THE WEEK THAT WAS: 2017-02-11 (February 11, 2017)
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The Science and Environmental Policy Project

QUOTE OF THE WEEK

"...Yet, in holding scientific research and discovery in respect, as we should, we must also be alert to the equal and opposite danger that public policy could itself become the captive of a scientific technological elite." – Dwight Eisenhower, 1961 [H/t Fran Manns]

NUMBER OF THE WEEK: 5

THIS WEEK:
By Ken Haapala, President, Science and Environmental Policy Project (SEPP)

TWTW: Due to other commitments requiring refraining from public comments that may be misconstrued as suggesting policy, this TWTW will be short and comments restrained. Responses to correspondence will be limited. Thank you.

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DATA INTEGRITY: For several years, some commentators who deal with historic temperature data in their daily work, such as Joe D’Aleo of ICECAP, have stated that warming trends suddenly appeared in areas in which there were no such trend previously, such as the state of Maine. Until about 2011, the government published data showed no trend from 1900 to present. Suddenly, government published historic data showed a warming trend of about 3 degrees F. Tony Heller (who goes by Steve Goddard) has followed this issue, graphically showing that trends appeared in recently published historic data, where earlier historic data showed none.

Writing in Climate, Etc., the blog by Judith Curry, John Bates made several disturbing assertions regarding questionable data changes and archiving data at the US National Climatic Data Center (NCDC), now called the National Centers for Environmental Information (NCEI). Bates is a meteorologist who spent his professional career at NOAA and the last 14 years at NCDC (now NCEI) as a Principal Scientist, where he served as a Supervisory Meteorologist until 2012. “He was awarded a U.S. Department of Commerce Gold Medal in 2014 for visionary work in the acquisition, production, and preservation of climate data records (CDRs). He has held elected positions at the American Geophysical Union (AGU), including Member of the AGU Council and Member of the AGU Board. He has played a leadership role in data management for the AGU.”

The specific issue was the 2015 Karl, et al. study that claimed there was no pause in global warming. The study claimed that switching from mostly temperature measurements taken at the ship cooling water intake to mostly ocean buoy measurements at the surface introduced a cooling bias to sea surface temperature data. Others believe that, if anything, the switch would cause a warming bias to the data due to the thermal gradient in the oceans.

A 2013 review of studies for the prior shift from sea buckets to ship cooling water intake recognized that there may be large errors in both types of measurements. Intake temperatures tended to warmer than near-simultaneous bucket temperatures. For example:

“One of the most observation-rich bucket-intake comparisons ever conducted was that of James and Fox (1972). They analysed 13,876 pairs of near-simultaneous bucket and intake temperatures obtained aboard VOS ships between 1968 and 1970. Although of global distribution, reports were
mainly from the North Atlantic and North Pacific shipping lanes. From a compilation of all observations, intake temperatures averaged 0.3 °C warmer than bucket readings. Considerable spread was found in the individual differences with 68 % falling within ± 0.9 °C and the largest differences exceeding ± 2.5 °C."

The historic data is too vague to draw any firm conclusions. Adding ocean buoys to the mix does not resolve issues of measurement error and data integrity among the types of measurements.

More importantly, Bates asserts that Karl, et al. did not follow proper procedures for archiving data and published adjusted land surface-air data before an adjustment mechanism was fully tested. In so doing, it not only violated policy of NCEI; but also, it violated the policy of the publisher of the paper, Science, requiring data be properly archived for replication by other researchers. This adjustment mechanism may be a source of bias in land surface-air data showing warming trends where none had existed before.

If the assertions by Bates are correct, this is a serious issue. The data sets used by NCEI may be infected by introduced biases, intentional or not. These data sets provide a basis for those used by NASA’s Goddard Institute for Space Studies in New York City (NASA-GISS).

On February 5, British journalist David Rose reported comments by Bates in the Daily Mail causing a controversy that some groups tried to dismiss as petty. Writing in The Global Warming Policy Forum (GWPF), David Whitehouse (he is not specifically identified as the author) asserts that the errors are significant.

It will be interesting to see how the new administration and Congress respond to these assertions. An array of articles can be found under Challenging the Orthodoxy, Defending the Orthodoxy and Measurement Issues – Surface.

