

The Week That Was: 2019-03-30 (March 30, 2019)

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The Science and Environmental Policy Project

Quote of the Week: *“I know that most men, including those at ease with problems of the greatest complexity, can seldom accept even the simplest and most obvious truth, if it be such as would oblige them to admit the falsity of conclusions which they have delighted in explaining to colleagues, which they have proudly taught to others, and which they have woven, thread by thread, into the fabric of their lives.”* – Leo Tolstoy [William Readdy]

Number of the Week: Up to 100 times more

THIS WEEK:

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

Why I Don’t “believe” In ...: Judith Curry brought up a thoughtful essay by Robert Tracinski illustrating how politicians and the like try to persuade others to accept their views by manipulating meaningful terms to the point of rendering the terms meaningless. Currently it is fashionable to invoke the term “science” to justify one’s political policies and beliefs.

Science can be described as a process for thinking, learning, and acquiring knowledge that involves constant testing against observations. The process requires rejection or modification of concepts that fail any part of that testing against relevant observations. Unfortunately, that is seldom the case for those who invoke belief in science. As Tracinski states:

“Some people may use “I believe in science” as vague shorthand for confidence in the ability of the scientific method to achieve valid results, or maybe for the view that the universe is governed by natural laws which are discoverable through observation and reasoning.

“But the way most people use it today—especially in a political context—is pretty much the opposite. They use it as a way of declaring belief in a proposition which is outside their knowledge and which they do not understand.” [Boldface added]

Those who claim belief in science are ever imaginative in developing excuses why the policies they advance have failed. For example, Marx claimed his system was “scientific socialism.” When communism failed in eastern Europe, the Soviet Union, and Cambodia, supporters claimed it was not sufficiently pure, “true communism,” or used other excuses. As it is failing in Cuba and, now, dramatically in Venezuela, it is the fault of the US.

In the 1920s and 30s in the US, belief in Eugenics as a scientific system resulted in forced sterilization to “improve the human race.” The morality of these actions was “beyond question.”

The scientific method supports no particular economic system, moral belief system, or ideology. It is the constant striving of humanity to improve understanding of nature and economic conditions that advances humanity. Unfortunately, too frequently those who invoke belief in science do so to retard improvements.

As one who was part of the Climate Establishment, then departed giving strong empirical reasons why, Judith Curry has received the fury of the Climate Establishment, which has branded her as an advocate of pseudoscience. In her essay she gives a few examples from these “arbiters of science.” See links under Challenging the Orthodoxy and Energy Issues – Non-US.

The Greenhouse Effect – Cirrus Clouds: After last week’s discussion of the greenhouse effect of atmospheric gases, Richard Lindzen, MIT Professor of Meteorology, emeritus, reminded TWTW that upper level cirrus clouds have a greenhouse effect comparable to water vapor and are mostly ice, not liquid. The upper level cirrus are called Spissatus clouds and are the highest clouds in the atmosphere, forming in the higher tropopause, where most of the water vapor freezes out, or even in the lower stratosphere. Unlike most cirrus clouds, which are generally thin and wispy, Spissatus clouds are dense and opaque, blocking sunlight. They are often found at the top of thunderheads and, due to the shape formed by high altitude winds where they are blocked from rising further, are called anvil clouds.

They are formed at the tropopause because it is there that a thermal inversion occurs – rather than atmosphere being colder with increasing altitude, the air starts being warmer with increasing altitude.

The tropopause with its temperature inversion separates the troposphere from the stratosphere. The warming of the stratosphere with increasing altitude is from ozone created from oxygen by ultraviolet sunlight. Ozone is not an important greenhouse gas below the stratosphere.

Lindzen has written and produced evidence of what is called the “iris hypothesis.” The testable hypothesis states that increasing temperatures in the tropics, particularly increasing sea surface temperatures (seas cover about 75% of the tropics), will reduce cirrus clouds, reducing the greenhouse effect of these clouds. Independently, Roy Spencer, et al. have used satellite data to support the iris hypothesis. The Climate Establishment strongly disagrees, but there have been additional papers and evidence supporting the hypothesis using satellite observations.

The UN Intergovernmental Panel on Climate Change (IPCC) ignores the influence of cirrus clouds. Figure TS.7 of the Technical Summary of the Fifth Assessment Report (AR5, 2013) gives the “Components of Radiative Forcing.” Aerosol – Cloud is given as having a cooling effect. The warming effect of cirrus clouds is given only in conjunction to aircraft contrails. There is no mention of the greenhouse influence from clouds, yet, as stated in the March 16, TWTW, corrected on March 23, “Those camping in the desert at night find that it's much colder than a more non-desert place of comparable altitude and latitude, because water vapor (clouds, humidity) absorbs infrared photons and gives off some photons in a downward direction, resulting in a slower cooling of the surface.” See links under Defending the Orthodoxy.

The Greenhouse Effect – Water Vapor – Missing in Action: The influence of water vapor as a greenhouse gas is not fully determined. Estimates vary from 65% to 90% of the Earth’s natural greenhouse effect. What is disturbing is that the IPCC and the US Global Change Research Program (USGCRP) ignore this influence when calculating the greenhouse effect of other gases such as carbon dioxide (CO₂) and methane (CH₄). Last week’s TWTW discussed that idealized dry air does not exist outside a laboratory. Yet,

“The World Data Centre for Greenhouse Gases (WDCGG; a World Data Centre (WDC) of the World Meteorological Organization (WMO)) has been operated since 1990 by the Japan Meteorological Agency (JMA). As the only WDC specializing [in] greenhouse gases, it serves to collect, archive and distribute data on such gases (e.g., CO₂, CH₄, CFCs and N₂O) and other related gases (such as CO) in the atmosphere.”

Note that the dominant greenhouse gas, water vapor (H₂O) is ignored. The gas concentrations given of the GOSAT Data Archive Service are for CO₂ and CH₄. Although the Charney Report and the IPCC and USGCRP following it assume increasing water vapor will be an important contributor to greenhouse gas warming started by CO₂, there is no effort to measure the change in water vapor from GOSAT.

If GOSAT cannot measure water vapor, then the relevant web site and the WMO should clearly state that the dominant greenhouse gas is not measured.

Again, the IPCC can give the political excuse that natural variation is not in its mission statement. But the USGCRP has no such excuse. Further, the World Meteorological Organization is showing clearly that it has been politically compromised. See links under Measurement Issues – Atmosphere.

Worst Case? The *IPCC AR5* provides a number of story lines (scenarios) for what may happen with increasing carbon dioxide, and what may happen if emissions are reduced. The worst-case scenario is labeled RCP8.5. Since evidence reviewed in TWTW strongly suggests that the IPCC cannot objectively describe the greenhouse effect, TWTW has not bothered to analyze these scenarios.

However, Judith Curry is undertaking such an analysis and has posted the first two analyses: “What’s the worst case? A possibilistic approach;” and “What’s the worst case? Emissions/concentration scenarios.” Readers may find her observations very interesting such as:

*“Based on this evidence, Ritchie and Dowlatabadi (2017) conclude that **RCP8.5 should not be used as a benchmark for future scientific research or policy studies.** Nevertheless, the RCP8.5 family of scenarios continues to be widely used and features prominently in climate change assessments (e.g. CSSR, 2017)”* [Boldface added]. See links under Challenging the Orthodoxy.

