-production-tax-credit-matter/?nlid=nleng&nld=2012-08-20>

[SEPP Comment: The MIT publication swallows tricky statistics. Capacity installed has little to do with actual productive capacity.]

Texas wind energy boom may go bust if tax subsidies disappear

By Bill Hanna, Fort Worth Star-Telegram, Aug 24, 2012

<http://www.mcclatchydc.com/2012/08/24/163392/texas-wind-energy-boom-may-go.html>

[SEPP Comment: No discussion on consumer price increases.]

Alternative, Green ("Clean") Energy -- Other

The Building as an Energy Storage Device

By Allan Chen for Berkeley News, Berkeley CA (SPX), Aug 23, 2012

http://www.energy-daily.com/reports/The_Building_as_an_Energy_Storage_Device_999.html

[SEPP Comment: Perhaps all afternoon siestas are the solution.]

Biofuels group: Big Oil also behind ethanol waiver requests

By Zack Colman, The Hill, Aug 23, 2012

<http://thehill.com/blogs/e2-wire/e2-wire/244943-biofuels-group-calls-ethanol-attacks-last-ditch-effort-by-oil-interests>

California Dreaming

California Climate Change Assessment

Our Changing Climate 2012,

By California Climate Change Center, Jul 31, 2012

http://www.climatechange.ca.gov/adaptation/third_assessment/

<http://www.energy.ca.gov/2012publications/CEC-500-2012-007/CEC-500-2012-007.pdf>

Summary

With 'Facts' Website, California Looks to Thwart Opposition to Climate Change

By Jim Malewitz, Pew Stateline, Aug 15, 2012 [H/t Timothy Wise]

<http://www.pewstates.org/projects/stateline/headlines/with-facts-website-california-looks-to-thwart-opposition-to-climate-change-85899411350>

[SEPP Comment: As the first sentence of the article reveals, Pew is part of the Climate Establishment.]

Oh Mann!

Climate-Gate Zealot Continues Three-Ring Circus

Editorial, IBD, Aug 23, 2012

<http://news.investors.com/article/623331/201208231845/climate-gate-zealot-michael-mann-threatens-lawsuit.htm?p=full>

Get Lost

My response to Michael Mann.

By Rich Lowry, National Review, Aug 22, 2012 [H/t Timothy Wise]

<http://www.nationalreview.com/articles/314680/get-lost-rich-lowry>

Penn State Climate Scientist Michael Mann Demands Apology From CEI

CEI Refuses to Retract Commentary

By Christine Hall, CEI Org, Aug 24, 2012 [H/t Gordon Fulks]

<http://cei.org/news-releases/penn-state-climate-scientist-michael-mann-demands-apology-cei>

Michael Mann says lawsuit against National Review is on! Climate Depot responds to Mann and his lawyer's claims about the Hockey Stick & Climategate

By Marc Morano, Climate Depot, Aug 24, 2012

<http://www.climatedepot.com/a/17202/Michael-Mann-says-lawsuit-against-National-Review-is-on-Climate-Depot-responds-to-Mann-and-his-lawyers-claims-about-the-Hockey-Stick--Climategate>

[SEPP Comment: An in-depth look at some of the key points of Mr. Mann's latest.]

Michael Mann — the ghost of climate past

Following is a series of articles updating the Mann Hockey Stick fiasco, with sources provided per each post.

By Staff Writers, SPPI, Aug 23, 2012

<http://sppliblog.org/news/michael-mann-the-ghost-of-climate-past>

Court-bound

By Andrew Montford, Bishop Hill, Aug 23, 2012

<http://bishophill.squarespace.com/blog/2012/8/23/court-bound.html>

Environmental Industry

Good News For Polar Bears Is Bad News for Global Warming Alarmists

By James Taylor, Forbes, Aug 15, 2012

<http://www.forbes.com/sites/jamestaylor/2012/08/15/good-news-for-polar-bears-is-bad-news-for-global-warming-alarmists/>

Environmental group: Auto industry 'owes' emission standards after bailouts

By Keith Laing, The Hill, Aug 20, 2012

<http://thehill.com/blogs/transportation-report/automobiles/244367-environmental-group-auto-industry-owes-emission-standards-after-bailouts>

[SEPP Comment: By this reasoning the companies that did not get bailouts should not be subject to the rules.]