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New Climate Denial? On Climate Etc., Judith Curry has an interesting post on an article in The Atlantic: “How the New Climate Denial is Like the Old Climate Denial: Both are excuses for inaction.” The article discusses the issue by describing the exchanges between Scott Pruitt and several Senators. Pruitt is the nominee to head the EPA. The article asserts that Pruitt’s response “acknowledge climate change is happening while moving uncertainty downstream, into the ‘details.’” To buttress this argument, the article states:

“This rhetoric is out of step with the latest science. The most recent IPCC report expresses 95 percent confidence that humans are the main cause of most global warming observed since the 1950s. According to one paper summarized on NASA’s Global Climate Change website, ‘97 percent or more of actively publishing climate scientists agree: Climate-warming trends over the past century are extremely likely due to human activities.’ The list of scientists and agencies in agreement goes on and on.”

Of course, the main issue is the certainty expressed by many government entities and NGOs that CO2 is the major cause of climate change. These entities largely dismiss other human influences, such as change of land use, and natural variation. Simply, we cannot separate the influence of CO2 from other human influences and separate CO2 from natural variation. Efforts to stop climate change by curbing CO2 emissions are unrealistic. To complicate issues even further, many entities greatly shorten the time frames needed for projected effects to occur.
It is important to recognize that government policies need to be established on realistic expectation, not wild speculation or exaggeration. If exaggerated figures are used for sea level rise, government announcements can paralyze meaningful economic development. It is the measured rate of sea level rise that is important, not the fact that sea levels are rising, or speculation of what may happen at far greater rates than measured.

This is particularly true in tectonically stable, low-lying areas such as Florida. During the last interglacial, major parts of south Florida were inundated, but the process took thousands of years. This period is far beyond the meaningful horizon for local planning of development. Practical application of this scientific knowledge is needed. Unfortunately, the storylines, scenarios, by the UN Intergovernmental Panel on Climate Change (IPCC) interpreted by US government entities, greatly exaggerate the rate of rise to as much as 7 feet by end of the century. Their use is a disservice to the public. See links under Seeking a Common Ground.

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Carbon Tax: Former US Secretaries of State George Shultz and James Baker, both of whom served under President Reagan, argued for a tax on carbon dioxide emissions. They use Montreal Protocol as the key example of what can be done. The Protocol is probably the worst environmental initiative undertaken under Reagan. It was built on laboratory experiments that showed that Chlorofluorocarbon (CFC) can reduce ozone. Ozone helps protect life from Ultraviolet (UV) Light, which can lead to eye cataracts and blindness.

A dramatic seasonal depletion of the ozone layer over Antarctica led to the adoption of the Montreal Protocol calling for drastic cuts in CFCs. But, the necessary field experiments were not conducted: Was UV light hitting the earth’s surface increasing? After over 30 years, the issue is still not settled.

By contrast, laboratory experiments show that increasing carbon dioxide in today’s atmosphere may cause slight warming, probably immeasurable. The rest is built on speculation, not hard evidence. Using an international agreement built on inadequate evidence is hardly justification for another agreement, or a tax, built on inadequate evidence. See Article # 1 and links under Questioning the Orthodoxy, and Cap-and-Trade and Carbon Taxes.

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Systems Engineers: One can have empathy towards engineers who design extensive systems that are vulnerable to the weather. In recent years, some of these systems are not only vulnerable to the whims of nature; but also, to the whims of politicians. The energized, electronic grid is one such system. To achieve reliable electricity at a designed frequency, engineers must balance generation of electricity with consumption, within narrow tolerances. Deviation can crash the system. Weather events, such as storms can disrupt the system. Now, thanks to the whims of politicians (as in South Australia), too much erratic wind power generation can disrupt the system. The level of wind power is determined by politicians who have little regard for the reliability of the system. Yet, when the system fails, the politicians blame others or that it was hot weather or cold weather that caused the failure. See links under Energy Issues – Australia

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Too Much Water? California has an outstanding system of water storage and delivery for flood prevention, irrigation, and urban use. However, due to political decisions it was not completely built as designed. Also, before the recent drought, based on questionable regulations and laws, significant court decisions required diversion of water from storage and irrigation into the ocean to “protect” fish. Thus, thousands of acres of farm land on the western section of the San Juaquin valley suffered, especially fruit and nut orchards, which require years to establish.
Ironically, the USDA Economic Research Service figures show that tree nuts are the second major US agriculture crop exported, with about 72% of the crop exported between 2011 and 2013. (Cotton was number one with about 77% of the crop exported.) California is the major producer of almonds, walnuts, and pistachios, with an estimated value of $7 Billion (2016). Political restrictions and the drought hurt California nut production.

