

The Week That Was: 2014-11-29 (November 29, 2014)
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The Science and Environmental Policy Project

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Quote of the Week: *“Non-reproducible single occurrences are of no significance to science.”*
Karl Popper

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Number of the Week: 1,718,407 miles (2,764,917 km).

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THIS WEEK:

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

National Energy Policy: *“You can accurately judge the viability of a potential energy source by the attitude of green activists to it. If they attack it, it is viable. If they defend it, it is non-viable.”*
The preceding quote is from John Brignell, a pioneer in scientific measurement. He has long commented on the energy policies of the United Kingdom (UK) and the European Union (EU), pointing out that politicians do not comprehend the long-term consequences of their actions, which may extend for decades. The long-term consequences of energy policies of Germany and the UK are coming to the fore. Due to increasing energy costs, viable industries are considering leaving these countries for locations that offer low costs for reliable electricity. They will take the needed jobs with them.

Very simply, unreliable solar and wind energy cannot meet the demands of modern manufacturing, which requires uninterrupted flow of electricity to assure high quality in the product. Computer chips and electronic circuits are an example of such demanding products. Energy intensive industries such as chemicals, petrochemicals, aluminum and steel are also adversely affected by high-cost energy. Firms in such industries, even if headquartered in Germany, are looking elsewhere to expand. The future is not promising, regardless of the number of wind farms and solar panels subsidized by the respective governments. Increasingly, it is become obvious that politicians can no longer blame market failures for their own disastrous, market distorting policies. See links under Questioning the Orthodoxy and Questioning European Green.

Energy Policy – UK: In an essay for the independent think-tank Reform, Robert Darwall, a former Treasurer adviser, exposes many of the unfortunate decisions by the UK government in establishing its current energy policy, one which he states is leading to a major policy disaster. [Please note, he is not the same author as Rupert Darwall who wrote *The Age of Global Warming: A History*.] Much of what Robert Darwall expresses pertains specifically to the UK; however, certain elements apply to the energy policies of other countries.

One of the most glaring errors made by politicians, and those attempting to influence energy policy from renewable sources, is that all electricity is comparable, regardless of source. They are not. Power engineers distinguish between dispatchable and non-dispatchable sources. These can be roughly categorized as human controlled. From dispatchable sources, electricity can be made available when the consumer requires it. From non-dispatchable sources, such as solar and wind, it cannot. The failure to distinguish between sources that will supply electricity when needed, and sources that cannot, gives rise to opportunists who take advantage of public confusion and lack of clarity in thinking.

Darwall categorizes different sources by weather dependency. Those weather dependent, such as solar and wind, are not human controlled. He asserts that establishing a fixed target for weather dependent (renewable sources) requires the government to establish control of electricity generation. Unlike traditional sources, where the greater the output, the greater the costs, the variable cost and the marginal costs (cost for additional unit of generation, assuming capital costs are already accounted for) of weather dependent generation is virtually zero. For example, if the wind is blowing, it does not cost the producer any more if the wind blows lightly, generating little electricity, or stiffly, generating more electricity. Governments subsidizing the capital costs of such generation, distorts the ability of an electricity market to function properly. Government remedies for such distortions only compound the problem – and require future government remedies. Such policy creates a quagmire from which there is no easy escape. See links under Questioning European Green.

Energy Policy – US Administration: The Administration’s energy policy appears to fit John Brignell’s comment regarding green activists, as stated above. Already, the Administration is engaged in a major program to limit carbon dioxide (CO₂) emissions from new and existing coal-fired power plants, on questionable claims regarding public health. The US has massive resources of coal, the extent of which are not fully known. The CO₂ emissions proposed by the US Environmental Protection Agency (EPA) would prevent the construction of the most efficient, non-polluting, commercial coal-fired plants, ultra-supercritical coal, without carbon capture and storage, or sequestration (CCS). Contrary to statements by the EPA and the Department of Energy, CCS is not commercially available and is being experimented with under highly specialized conditions, such as using oil wells for storage. Pumping in CO₂, can increase the yield of the oil fields, thereby create a profit for the developers. The duration of the storage may become a major issue.

On an earlier issue, the EPA issued regulations on mercury emissions, and other emissions, from coal-fired power plants, the so-called MATS regulations. The public health benefits from these regulations claimed by the EPA and others, including preventing up to 11,000 premature deaths per year, are highly questionable. On November 25, the US Supreme Court announced it would hear challenges to these regulations. Among the challenges are the extensive costs of the regulations. The arguments will be heard this spring, and a ruling likely in June 2015.

Not satisfied, on November 26 the EPA announced another round of proposed regulations on electrical utilities. These are on ground level ozone, which can contribute to smog. Smog is a major health problem in China and other urban areas where industrialization is taking place. About one-third of the US is out of compliance under current EPA regulations of 75 parts per billion. The implementation of the proposed EPA regulations of 65 parts per billion may be the most expensive regulations to date.

Often, the EPA avoids the necessary distinction between ozone, and other emissions such as fine particles that contribute to what is called smog. For example, in the eastern US, plants emit volatile organic compounds (VOC) which contribute to smog. Early settlers did not name the Blue Ridge Mountains for its crystal clear air. One can expect that any distinctions between natural and human products will be blurred in the efforts to establish any health effects from limiting ozone. See Articles #1, #2, and #3 and links under EPA and other Regulators on the March.

EPA Carbon Dioxide Regulations: The EPA regulations of carbon dioxide (CO₂) emissions from existing power plants stems from its 2009 endangerment finding (EF) that greenhouse gases, primarily CO₂, endanger public health.

In preparing comments on EPA regulations on carbon dioxide emissions from power plants, SEPP reviewed the finding and some of its past comments. Namely, the EPA claimed its findings are supported by science and cited three lines of evidence.

- 1.) EPA claims a distinct human fingerprint -- a hot spot in the atmosphere centered over the tropics at about 33,000 feet. It does not exist. Satellites and weather balloons have failed to find it.
- 2.) EPA claims late 20th century surface global warming was unprecedented and dangerous. It was not. A similar warming occurred in the early 20th century, which was not associated with carbon dioxide. Any late 20th century surface warming stopped over 16 years ago.
- 3.) EPA claims climate models are reliable. Climate models failed to predict that global warming would stop and greatly exaggerate the warming over the past 30 plus years.

Experience in the Federal Courts of Appeal have demonstrated that the courts will not accept challenges to scientific findings promulgated by government agencies. The government agencies are well aware of this biased attitude, and take advantage of it.

Current comments, to be submitted on December 1, will include the quote of the week by Karl Popper. The comments will emphasize that no one, today, has been able to duplicate EPA science: 1) the fingerprint is missing; 2) the 20th century warming has stopped; and, in general, 3) the climate models overestimate global warming.

The EPA and the courts may respond that proof is not required each time the EPA establishes regulations. The rejoinder is that proof must be consistent over time, if it is not consistent, it is not scientific proof. <http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OAR-2013-0602-0001>

Changing Climate: One of the fierce contentions between supporters of the UN Intergovernmental Panel on Climate Change (IPCC) and its skeptics is the treatment of the warm period known as the Medieval Warmer Period (MWP) and the cold period known as the Little Ice Age (LIA). The IPCC and its advocates claim that these were largely local or regional and primarily confined to Europe. Recent evidence shows such climate change occurred at Tierra del Fuego, on the southern tip of South America, near Antarctica. Is this the tip of the iceberg on climate change? See links under Changing Climate.

Additions and Corrections: TWTW reader Christopher Essex corrected TWTW in referring to the bitumen extracted from Alberta Canada as tar sands. He writes: "If you have ever seen bitumen it is really sand and fairly clear oil. I have seen it up close. There is no tar. The correct descriptive term is oil sands." TWTW stands ably corrected.