Other Scientific News

A reality check for scientific studies?

By ACSH, Aug 20, 2012

http://www.acsh.org/factsfears/newsID.3875/news_detail.asp

[SEPP Comment: Medical science is experiencing difficulties similar to climate science – irreproducible results.]

NASA Picks Revolutionary Space Tech Proposals For Development

By Staff Writers, Hampton VA (SPX), Aug 22, 2012

<http://www.space-travel.com/reports/NASA Picks Revolutionary Space Tech Proposals For Development 999.html>

Magnetic Turbulence Trumps Collisions to Heat Solar Wind

By Staff Writers, Warwick UK (SPX), Aug 22, 2012

[http://www.spacedaily.com/reports/Magnetic Turbulence Trumps Collisions to Heat Solar Wind 999.html](http://www.spacedaily.com/reports/Magnetic_Turbulence_Trumps_Collisions_to_Heat_Solar_Wind_999.html)

Voyager at 35: Break on Through to the Other Side

By Staff Writers, Pasadena CA (JPL), Aug 21, 2012

<http://www.space-travel.com/reports/Voyager at 35 Break on Through to the Other Side 999.html>

[SEPP Comment: Far away and almost forgotten, but still working.]

China unveils ambitious space projects

By Xinhua writers Quan Xiaoshu, Yu Fei, Li Huizi and Ji Shaoting, Beijing (XNA), Aug 23, 2012

[http://www.spacedaily.com/reports/China unveils ambitious space projects 999.html](http://www.spacedaily.com/reports/China_unveils_ambitious_space_projects_999.html)

Uranium from seawater said attainable goal

By Staff Writers, Philadelphia (UPI), Aug 21, 2012

[http://www.nuclearpowerdaily.com/reports/Uranium from seawater said attainable goal 999.html](http://www.nuclearpowerdaily.com/reports/Uranium_from_seawater_said_attainable_goal_999.html)

Earthworms soak up heavy metal

By Staff Writers, London, UK (SPX), Aug 21, 2012

[http://www.terraily.com/reports/Earthworms soak up heavy metal 999.html](http://www.terraily.com/reports/Earthworms_soak_up_heavy_metal_999.html)

Other News that May Be of Interest

Julia Child vs. Meryl Streep

By Elizabeth M. Whelan, ASCH, Aug 29, 2009

http://www.acsh.org/factsfears/newsID.1231/news_detail.asp

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BELOW THE BOTTOM LINE:

Are they serious? Shade Cloth over the Great Barrier Reef to save it from climate change?

By Jo Nova, Her Blog, Aug 22, 2012

<http://joannenova.com.au/2012/08/are-they-serious-shade-cloth-over-the-great-barrier-reef-to-save-it-from-climate-change/#more-23453>

A urine based 'potion' can act as a CO2 absorbent

By Staff Writers, Madrid, Spain (SPX), Aug 22, 2012

[http://www.spacedaily.com/reports/A urine based potion can act as a CO2 absorbent 999.html](http://www.spacedaily.com/reports/A_urine_based_potion_can_act_as_a_CO2_absorbent_999.html)

The Maldives Emily Littella sea level moment – never mind...

By Anthony Watts, WUWT, Aug 24, 2012

<http://wattsupwiththat.com/2012/08/24/the-maldives-emily-littella-moment-never-mind/>
[SEPP Comment: With plans to build an extremely expensive golf complex, the islands will emerge from the seas.]