Now the whims of nature are heading the other way. Many of the major reservoirs are near capacity and well-above average seasonal capacity. California’s second largest reservoir is threatening to overflow in the emergency spillway for the first time since it was opened in 1968. It is behind the earthfill embankment dam, Oroville, which is the tallest dam in the US at 770 feet (230 meters) (Hoover Dam is 726 feet (221 meter)). The normal spillway is damaged, and fear of erosion limits its use.

This winter, the snow pack is unusually heavy in the Sierra Mountains and the spring melt has not yet begun. It will be a challenging spring for the engineers responsible for releasing water in a timely manner to control flooding. It will be interesting to watch the political finger pointing if any problems arise. See links under Changing Weather and
https://www.ers.usda.gov/topics/crops/fruit-tree-nuts/

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Additions and Corrections: Several readers asked about the source for the statement that some southern states have a pH as low as 4. One of the sources was a 1984 article published by the American Society of Microbiology. The text stated: The Okefenokee Swamp, located in southeastern Georgia and northeastern Florida, is one of the largest freshwater wetlands in the United States. The Okefenokee Swamp is an acidic (pH 3.1 to 4.4), black-water, peat-accumulating environment consisting primarily of forested swamp and open marsh prairies. [Boldface Added] The abstract stated a pH of 3.7, which was taken to be an average. Thirty-seven species of amphibians live and lay eggs in the Okefenokee.

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Number of the Week: 5 According to Jo Nova, South Australia has had 5 major black-outs since the state went black in September. The latest one affected about 90,000 customers. The total population of the state is about 1.7 million. It takes dedicated effort and a great deal of public money to turn a stable electrical grid into an unstable one. See links under Energy Issues – Australia.

#NEWS YOU CAN USE:

**Challenging the Orthodoxy -- NIPCC**

Nature, Not Human Activity, Rules the Climate
S. Fred Singer, Editor, NIPCC, 2008

**Overcoming Chaotic Behavior of Climate Models**

By S. Fred Singer, SEPP, July 2010
http://www.sepp.org/science_papers/Chaotic_Behavior_July_2011_Final.doc

**Climate Change Reconsidered II: Physical Science**

Idso, Carter, and Singer, Lead Authors/Editors, 2013
https://www.heartland.org/media-library/pdfs/CCR-II/CCR-II-Full.pdf
Summary: [http://www.nipccreport.org/reports/ccr2a/pdf/Summary-for-Policymakers.pdf](http://www.nipccreport.org/reports/ccr2a/pdf/Summary-for-Policymakers.pdf)

**Climate Change Reconsidered II: Biological Impacts**
Idso, Idso, Carter, and Singer, Lead Authors/Editors, 2014
Summary: [https://www.heartland.org/media-library/pdfs/CCR-IIb/Summary-for-Policymakers.pdf](https://www.heartland.org/media-library/pdfs/CCR-IIb/Summary-for-Policymakers.pdf)

**Why Scientists Disagree About Global Warming**
The NIPCC Report on the Scientific Consensus
Download with no charge

**Challenging the Orthodoxy**
Climate scientists versus climate data
By John Bates, Climate Etc. Feb 4, 2017

Exposed: How world leaders were duped into investing billions over manipulated global warming data
By David Rose, Mail on Sunday, Feb 5, 2017

Former NOAA Scientist Confirms Colleagues Manipulated Climate Records
Press Release, Committee on Science, Space, & Technology, Lamar Smith, Chairman, Feb 5, 2017

Response to critiques: Climate scientists versus climate data
By Judith Curry, Climate Etc. Feb 6, 2017

Congress Investigates Federal Climate Study After Whistleblower Exposes Fake Science
The scientific community and media outlets that claimed Trump will silence scientists are now attacking one of their own for speaking up.
By Julie Kelley, The Federalist, Feb 10, 2017