The “New Energy Economy”: An Exercise in Magical Thinking: As discussed above, politicians often associate the term science with their policies. In logic, it is called *argumentum ad verecundiam* or transfer. This seems to be ongoing with the concept of ‘new energy’ – none of the old principles apply.

Mark Mills of the Manhattan Institute discusses the “New Energy Economy.” He begins:

“A movement has been growing for decades to replace hydrocarbons, which collectively supply 84% of the world’s energy. It began with the fear that we were running out of oil. That fear has since migrated to the belief that, because of climate change and other environmental concerns, society can no longer tolerate burning oil, natural gas, and coal—all of which have turned out to be abundant.

“So far, wind, solar, and batteries—the favored alternatives to hydrocarbons—provide about 2% of the world’s energy and 3% of America’s. Nonetheless, a bold new claim has gained popularity: that we’re on the cusp of a tech-driven energy revolution that not only can, but inevitably will, rapidly replace all hydrocarbons.

“This ‘new energy economy’ rests on the belief—a centerpiece of the Green New Deal and other similar proposals both here and in Europe—that the technologies of wind and solar power and battery storage are undergoing the kind of disruption experienced in computing and communications, dramatically lowering costs and increasing efficiency. But this core analogy glosses over profound differences, grounded in physics, between systems that produce energy and those that produce information.

“In the world of people, cars, planes, and factories, increases in consumption, speed, or carrying capacity cause hardware to expand, not shrink. The energy needed to move a ton of people, heat a ton of steel or silicon, or grow a ton of food is determined by properties of nature whose boundaries are set by laws of gravity, inertia, friction, mass, and thermodynamics—not clever software.

“This paper highlights the physics of energy to illustrate why there is no possibility that the world is undergoing—or can undergo—a near-term transition to a ‘new energy economy.’”

The report details hard reasons why the “new energy economy” is belief in magic.

Moore’s law on the miniaturization of electronic circuitry resulting in great improvements in computers and other electronic devices is famous. To assume this historical trend is a physical or natural law is foolish. Many others have assumed that if they can reproduce Henry Ford’s assembly-line they can drive their competitors out of business, not realizing the competitors are doing the same.

Expecting that consumers will adjust their electricity demand to match capricious production, or that super-storage will suddenly appear, is irrational exuberance; it is belief in science fiction. See links under Questioning Green Elsewhere.

Four Fronts for Climate Policy: Judith Curry reviews an alarmist report published in Nature from the standpoint that it has four suggestions useful for all scientists and policymakers for rethinking their roles and objectives. The four are:

- Assess science in the near term.
- Rethink policy goals.
- Design strategies for adaptation.
- Understand options for rapid response.

Curry’s take on these goals is different than those of the authors, and useful. CO2 caused-global warming / climate change is not happening quickly, and it is not dangerous. Extreme weather events will occur (as always), and prudent preparations are highly desirable. Sea levels are rising slowly, but rapidly in some areas, undergoing land subsidence. Prudent measures should be taken in these areas. International measures are not needed. See links under Seeking a Common Ground.

SEPP'S APRIL FOOLS AWARD THE JACKSON

SEPP is conducting its annual vote for the recipient of the coveted trophy, The Jackson, a lump of coal. Readers are asked to nominate and vote for who they think is most deserving, following these criteria:

- The nominee has advanced, or proposes to advance, significant expansion of governmental power, regulation, or control over the public or significant sections of the general economy.
- The nominee does so by declaring such measures are necessary to protect public health, welfare, or the environment.
- The nominee declares that physical science supports such measures.
- The physical science supporting the measures is flimsy at best, and possibly non-existent.

The seven past recipients, Lisa Jackson, Barrack Obama, John Kerry, Ernest Moniz, John Holdren, Gena McCarthy and Jerry Brown are not eligible. Generally, the committee that makes the selection prefers a candidate with a national or international presence. The voting will close on June 30. Please send your nominee and a brief reason why the person is qualified for the honor to Ken@SEPP.org. Thank you.

Number of the Week: Up to 100 times as high. As discussed in last week's TWTW, by volume the concentration of water vapor in the atmosphere near the surface in the tropics is about 100 times as high as the concentration of carbon dioxide – about 40,000 ppmv (parts per million by volume) for water vapor as compared to about 400 ppmv for CO₂. TWTW will not make the mistake common to many advocates of dangerous warming when discussing methane, etc. – water vapor is the predominant greenhouse gas

NEWS YOU CAN USE:

Science: Is the Sun Rising?

Winds of change...Solar variability weakens the Walker cell

An international team of researchers from United Kingdom, Denmark, and Germany have revealed, that during periods of increased solar irradiance, the trade winds weaken and the Walker circulation in the tropical Pacific shifts eastwards.

Press Release, Aarhus University, Mar 28, 2019

https://www.eurekalert.org/pub_releases/2019-03/au-woc032819.php

Censorship

Dr. Peter Ridd vs. James Cook University – Arguments Completed

By Professor Peter Ridd, Via WUWT, Mar 29, 2019

<https://wattsupwiththat.com/2019/03/29/dr-peter-ridd-vs-james-cook-university-arguments-completed/>

Day 3. Peter Ridd versus the University and State-funded Media Stuck in Denial

By Jennifer Marohasy, Her Blog, Mar 29, 2019

<https://jennifermarohasy.com/2019/03/day-3-peter-ridd-versus-the-university-and-state-funded-media-stuck-in-denial/>

What Would a Physicist Know About The Great Barrier Reef?

By Jennifer Marohasy, Her Blog, Mar 27, 2019 [H/t WUWT]

<https://jennifermarohasy.com/2019/03/whatwouldaphysicistknow/>

“Changes in temperature, acidity, and also turbidity (muddiness) are consequences of physical processes. Yet the media mostly interview biologists who assume changes, without actually measuring them and then set about establishing effects in fish tanks.

“Ocean acidification, for example, is an area of research where, in less than 20 years, the number of published papers has increased from zero to 800 each year. Sometimes the biologists have even added hydrochloric acid to artificially reduce the pH of the water in their fish tanks to mimic what their computer simulation models have determined must surely be our dystopian future. The media headlines then incorrectly report the result as the current situation at The Great Barrier Reef – this makes for more and more fake news.”