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ARTICLES:

1. Paul Ryan, the Perfect Anti-Gore

By S. Fred Singer, American Thinker, Aug 20, 2012

http://www.americanthinker.com/2012/08/paul_ryan_the_perfect_anti-gore.html

Vice-president hopeful Paul D. Ryan is the polar opposite to former VP Al Gore. Instead of promoting fears, the candidate is a pretty solid skeptic when it comes to catastrophic anthropogenic global warming (CAGW). Romney is obviously comfortable with that stance and is using Ryan to reposition himself on the issue of global warming and energy.

If Romney-Ryan are elected, the global warming problems may suddenly disappear. As a start, the new Congress will likely pass legislation that specifically instructs the EPA not to control any of the greenhouse gases that have a global distribution -- and, like CO₂, are certainly not pollution in any normal, ordinary sense.

In an otherwise critical NYT op-ed (Aug 13), Reagan's former WH budget chief David Stockman calls Ryan "the most articulate and intellectually imposing Republican of the moment." (That was exactly my opinion of the David Srockman I knew some 30 years ago.) It speaks well for Romney that he would select a VP who may overshadow him in many areas. By contrast, Obama's selection of Biden suggests intellectual insecurity.

Paul Ryan's position on climate science

Ryan has accused climate scientists of "intentionally misleading the public on climate change." (See full article.) This may be true for perhaps a dozen or so -- and we know who they are; their names appear prominently in the Climategate e-mails. But many hundreds of others are simply willing to go along and collect research grants from the government, having convinced themselves somehow that their contributions may moderate the climate and "save the Earth."

Here's what Ryan wrote three years ago in The Journal-Times (Racine, WI):

To the detriment of the American people, environmental issues have fallen victim to the hyper-politicization of science. ... [P]ublished e-mail exchanges from the University of East Anglia's Climatic Research Unit (CRU) from leading climatologists make clear efforts to use statistical tricks to distort their findings and intentionally mislead the public on the issue of climate change. The CRU e-mail scandal ["Climategate"] reveals a perversion of the scientific method, where data were manipulated to support a predetermined conclusion. The e-mail scandal has not only forced the resignation of a number of discredited scientists, but it also marks a major step back on the need to preserve the integrity of the scientific community. While interests on both sides of the issue will debate the relevance of the manipulated or otherwise omitted data, these revelations undermine confidence in the scientific data driving the climate change debates.

Ryan's other climate and energy accomplishments:

- voted to eliminate EPA Limits on Greenhouse Gases. (Roll Call 249, 4/7/11.)

Rep. Upton, R-MI, stated: This legislation will remove the biggest regulatory threat to the American economy. This is a threat imposed not by Congress, but entirely by the Obama EPA. This administration wanted a cap-and-trade system to regulate greenhouse gases, but Congress said no. So beginning in early 2009, EPA began putting together a house of cards to regulate emissions of carbon dioxide. The agency began with automobiles, declaring that their emissions endangered public health. That single endangerment finding has since been used by EPA to launch an unparalleled onslaught. The result, two years later, is a series of regulations that will ultimately affect every citizen, every industry, really every aspect of our economy and way of life.

- voted to block the USDA from implementing its climate raihdance. (Roll Call 448, 6/16/11.)

- voted to eliminate the assistant to the president for energy and climate change, the special envoy for climate change (Todd Stern), and the special adviser for green jobs, enterprise and innovation. (Roll Call 87, 2/17/11.)

- voted to eliminate ARPA-E. (Roll Call 55, 2/17/11.)

- voted to eliminate the ban on incandescent light bulbs. (Roll Call 563, 7/12/11.)

- voted for the construction and operation of the Keystone XL pipeline. (Roll Call 650, 7/26/11.)