Don’t Be Distracted by Nit-Pickers: This Is Serious
By David Whitehouse (?), GWPF, Feb 6, 2017

Even more on the David Rose bombshell article: How NOAA Software Spins the AGW Game
Guest essay by Rud Istvan, WUWT, Feb 7, 2017
Defending the Orthodoxy

Federal scientists say there never was any global warming “pause”
By Chris Mooney, Washington Post, June 4, 2015
https://www.washingtonpost.com/news/energy-environment/wp/2015/06/04/federal-scientists-say-there-never-was-any-global-warming-slowdown/?utm_term=.f18754a0491a
Link to paper: Possible artifacts of data biases in the recent global surface warming hiatus
http://science.sciencemag.org/content/348/6242/1469

Questioning the Orthodoxy

Salvaging the Unsalvable: HFCs and the UN Climate Change Fiasco
By Tim Ball, A Different Perspective, Dec 29, 2016

Thumb on the scale of temperature trends?
By Matt Ridley, Rational Optimist, Feb 9, 2017
http://www.rationaloptimist.com/blog/noaas-pausebuster-study/

Climate Doomsayers Can't Get It Right
By Larry Bell, Newsmax, Feb 6, 2017
http://www.newsmax.com/LarryBell/cooling-experts-scientific-suvs/2017/02/06/id/772147/

House Committee To ‘Push Ahead’ With Investigation Into Alleged Climate Data Manipulation At NOAA
By Michael Bastasch, Daily Caller, Feb 6, 2017

After Paris!
EU must shut all coal plants by 2030 to meet Paris climate pledges, study says
Europe will vastly overshoot its carbon emissions target for coal unless it closes all 300 power stations, says think-tank Climate Analytics

Seeking a Common Ground
The new ‘climate denial’
By Judith Curry, Climate Etc. Feb 10, 2017
https://judithcurry.com/2017/02/10/the-new-climate-denial/#more-22824
Link to Article: How the New Climate Denial is Like the Old Climate Denial: Both are excuses for inaction”
Review of Recent Scientific Articles by CO2 Science

How Four Plant Species of Australia Respond to Declining Rainfall
http://www.co2science.org/articles/V20/feb/a7.php

“D'Agui et al. write that their results demonstrate a capacity for ‘rapid adaptation to climate change through phenotypic variation and regulation of gene expression,’ which findings further suggests that ‘some species and ecosystems might be more resilient to climate change than we currently believe,’ with ‘adaptive evolution through natural selection and/or heritable phenotypic plasticity as results of epigenetic processes within a relatively short time frame,’ which in their case was but a single plant generation.”

A Host of Problems Associated with CMIP3 and 5 Climate Models
http://www.co2science.org/articles/V20/feb/a5.php

One Thousand Years of Summer Temperatures in Northeastern Canada
http://www.co2science.org/articles/V20/feb/a4.php

[SEPP Comment: Recent warming is not unprecedented and the possible cause for variation is statistically associated with solar radiation.]

Models v. Observations
Study: El Niño forecasting reliability during the period 2002-2011 declined
By Anthony Watts, WUWT, Feb 2, 2017
https://wattsupwiththat.com/2017/02/02/study-el-nino-forecasting-reliability-during-the-period-2002-2011-declined/

Link to paper: Modulation of Bjerknes feedback on the decadal variations in ENSO predictability
http://onlinelibrary.wiley.com/doi/10.1002/2016GL071636/abstract;jsessionid=AF62096E2AA5BAAB40EF7E5A00903E5.f04t01

Model Issues
Instability of GHCN adjustment algorithm
By Paul Matthews, Climate Scepticism, Feb 6, 2017
https://cliscep.com/2017/02/06/instability-of-ghcn-adjustment-algorithm/

[SEPP Comment: The author noticed a possible instability of the GHCN (Global Historical Climatology Network) adjustment algorithm as early as 2012.]

Measurement Issues -- Surface
Comparing historical and modern methods of sea surface temperature measurement – Part 1: Review of methods, field comparisons and dataset adjustments
[SEPP Comment: According to the review, ship intake depth may range from 0 to 10 meters (0 to 33 feet).