Number of the Week: 1,718,407 miles (2,764,917 km). According to the Bureau of Transportation Statistics, US Department of Transportation, in 2012 there was a total of 1,718,407 miles of pipelines in the US moving oil, petroleum products, and natural gas. Oil, 151,912 miles; natural gas, 1,566,495 miles. For six years, Washington has held up a 1,179 mile pipeline to move bitumen, oil sands, from Hardisty, Alberta to Steele City, Nebraska. <http://keystone-xl.com/about/the-keystone-xl-oil-pipeline-project/> and

http://www.rita.dot.gov/bts/sites/rita.dot.gov.bts/files/publications/national_transportation_statistics/html/table_01_10.html

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ARTICLES:

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

1. Supreme Court to Review EPA Rule on Power Plant Emissions

Decision to Review Air Pollution Standards Represents a Setback for Obama Administration
By Amy Harder and Brent Kendall, WSJ, Nov 25, 2014

http://online.wsj.com/articles/supreme-court-to-review-epa-rule-on-power-plant-emissions-1416942022?mod=WSJ_hp_LEFTTopStories

2. EPA Proposes Stricter Ozone Air Pollution Standard

Proposal Expected to Reanimate Battle Between Businesses and Environmental Groups
By Amy Harder, WSJ, Nov 26, 2014

http://online.wsj.com/articles/epa-proposes-stricter-ozone-standard-1417012097?mod=WSJ_hps_sections_news

3. Highway to the Danger Ozone

As Obama rewrites the law, Congress and the courts begin to push back.
Editorial, WSJ, Nov 27, 2014

http://online.wsj.com/articles/highway-to-the-danger-ozone-1417122149?mod=WSJ_hps_sections_opinion

4. Why Blocking Oil Pipelines Is Dangerous

By Robert Rapier, WSJ, Nov 25, 2014

<http://blogs.wsj.com/experts/2014/11/25/why-blocking-oil-pipelines-is-dangerous/>

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NEWS YOU CAN USE:

Commentary: Is the Sun Rising?

Sun's Shifting Magnetic Field May Predict Lightning Strikes

By Kelly Dickerson, Live Science, Nov 21, 2014

<http://www.livescience.com/48855-lightning-strikes-predicted-by-sun.html>

[SEPP Comment: The word predict may be too strong.]

Climategate Continued

Data Torture in Gergis2K

By Steve McIntyre, Climate Audit, Nov 22, 2014

<http://climateaudit.org/2014/11/22/data-torture-in-gergis2k/>

New Data and Upside-Down Moberg

By Steve McIntyre Climate Audit, Nov 25, 2014

<http://climateaudit.org/2014/11/25/new-data-and-upside-down-moberg/#more-20283>

Suppressing Scientific Inquiry

Abuse of Science in Texas

By Anne LeHuray, American Thinker, Nov 26, 2014

http://www.americanthinker.com/articles/2014/11/abuse_of_science_in_texas.html

Defending the Orthodoxy

Obama Ignored US Embassy's Warnings On Climate Change Speech

By Greg Sheridan, The Australian, Via GWPF, Nov 23, 2014

<http://www.thegwpf.com/obama-ignored-us-embassys-warnings-on-climate-change-speech/>

Questioning the Orthodoxy

Anthropogenic Global Warming and the Scientific Method

By Betsy Gorisch, American Thinker, Nov 25, 2014

http://www.americanthinker.com/articles/2014/11/anthropogenic_global_warming_and_the_scientific_method.html

[SEPP Comment: An interesting article, but she confuses Special and General Theory of Relativity.]

Hard choices

By Martin Livermore, Scientific Alliance, Nov 28, 2014

<http://scientific-alliance.org/node/897>

The Dark Ages

By John Brignell, Number Watch, Nov 28, 2014

<http://www.numberwatch.co.uk/2014%20November.htm#dark>

Russian Official is Optimistic about Global Warming

By Bob Tisdale, Nov 5, 2014

<http://wattsupwiththat.com/2014/11/25/russian-official-is-optimistic-about-global-warming/>

The EU versus the UN: who makes the rules?

Increasingly, trade rules are set above the level of Brussels

By Matt Ridley, The Rational Optimist, Nov 26, 2014

<http://www.rationaloptimist.com/blog/the-eu-versus-the-un-who-makes-the-rules.aspx>

The Obama Administration's Climate Agenda: Underestimated Costs and Exaggerated Benefits

By Kevin D. Dayaratna, Ph.D., Nicolas Loris and David W. Kreutzer, Ph.D, Heritage Foundation, Nov 13, 2014

<http://www.heritage.org/research/reports/2014/11/the-obama-administrations-climate-agenda-underestimated-costs-and-exaggerated-benefits>

The China – US Agreement?

Climate Realities

By Robert Samuelson, Real Clear Politics, Nov 24, 2014

http://www.realclearpolitics.com/articles/2014/11/24/climate_realities_124738.html

China's New Energy Plan Forecasts Big Rise In CO2 Emissions

By Paul Homewood, Not a Lot of People Know That, Nov 21, 2014

<http://notalotofpeopleknowthat.wordpress.com/2014/11/21/chinas-new-energy-plan-forecasts-big-rise-in-co2-emissions/#more-11493>

“The idea that China’s CO2 emissions will drop below today’s levels in my lifetime is sheer fantasy.”

The climate pact swindle

By Charles Krauthammer, Washington Post, Nov 20, 2014

http://www.washingtonpost.com/opinions/charles-krauthammer-the-climate-pact-swindle/2014/11/20/f78f6474-70e9-11e4-8808-afaa1e3a33ef_story.html

U.S.-China Climate Deal: Who Snookered Whom?

By Marlo Lewis, Global Warming. Org, Nov 24, 2014

<http://www.globalwarming.org/2014/11/24/u-s-china-climate-deal-who-snookered-whom/#more-21949>

Nuclear delays pose threat to China's climate goals

By David Stanway, Reuters, Nov 21, 2014 [H/t GWPF]

<http://www.reuters.com/article/2014/11/21/china-nuclear-idUSL3N0T818V20141121?irpc=932>

China insists rich nations must do more at Lima climate meeting

By Staff Writers, Beijing (AFP), Nov 25, 2014

http://www.terradaily.com/reports/China_insists_rich_nations_must_do_more_at_Lima_climate_meeting_999.html

Problems in the Orthodoxy

German Climate Institute Frets Media Are Showing So “Little Interest” In Latest IPCC Report!

Payback for blind climate alarmism: Media interest in the latest IPCC Report is small

By Sebastian Lüning and Fritz Vahrenholt, Trans P. Gosselin, No Tricks Zone, Nov 27, 2014

<http://notrickszone.com/2014/11/27/german-climate-institute-frets-media-are-showing-so-little-interest-in-latest-ipcc-report/>

65% of US population are skeptical that each flood, drought or heatwave is mostly “man-made”

By Jo Nova, Her Blog, Nov 25, 2014

<http://joannenova.com.au/2014/11/39682/>

Andrew Cuomo Slams Nat'l Weather Service Over His Own Ignorance

By Dennis Mersereau, The Vane, Nov 23, 2014 [H/t ICECAP]

<http://thevane.gawker.com/andrew-cuomo-slams-natl-weather-service-over-his-own-ig-1662362854>

Alarmists’ Accusations Aimed At Discrediting IPCC-Critical Spiegel Journalist Found To Be Absent Of Merit

By P Gosselin, No Tricks Zone, Nov 23, 2014

<http://notrickszone.com/2014/11/23/alarmists-accusations-aimed-at-discrediting-ipcc-critical-spiegel-journalist-found-to-be-absent-of-merit/>

Climate Hustles Hot from Brussels

By Tony Thomas, Quadrant, Nov 23, 2014

<http://quadrant.org.au/opinion/tony-thomas/2014/11/climate-hustles-hot-brussels/>

[SEPP Comment: Who will follow IPCC Chair Rajendra Pachauri?]