In voting against the 2009 Cap & Trade bill, Ryan wrote:

The President's energy policies have been characterized by punitive regulations on economically competitive sources of energy, coupled with reckless spending on uncompetitive alternatives. The controversial "cap and trade" bill that President Obama tried and failed to pass through Congress in 2009, would have established an elaborate bureaucratic structure for taxing and rationing conventional energy sources. But instead of accepting this verdict on its preferred policy, the administration continued to pursue de facto cap and trade approaches by supporting the EPA's unilateral plan to impose emissions restrictions on American businesses. The push by the Obama administration to pursue energy and environmental policy through heavy-handed regulations circumvents accountability to voters and leaves decisions in the hands of a bureaucratic infrastructure. Unnecessary regulations tie the hands of small businesses and create a hostile and uncertain business environment, discouraging job growth. [Source: The Path to Prosperity, by Paul Ryan, p. 25 , Apr 5, 2012]

- He voted against auto-maker bailout that abused process to force new fuel standards:

In some areas, such as fuel-economy standards, the administration has abused a rulemaking process in order to ensure compliance from private-sector parties. For instance, bailing out General Motors and Chrysler as it was telling them to accept government's more costly fuel-economy standards.

In other areas, such as the debate over the new Keystone pipeline, the administration has simply blocked action that would result in more jobs and lower energy prices for Americans. President Obama has chosen to delay a decision on this common-sense job creator until after the next election, despite years of vetting and an exhaustion of inadequate excuses.

The result: Since the start of the administration, gas prices have doubled; regulations have extracted almost \$2 trillion per year from the economy, including \$281 billion for environmental regulations imposed on small businesses. (Source: The Path to Prosperity by Paul Ryan, p. 26 , Apr 5, 2012)

- He voted YES on developing all American-made energy, including nuclear:

Ultimately, the best energy policy is one that encourages robust competition and innovation to ensure the American people an affordable and stable supply of energy. This budget would roll back federal intervention and expensive corporate welfare funding directed to favored industries. (Source: The Path to Prosperity by Paul Ryan, p. 30 , Apr 2, 2012)

- Voted YES on opening Outer Continental Shelf to oil drilling.

- Voted NO on tax credits for renewable electricity.

Science backup is available

What Ryan lacks is a credible scientific backup for his climate statements. But these can be easily supplied, at any desired level, depending on the attention span of the listeners. We can provide a 30-second level, a two-minute level, and a 10-minute level.

On the 30-second level, it is sufficient to state that the available climate observations disagree with the predictions of climate models. Even after 25 years of intensive work, there has been no validation of these models and no reason to trust them to predict the future.

On the two-minute level, one would show that most recent observations do not even show significant global warming. True, there has been a increase in temperature over the past 250 years as the Earth recovers from the Little Ice Age, but the warming reported from surface weather stations since about 1980 is not matched by observations of atmospheric temperatures, ocean temperatures, or so-called proxies (temperatures derived from tree rings, lake sediments, stalagmites, corals, ice cores, etc.).

On the 10-minute level, one would discuss the evidence for natural fluctuations of the climate as observed in the Earth's history -- and in particular the fluctuations observed since the end of the last major ice age approximately 12,000 years ago. There's evidence for fluctuations produced by atmosphere-ocean oscillations and accumulating evidence for the subtle influences of the Sun on the climate.

We look forward with great anticipation to climate-energy issues playing a major role in the coming pre-election debates.

2. A Coca-Cola Solution to High Gas Prices Regulations interfere with competitive markets and render all of us more vulnerable to supply disruptions.

By Andrew Morriss and Donald Boudreaux, WSJ, Aug 21, 2012

<http://online.wsj.com/article/SB10000872396390443989204577603153204915834.html?mod=W>
[SJ Opinion LEFTTopOpinion](#)

[SEPP Comment: A brief history on market fragmentation of what should be a commodity.]

When you fill your car with gasoline, you probably think you're buying a commodity. Just as a Coke bought in Los Angeles is the same as one bought in Boston, a gallon of gasoline purchased one place is the same as one bought elsewhere—right? Wrong. As one refinery executive noted in 2003, "Gasoline is not gasoline anymore. It is a specialty chemical."