Vostok: warming or cooling by 2 °C per century has been frequent enough and natural
By Luboš Motl, The Reference Frame, Feb 4, 2017
http://motls.blogspot.com/2017/02/vostok-warming-or-cooling-by-2-c-per.html#more
[SEPP Comment: Raising the issue of precision of Antarctic ice cores, Motl states that the cores indicate warming and cooling periods was three times rate of the 20th century.]

Changing Weather
Lake Oroville Near 100% Full, Emergency Overflow Imminent
By Roy Spencer, His Blog, Feb 10, 2017
Link to Press Release: Lake Oroville Releases Slowed to Avoid Erosion: No Threat to Dam or Public
By Staff Writers, California Department of Water Resources, Feb 10, 2017
Link to news account with photos: Lake Oroville Nears Limit, Close to Flowing Over Emergency Spillway
By Dan Brekke, KQED News, Feb 11, 2016

La Nina’s Demise Means Predicting Summer Weather Just Got Harder
By Brian Sullivan, Bloomberg, Feb 9, 2017

Changing Climate – Cultures & Civilizations
Climate change drove population decline in New World before Europeans arrived
By Staff Writers, Indianapolis IN (SPX), Feb 01, 2017
http://www.terradaily.com/reports/Climate_change_drove_population_decline_in_New_World_before_Europeans_arrived_999.html

Changing Cryosphere – Land / Sea Ice
Black carbon in the Arctic blamed on Russia
Study traces black carbon sources in the Russian Arctic
By Anthony Watts, WUWT, Feb 4, 2017
Link to paper: Siberian Arctic black carbon sources constrained by model and observation
By Patrik Winiger, et al. PNAS, Jan 30, 2017
http://www.pnas.org/content/early/2017/01/24/1613401114

Acidic Waters
Microbial Biomass and Utilization of Dissolved Organic Matter in the Okefenokee Swamp Ecosystem
Questioning European Green
Europe Reminded Of Its Power Grid Vulnerability As Brussels Blacks Out!
By P Gosselin, No Tricks Zone, Feb 10, 2017

Cap-and-Trade and Carbon Taxes
The Carbon Tax Proposal that Never Dies Despite the Lack of Any Need for It
By Alan Carlin, Carlin Economics and Science, Feb 9, 2017
http://www.carlineconomics.com/archives/3390

Carbon tax push from former GOP officials faces long odds
By Staff Writers, Electric Light & Power, Feb 9, 2017

Cronyist Argument for Carbon Taxes Exposed
By Daniel Mitchell, CNS News, Feb 2, 2017
http://www.cnsnews.com/commentary/daniel-mitchell/cronyist-argument-carbon-taxes-exposed

Former GOP Officials’ Carbon Tax Plan Is A Lot Like One Hillary Clinton Considered
By Michael Bastasch, Daily Caller, Feb 9, 2017

Subsidies and Mandates Forever
China to launch trading of green certificates for solar and wind power to cut subsidies on renewables
Pilot scheme from July 1 reflects fall in renewable energy production costs and aims to ease burden on state investment in sector
By Staff Writers, Reuters, Feb 3, 2017

Energy Issues – Non-US
BP Energy Outlook 2017
By Paul Homewood, Not a Lot of People Know That, Feb 7, 2017
By Spencer Dale, et al, BP Group Chief Economist, 2017

Energy Issues – Australia
As The Lights Go Out, Blame Game Escalates Over Green Energy ‘Worship’
By Rosie Lewis, The Australian, Via GWPF, Feb 10, 2017

Energy At A Crossroads: Fossil Fuels Renewed
By Graham Lloyd, The Australian, Via GWPF, Feb 6, 2017

It’s that bad — talk of “declaring emergencies” and nationalizing South Australian electricity
By Jo Nova, Her Blog, Feb 10, 2017

Paved with good intentions
By Martin Livermore, Scientific Alliance, Feb 10, 2017
http://scientific-alliance.org/node/1036
“In May 2016, the last coal-fired power station in South Australia was switched off, as part of the state’s efforts to meet its latest (self-imposed) target of a 50% reduction in carbon dioxide emissions by 2025. South Australia was hailed as a leader in climate change policy, with others sure to follow their example.”