UK wants carbon market in global climate deal

By Laura Barron-Lopez, The Hill, Nov 26, 2014

<http://thehill.com/policy/energy-environment/225419-uk-wants-carbon-market-in-global-climate-deal>

Seeking a Common Ground

Groups and herds: implications for the IPCC

By Judith Curry, Climate Etc. Nov 25, 2014

<http://judithcurry.com/2014/11/25/groups-and-herds-implications-for-the-ipcc/#more-17319>

A big (goose) step backwards

By Richard Betts, Tamsin Edwards, WUWT, Nov 27, 2014

<http://wattsupwiththat.com/2014/11/27/a-big-goose-step-backwards/>

Labrador polar bears face a longer ice-free season than Hudson Bay bears, but do well

By Susan Crockford, Polar Bear Science, Nov 26, 2014

<http://polarbearscience.com/2014/11/26/labrador-polar-bears-face-a-longer-ice-free-season-than-hudson-bay-bears-but-do-well/>

Models v. Observations

BEST, bad, worse

By Andrew Montford, Bishop Hill, Nov 24, 2014

<http://bishophill.squarespace.com/blog/2014/11/24/best-bad-worse.html>

Measurement Issues

Atmospheric Concentration of Carbon Dioxide

By Vincent Gray, NZClimate Truth Newsletter No 337, Nov 24, 2014

<http://theclimatescepticsparty.blogspot.com.au/2014/11/atmospheric-concentration-of-carbon.html>

Changing Weather

European Climate Institute EIKE: European Winters Show Clear Cooling Trend Since Hansen's 1988 Testimony

By P. Gosselin, No Tricks Zone, Nov 25, 2014

<http://notrickszone.com/2014/11/25/european-climate-institute-eike-european-winters-show-clear-cooling-trend-since-hansens-1988-testimony/>

Extreme weather in the Arctic problematic for people, wildlife

By Staff Writers, Trondheim, Norway (SPX), Nov 25, 2014

http://www.terraily.com/reports/Extreme_weather_in_the_Arctic_problematic_for_people_wildlife_999.html

[SEPP Comment: Extreme cold is more problematic.]

Global Cooling Under Way?

By Steven Hayward, Power Line, Nov 25, 2014

<http://www.powerlineblog.com/archives/2014/11/global-cooling-under-way.php>

[SEPP Comment: Another hole in the idea that unusually warm Great Lakes contributed to last week's lake effect snow.]

NOAA touts hurricane season forecast success

By Anthony Watts, WUWT, Nov 24, 2014

<http://wattsupwiththat.com/2014/11/24/noaa-touts-hurricane-season-forecast-success/>

Worst drought in California history? Not really...

By Robert Moore, WUWT, Nov 22, 2014

<http://wattsupwiththat.com/2014/11/22/worst-drought-in-california-history-not-really/>

Changing Climate

Climate Catastrophe In The 17thC – Geoffrey Parker In Review

By Paul Homewood, Not a Lot of People Know That, Nov 26, 2014

<http://notalotofpeopleknowthat.wordpress.com/2014/11/26/climate-catastrophe-in-the-17thc-geoffrey-parker-in-review/#more-11555>

[SEPP Comment: Book review.]

The Global Little Ice Age,

By David Whitehouse, GWPF, Nov 26, 2014

<http://www.thegwpf.com/the-global-little-ice-age/>

Link to full paper: The 'Little Ice Age' in the Southern Hemisphere in the context of the last 3000 years: Peat-based proxy-climate data from Tierra del Fuego

By Frank Chambers, The Holocene, Oct 2, 2014

<http://hol.sagepub.com/content/early/2014/10/01/0959683614551232.full.pdf?ijkey=3zfAQcjgyZ50DZJ&keytype=ref>

Changing Seas

Biology trumps chemistry in open ocean

By Staff Writers, Boothbay ME (SPX), Nov 26, 2014

http://www.terraily.com/reports/Biology_trumps_chemistry_in_open_ocean_999.html

'Ferrari of space' yields best map of ocean currents

By Staff Writers, Paris (AFP), Nov 25, 2014

http://www.spacedaily.com/reports/Ferrari_of_space_yields_best_map_of_ocean_currents_999.html

Warm Ocean, Warm Year?

By David Whitehouse, GWPF, Nov 22, 2014

<http://www.thegwpf.com/warm-ocean-warm-year/>

The Region of Unusual Sea Level Rise East of the Philippines Contributes Only a Little to the Global Rate

By Bob Tisdale, WUWT, Nov 23, 2014

<http://wattsupwiththat.com/2014/11/23/the-region-of-unusual-sea-level-rise-east-of-the-philippines-contributes-only-a-little-to-the-global-rate/>

Changing Cryosphere – Land / Sea Ice

Robot Sub Finds Surprisingly Thick Antarctic Sea Ice

By Becky Oskin, Live Science, Nov 24, 2014 [H/t GWPF]

<http://www.livescience.com/48880-antarctica-sea-ice-thickness-mapped.html>

"If we don't know how much ice is there is, we can't validate the models we use to understand the global climate," Maksym told Live Science. "It looks like there are significant areas of thick ice that are probably not accounted for."

Better forecasts for sea ice under climate change?

By Anthony Watts, WUWT, Nov 26, 2014

<http://wattsupwiththat.com/2014/11/26/better-forecasts-for-sea-ice-under-climate-change/>

Acidic Waters

As CO2 acidifies oceans, scientists develop a way to measure impact

By Staff Writers, Jerusalem, Israel (SPX), Nov 26, 2014

http://www.terraily.com/reports/As_CO2_acidifies_oceans_scientists_develop_a_way_to_measure_effect_on_marine_ecosystems_999.html

[SEPP Comment: The premise is assumed, not empirically established.]

Un-Science or Non-Science?

Environmental 'tipping points' key to predicting extinctions

By Staff Writers, Raleigh NC (SPX), Nov 28, 2014

http://www.terraily.com/reports/Environmental_tipping_points_key_to_predicting_extinctions_999.html

Claim: A warming world may spell bad news for honey bees

By Anthony Watts, WUWT, Nov 26, 2014

<http://wattsupwiththat.com/2014/11/26/claim-a-warming-world-may-spell-bad-news-for-honey-bees/>

Lowering Standards

A right royal contradiction

By Andrew Montford, Bishop Hill, Nov 27, 2014

<http://bishophill.squarespace.com/blog/2014/11/27/a-right-royal-contradiction.html>

Link to report: Resilience to extreme weather

By Staff Writers, The Royal Society, Nov 27, 2014

<https://royalsociety.org/policy/projects/resilience-extreme-weather/>

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

Avoiding ecosystem collapse

By Staff Writers, Stanford CA (SPX), Nov 26, 2014

http://www.terraily.com/reports/Avoiding_ecosystem_collapse_999.html

Three studies published in Philosophical Transactions of the Royal Society Biological Science hold the promise of helping resource managers predict, avoid, and reverse the tipping points that lead to degraded habitats, economic losses, and social upheaval.

[SEPP Comment: Defining the tipping points would be interesting.]

Communicating Better to the Public – Make things up.

Climate Hysteria and the Buffalo Snowpocalypse

By Sierra Rayne, American Thinker, Nov 22, 2014

http://www.americanthinker.com/articles/2014/11/climate_hysteria_and_the_buffalo_snowpocalypse.html

Communicating Better to the Public – Go Personal.

Michigan State professor labels skeptics as “global warming cynics” due to not getting on board with the extreme weather link

By Anthony Watts, WUWT, Nov 24, 2014

<http://wattsupwiththat.com/2014/11/24/michigan-state-professor-labels-skeptics-as-global-warming-cynics-due-to-not-getting-on-board-with-the-extreme-weather-link/>

Communicating Better to the Public – Use Propaganda on Children

The UK Clean Air Act & Black Smoke

By Paul Homewood, Not a Lot of People Know That, Nov 24, 2014

<http://notalotofpeopleknowthat.wordpress.com/2014/11/24/the-uk-clean-air-act-black-smoke/#more-11535>

Smokestacks & Water Vapour

By Paul Homewood, Not a Lot of People Know That, Nov 23, 2014

<http://notalotofpeopleknowthat.wordpress.com/2014/11/23/smokestacks-water-vapour/>

Winnipeg zoo unashamedly frightens children about polar bear extinction, for a price

By Susan Crockford, Polar Bear Science, Nov 26, 2014

<http://polarbearscience.com/2014/11/26/winnipeg-zoo-unashamedly-frightens-children-about-polar-bear-extinction-for-a-price/>

Expanding the Orthodoxy

Doctors Will Save Us From Global Warming!