Fake Photographs at Heart of Peter Ridd’s Sacking

By Jennifer Marohasy, Her Blog, Mar 24, 2019

<https://jennifermarohasy.com/2019/03/fake-photographs/>

Challenging the Orthodoxy -- NIPCC

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>

Climate Change Reconsidered II: Biological Impacts

Idso, Idso, Carter, and Singer, Lead Authors/Editors, 2014

<http://climatechangereconsidered.org/climate-change-reconsidered-ii-biological-impacts/>

Summary: <https://www.heartland.org/media-library/pdfs/CCR-IIb/Summary-for-Policymakers.pdf>

Climate Change Reconsidered II: Fossil Fuels

By Multiple Authors, Bezdek, Idso, Legates, and Singer eds., Nongovernmental International Panel on Climate Change, Draft Summary for Policymakers, NIPCC, 2019

<http://climatechangereconsidered.org/wp-content/uploads/2019/01/Climate-Change-Reconsidered-II-Fossil-Fuels-FULL-Volume-with-covers.pdf>

Why Scientists Disagree About Global Warming

The NIPCC Report on the Scientific Consensus

By Craig D. Idso, Robert M. Carter, and S. Fred Singer, NIPCC, Nov 23, 2015

<http://climatechangereconsidered.org/>

Download with no charge

<https://www.heartland.org/policy-documents/why-scientists-disagree-about-global-warming>

Nature, Not Human Activity, Rules the Climate

S. Fred Singer, Editor, NIPCC, 2008

http://www.sepp.org/publications/nipcc_final.pdf

Challenging the Orthodoxy

Why I Don’t “Believe” in “Science”

Science isn't about "belief." It's about facts, evidence, theories, experiments.

By Robert Tracinski, The Bulwark, Mar 26, 2019 [H/t Climate Etc.]

<https://thebulwark.com/why-i-dont-believe-in-science/>

Why I don't 'believe' in 'science'

By Judith Curry, Climate Etc. Mar 26, 2019

<https://judithcurry.com/2019/03/26/why-i-dont-believe-in-science/>

What's the worst case? A possibilistic approach

By Judith Curry, Climate Etc. Mar 27, 2019

<https://judithcurry.com/2019/03/27/whats-the-worst-case-a-possibilistic-approach/#more-24840>

What's the worst case? Emissions/concentration scenarios

By Judith Curry, Climate Etc. Mar 28, 2019

<https://judithcurry.com/2019/03/28/whats-the-worst-case-emissions-concentration-scenarios/>

Scientists: The CO2 Greenhouse Effect Was Cancelled Out By Clouds During 1992-2014

By Kenneth Richard, No Tricks Zone, Mar 28, 2019

<http://notrickszone.com/2019/03/28/scientists-the-co2-greenhouse-effect-was-cancelled-out-by-clouds-during-1992-2014/>

Link to paper: A Hiatus of the Greenhouse Effect

By Song and Tang, Scientific Reports, Sep 2016

https://www.researchgate.net/publication/308043423_A_Hiatus_of_the_Greenhouse_Effect

Satellite Evidence Affirms Solar Activity Drove 'A Significant Percentage' Of Recent Warming

By Kenneth Richard, No Tricks Zone, Mar 25, 2019

<http://notrickszone.com/2019/03/25/satellite-evidence-affirms-solar-activity-drove-a-significant-percentage-of-recent-warming/>

Defending the Orthodoxy

IPCC – AR5, The Physical Science Basis, Technical Summary

By Ulrich Cubasch, et al, IPCC, 2013, Figure TS.7

<https://www.ipcc.ch/report/ar5/wg1/technical-summary/>

Climate change: Global impacts 'accelerating' – WMO

By Paul Homewood, Not a Lot of People Know That, Mar 29, 2019

<https://notalotofpeopleknowthat.wordpress.com/2019/03/29/climate-change-global-impacts-accelerating-wmo/>

WMO Statement on the State of the Global Climate in 2018

By Assembled Writers, World Meteorological Organization, 2019

https://gallery.mailchimp.com/daf3c1527c528609c379f3c08/files/82234023-0318-408a-9905-5f84bbb04eee/Climate_Statement_2018.pdf

Homewood: "The WMO report is nothing more than the sort of political propaganda you would expect from the UN agency."

Rejecting the gravity of climate change equates to 'reckless disregard'

By Gary Garfield, The Hill, Mar 22, 2019

<https://thehill.com/opinion/energy-environment/434585-rejecting-the-gravity-of-climate-change-equates-to-reckless>

Is it right to invest in space exploration when there is an unsolved climate crisis on earth?

By Reuben Joseph and Hillary Williams, Montreal, Canada (SPX), Mar 27, 2019

http://www.terraily.com/reports/Is_it_right_to_invest_in_space_exploration_when_there_is_an_unsolved_climate_crisis_on_earth_999.html

Questioning the Orthodoxy

Objective Questions

By Donn Dears, Power For USA, Mar 26, 2019

<https://ddears.com/2019/03/26/objective-questions/>

Joe Oliver: The climate alarmists are keeping poor people in the dark — literally

It is impossible to elevate people in dire need to a decent standard of living without inexpensive electricity

By Joe Oliver, Financial Post, Can. Mar 27, 2019

<https://business.financialpost.com/opinion/joe-oliver-the-climate-alarmists-are-keeping-poor-people-in-the-dark>

No, Beto, there is no impending climate refugee crisis

By Aaron Stover and Joseph Bast, American Thinker, March 27, 2019

https://www.americanthinker.com/blog/2019/03/no_beto_there_is_no_impending_climate_refugee_crisis.html

Earth Hour This Saturday: Why Candles Instead of Electricity?

By Robert Bradley, Mar 29, 2019

<https://www.masterresource.org/earth-hour-candles-or-electricity/earth-hour-why-candles-instead-of-electricity/>

Latest global polar bear abundance ‘best guess’ estimate is 39,000 (26,000-58,000)

By Susan Crockford, Polar Bear Science, Mar 26, 2019

<https://polarbearscience.com/2019/03/26/latest-global-polar-bear-abundance-best-guess-estimate-is-39000-26000-58000/>

After Paris!

UN wants to showcase ambitious countries at climate summit

By Carole Landry, United Nations, United States (AFP) March 26, 2019

http://www.terraily.com/reports/UN_wants_to_showcase_ambitious_countries_at_climate_summit_999.html

What Is Pushing China Back To Coal?

By Haley Zaremba, Oil Price.com, Mar 26, 2019

<https://oilprice.com/Energy/Crude-Oil/What-Is-Pushing-China-Back-To-Coal.html>

“According to data published by China’s National Bureau of Statistics, Chinese mines produced 3.55 billion tonnes of coal last year, a 5.2 percent increase as compared to 2017.”

“While coal mining capacity has seen an overall increase, however, the total number of coal mines in China has actually declined. At the end of 2018, the Chinese National Energy Administration reported 3,373 domestic coal mines, down from 3,907 in 2017. The majority of the coal mines that have been shuttered recently were small and ineffective operations in eastern China. At the same time, production in the west has seen considerable expansion in capacity.”