Rolling blackouts ordered in SA in 40C heat [104 deg F]
By Jo Nova, Her Blog, Feb 9, 2017

South Australian electricity is coming your way
By Jo Nova, Her Blog, Feb 7, 2017

South Australia Faces Energy Crisis After Power Cuts Were Ordered In Scorching Temperatures
By Staff Writers, Business Insider Australia, Feb 9, 2017
http://www.thegwpf.com/south-australia-faces-energy-crisis-after-power-cuts-were-ordered-in-scorching-temperatures/

Behold SA and Be Scared, Very Scared
By Tom Quirk, Quadrant, Feb 11, 2017

Energy Issues -- US
The causes of the recent decrease in US greenhouse gas emissions
By Roger Andrews, Energy Matters, Feb 8, 2017
“Since their peak in 2007 GHG emissions in the USA have decreased more in absolute terms than in any other country. The results of this review suggest that approximately 40% of this decrease was caused by the replacement of coal with gas in generating plants, 30% by improvements in the efficiency of internal combustion engines and 30% by growth in low-carbon renewables. Another major contributor was the 2008-9 global recession, although its impact can’t reliably be
quantified. Had economic growth continued at historic rates between 2007 and the present US GHG emissions would now be substantially higher than they are.”

[SEPP Comment: Graph 7, Shows the US constant dollar economic growth from 1950 to 2014. Past recessions were a blip, with little sustained impact. The 2008-09 recession was a sustained drop. This suggests the political response to the recession made it worse than past recessions.]

Washington’s Control of Energy

Energy Transfer to Get Dakota Access Pipeline Approval From U.S.
By Meenal Vamburkar, Andrew M Harris, and Ari Natter, Bloomberg, Feb 7, 2017

Overnight Energy: Construction resumes on Dakota Access pipeline
By Timothy Cama and Devin Henry, The Hill, Feb 9, 2017

Oil and Natural Gas – the Future or the Past?
The Future of Fossil Fuels: Dark or Bright?
By John Constable, GWPF, Feb 7, 2017
http://www.thegwpf.com/the-future-of-fossil-fuels-dark-or-bright/

Nuclear Energy and Fears
New Nuclear Is Struggling
By Staff Writers, The American Interest, Feb 5, 2017
http://www.the-american-interest.com/2017/02/05/new-nuclear-is-struggling/

Alternative, Green (”Clean”) Solar and Wind
Energy & Environmental Newsletter
By John Droz, Jr. Master Resource, Feb 6, 2017
https://www.masterresource.org/alliance-for-wise-energy-decisions/energy-environmental-newsletter-2-6-2017/

California Dreaming
Californians are paying billions for power they don't need
We're using less electricity. Some power plants have even shut down. So why do state officials keep approving new ones?
By Ivan Penn and Ryan Menezes, Los Angeles Times, Feb 5, 2017

Friday Funny: In California, ‘children just aren’t going to know what drought is’
By Anthony Watts, WUWT, Feb 10, 2017

BELOW THE BOTTOM LINE:
Climate Change Stops Play!
By Paul Homewood, Not a Lot of People Know That, Feb 8, 2017
https://notalotofpeopleknowthat.wordpress.com/2017/02/08/climate-change-stops-play/
One Man’...
By Staff Writers, Climate Change Predictions, Feb 8, 2017
http://climatechangepredictions.org/uncategorized/7747

“People should eat less meat to help combat the effects of climate change, the world’s leading expert on global warming has claimed.

“Dr Rajendra Pachauri, chair of the United Nations Intergovernmental Panel on Climate Change, said people should aim for one meat-free day a week, before scaling down their consumption even further.

“Dr Pachauri, whose panel won a Nobel Peace Prize last year, said: ‘Give up meat for one day a week initially, and decrease it from there. In terms of immediacy of action and the feasibility of bringing about reductions in a short period of time, it clearly is the most attractive opportunity.’”
The Telegraph, 8 Sep 2008

ARTICLES:

1. A Conservative Answer to Climate Change
Enacting a carbon tax would free up private firms to find the most efficient ways to cut emissions.
By George P. Shultz and James A. Baker III, WSJ, Feb 7, 2017
https://www.wsj.com/articles/a-conservative-answer-to-climate-change-1486512334

SUMMARY: Mr. Shultz was secretary of state (1982-89) and Treasury secretary (1972-74). Mr. Baker was secretary of state (1989-92) and Treasury secretary (1985-88). They write:

“Thirty years ago, as the atmosphere’s protective ozone layer was dwindling at alarming rates, we were serving proudly under President Ronald Reagan. We remember his leading role in negotiating the Montreal Protocol, which continues to protect and restore the delicate ozone layer. Today the world faces a similar challenge: the threat of climate change.