For most of the 20th century, the United States was a single market for gasoline. Today we have a series of fragmentary, regional markets thanks to dozens of regulatory requirements imposed by the federal Environmental Protection Agency (EPA) and state regulators. That's a problem because each separate market is much more vulnerable than a national market to refinery outages, pipeline problems and other disruptions.

Today's fragmentation is a throwback to the early 20th century, when fuel markets were fragmented because of high transportation costs. Early retail outlets sold gasoline and kerosene that varied dramatically in quality from place to place. John D. Rockefeller named his company "Standard Oil" precisely to advertise the consistent quality of its products. But as transportation costs fell with the proliferation of pipelines, markets expanded and competition intensified.

By the 1920s and early 1930s, oil companies were engaged in a vigorous "octane war" to improve quality and reduce price. This competition helped transform 100-octane fuel from a chemical that sold for \$25 per gallon in the early 1930s to a mass-produced commodity selling for about 25 cents per gallon a decade later. That improvement helped win the Battle of Britain by giving the Royal Air Force a performance edge over the Luftwaffe. By 1944, Standard of Indiana alone could refine 1.15 million gallons of 100-octane aviation gasoline per day, a production rate surpassing that of the entire industry before the war.

After the war, prices continued to fall as competition drove producers to improve their fuels and expand their pipeline networks. With the gasoline market becoming national, refiners gained the scale to innovate in ways that further boosted quality and cut prices.

Not everyone was happy about the expansion of the market for fuels. Refiners located near higher-cost oil supplies complained that their competitors on the coasts had access to cheaper foreign oil, and domestic oil producers resented foreign competitors' lower costs. These complaints started American energy policy on the path to our current fragmented markets.

Instead of allowing market forces to determine the efficient size of refineries, the federal Mandatory Oil Import Program in 1959 began granting special favors to small refiners, inland refineries, and anyone with a smart enough lawyer. These favors fragmented the market for domestic fuels by replacing decisions based on market conditions and technology with ones based on politics.

Similar bureaucratic meddling continued under the price and allocation controls that took over after the Arab oil embargo in the early 1970s. The result was a proliferation of small "tea kettle" refineries built to gain bureaucratic privileges rather than to meet market demand.

In 1989, the EPA implemented regulations to reduce gasoline evaporation. The following year, amendments to the Clean Air Act substantially expanded the EPA's authority over fuel composition.

Unfortunately, little was known about fuel composition's impacts on emissions, so the first steps were largely guesswork. One particularly bad guess was the mandate to add oxygenates to gasoline in order to reduce carbon-monoxide emissions. That led to the use of the chemical MTBE, which turned out to cause serious environmental damage. When regulators dropped it (stranding refiners with the investments they'd made to blend MTBE into gasoline), only corn-based ethanol was left to satisfy the mandate, itself an environmental and economic disaster.

The role of regulators in fuel formulation has become increasingly complex. The American Petroleum Institute today counts 17 different kinds of gasoline mandated across the country. This mandated fragmentation means that if a pipeline break cuts supplies in Phoenix, fuel from Tucson cannot be used to relieve the supply disruption because the two adjacent cities must use different blends under EPA rules.

To shift fuel supplies between these neighboring cities requires the EPA to waive all the obstructing regulatory requirements. Gaining permission takes precious time and money. Not surprisingly, one result is increased price volatility.

Another result: Since competition is a key source of falling gas prices, restricting competition by fragmenting markets reduces the market's ability to lower prices.

From the 1920s to the 1950s, competitive markets successfully drove improvements in transportation fuels while reducing prices. We need to unleash those forces again. A good place to start is by undoing the anticompetitive regulations that keep our fuel markets small and fragmented—and making the sale of gasoline once more like selling Coca-Cola.

Mr. Morriss is a professor of law at the University of Alabama. Mr. Boudreaux is a professor of economics at George Mason University.