Change in US Administrations

PRO: Climate science needs a critical review by skeptical experts

By Myron Ebell, LA Times, Mar 28, 2019

https://www.latimes.com/sns-tns-bc-climatechange-panel-pro-20190328-story.html?int=lat_digitaladshouse_bx-modal_acquisition-subscriber_ngux_display-ad-Interstitial_bx-bonus-story

Problems in the Orthodoxy

Scottish Parliament rejects call to treat climate change as an emergency

By Tom Freeman, Holyrood, Mar 28, 2019

<https://www.holyrood.com/articles/news/scottish-parliament-rejects-call-treat-climate-change-emergency>

Seeking a Common Ground

Four fronts for climate policy

By Judith Curry, Climate Etc. Mar 25, 2019

<https://judithcurry.com/2019/03/25/four-fronts-for-climate-policy/#more-24834>

Link to article: Global warming will happen faster than we think

Three trends will combine to hasten it, warn

By Yangyang Xu, Veerabhadran Ramanathan and David G. Victor. Nature, Dec 5, 2018

<https://www.nature.com/articles/d41586-018-07586-5>

Pentagon releases list of military bases most at risk to climate change

By Ellen Mitchel, The Hill, Mar 27, 2019

<https://thehill.com/policy/defense/436098-pentagon-releases-list-of-military-bases-most-at-risk-to-climate-change>

Link to prior report: Report on Effects of a Changing Climate to the Department of Defense Office of the Under Secretary of Defense for Acquisition and Sustainment, January 2019

https://climateandsecurity.files.wordpress.com/2019/01/sec_335_ndaa-report_effects_of_a_changing_climate_to_dod.pdf

“About two-thirds of the 79 installations addressed in this report are vulnerable to current or future recurrent flooding and more than one-half are vulnerable to current or future drought. About one-half are vulnerable to wildfires. It is important to note that areas subject to wildfire may then experience serious mudslides or erosion when rains follow fires. Impacts are dispersed around the country.”

Science, Policy, and Evidence

It's about time to review the evidence for man-made global warming

By John McLean, American Thinker, Mar 27, 2019

https://www.americanthinker.com/blog/2019/03/its_about_time_to_review_the_evidence_for_manmade_global_warming.html

Review of Recent Scientific Articles by CO2 Science

Soil Organic Carbon Stock Enhancement in the Forests of France

Jonard, M., Nicolas, M., Coomes, D.A., Caignet, I., Saenger, A. and Ponette, Q. 2017. Forest soils in France are sequestering substantial amounts of carbon. *Science of the Total Environment* 574: 616-628. Mar 29, 2019

<http://www.co2science.org/articles/V22/mar/a17.php>

Effects of Ocean Acidification and Eutrophication on a Marine Kelp

Kang, J.W. and Chung, I.K. 2018. The interactive effects of elevated CO₂ and ammonium enrichment on the physiological performance of *Saccharina japonica* (Laminariales, Phaeophyta). *Ocean Science Journal* 53: 487-497.

<http://www.co2science.org/articles/V22/mar/a16.php>

A Three-Century-Long Record of Drought [and Wet Periods] in the Eastern Tian Shan, China

Chen, F., Shang, H. and Yuan, Y. 2016. Dry/wet variations in the eastern Tien Shan (China) since AD 1725 based on Schrenk spruce (*Picea schrenkiana* Fisch. et Mey) tree rings. *Dendrochronologia* 40: 110-116.

<http://www.co2science.org/articles/V22/mar/a15.php>

Projecting Future Crop Yield Increases in India

Dubey, S.K. and Sharma, D. 2018. Assessment of climate change impact on yield of major crops in the Banas River Basin, India. *Science of the Total Environment* 635: 10-19. Mar 25, 2019

<http://www.co2science.org/articles/V22/mar/a14.php>

Models v. Observations

Again Reality Goes In Opposite Direction Of Climate Models...”Confidence In Models Correspondingly Low”

Real vegetation development in southern Africa takes a very different course than claimed by climate models

By Die kalte Sonne (German translated by P Gosselin), No Tricks Zone, Mar 27, 2019

<http://notrickszone.com/2019/03/27/again-reality-goes-in-opposite-direction-of-climate-models-confidence-in-models-correspondingly-low/>

Model Issues

Model-land, Butterflies and Hawkmoths

Guest Essay by Kip Hansen, WUWT, Mar 25, 2019

<https://wattsupwiththat.com/2019/03/25/model-land-butterflies-and-hawkmoths/>

Measurement Issues -- Atmosphere

The WMO World Data Centre for Greenhouse Gases begins provision of data from the GOSAT

By Charles the Moderator, WUWT, Mar 27, 2019

<https://wattsupwiththat.com/2019/03/27/the-wmo-world-data-centre-for-greenhouse-gases-begins-provision-of-data-from-the-gosat/>

Link to press release: The WMO World Data Centre for Greenhouse Gases (WDCGG) begins provision of data from the Greenhouse Gases Observing Satellite (GOSAT)

By Staff Writers, Japan Meteorological Agency, National Institute for Environmental Studies, Japan, Mar 22, 2019

<http://www.nies.go.jp/whatsnew/20190322/20190322-e.html>

Changing Weather

Advice to Californians: Vacation in Washington State for Sun and Dry Conditions

By Cliff Mass, Weather and Climate Blog, Mar 29, 2019

<https://cliffmass.blogspot.com/2019/03/advice-to-californians-vacation-in.html>

“California is advertised as the "Golden State" with dry conditions and sun. Washington is given the bad rap as a place of clouds and rain.

“But not this March. California should properly be called the ‘Sodden State’, while much of Washington has been extraordinarily dry.”

Global Wildfire Area Has Declined, Contrary To Popular Myth

By Paul Homewood, Not a Lot of People Know That, Mar 29, 2019

<https://notalotofpeopleknowthat.wordpress.com/2019/03/29/global-wildfire-area-has-declined-contrary-to-popular-myth/>

“Time after time, forestry experts tell us that wildfires are not getting worse because of climate change, that from a historical perspective current wildfire activity is not unusual, and that we are now seeing the results of decades of fire suppression and poor forest management.”

Changing Climate

Experts reveal that clouds have moderated warming triggered by climate change

A new study has revealed how clouds are modifying the warming created by human-caused climate change in some parts of the world

Press Release, Swansea University, Eurekalert, Mar 25, 2019

https://www.eurekalert.org/pub_releases/2019-03/su-ert032519.php

Link to paper: Cloud Cover Feedback Moderates Fennoscandian Summer Temperature Changes Over the Past 1,000 Years

By Giles H. F. Young, et al. Geophysical Research Letters, Feb 6, 2019

<https://agupubs.onlinelibrary.wiley.com/doi/10.1029/2018GL081046>

Changing Seas

Blowing the whistle on the climate of Australia’s Great Barrier Reef

By Dr. Bill Johnston, WUWT, Mar 28, 2019

<https://wattsupwiththat.com/2019/03/28/blowing-the-whistle-on-the-climate-of-australias-great-barrier-reef/>

Changing Cryosphere – Land / Sea Ice

Antarctic snowfall dominated by a few extreme snowstorms

By Staff Writers, London, UK (SPX), Mar 27, 2019

http://www.terraily.com/reports/Antarctic_snowfall_dominated_by_a_few_extreme_snowstorms_999.html

Link to paper: The Dominant Role of Extreme Precipitation Events in Antarctic Snowfall Variability

By John Turne, et al. Geophysical Research Letters, Feb 19, 2019

<https://agupubs.onlinelibrary.wiley.com/doi/10.1029/2018GL081517>

From the abstract: “The greatest contribution of extreme precipitation events to the annual total is in the coastal areas and especially on the ice shelves, with the Amery Ice Shelf receiving 50% of its annual precipitation in less than the 10 days of heaviest precipitation.”