“Just as in the 1980s, there is mounting evidence of problems with the atmosphere that are growing too compelling to ignore. And, once again, there is uncertainty about what lies ahead. The extent to which climate change is due to man-made causes can be questioned. But the risks associated with future warming are so severe that they should be hedged.

“The responsible and conservative response should be to take out an insurance policy. Doing so need not rely on heavy-handed, growth-inhibiting government regulations. Instead, a climate solution should be based on a sound economic analysis that embodies the conservative principles of free markets and limited government.

“We suggest a solution that rests on four pillars. First, creating a gradually increasing carbon tax. Second, returning the tax proceeds to the American people in the form of dividends. Third, establishing border carbon adjustments that protect American competitiveness and encourage other countries to follow suit. And fourth, rolling back government regulations once such a system is in place.

“The first pillar, a carbon tax, is the most cost-effective way to reduce emissions. Unlike the current cumbersome regulatory approach, a levy on emissions would free companies to find the
most efficient way to reduce their carbon footprint. A sensibly priced, gradually rising tax would send a powerful market signal to businesses that want certainty when planning for the future.”

[SEPP Comment: The assumption that the tax would be returned to the American people is contrary to the US history of special taxation. See discussion above.]

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The separation of powers broke down in the 20th century thanks to progressives who believed commissions could quickly improve society.

By Adam White, WSJ, June 29, 2014


SUMMARY: The reviewer states:

“In stirring his countrymen to ratify the new Constitution, Alexander Hamilton urged in Federalist No. 70 that "energy in the executive" would be "a leading character in the definition of good government." It was, he argued, critical to national security and equally "essential to the steady administration of the laws." But others in Hamilton's day were less sanguine. George Mason feared that by vesting a president with so much power, "it may happen, at some future day, that he will establish a monarchy, and destroy the republic."

“In our own time, Republicans and Democrats can seem united in their distrust of a powerful executive branch, if for different reasons. Republicans contend that the administrative state, with bureaucracies ranging from the Education Department to the Consumer Financial Protection Bureau, is a bloated, unchecked and almost lawless autocracy. Democrats worry that, in recent years, the president has assumed extraordinary war-making powers and has interfered with the proper functioning of regulatory agencies.

“Aggressive assertions of executive power are controversial. But are they unconstitutional? Without hesitation, Columbia Law Professor Philip Hamburger would answer ‘yes.’ In ‘Is Administrative Law Unlawful?’, Mr. Hamburger looks beyond the usual milestones of American regulatory history—the Interstate Commerce Act of 1887, Roosevelt's New Deal—to trace the origins and logic of dividing the powers of government and, by so doing, limiting the executive's reach.

“He begins with Henry VIII, who in 1539 obtained Parliament's authorization to make law through proclamations. Henry's vigorous assertion of that power led Parliament to repeal its authorization just eight years later, yet future kings found ways to follow Henry's example. In 1610, James I claimed inherent authority to assert power in the absence of legislation. As Mr. Hamburger shows, the abuse of royal power was a central concern throughout the 17th century—particularly amid Charles II's and James II's efforts to suspend or dispense laws burdening religious minorities. The result, ultimately, was the Revolution of 1688, in which Parliament adopted the Declaration of Rights that imposed limits on the Crown—including a provision against the suspending and dispensing powers.

“This history sets the stage for the basic separation of legislative, judicial and executive branches. Of these three, according to Mr. Hamburger, the last was always least in terms of lawmaking: While the legislature could bind subjects through its bills, and judges could bind
subjects through their decisions, the executive itself ‘could not bind, but at most could impose force, whether by bringing matters to the courts or, ultimately, by physically carrying out their binding acts.’