By Paul Homewood, Not a Lot of People Know That, Nov 28, 2014

<http://notalotofpeopleknowthat.wordpress.com/2014/11/28/doctors-will-save-us-from-global-warming/>

[SEPP Comment: To protect public health and reduce atmospheric (carbon dioxide) pollution, are cold, damp homes the answer?]

World Bank: Planet headed toward 'unavoidable' climate impacts

By Laura Barron-Lopez, The Hill, Nov 24, 2014

<http://thehill.com/policy/energy-environment/225159-world-bank-planet-headed-toward-unavoidable-climate-impacts>

Link to press release of “study.” World Is Locked into ~1.5°C Warming & Risks Are Rising, New Climate Report Finds

A number of future climate change impacts like extreme heat and sea level rise will be “unavoidable” even if global leaders start slashing greenhouse gases right away, according to a report from the World Bank.

By Staff Writers, World Bank, Nov 23, 2014

<http://www.worldbank.org/en/news/feature/2014/11/23/climate-report-finds-temperature-rise-locked-in-risks-rising>

Link to study: Turn Down the Heat : Confronting the New Climate Normal

By Staff Writers, The World Bank Group, Nov 23, 2014

<https://openknowledge.worldbank.org/handle/10986/20595>

Global warming could undermine poverty fight: World Bank

By Staff Writers, Washington (AFP), Nov 23, 2014

http://www.terraily.com/reports/Global_warming_could_undermine_poverty_fight_World_Bank_999.html

Some climate change impacts unavoidable: World Bank

By Alister Doyle, Reuters, Nov 23, 2014 [H/t Clyde Spencer]

<http://news.yahoo.com/climate-change-impacts-unavoidable-world-bank-212029139.html>

Questioning European Green

Energy Policy And The Return Of The State

By Robert Darwall, Reform, Nov 27, 2014

<http://www.thegwpcf.com/rupert-darwall-energy-policy-and-the-return-of-the-state/>

Link to full report: How to run a country: energy policy and the return of the State, Reform, Nov 2014

http://www.reform.co.uk/wp-content/uploads/2014/11/Energy-Report_text_AW_WEB1.pdf

Daily ‘Die Welt’ Reports German Greens Facing Political Extinction...”Apocalyptic Narrative Approaching An End”

Germany’s once formidable Green Party just held its annual convention in Hamburg.

By P Gosselin, No Tricks Zone, Nov 24, 2014

<http://notrickszone.com/2014/11/24/daily-die-welt-reports-german-greens-facing-political-extinction-apocalyptic-narrative-approaching-an-end/>

On Green Energy, Europe Made The Wrong Bet

By John Gapper, Financial Time, Via GWPF, Nov 28, 2014

<http://www.thegwpcf.com/on-green-energy-europe-made-the-wrong-bet/>

The Growing Absurdity Of German Energy Policy

Editorial, Financial Times, Via GWPF, Nov 26, 2014

<http://www.thegwpcf.com/the-growing-absurdity-of-german-energy-policy/>

Green Britain: UK Manufacturers Warn Of Shutdowns Amid Energy Emergency Measures

By Tanya Powley, Financial Times, Via GWPF, Nov 23, 2014

<http://www.thegwpcf.com/green-madness-uk-manufacturers-warn-of-shutdowns-amid-energy-emergency-measures/>

[SEPP Comment: Adding uncertainty to the system.]

High energy cost & low R&D spending decline EU chemical sector's competitiveness:

Energy-intensive chemical segments such as petrochemicals and polymers, which account for half of EU chemicals exports, were especially hit

By Staff Writers, Business Standard, Nov 24, 2014 [H/t GWPF]

http://www.business-standard.com/content/b2b-chemicals/high-energy-cost-low-r-d-spending-decline-eu-chemical-sector-s-competitiveness-114112500112_1.html

According to the Oxford report, the downward trend can be halted or even reversed most significantly by reducing energy costs. It also encourages research and development in product and process innovations, which are the foundations of the sector’s longer-term growth.

Europe winds back the clock on windmills,

By Danny Fortson, Sunday Times, Via GWPF, Nov 23, 2014

<http://www.thegwpcf.com/germany-desperate-for-more-coal-power-to-keep-lights-on/>

EU Risks Blackouts Without Clean-Coal Inducement, IEA Says

By Mathew Carr, Bloomberg, Nov 21, 2014 [H/t GWPF]

<http://www.bloomberg.com/news/2014-11-21/europe-risks-blackouts-without-clean-coal-inducement-iea-says.html>

[SEPP Comment: Traditional coal does not require subsidies.]

Germany Lobbies Sweden To Rescue Coal Mines

By Pilita Clark, David Crouch and Jeevan Vasagar, Financial Times, Via GWPF, Nov 24 2014

<http://www.thegwpf.com/germany-lobbys-sweden-to-rescue-coal-mines/>

Questioning Green Elsewhere

Brazil seeks energy stability as coal and gas power auction commences

By Diarmaid Williams, Power Engineering, Nov 27, 2014 [H/t GWPF]

<http://www.powerengineeringint.com/articles/2014/11/brazil-seeks-energy-stability-as-coal-and-gas-power-auction-commences.html>

Funding Issues

Spin Alert: Despite What DOE Says, Its Loans Are Not Making Money

By Donald Marron, Forbes, Nov 17, 2014 [H/t Cooler Heads]

<http://www.forbes.com/sites/beltway/2014/11/17/spin-alert-doe-loans-are-losing-money-not-making-profits/?ss=energy>

Link to report: LPO Financial Performance

By Peter Davidson, Exec Dir. LPO Office, DOE, Nov 2014

http://energy.gov/sites/prod/files/2014/11/f19/DOE-LPO-MiniReport_Final%2011%2013%2014_0.pdf

The Political Games Continue

Inhofe: New Congress will examine ozone rule

By Lydia Wheeler, The Hill, Nov 25, 2014

<http://thehill.com/policy/energy-environment/225364-inhofe-new-congress-will-examine-ozone-rule>

Biden: Europe needs to diversify energy

By Kevin Hill, The Hill, Nov 22, 2014

<http://thehill.com/policy/energy-environment/225103-biden-europe-needs-to-diversify-energy>

GOP wants more electric reliability assurances for climate rule

By Timothy Cama, The Hill, Nov 24, 2014

<http://thehill.com/policy/energy-environment/225231-gop-wants-more-electric-reliability-assurances-for-climate-rule>

Litigation Issues

SCOTUS to Hear Case on EPA Power Plant Rule

By Patrick Michaels, CATO, Nov 25, 2014

<http://www.cato.org/blog/scotus-hear-case-epa-power-plant-rule>

“If EPA was really serious about Mercury it would issue regulations capping volcanoes and outlawing wildfires.”

Subsidies and Mandates Forever

Taxpayer Alert: Big Wind Urging Congress for Yet Another Bailout

By Mary Kay Barton, Master Resource, Nov 24, 2014

<https://www.masterresource.org/american-wind-energy-association/33152/>

Solar and Wind Energy Start to Win on Price vs. Conventional Fuels

By Diane Cardwell, NYT, Nov 23, 2014

http://www.nytimes.com/2014/11/24/business/energy-environment/solar-and-wind-energy-start-to-win-on-price-vs-conventional-fuels.html?emc=edit_th_20141124&nl=todaysheadlines&nid=59831859

[SEPP Comment: Pleas for extension of solar and wind tax credits.]

UK Leads The World – (In Offshore Wind Subsidies!)