Cold Water Currently Slowing Fastest Greenland Glacier

By Carol Rasmussen, NASA Jet Propulsion Laboratory, Mar 25, 2019 [H/t GWPF]

<https://www.jpl.nasa.gov/news/news.php?feature=7356>

[SEPP Comment: Is the AMO shifting?]

Surprise: Largest Glacier in Northern Hemisphere has started growing again

By Jo Nova, Her Blog, Mar 27, 2019

<http://joannnova.com.au/2019/03/surprise-largest-glacier-in-northern-hemisphere-has-started-growing-again/>

Changing Earth

A first glimpse deep beneath an ultraslow-spreading mid-ocean ridge

By Staff Writers, Oslo, Norway (SPX), Mar 27, 2019

http://www.terraily.com/reports/A_first_glimpse_deep_beneath_an_ultraslow_spreading_mid_ocean_ridge_999.html

Link to paper: Deep electrical imaging of the ultraslow-spreading Mohns Ridge

By Ståle Emil Johansen, et al. Nature, Mar 20, 2019

<https://www.nature.com/articles/s41586-019-1010-0>

Earth's deep mantle flows dynamically

By Staff Writers, London, UK (SPX) Mar 27, 2019

http://www.terraily.com/reports/Earths_deep_mantle_flows_dynamically_999.html

Link to paper: Ubiquitous lower-mantle anisotropy beneath subduction zones

By Ana M. G. Ferreira, et al, Nature Geoscience, Mar 25, 2019

<https://www.nature.com/articles/s41561-019-0325-7>

Supercomputer simulation details Kaikoura earthquake's unusual features

By Brooks Hays, Washington (UPI), Mar 20, 2019

http://www.terraily.com/reports/Supercomputer_simulation_details_Kaikoura_earthquakes_unusual_features_999.html

Agriculture Issues & Fear of Famine

Latest global polar bear abundance 'best guess' estimate is 39,000 (26,000-58,000)

By Susan Crockford, Polar Bear Science, Mar 26, 2019

<https://polarbearscience.com/2019/03/26/latest-global-polar-bear-abundance-best-guess-estimate-is-39000-26000-58000/>

FY 2018-19: Nepal Sets New Record in Wheat Harvest

This year's wheat harvest is expected to record a 7 percent increase as a result of good winter rainfall

By Staff Writer, Nepali Sansar, Mar 26, 2019 [H/t GWPF]

<https://www.nepalisansar.com/business/fy-2018-19-nepal-sets-new-record-in-wheat-harvest/>

“Wheat is Nepal's third most common cereal crop after paddy and maize.”

Ukraine's grain harvest hits record high in 2018

By Staff Writers, Xinhua, Mar 3, 2017 [GWPF]

http://www.xinhuanet.com/english/2019-03/27/c_137928291.htm

Un-Science or Non-Science?

Stalagmite to help predict droughts, floods in India

By Brooks Hays, Washington (UPI), Mar 25, 2019

http://www.terraily.com/reports/Stalagmite_to_help_predict_droughts_floods_in_India_999.html

[SEPP Comment: Predict? Perhaps to help understand cycles.]

Lowering Standards

German News Weekly ‘Der Spiegel’ Caught Making Up Another Story, Claimed Bering Strait “Almost Ice Free”

By P Gosselin, No Tricks Zone, Mar 24, 2019

<http://notrickszone.com/2019/03/24/german-news-weekly-der-spiegel-caught-making-another-story-claimed-bering-strait-almost-ice-free/>

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

What Excellent News – All Climate Change Science Is Now Wrong

By Tim Worstall, Continental Telegraph, Mar 28, 2019 [H/t GWPF]

<https://www.continentaltelegraph.com/climate-change/what-excellent-news-all-climate-change-science-is-now-wrong/>

[SEPP Comment: The IPCC and USGCRP may greatly exaggerate what is occurring to create fear of CO2, but climate change is real and on-going – much slower than what government entities claim.]

Communicating Better to the Public – Make things up.

Virtual Reality is Here; It’s The Medium for Fake News

By Tim Ball, Digital Management, Mar 27, 2019

<https://drtimball.ca/2019/virtual-reality-is-here-its-the-medium-for-fake-news/>

The Conversation: “Extreme weather news may not change climate change skeptics’ minds”

Guest essay by Eric Worrall, WUWT, Mar 27, 2019

<https://wattsupwiththat.com/2019/03/27/the-conversation-extreme-weather-news-may-not-change-climate-change-skeptics-minds/>

[SEPP Comment: How many “extreme weather events” compare with an ice age?]

Are you suffering from climate change anxiety?

Psychologists report a rise in people suffering from climate change anxiety or eco-anxiety. What’s it like? And what can you do to cope

Made by BBC Northern Ireland, March 19, 2019 [H/t Paul Homewood]

<https://www.bbc.com/ideas/videos/are-you-suffering-from-climate-change-anxiety/p073zggd>

Communicating Better to the Public – Use Propaganda

The new \$30-Trillion dollar climate wishlist of the same old ideas

By Jo Nova, Her Blog, Mar 24, 2019

<http://joannenova.com.au/2019/03/the-new-74-trillion-dollar-climate-wishlist-of-the-same-old-ideas/>

Communicating Better to the Public – Use Propaganda on Children

Greta Thunberg: when discussion becomes impossible

By Luboš Motl, the Reference Frame, Mar 28, 2019

<https://motls.blogspot.com/2019/03/greta-thunberg-when-discussion-becomes.html#more>

S&D chief: Conservatives and liberals didn’t allow Greta to speak in EU Parliament

By Sarantis Michalopoulos, EURACTIV.com, Mar 22, 2019

<https://www.euractiv.com/section/eu-elections-2019/news/sd-chief-conservatives-and-liberals-did-not-allow-greta-to-speak-in-the-eu-house/>

Expanding the Orthodoxy

Response to Conservative Supporter of Kigali Amendment

By Ben Lieberman, CEI, Mar 29, 2019

<https://cei.org/blog/response-conservative-supporter-kigali-amendment>

[SEPP Comment: A measure that will do nothing about climate change but provide high profits to certain companies with “politically sanctioned products.”]

Questioning European Green

Wynia’s Week: Thierry Baudet’s meteoric electoral rise explained

A first-time participant in the provincial elections and newcomer to the senate becomes the biggest party in the land in one fell swoop. It’s not something the Netherlands has ever experienced before, says columnist Syp Wynia.