“Mr. Hamburger sees our Founding Fathers as codifying that arrangement in our own Constitution. But he argues that the separation of powers broke down in the 20th century thanks to progressives, such as Woodrow Wilson, who were deeply influenced by German intellectual proponents of administrative power. These progressives believed that expert ‘commissions’ would improve society far faster and better than a government slowed by individual rights and the separation of powers. ‘German ideas seemed to solve American problems,’”

“Executive power has increased, Mr. Hamburger notes, in part because legislatures have failed to exercise their own power decisively. For decades, Congress’s statutes have provided federal agencies with nearly open-ended power, and the inherent discretion granted to administrators has left ‘Americans insecure in their freedom,’ Mr. Hamburger writes. Yet it is no solution to demand, as he does, that the courts simply identify and mandate ‘the correct interpretation’ of any agency's statute, because statutes are often too ambiguous to have a single ‘correct’ interpretation. What James Madison said of constitutions is no less true of many statutes: ‘No language is so copious as to supply words and phrases for every complex idea, or so correct as not to include many equivocally denoting different ideas.’

“When statutes are vague and agency interpretations are challenged, the judiciary branch is often compelled to act as a kind of referee. Here, though, Mr. Hamburger worries that the executive prerogative wins out too often. He complains that judges' ‘deference’ to administrators' interpretations of statutes ‘is an abandonment of judicial office.’

“But modern administrative law does not counsel judges to show ‘deference’ in such cases. Rather, when statutes are unambiguous, judges are obliged under current law not to defer to agencies' statutory interpretations at all. And even in cases of ambiguous statutes, judges are not to defer to agencies' unreasonable interpretations, such as last week in Utility Air Regulatory Group v. EPA. In that case, the Supreme Court refused to defer to the EPA's assertion that the Clean Air Act empowered the agency to impose immensely burdensome permit requirements on companies emitting greenhouse gases.”

3. Change Would Be Healthy at U.S. Climate Agencies
In the Obama era, it was routine for press releases to avoid mentioning any margin of error.
By Holman Jenkins, WSJ, Feb 4, 2017
https://www.wsj.com/articles/change-would-be-healthy-at-u-s-climate-agencies-1486165226

SUMMARY: After citing the recent announcements by NASA-GISS and NOAA of the “hottest year ever, the journalist writes:

“Statisticians wouldn’t go through the trouble of assigning an uncertainty value unless it meant something. Two measurements separated by less than the margin of error are the same. And yet NASA’s Goddard Institute, now under Mr. Hansen’s successor Gavin Schmidt, put out a release declaring 2014 the “warmest year in the modern record” when it was statistically indistinguishable from 2005 and 2010.
“Nowadays Goddard seems to mention confidence interval only when it’s convenient. So 2015, an El Niño year, was the warmest yet “with 94 percent certainty.” No confidence interval was cited one year later in proclaiming 2016 the new warmest year “since modern recordkeeping began.” In fact, the difference versus 2015 was a mere one-quarter of the margin of error.


“In other words, whatever the cause of warming in the 1980s and 1990s, no certain trend is observable since then.

“Shall we posit a theory about all this? U.S. government agencies stopped mentioning uncertainty ranges because they wanted to engender a steady succession of headlines pronouncing the latest year unambiguously the hottest when it wasn’t necessarily so.

“This doesn’t mean you should stop being concerned about a potential human impact on climate. But when government scientists deliberately seek to mislead, it’s a warning to raise your guard.

“For instance, NOAA states its annual temperature estimate as an “anomaly” in relation to the 20th-century average. Do you really believe government scientists can reconstruct a global average temperature for years in the first half of the 20th century with sufficient accuracy to allow comparisons of 1/100ths of a degree?

After further explanation, the journalist concludes:

“…. Our guess is that fighting with his administration’s climate scientists won’t seem like much of a priority. And yet, given all the money U.S. taxpayers spend on climate science, a mental freshening wouldn’t be the worst thing. Goddard’s Mr. Schmidt, keeper of a snarling blog that makes frequent use of the slur “denier,” got his start at the New York City-based NASA science lab more than 20 years ago.

“On the slight chance Mr. Trump does make such a move, keep something else in mind: Undifferentiated hysteria will apparently be the media reaction to every Trump action equally whether those actions are entirely justified or entirely indefensible.

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