By Paul Homewood, Not a Lot of People Know That, Nov 22, 2014

<http://notalotofpeopleknowthat.wordpress.com/2014/11/22/uk-leads-the-world-in-offshore-wind-subsidies/>

[SEPP Comment: Asking the question: why are so few off-shore wind farms being built elsewhere?]

EPA and other Regulators on the March

Breaking: Supreme Court to Review EPA Mercury Rules,

By Steven Hayward, Power Line, Nov 25, 2014

<http://www.powerlineblog.com/archives/2014/11/breaking-supreme-court-to-review-epa-mercury-rules.php>

EPA Lost in the Ozone, As Usual

By Steven Hayward, Power Line, Nov 28, 2014

<http://www.powerlineblog.com/archives/2014/11/epa-lost-in-the-ozone-as-usual.php>

EPA unveils contentious plan to tighten ozone standards

By Timothy Cama, The Hill, Nov 26, 2014

<http://thehill.com/policy/energy-environment/225371-epa-pushes-to-cut-smog-in-new-rule>

Government to Set Stricter Smog Standard

By Dina Cappiello, Real Clear Politics, Nov 26, 2014

http://www.realclearpolitics.com/articles/2014/11/26/government_to_set_stricter_smog_standard_124778.html

Just in Time for Thanksgiving, Another Turkey from the Obama Administration

By Patrick Michaels, CATO, Nov 26, 2014

<http://www.cato.org/blog/just-time-thanksgiving-another-turkey-obama-administration>

“Environmental protection is what systems engineers call a “heuristic device,” defined as ‘a solution which is not guaranteed to be optimal, but is good enough for a given set of goals.’”

Mother of all battles over new smog rule

By Zack Colman, Washington Examiner, Nov 27, 2014

http://www.washingtonexaminer.com/mother-of-all-battles-over-new-smog-rule/article/2556721?utm_campaign=Washington%20Examiner:%20Politics%20Today&utm_source=Washington%20Examiner:%20Politics%20Today%20-%202011/27/14&utm_medium=email

DOE Policy: In Search of Transparency (efficiency standards in controversy)

By Mark Krebs, Master Resource, Nov 25, 2014

<https://www.masterresource.org/conservationism/doe-transparency/>

For Once, a Court Sided With People Rather Than ‘Threatened’ Rodents

By Ron Arnold, The Daily Signal, Nov 18, 2014

http://dailysignal.com/2014/11/18/for-once-courts-sided-with-people-rather-than-threatened-rodents/?utm_source=heritagefoundation&utm_medium=email&utm_campaign=morningbell&mk_tok=3RkMMJWWfF9wsRokva3BZKXonjHpfsX56%2BQsX6C1IMI%2F0ER3fOvrPUfGjI4CRMZgI%2BSLDwEYGJlv6SgFQrLBMa1ozrgOWxU%3D

Regulate First, Ask Questions Later

By Jeffrey Folks, American Thinker, Nov 24, 2014

http://www.americanthinker.com/articles/2014/11/regulate_first_ask_questions_later.html

Energy Issues – Non-US

Britain’s energy policy is a catastrophic mess that will keep prices high

Private companies still deliver electricity that consumers pay for but everything else, from prices to outcomes, is determined by politicians

By Allister Heath, Telegraph, UK, Nov 26, 2014 [H/t GWPF]

<http://www.telegraph.co.uk/finance/newsbysector/energy/11256929/Britains-energy-policy-is-a-catastrophic-mess-that-will-keep-prices-high.html>

UK's blackout prevention plans in doubt after back-up power plant fails

Peterhead power station, paid to guarantee it can help keep the lights on, fails to function properly during testing

By Emily Gosden, Telegraph, UK, Nov 24, 2014

<http://www.telegraph.co.uk/finance/newsbysector/energy/11251396/UKs-blackout-prevention-plans-in-doubt-after-back-up-power-plant-fails.html>

Rising Energy Costs Threaten Survival Of Europe’s Aluminium Industry

By Christian Oliver, Financial Times, Via GWPF, Nov 24, 2014

<http://www.thegwpf.com/rising-energy-costs-threaten-survival-of-europes-aluminium-industry/>
[SEPP Comment: According to the article 11 out of 24 smelters in the EU have shut since 2007.]

Carbon Bubbleheads

By Tom Quirk, Quadrant, Nov 25, 2014

<https://quadrant.org.au/opinion/doomed-planet/2014/11/carbon-bubble-whos/>

India’s coal conundrum: which comes first the climate or the poor?

By Mark Lynas, His Blog, Nov 19, 2014 [H/t WUWT]

<http://www.marklynas.org/2014/11/indias-coal-conundrum-which-comes-first-the-climate-or-the-poor/>

Lack of coal may bring Ukraine to its knees this winter

By Nina Chestney and Barbara Lewis, Reuters, Nov 26, 2014 [H/t GWPF]

<http://www.reuters.com/article/2014/11/26/us-ukraine-crisis-coal-idUSKCN0JA19T20141126>

Energy Issues -- US

Information References

By Donn Dears, Power For USA, Nov 28, 2014

<https://dddusmma.wordpress.com/2014/11/28/information-references/>

[SEPP Comment: Useful estimates of capacity estimates and construction costs of electrical generation.]

Washington's Control of Energy

Major energy rule timelines pushed back

By Timothy Cama, The Hill, Nov 14, 2014

<http://thehill.com/policy/energy-environment/225167-major-energy-rules-pushed-back>

[SEPP Comment: Delay energy production, by delaying regulation.]

Obama says Keystone XL is for exporting oil outside the U.S., experts disagree

By Lauren Carroll, PolitiFact, Nov 20, 2-14

<http://www.politifact.com/truth-o-meter/statements/2014/nov/20/barack-obama/obama-says-keystone-xl-exporting-oil-experts-disag/>

Republicans renew push for drilling in Alaska wildlife refuge

By Timothy Cama, The Hill, Nov 23, 2014

<http://thehill.com/policy/energy-environment/225079-republicans-set-their-sights-on-drilling-in-arctic-refuge>

[SEPP Comment: For 37 years Washington has stopped development of Alaska's oil and gas resources on the Refuge. How many politicians in opposition have actually visited it?]

The Ethanol Mandate Proves the Government Is a Poor Central Planner

By Katie Tubb and Nicolas Loris, The Daily Signal, Nov 24, 2014

<http://dailysignal.com/2014/11/24/ethanol-mandate-proves-government-poor-central-planner/>

Oil and Natural Gas – the Future or the Past?

Oil, Oil, Toil and Trouble,

By Steven Hayward, Power Line, Nov 25, 2014

<http://www.powerlineblog.com/archives/2014/11/oil-oil-toil-and-trouble.php>

The Geopolitical Impact of Cheap Oil

By Martin Feldstein, Project syndicate, Nov 26, 2014

<http://www.project-syndicate.org/commentary/oil-prices-geopolitical-stability-by-martin-feldstein-2014-11>

This 153-Year-Old oil well produces nonstop, in boom or bust

By Staff Writers, Fuel Fix, Nov 22, 2014

<http://fuelfix.com/blog/2014/11/22/this-153-year-old-oil-well-produces-nonstop-in-boom-or-bust/>

Why The Saudis Actually Like It When The Price Of Oil Plummet

By Ian Timberlake, AFP, Nov 25, 2014

<http://www.businessinsider.com/afp-saudi-sights-set-on-us-shale-at-crucial-opec-meeting-2014-11>

Return of King Coal?