By Syp Wynia, DutchNews.nl, Mar 21, 2019 [H/t GWPF]

<https://www.dutchnews.nl/features/2019/03/wynias-week-thierry-baudets-meteoric-electoral-rise-explained/>

Questioning Green Elsewhere

The "New Energy Economy": An Exercise in Magical Thinking

By Mark P. Mills, Manhattan Institute, Mar 26, 2019 [H/t CO2 Coalition]

https://www.manhattan-institute.org/green-energy-revolution-near-impossible?utm_source=Mills%3A+The+New+Energy+Economy&utm_campaign=Climate+Derangement+Syndrome+Strikes+Again&utm_medium=email

Link to report: The "New Energy Economy": An Exercise in Magical Thinking

By Mark P. Mills, Manhattan Institute, Mar 26, 2019

<https://media4.manhattan-institute.org/sites/default/files/R-0319-MM.pdf>

Behind the Green New Deal: An elite war on the working class

By Rupert Darwall, New York Post, Mar 26, 2019

<https://nypost.com/2019/03/26/behind-the-green-new-deal-an-elite-war-on-the-working-class/>

World’s Energy Transition in Doubt as Progress on Affordability, Sustainability Stalls

By Alexandra May, World Economic Forum, Mar 25, 2019

<https://www.weforum.org/press/2019/03/world-s-energy-transition-in-doubt-as-progress-on-affordability-sustainability-stalls/>

Funding Issues

Rockefeller’s Climate Resilience Program Said to Be in Jeopardy

By Christopher Flavelle, Bloomberg, Mar 28, 2019

<https://www.bloomberg.com/news/articles/2019-03-28/rockefeller-s-climate-resilience-program-said-to-be-in-jeopardy>

The Political Games Continue

Senate UNANIMOUSLY votes down Alexandria Ocasio-Cortez’s Green New Deal 57-0 with high profile Democrats joining Republicans to show their disapproval for the radical plan as she charges the GOP with wrecking the world

By Emily Goodin, Daily Mail, UK, Mar 26, 2019 [H/t GWPF]

<https://www.dailymail.co.uk/news/article-6853499/Senate-votes-Alexandria-Ocasio-Cortezs-Green-New-Deal-57-0.html>

McConnell Calls Green New Deal Bluff, Resolution Is Defeated

By H. Sterling Burnett, Climate Change Weekly, Mar 29, 2019

<https://www.heartland.org/news-opinion/news/mcconnell-calls-green-new-deal-bluff-resolution-is-defeated>

Profiles in Courage: McConnell Video Mocks Green New Deal Advocates

By Marlo Lewis, Jr. CEI, Mar 27, 2019

<https://cei.org/blog/profiles-courage-mcconnell-video-mocks-green-new-deal-advocates>

GOP appropriator lays out 'New Manhattan Project'

By Jeremy Dillon, E&E News reporter, Mar 26, 2019

<https://www.eenews.net/eedaily/2019/03/26/stories/1060128437>

[SEPP Comment: Uncertain link will open to readers.]

Litigation Issues

Greenpeace And Other Secret Sources Funding Attack On UK's Energy Security

By Paul Homewood, Not a Lot of People Know That, Mar 24, 2019

<https://notalotofpeopleknowthat.wordpress.com/2019/03/24/greenpeace-and-other-secret-sources-funding-attack-on-uks-energy-security/>

Cap-and-Trade and Carbon Taxes

Carbon taxes to see fuel and energy bills soar – Leo Varadkar

By Daniel McConnell and Elaine Loughlin, Irish Examiner, Mar 25, 2019

<https://www.irishexaminer.com/breakingnews/ireland/carbon-taxes-to-see-fuel-and-energy-bills-soar-913041.html>

Energy Issues – Non-US

Venezuela returns to 'Middle Ages' during power outages

By Maria Lorente, AFP, Mar 28, 2019 [H/t WUWT]

<https://news.yahoo.com/venezuela-returns-middle-ages-during-power-outages-143506671.html>

Power collapses again in Venezuela

By Jo Nova, Her Blog, Mar 29, 2019

<http://joannenova.com.au/2019/03/power-collapses-again-in-venezuela/>

“It’s easy to take civilization for granted — until you don’t have one.”

Global Economy Growth = Rise in CO2 Emissions

By Staff Writers, IEA, Via GWPF, Mar 26, 2019

<https://www.thegwgf.com/global-economy-growth-rise-in-co2-emissions/>

“Energy and Society” Course (Part I: Introduction, Concepts, and the Big Picture)

By Robert Bradley Jr. Master Resource, Mar 27, 2019

<https://www.masterresource.org/desrochers-pierre/energy-and-society-desrochers-2019-1/>

Energy Issues – Australia

Australian electricity market wrecked by big-gov: corporates gouge \$3b from electricity customers

By Jo Nova, Her Blog, Mar 25, 2019

<http://joannenova.com.au/2019/03/australian-electricity-market-wrecked-by-big-gov-corporates-gouge-3b-from-electricity-customers/#more-63213>

Mission Impossible: “100% renewable”. Greens ban coal and cars by 2030. Kiss goodbye to \$30b and life as we know it?

By Jo Nova, Her Blog, Mar 29, 2019

<http://joannenova.com.au/2019/03/mission-impossible-100-renewable-greens-ban-coal-and-cars-by-2030-kiss-goodbye-to-30b-and-life-as-we-know-it/>

Energy Issues -- US

Energy Efficiency Mandates: No Free Lunch

By Kenneth Costello, Master Resource, Mar 26, 2019

<https://www.masterresource.org/conservationism/energy-efficiency-regulation-no-free-lunch/>

Washington’s Control of Energy

Trump permit revives pipeline work [Keystone XL]

By Hannah Northey and Tim Cama, E&E reporters, March 29, 2019

<https://www.eenews.net/eenewspm/2019/03/29/stories/1060134441>

Oil and Natural Gas – the Future or the Past?

Texas Needs 11,000 More Miles Of Pipelines

By Irina Slav, Oil Price.com, Mar 26, 2019

<https://oilprice.com/Energy/Crude-Oil/Texas-Needs-11000-More-Miles-Of-Pipelines.html>

US Emerging as a LNG Powerhouse

By Robert Rapier, Rigzone, Mar 22, 2019

https://www.rigzone.com/news/us_emerging_as_a_lng_powerhouse-22-mar-2019-158435-article/

Return of King Coal?

New Coal Power Projects Declining- But Is This The End Of Coal?

By Paul Homewood, Not a Lot of People Know That, Mar 29, 2019

<https://notalotofpeopleknowthat.wordpress.com/2019/03/29/new-coal-power-projects-declining-but-is-this-the-end-of-coal/>

Link to report: Boom and Bust 2019

By Shearer, Mathew-Shah, Myllyvirta, Yu, and Nace, Global Energy Monitor, Greenpeace India and the Sierra Club, March 2019

https://endcoal.org/wp-content/uploads/2019/03/BoomAndBust_2019_r6.pdf

Navajo Nation Ends Bid to Acquire 2.3-GW Coal Plant

By Sonal Patel, Power Mag, Mar 25, 2019

https://www.powermag.com/navajo-nation-ends-bid-to-acquire-2-3-gw-coal-plant/?mkt_tok=eyJpIjoiWkdWaFpqZzROemt3T1dRNCIsInQiOiJLd2YySEVhN0xMY3QxcHJiRkVGOWIzMDNpbU90RFJjYXhCQ1czOEcXUUN1UGJ2OGkzcU5weVhXS3hOUFZUVXZwQ2JodE9tR1wvQ0pXZTI3YWluRGIFQ2J2QkVvWUUpZeXZ3RkxjclR6U0xST2FiMzZBdStMY0lrQUh5NVNlbnGJDUjAifQ%3D%3D

Nuclear Energy and Fears

US nuclear is dying, but it produced more electricity in 2018 than ever before

Nuclear retirements happen slowly, and the US fleet had more uptime than ever before.