3. EPA Smack-Down Number Six

A federal court cashiers another illegal Obama regulation.

Editorial, WSJ, Aug 21, 2012

http://online.wsj.com/article/SB10000872396390443989204577603462733432478.html?mod=IT_P_opinion_2

The Environmental Protection Agency has been waging a regulatory war on Texas—and losing in the federal courts. On Tuesday the U.S. Court of Appeals for the D.C. Circuit struck down another misguided EPA rule.

Enacted in August 2011, the Cross-State Air Pollution Rule was supposed to reduce air pollution emitted in one state and carried downwind to another. Under the Clean Air Act, if pollution from the upwind state is causing the downwind neighbor to fail federal air quality tests, then the EPA can order the upwind state to reduce the emissions causing the problem.

But even such expansive authority from Congress is never enough for the Obama EPA. So the agency decided to use the rule-making as a pretext to force down emissions even further—illegally, as it turns out.

In Tuesday's decision, two of the three judges on the appellate panel found that under the rule "upwind States may be required to reduce emissions by more than their own significant contributions to a downwind State's nonattainment. EPA has used the good neighbor provision to impose massive emissions reduction requirements on upwind States without regard to the limits imposed by the statutory text."

The court found that the feds also broke the law by dictating the measures to be used to reduce emissions instead of allowing states to design their own plans, as the statute demands. "Congress did not authorize EPA to simply adopt limits on emissions as EPA deemed reasonable," wrote Judge Brett Kavanaugh.

The flawed rule would have hit coal-fired electric plants in particular, and especially those based in Texas. EPA's illegal micro-managing of state air-quality plans was so specific that immediately after the rule-making it was clear that coal-powered energy production at Texas-based plants operated by Luminant, a big utility, would have to be cut. Tuesday's ruling means Luminant will be able to keep 1,300 megawatts of power online in Texas, which needs more electricity because unlike other parts of the U.S. in the Obama era it is growing.

Luminant had announced it would need to lay off roughly 500 workers in mining and electricity production. Now the utility says those jobs have been spared, thanks to the court's intervention.

According to a scoreboard by the American Action Forum, Tuesday's rebuke from the D.C. Circuit marks the 15th time that a federal court has struck down an Obama regulation, and the sixth smack-down for the Obama EPA. This tally counts legally flawed rules as well as misguided EPA disapprovals of actions by particular states.

As for this latter category, last week the Fifth Circuit Court of Appeals saved Texas from an arbitrary and capricious EPA rejection of its permitting process for utilities and industrial plants. In that case the court found that "the EPA based its disapproval on demands for language and program features of the EPA's choosing, without basis in the Clean Air Act or its implementing regulations."

See a pattern here? Mitt Romney and House Republicans are making the case that Obama regulators have been punishing U.S. business in violation of the law and beyond what Congress intended. Tuesday's ruling proves their point and underscores how much more damaging the EPA could be without re-election restraint in a second Obama term.

The court's decision states it plainly: "Absent a claim of constitutional authority (and there is none here), executive agencies may exercise only the authority conferred by statute, and agencies may not transgress statutory limits on that authority."

The message is that regulators must follow the laws of the United States. Why do federal judges constantly have to remind EPA Administrator Lisa Jackson of this basic principle?

4. Layoffs Latest Hit for Nuclear Plant

By Rebecca Smith and Tamara Audi, WSJ, Aug 22, 2012

<http://online.wsj.com/article/SB10000872396390444082904577605703883229714.html?mod=IT>
[P_pageone_1](#)

Layoffs announced this week at a San Onofre, Calif., nuclear-power plant, shut down earlier this year following a radiation leak, are sowing doubt about the future of a major source of Southern California electricity that appears unlikely to restart anytime soon.