The Unwelcome Reality For U.S. Coal Exports

By Nick Cunningham, Oil Price.com, Nov 23, 2014 [H/t GWPF]

<http://oilprice.com/Energy/Coal/The-Unwelcome-Reality-For-U.S.-Coal-Exports.html>

Oil Spills, Gas Leaks & Consequences

North Dakota reviews oil train safety measures

By Daniel J. Graeber, Bismarck, N.D. (UPI), Nov 25, 2014

http://www.oilgasdaily.com/reports/North_Dakota_reviews_oil_train_safety_measures_999.html

Nuclear Energy and Fears

Renewable energy 'simply WON'T WORK': Top Google engineers

Windmills, solar, tidal - all a 'false hope', say Stanford PhDs

By Lewis Page, The Register, Nov 21, 2014

http://www.theregister.co.uk/2014/11/21/renewable_energy_simply_wont_work_google_renewables_engineers/

[SEPP Comment: Advocating that nuclear power is the realistic alternative energy.]

China plans for nuclear growth

By Staff Writer, WNN, Nov 20, 2014

<http://www.world-nuclear-news.org/NP-China-plans-for-nuclear-growth-2011144.html>

TEPCO starts cementing tunnels to solve Fukushima water issue

By Staff Writers, Tokyo, Japan (Sputnik), Nov 28, 2014

http://www.nuclearpowerdaily.com/reports/TEPCO_Starts_Cementing_Tunnels_to_Solve_Fukushima_Radioactive_Water_Issue_999.html

UK units cleared for restart after boiler checks

By Staff Writers, WNN, Nov 14, 2014

<http://www.world-nuclear-news.org/RS-UK-units-cleared-for-restart-after-boiler-checks-2411144.html>

US House passes law on research

By Staff Writers, WNN, Nov 18, 2014

<http://www.world-nuclear-news.org/ON-US-House-passes-law-on-research-18111401.html>

[SEPP Comment: Calling for research on risk of low-dose radiation.]

Alternative, Green (“Clean”) Solar and Wind

Renewable Energy – Solar and Wind-Power: capital costs and effectiveness compared

By Ed Hoskins, WUWWT, Nov 21, 2014

<http://wattsupwiththat.com/2014/11/21/renewable-energy-solar-and-wind-power-capital-costs-and-effectiveness-compared/>

Feds to sell largest offshore wind energy area

By Timothy Cama, The Hill, Nov 24, 2014

<http://thehill.com/business-a-lobbying/225183-feds-to-sell-largest-offshore-wind-energy-area>

[SEPP Comment: What are the public subsidies required to bring the proposed power on-line?]

Ill winds blow from wind turbines

By Lawrence Solomon, Financial Post, Nov 25, 2014

<http://business.financialpost.com/2014/11/25/lawrence-solomon-ill-winds-blow-from-wind-turbines/>

[SEPP Comment: Is infrasound a problem? Infrasound is sound at a frequency lower than normal human hearing of 20 cycles per second.]

Solar industry pins great hopes on Indian solar market

By Staff Writers, Mumbai, India (SPX), Nov 28, 2014

http://www.solardaily.com/reports/Intersolar_India_2014_Solar_Industry_Pins_Great_Hopes_on_Indian_Solar_Market_999.html

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

Jobs threat as cash troubles sink wave firm

By Victoria Weldon, Herald, Scotland, Nov 22, 2014 [H/t GWPF]

<http://www.heraldscotland.com/news/home-news/jobs-threat-as-cash-troubles-sink-wave-firm.25935147>

London has faith in marine energy

By Daniel J. Graeber, London (UPI), Nov 26, 2014

http://www.terraily.com/reports/London_has_faith_in_marine_energy_999.html

Siemens Exits Tidal Power Industry Blaming Slow Development

By Louise Downing, Bloomberg, Nov 25, 2014 [H/t GWPF]

<http://www.bloomberg.com/news/2014-11-25/siemens-exits-tidal-power-industry-blaming-slow-development.html>

Carbon Schemes

56 countries want carbon capture incentives in global climate accord

By Laura Barron-Lopez, The Hill, Nov 25, 2014

<http://thehill.com/policy/energy-environment/225308-56-countries-want-carbon-capture-incentives-in-global-climate>

[SEPP Comment: Produce one that works on a commercial basis.]

California Dreaming

Some sense from California — at last

By Staff Writers, ACSH, Nov 25, 2014

<http://acsh.org/2014/11/sense-california-last/>

[SEPP Comment: An op-ed against California Proposition 65.]

Environmental Industry

Will Green Politics soon be a thing of the Past?

By Eric Worrall, WUWT, Nov 21, 2014

<http://wattsupwiththat.com/2014/11/21/will-green-politics-soon-be-a-thing-of-the-past/>

Other Scientific News

NASA's Van Allen Probes Spot an Impenetrable Barrier in Space

By Karen C. Fox, Greenbelt MD (SPX), Nov 27, 2014

http://www.spacemart.com/reports/NASAs_Van_Allen_Probes_Spot_an_Impenetrable_Barrier_in_Space_999.html

Researchers identify a natural shield against harmful radiation belt

By Staff Writers, Boston MA (SPX), Nov 27, 2014

http://www.spacemart.com/reports/Researchers_identify_a_natural_shield_against_harmful_radiation_belt_999.html

Other News that May Be of Interest

How to save billions of gallons of gasoline

By Jo Nova, Her Blog, Nov 26, 2014

<http://joannenova.com.au/2014/11/how-to-save-billions-of-gallons-of-gasoline/>

[SEPP Comment: In transporting goods, there are a number of factors other than fuel efficiency.]

NASA Opens Cube Quest Challenge for Largest-Ever Prize of \$5 Million

By Staff Writers, Washington DC (SPX), Nov 26, 2014

http://www.spacedaily.com/reports/NASA_Open_Cube_Quest_Challenge_for_Largest_Ever_Prize_of_5_Million_999.html

ACSH friend R. Kozlovich’s ode to banned, lifesaving DDT

By Staff Writers, ACSH, Nov 14, 2014

<http://acsh.org/2014/11/acsh-friend-r-kozlovichs-ode-banned-lifesaving-ddt/>

Barnaby Joyce’s Damp Squib

By Ron Pike, Quadrant, Nov 27, 2014

<http://quadrant.org.au/opinion/doomed-planet/2014/11/barnaby-joyces-damp-squib/>

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BELOW THE BOTTOM LINE:

Germany’s Environment Minister Calls On Citizens To Turn Off Lights During Sex – To Protect Climate!

By P Gosselin, No Tricks Zone, Nov 28, 2014

<http://notrickszone.com/2014/11/28/germanys-environment-minister-calls-on-its-citizens-to-turn-off-lights-during-sex-to-protect-climate/>

Claim: Researchers find way to turn sawdust into gasoline

By Anthony Watts, WUWT, Nov 25, 2014

<http://wattsupwiththat.com/2014/11/25/claim-researchers-find-way-to-turn-sawdust-into-gasoline/>

[Insert Winter Storm Cato Joke Here]

By Patrick Michaels, CATO, Nov 25, 2014

<http://www.cato.org/blog/winter-storm-catos-geophysical-research-letters>

[SEPP Comment: The US winter storm that disrupted Thanksgiving holiday travel on the East Coast was named CATO.]

Model claim: airplanes of the future won’t be able to take off at some airports due to global warming

By Anthony Watts, WUWT, Nov 16, 2014

<http://wattsupwiththat.com/2014/11/26/model-claim-airplanes-of-the-future-wont-be-able-to-take-off-at-some-airports-due-to-global-warming/>

[SEPP Comment: Discovering the effect of air density, which the US Army Air Corps knew about when flying in North Africa during WW II.]

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ARTICLES:

1. Supreme Court to Review EPA Rule on Power Plant Emissions

Decision to Review Air Pollution Standards Represents a Setback for Obama Administration

By Amy Harder and Brent Kendall, WSJ, Nov 25, 2014

http://online.wsj.com/articles/supreme-court-to-review-epa-rule-on-power-plant-emissions-1416942022?mod=WSJ_hp_LEFTTopStories

WASHINGTON—The U.S. Supreme Court on Tuesday said it would review the nation’s first-ever standards requiring power plants to reduce mercury emissions and other toxic air pollutants, taking up a case with implications for President Barack Obama’s broader environmental agenda.

The high court accepted several challenges to the rules brought by the utility industry and a coalition of nearly two dozen states, including those where utilities rely on coal for most power generation.