By Megan Guess, ARS Technica, Mar 21, 2019 [H/t Toshio Fujita]
<https://arstechnica.com/science/2019/03/us-nuclear-is-dying-but-it-produced-more-electricity-in-2018-than-ever-before/>

Alternative, Green (“Clean”) Solar and Wind

Trump on wind energy: 'I know a lot about wind

By Rachel Franzin, The Hill, Mar 28, 2019

<https://thehill.com/policy/energy-environment/436408-trump-on-wind-energy-i-know-a-lot-about-wind>

“According to the Department of Energy's website, the U.S. power grid is set up to handle such variability.”

[SEPP Comment: Based on modeled results, not reality.]

Eastern Renewable Generation Integration Study

By Aaron Bloom, NREL, Accessed Mar 29, 2019

<https://www.nrel.gov/grid/ergis.html>

Eastern Renewable Generation Integration Study

By Aaron Bloom, et al., NREL, **Aug 2016**

<https://www.nrel.gov/docs/fy16osti/64472.pdf>

“Using high-performance computing capabilities and new methodologies to model operations of the Eastern Interconnection at unprecedented fidelity, we found that the integrating up to 30% variable wind and PV generation into the power system is technically feasible at a five-minute interval.”

[SEPP Comment: Until a major hurricane or nor'easter goes up the coast.]

Western Wind and Solar Integration Study

By Kara Clark, NREL, Accessed Mar 29, 2019 Report dated **May 2010**

<https://www.nrel.gov/grid/wwsis.html>

Cited report: Western Wind and Solar Integration Study: Executive Summary

By GE Energy, for GREL, May 2010

<https://www.nrel.gov/docs/fy10osti/47781.pdf>

[SEPP Comment: No discussion of sustained back-up such as what would be required with the sustained 2018-19 cold in the Great Plains.]

Energy & Environmental Newsletter: March 25, 2019

By John Droz, Jr. Master Resource, Mar 25, 2019

<https://www.masterresource.org/alliance-for-wise-energy-decisions/energy-environmental-newsletter-3-25-2019/>

Alternative, Green (“Clean”) Energy -- Other

Hydropower is Still Very Relevant

By Donn Dears, Power for USA, Mar 29, 2019

<https://ddears.com/2019/03/29/hydropower-is-still-very-relevant/>

Alternative, Green (“Clean”) Vehicles

Harbour Air to transform into the first all-electric airline in the world

By Jeff Bell, Vancouver News, Mar 26, 2019

<https://www.vancouverisawesome.com/2019/03/26/harbour-air-all-electric-airline-world/>

“It would be a staged situation because the range of the [electric] aircraft presently, with the present battery capacity, would be around a half an hour with a half-an-hour reserve.”
[SEPP Comment: For tourists the quiet may be a selling point.]

Average CO₂ emissions from new cars increase despite alternative drives – dena [Germany]
By Julian Wettengel, Clean Energy Wire, Mar 28, 2019 [H/t GWPF]
<https://www.cleanenergywire.org/news/average-co2-emissions-new-cars-increase-despite-alternative-drives-dena>

Health, Energy, and Climate

Research finds US shale revolution is responsible for saving tens of thousands of lives every year

By Mark Perry, Carpe Diem, AEI, Mar 25, 2019

<https://www.aei.org/publication/research-finds-us-shale-revolution-is-responsible-for-saving-tens-of-thousands-of-deaths-every-year/>

Link to paper: Inexpensive Heating Reduces Winter Mortality

By Janjala Chirakijja, Seema Jayachandran, and Pinchuan Ong, National Bureau of Economic Research, March 2019

<https://www.nber.org/papers/w25681.pdf>

Oh Mann!

Indignant climate campaigners terrified of proposed scientific debate

By Larry Bell, CFACT, Mar 26, 2019

<https://www.cfact.org/2019/03/26/indignant-climate-campaigners-terrified-of-proposed-scientific-debate/>

Environmental Industry

New York to become second state to ban plastic bags

By Rachel Frazin, The Hill, Mar 29, 2019

<https://thehill.com/homenews/state-watch/436438-new-york-to-become-second-state-to-ban-plastic-bags>

Other Scientific News

Trump Acts on Critical Infrastructure Resiliency Against EMP Threats

By Sonal Patel, Power, Mar 26, 2019

https://www.powermag.com/trump-acts-on-critical-infrastructure-resiliency-against-emp-threats/?mkt_tok=eyJpIjoiWkdWaFpqZzROemt3T1dRNClIsInQiOiJLd2YySEVhN0xMY3QxcHJiRkVGOWIzMDNpbU90RFJjYXhCQ1czOEcxUUN1UGJ2OGkzcU5weVhXS3hOUFZUVXZwQ2JodE9tR1wvQ0pXZTI3YWluRGIFQ2J2QkVvWUpZeXZ3RkxjclR6U0xST2FiMzZBdStMY0lrQUh5NVNibGJDUjAifQ%3D%3D

Other News that May Be of Interest

Dormant viruses reactivate during spaceflight

By Staff Writers, Washington DC (SPX) Mar 19, 2019

http://www.spacedaily.com/reports/Dormant_viruses_reactivate_during_spaceflight_999.html

Link to paper: Herpes Virus Reactivation in Astronauts During Spaceflight and Its Application on Earth

By Bridgette V. Roone, et al. Frontiers in Microbiology, Feb 7, 2019

<https://www.frontiersin.org/articles/10.3389/fmicb.2019.00016/full>

BELOW THE BOTTOM LINE:

Earth in deep freeze

By Staff Writers, Climate Change Predictions.org, Mar 29, 2019

<http://climatechangepredictions.org/uncategorized/5785>

“Climate change is not going to be a bad thing for every part of the world. It will help make the frozen north of Russia and Canada more liveable and more productive.

“Billions of the world’s poorest people, however, will be at risk of more erratic rainfall patterns. Some arid regions will turn into deserts and rising seas will inundate fertile but low-lying delta regions that are home to tens of millions of peasant farmers in countries such as Bangladesh and Egypt.

“Global warming will also mean more forest fires; hurricanes hitting cities that are at present too far north of the equator to be affected by them; tropical diseases spreading beyond their present zones; the extinction of species unable to adapt to warmer temperatures; retreating glaciers and melting polar icecaps; and rising seas inundating coastal areas.

“A far worse scenario cannot be ruled out: some scientists believe the melting icecaps could release huge amounts of methane that accelerate warming forming a cloud layer so dense as to block out heat from the sun and cause the planet to go into a deep freeze that extinguishes all life.’