The utility Southern California Edison said Monday that by year's end it would eliminate 730 jobs at the plant, or about a third of its workforce. The power company concluded the plant's expenses were too high, relative to costs at similar nuclear plants, said Jennifer Manfre, spokeswoman at SoCal Edison.

The layoffs add to problems that started in January when workers found unusual wear in new equipment in one reactor at the three-decade-old plant. Another reactor was taken out of service when it suffered a leak in similar equipment.

The problems sparked an investigation by the U.S. Nuclear Regulatory Commission and protests in local communities that had long lived in peace with the plant, an ocean-front fixture near the quiet beach town of San Clemente.

The plant is now approaching a critical juncture. Within the next three months, state utility regulators will have to decide what to do about continuing costs at the 2,200-megawatt plant that normally furnishes enough electricity for 1.4 million homes. Under California utility rules, the costs of a plant that is disabled for more than nine months can be taken out of the formula that builds utility rates. That would mean SoCal Edison, its majority owner, can't pass plant costs on to ratepayers.

SoCal Edison said it is seeking about \$650 million this year for its share of San Onofre's operating costs. Meanwhile, the cost of replacement power is mounting: To offset the loss of San Onofre, power authorities activated a mothballed, gas-fired plant in Huntington Beach. It's unclear who will bear the cost of replacement power.

Critics say the plant is a burden on customers, who shouldn't shoulder its costs. City council members in Irvine, 22 miles north of the plant, asked federal officials to bar San Onofre from restarting until they could provide "full assurance" the units won't have any of the "current vibration, corrosion and degradation problems."

In Laguna Beach, the city council this month passed a resolution that said utility customers shouldn't have to pay for repairs and urged utility regulators to investigate the "financial status and viability" of the plant, according to city records.

"I would like to see the plant shut down for good," said Vera Rollinger, mayor pro-tem of Laguna Beach, a community about 20 miles north of San Onofre. San Onofre "is an old plant that's at the end of its life or near the end of its life," she said.

Some people living near the plant said they hope to see it running again.

"Our hope is San Onofre will be back up once they've addressed the issues they need taken care of," said Ruben Barrales, president and chief executive of the San Diego Regional Chamber of Commerce. The plant "is an important part of energy reliability" in Southern California.

San Onofre sits near a heavily populated area on a parcel of federal land between a freeway linking Los Angeles and San Diego and the Pacific Ocean. The reactors were put in service in the mid-1980s.

In the plant's absence, fears of an electricity shortage in Southern California in the summer months prompted utilities to compensate consumers for reducing their power use. During a recent heat wave, participants in the program appeared to have conserved up to 1,000 megawatts of power—making up almost half of the shortfall created by San Onofre's absence.

At San Onofre, an investigation has focused on approximately 40,000 heat-transfer tubes that were replaced in the past three years as part of a broader \$800 million upgrade. The tubes—which take water from the vicinity of the reactor to equipment that makes electricity—showed premature wear; one tube sprang a leak in late January, releasing a small amount of radioactive steam and setting off alarms. The reactor was shut down safely. The plant's other reactor already was shut down for refueling at the time.

Utility officials consistently have said that safety is their chief concern. NRC officials have given the utility a list of tasks that must be completed before it will consider any request to restart the reactors.

This week, local communities are focused on the plant's job cuts. Mr. Barrales, of the San Diego chamber, said the loss of more than 700 jobs will hurt the local economy, which is improving but still is struggling with a 9.2% unemployment rate. That's lower than the 10.7 % unemployment rate for the state, but higher than the U.S. rate of 8.3%.

San Clemente, in neighboring Orange County, will likely bear the brunt of the cuts.

"San Clemente is home to many employees of the San Onofre Nuclear Generating Station and whose children attend schools here," said San Clemente Mayor Jim Evert. "With the loss of nearly one-third of their workforce, of course there is a negative impact on local employment...high-paying jobs are still difficult to come by close to home."

The city also benefits from San Onofre's donations to local charities and employee volunteer programs in public schools and community organizations.

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