The court will hear arguments in the case in the spring and is likely to rule in June 2015, as the Obama administration is planning to put the final touches on a separate proposal to cut carbon-dioxide emissions from existing power plants.

The high court’s decision to review one of Mr. Obama’s signature environmental achievements comes at a pivotal time. On Wednesday, the Environmental Protection Agency intends to propose an updated national standard for ground-level ozone, commonly known as smog, which is based at least in part on enforcement of the mercury rule.

The high court will decide if the EPA should have considered how much the rules would cost utilities, addressing a recurring complaint by companies about government regulations. The power companies and states said the rules would add \$9.6 billion in annual costs to the utility industry. The EPA should have taken those costs into account, they said.

The EPA has said the public-health benefit of reducing the pollutants amounts to between \$37 billion and \$90 billion a year, far outweighing any industry costs. The agency also has said it believes the rule could prevent up to 11,000 premature deaths each year.

“We are disappointed in the court’s decision, but we are confident that EPA acted properly in regulating harmful toxic air pollution from power plants,” EPA spokeswoman Liz Purchia said in a written statement.

The outcome of the case could affect other EPA initiatives, including the separate proposed rule cutting carbon emissions from the same set of nearly 600 fossil-fuel power plants, which is underpinned by a 2007 Supreme Court ruling in favor of the EPA. If the court strikes down the entire or significant parts of the mercury rule, it could limit EPA’s ability to push forward on other regulations, some energy analysts said.

“Does it make EPA go away? No, but it could make some of their plans a little less ambitious,” said Christine Tezak, a managing director of ClearView Energy Partners, a nonpartisan policy-analysis firm. “The agency’s ability to be aggressive could be constrained by a need to give greater weight to cost impacts.”

The EPA, in an earlier version of the ozone proposal, estimated it could cost up to \$90 billion annually. The EPA also intends in January to issue final rules cutting carbon emissions from new power plants and parallel standards for existing plants next summer. Both also mean increased costs for businesses, though less than the mercury and ozone rules.

The EPA's mercury rule, adopted in 2012 and scheduled to take effect in April for existing power plants, requires coal and oil-fired plants to cut most of their emissions of mercury, a neurotoxin the EPA says is particularly harmful for children, unborn babies and women of childbearing age.

Power plants are the dominant emitters of mercury in the U.S., according to the EPA. The rules require coal-fired utilities to install so-called scrubber technology, which is widely available, to reduce air emissions. The government has granted many utilities a year extension to comply with the rule.

“The EPA has expressly refused to consider the cost of its regulation, which will result in rate increases for citizens across the country, and threatens the reliability of the electricity grid by forcing the closure of many power plants,” Michigan Attorney General Bill Schuette, a Republican, said in a written statement. Michigan is a lead state plaintiff in the case.

Environmental groups expressed confidence the court would rule in the EPA's favor. “EPA's life-saving limits on mercury, arsenic and acid gases from smokestacks are thoroughly anchored in law and science, and we look forward to presenting a compelling case for these vital clean-air safeguards,” said Vickie Patton, general counsel for the Environmental Defense Fund, a party in the case.

The mercury case is the latest in a series of consequential environmental lawsuits that have landed at the Supreme Court during the tenure of Chief Justice John Roberts . The EPA has won more than it has lost.

The high court, in its 2007 ruling, allowed the agency to regulate carbon dioxide and other gases associated with climate change. This June, the court said the EPA overreached in claiming the authority to impose greenhouse-gas controls on small emitters, but it said the agency could require controls at power plants and other large pollution sources.

In another case this year, the Obama administration scored a notable victory when the justices revived an EPA program that sought to limit power-plant emissions blowing across state lines, called the cross-state air pollution rule.

The administration also won an important court victory in April when a divided U.S. Court of Appeals for the District of Columbia Circuit upheld the mercury rules, saying the agency acted reasonably in crafting them.

The cumulative effect of these regulations, coupled with low natural-gas prices, is compelling some utilities to close coal-fired power plants. Between 2012 and 2020, about 60 gigawatts of coal-fired capacity are projected to shut down, according to U.S. Energy Information Administration data published earlier this year. U.S. utilities have more than 1,000 gigawatts in capacity.

“A lot of utilities weren’t that concerned about the cross-state rule because MATS [the mercury rule] was already requiring them to install scrubbers,” said Brian Potts of Foley & Lardner LLP in Madison, Wis., who represents utilities but doesn’t have any clients involved in the mercury case. “But without MATS (or with a delay in MATS), the cross-state rule could become more significant.”

Akron, Ohio, utility FirstEnergy, which is a plaintiff in the case as part of its membership in the Utility Air Regulatory Group, is currently installing technology to comply with the mercury rule, though the high court’s ruling may change its plans, spokeswoman Jennifer Young said.

The court’s action Tuesday extends a saga that dates back more than two decades. Congress first required the EPA to issue regulations in 1990, but the agency’s efforts had been stalled for years due to several factors, including lengthy court battles and priorities that shifted with presidential administrations.

2. EPA Proposes Stricter Ozone Air Pollution Standard

Proposal Expected to Reanimate Battle Between Businesses and Environmental Groups

By Amy Harder, WSJ, Nov 26, 2014

http://online.wsj.com/articles/epa-proposes-stricter-ozone-standard-1417012097?mod=WSJ_hps_sections_news

WASHINGTON—The Obama administration is set to release energy regulations in the coming weeks that will prompt push-back from industry and lawmakers before a Republican-controlled Congress comes in next year.

On Wednesday, the Environmental Protection Agency proposed lower limits for ground-level ozone, or smog, in the atmosphere, setting off a nearly yearlong regulatory process for setting a new standard. Public-health and environmental groups say the limits are essential in preventing a range of respiratory diseases. Businesses say it could be the costliest regulation in U.S. history.

By year’s end, the administration plans to release at least three other regulations, including one from the EPA regulating coal ash, a byproduct of coal-fired electricity, and two from the Interior Department setting standards for Arctic oil and natural-gas drilling, and hydraulic fracturing on federal lands.

The EPA also is expected to decide in December to what extent it will regulate emissions of methane, a potent greenhouse gas that is inadvertently emitted during the production and transmission of natural gas. In January, the agency intends to issue a final rule controlling carbon emissions from new power plants, a precursor to the agency’s parallel standard cutting carbon from power plants already in operation, which the EPA plans to complete next summer.

Driven by various factors, including court-enforced deadlines and presidential directives, the initiatives will touch on a broad swath of the economy, especially the utility, oil and natural-gas industries. It also advances an ambitious environmental and climate-change agenda that President Barack Obama hopes to make a legacy of his time in the White House.

Republicans on Capitol Hill, who will control both chambers of Congress next year, have vowed to pass legislation to slow or stop altogether several EPA rules, including the ozone standard announced this week, which could prompt presidential vetoes.

“The Obama administration hasn’t even fully implemented—or seen the consequences of—existing rules, yet here we see another effort to slow job growth and send jobs overseas,” Senate Minority Leader Mitch McConnell (R., Ky.), said in a statement after the ozone announcement. “The new Congress will review the rule and take appropriate action.”

The EPA’s ozone proposal would limit ozone to between 65 and 70 parts per billion in the air and sought comment on a standard as strict as 60 parts per billion, in line with what an independent scientific advisory panel recommended earlier this year. The current level, established in 2008 by the George W. Bush administration, is 75 parts per billion, though some regions of the country still aren’t complying with the 1997 level set at 84 parts per billion. The agency said it will take comment on keeping the standard at the current level, something industry groups have encouraged.

The agency is relying on the 44-year-old Clean Air Act for the ozone rule and several other air-pollution standards, including the proposed climate rules and a mercury regulation the Supreme Court on Tuesday said it would review over its costs.

“This administration is relying very heavily on what Congress has already told us is our job,” EPA Administrator Gina McCarthy said.