“Professor Peter Singer, in the Sydney Morning Herald 28 Apr 2006 – screencopy held by this website.”

Uninhabitable planet!

By Staff Writers, Climate Change Predictions.org, Mar 23, 2019

<http://climatechangepredictions.org/uncategorized/5798>

“The world is currently on course to exploit all its remaining fossil fuel resources, a prospect that would produce a ‘different, practically uninhabitable planet’ by triggering a ‘low-end **runaway greenhouse effect.**’ [Boldface added, by TWTW]

“This is the conclusion of a new scientific paper by Prof James Hansen, the former head of NASA’s Goddard Institute for Space Studies and the world’s best-known climate scientist. The Guardian, 10 Jul 2013”

ARTICLES:

1. The Court vs. the Regulatory State

The Justices can restore their power to check bureaucratic excess.

Editorial, WSJ, Mar 26, 2019

<https://www.wsj.com/articles/the-court-vs-the-regulatory-state-11553641204>

[SEPP Comment: The decision in this case may be important in future challenges to the EPA’s finding that emissions of greenhouse gases endanger human health and welfare.]

SUMMARY: The editorial states

“A big moment arrives at the Supreme Court Wednesday when the Justices have a chance to rethink their long deference to the administrative state. This could be the first major benefit of the return to an originalist Court majority.

“At issue in Kisor v. Wilkie is the Department of Veterans Affairs’ interpretation of its regulation prescribing eligibility for disability benefits. Vietnam War veteran James Kisor in 1982 applied for benefits based on psychological trauma from combat duty. A VA psychiatrist suggested he had ‘a personality disorder as opposed to PTSD,’ so the department denied his claim.

“In 2006 Mr. Kisor asked the VA to review the denial based on unearthed service records. The VA then determined that he did suffer from PTSD. But it declined to award him benefits retroactive to 1982 despite a regulation that says it ‘will reconsider’ a claim if it receives ‘relevant official service department records that existed and had not been associated with the claims file when VA first decided the claim.’

“The D.C. Circuit Court of Appeals upheld the government’s interpretation of what is ‘relevant’ based on the Supreme Court’s 1945 Seminole Rock and 1997 Auer precedents. These rulings require courts to defer to an agency’s interpretation of its own regulation ‘as long as the regulation is ambiguous and the agency’s interpretation is neither plainly erroneous nor inconsistent with the regulation.’ In short, government always gets the benefit of doubt.

“Seminole Rock was premised on the notion that regulators can best interpret their own rules because they have the expertise. But it lacked a Constitutional underpinning and was issued one year before Congress enacted the Administrative Procedure Act (APA) that established a process for rule-making.

“Regulators have been bypassing the APA more and more by promulgating ‘interpretative’ regulations through guidance, enforcement actions, amicus briefs and press releases. Interpretative rules enjoy the force of law under Seminole Rock but don’t have to comply with the APA’s due-process requirements. In Auer, the Labor Department used an amicus brief to explicate an ambiguity in its overtime rule.

The editorial discusses the Education Department’s redefinition of sex as gender identity as a classic in regulatory abuse. Then continues:

“While Justice Antonin Scalia wrote the Court’s unanimous Auer opinion, he and other conservatives have since had misgivings. As Justice Scalia observed in his Decker (2013) dissent, Auer deference ‘contravenes one of the great rules of separation of powers: He who writes a law must not adjudge its violation.’ It also encourages regulators to write vague rules.

“The Trump Solicitor General agrees that Seminole Rock and Auer are constitutionally flawed and undermine due process, yet argues that reversing them in whole would open a Pandora’s box. ‘Private parties have no doubt made investment (property) and pricing (contract) decisions in reasonable reliance on that understanding of the regulatory scheme,’ the government writes.

“Did the SG bother to read the many amicus briefs from regulated parties explaining that Auer and Seminole Rock have increased regulatory uncertainty and legal instability? The ‘reliance interests’ that the Court weighs when deciding whether to overturn precedents favor scrapping both.

“The SG urges Justices to limit deference to cases in which regulatory interpretations do not conflict with their prior views and are based on their expertise. This half-way house to reform

would mean that an agency's first interpretation would receive binding deference, regardless of legal merit. To adapt St. Augustine, make us chaste, Justices, just not yet.

"The Justices might instead revert to the Court's Skidmore precedent (1944) that accords an agency's interpretation due consideration based on 'the validity of its reasoning, its consistency with earlier and later pronouncements, and all those factors which give it power to persuade, if lacking power to control.' This would let agencies explicate regulations, but judges would no longer be obligated to rubber-stamp their judgments.

"Liberal groups for the most part have sat out Kisor. Perhaps they feel torn between opposing the Trump Administration and preserving an unconstrained administrative state. The Justices could demonstrate their independence by restoring the judiciary's rightful powers under the Constitution."

2. Gavin Newsom's Fire Alarm

California's Governor takes heat from the left for wildfire prevention.

Editorial, WSJ, Mar 24, 2019

<https://www.wsj.com/articles/gavin-newsoms-fire-alarm-11553468890>

SUMMARY: The editorial states:

"Over the years sundry government reports have detailed how California's environmental regulation has limited tree trimming and increased wildfire risk, only to have the reports discarded on the political ash heap amid opposition from the left. So credit Democratic Gov. Gavin Newsom for finally whacking through the regulatory overgrowth.

"The Governor on Friday declared a statewide emergency to expedite 35 wildfire-prevention projects including prescribed burns and tree-thinning around 200 cities over the next year. The emergency finding will let the state waive certain bureaucratic obstacles to tree-clearing. This could prevent a reprise of the last two horrific wildfire seasons in which 1.7 million acres burned. The Camp Fire in the Sierra Nevada foothills last fall razed 14,000 homes and killed 85 people.

"About 25 million acres of wildland are at high-risk of burning, and as many as 15 million require forest restoration, according to the state agency Cal Fire. But some communities are more vulnerable based on geography and demographics. Cal Fire last month issued a report prioritizing three dozen or so projects including an 11-mile fuel break—e.g., a gap between vegetation—east of the Bay Area; 6,843 acres of fuel reduction around Big Sur and 10,428 acres by Monterey; and a prescribed burn outside of Malibu.

"Yet Mr. Newsom is drawing fire from his friends on the left for waiving regulations such as the California Environmental Quality Act that produce mounds of paperwork and allow locales to veto sensible fuel-reduction projects for reasons unrelated to environmental protection. 'The governor should reject this doomed, destructive approach' of thinning forests, the Center for Biological Diversity declared.

"'Unfortunately, it's a very Trumpian approach,' said Douglas Bevington, forest director of the Leonardo DiCaprio Foundation (yes, that Leo DiCaprio). 'It's the false notion that more logging paired with rolling back environmental protections is going to protect communities.' The

foundation says its mission is to protect 'long-term health and wellbeing of all Earth's inhabitants'—humans apparently excluded.

“Wildfire prevention shouldn't be partisan, and letting nature take its course will result in more destruction and death. Good for Mr. Newsom for taking on his party's progressive fringe who, while screaming about climate change, would let California burn.”