The EPA estimates the cost to businesses and localities to meet the ozone standard would range from \$3 billion to \$15 billion in 2025 and the monetary value of the public-health benefits range between \$6.4 billion and \$19 billion in 2025.

These estimates are significantly less than what the EPA proposed in 2011, when it said costs could reach \$90 billion and public-health benefits could reach \$100 billion. Ms. McCarthy said an improvement in air quality brought by regulations the agency has pursued in recent years has brought down the estimated costs of this latest ozone proposal. The part of the Clean Air Act the EPA uses to issue ozone limits says the agency only can consider science, not cost, an approach supported unanimously by the Supreme Court in 2001.

“Because of recent federal pollution-control rules reducing ozone-causing pollutants—which I have consistently supported—our air is significantly cleaner and healthier,” Sen. Lamar Alexander (R., Tenn.) said. “It may be wiser to let these existing rules continue to make our air cleaner and then let’s see whether stricter ozone standards for communities, like the one proposed today, are really needed.”

The ozone standard, which the Clean Air Act mandates to be reviewed every five years, isn’t a direct regulation on business. States, however, must comply, which in turn would compel utilities, factories, refineries and other businesses and municipalities that emit smog-forming pollution, including nitrogen oxides and volatile organic compounds, to install new pollution equipment. The agency is expected to issue a final standard by October of next year, a timeline the EPA said on its website Wednesday it intends to meet. However, the administration hasn’t completed writing the plan for states to comply with the standard set early by the Bush administration.

3. Highway to the Danger Ozone

As Obama rewrites the law, Congress and the courts begin to push back.

Editorial, WSJ, Nov 27, 2014

http://online.wsj.com/articles/highway-to-the-danger-ozone-1417122149?mod=WSJ_hps_sections_opinion

The after party of President Obama's immigration rewrite is a year-end blowout of anticarbon regulation that is also contemptuous of the rule of law and democratic consent. The better development is that the two other branches of government aren't amused by the festivities and may impose some accountability for the damage.

The Wednesday before Thanksgiving, the Environmental Protection Agency released a 626-page proposal (plus a 575-page appendix) to regulate ozone. Like so many other such rules, this one twists decades-old air pollution laws to restructure the U.S. energy industry and gradually ban fossil-fuel-fired power. Coal is the first target but natural gas is next.

The ozone rule requires power plants, heavy manufacturers and agriculture operations to limit smog in ground-level ambient air. About a third of the country is out of compliance with the current standard of 75 parts-per-billion, and the EPA wants to take it to 65 ppb. The agency is also taking comments on a 60 ppb standard that would leave 95% of the country out of compliance.

This entirely discretionary rule could cost as much as \$17 billion a year in return for ever-more-minuscule gains in public health—by the agency's own calculation. Footnote: EPA estimates are always wrong by at least an order of magnitude.

This ozone ploy is especially notable because the EPA first attempted to impose it in 2011. Mr. Obama's former regulatory chaperone Cass Sunstein prevailed on his boss ahead of the election to yank the rule, in the name of jobs and business investment. With his re-election behind him, Mr. Obama has reverted to go-for-broke green politics.

If the White House climateers are making up for lost time, and then some, they are ignoring warnings from the Supreme Court to, well, obey the law. On Tuesday the Justices agreed to hear a challenge to a separate EPA rule, which nominally limits mercury emissions but is intended as another cartridge in the anticarbon chamber.

The case involves a technical question about costs and benefits and whether the EPA is required to conduct such analyses. The EPA says it needn't do so and selectively cites statutes in support. But the Court's decision to take the case is unusual because it nearly always defers to agencies to interpret laws, and the mercury rule was upheld 2-1 by the D.C. Circuit Court of Appeals in April.

The decision to hear the new case follows the High Court's warning last term in *Utility Air Regulatory Group v. EPA* that all the President's men aren't allowed to rewrite laws. "When an agency claims to discover in a long-extant statute an unheralded power to regulate a significant portion of the American economy, we typically greet its announcement with a measure of skepticism," the majority observed, adding that it is "patently unreasonable—not to say outrageous—for EPA to insist on seizing expansive power that it admits the statute is not designed to grant."

Message not received. If the Supremes conclude a second rebuke is necessary and strike down the mercury rule as illegal, the judiciary will be doing its job to vindicate the separation of powers when the executive branch trespasses.

Utility Air Regulatory Group vacated greenhouse gas measures that were meant to apply to new power plants, but the EPA is also putting the finishing touches on new limits on CO2 emissions

for existing plants. This “clean power plan” is the core of the anticarbon putsch and will be finalized in January.

Oklahoma Attorney General Scott Pruitt is leading opposition among 17 state AGs and readying another legal challenge if the EPA plows ahead as planned. The agency is using an obscure clause in the Clean Air Act of 1970 known as Section 111(d) to transform U.S. energy policy, though these vague several hundred words have only been applied five times in history to minor problems like particles from pulp mills or municipal landfill gas.

Mr. Pruitt et al. make a convincing case that the clean power plan usurps the traditional state authority to police pollution. Congress can federalize energy policy, but it must do so explicitly. The EPA certainly can’t conjure pre-emption and use Section 111(d) as a general license to supervise the Earth’s atmosphere and U.S. economy. In any case—again by the EPA’s own estimate—the plan would reduce atmospheric CO₂ by less than 1% and prevent a sea level rise of less than one-thousandth of an inch.

Incoming Republican Energy Committee chairs Lisa Murkowski in the Senate and Fred Upton in the House are leading the charge against such EPA overreach, and one tool that deserves a workout next year is the Congressional Review Act. This useful law lets Congress overrule federal regulations with a simple majority vote. Mr. Obama may veto such bills, but at least he’d have to defend rewriting laws in defiance of a bipartisan majority and voters who favor lower energy costs.

Part of the miracle of the Constitution’s checks and balances is that they’re durable enough to withstand even a President as willful as Mr. Obama. The counteroffensive is now underway.

4. Why Blocking Oil Pipelines Is Dangerous

By Robert Rapier, WSJ, Nov 25, 2014

<http://blogs.wsj.com/experts/2014/11/25/why-blocking-oil-pipelines-is-dangerous/>

Crude oil and natural gas are both already transported all over the U.S. in enormous volumes. There is a 2.5 million-mile pipeline network underneath our feet that moves oil and gas all over the country. That is more than 50 times the length of the U.S. Interstate Highway System. These pipelines cross through national parks, rivers, underneath cities and above the nation’s aquifers—and there are pipelines crossing the U.S. border to the north and south.

In addition to that, crude-oil volumes shipped by rail have increased rapidly in recent years. While protesters were trying to stop the 830,000 barrel-per-day (bpd) Keystone XL Pipeline that would connect the oil sands in Alberta and the Bakken oil fields in North Dakota to refineries on the U.S. Gulf Coast, railroads essentially built a Keystone XL on rail in about three years. Oil shipped from the Bakken formation in North Dakota grew from nearly zero to 700,000 bpd, with Warren Buffett’s BNSF railroad as the dominant player.

Further, there are oil tankers and barges that move oil from terminals in Alaska and on the Gulf Coast to refineries in California and on the East Coast.

It is a given that there is risk involved in moving flammable liquids around the country, just as there is risk in driving a car. If we use oil, there is going to be some level of risk in transporting it.

The question should then be, “What is the safest way to move crude oil throughout North America, how can we make it safer, and what level of risk is tolerable?”

Pipelines are historically the safest and least energy-intensive way to ship oil on land. The U.S. State Department reported earlier this year that if the oil destined to flow through the still-stalled Keystone XL pipeline switches to freight trains, this may result in an average of six additional rail-related deaths per year due to the higher risk from rail.

That doesn't mean that rail can't be made safer, nor does it imply that pipeline accidents are acceptable.

But the key to making them safer is understanding the risks, calculating the potential impacts, and mitigating these risks and impacts to the greatest possible extent. Naively blocking pipelines without reducing the oil demand is a sure way to make the situation more, not less risky.

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