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ENVIRONMENT & CLIMATE NEWS

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HOT TOPICS

U.S. Oil and Gas Boom

U.S. oil and gas production is increasing as new fracking startups have rebounded nearly to pre-pandemic levels. **Page 4**

Biden: Tax Fossil Fuels

President Joe Biden wants to increase the taxes paid by oil and gas operators in part by reducing common business deductions. Some of the revenue raised would further subsidize wind and solar energy. **Page 7**

Politicizing the SEC

The Biden administration is directing the Securities and Exchange Commission to enforce social justice and climate change goals. **Page 8**

Mining No Longer OK

The U.S. Department of Interior notified Oklahoma the state no longer has the authority to regulate and issue mining permits on Indian lands there. **Page 13**

Hoosier Hookups

A bill under consideration in Indiana would prohibit the state's cities, towns, and counties from banning new natural gas hookups for residents and businesses. **Page 16**



Biden Makes Expensive Commitments at Earth Day Climate Summit

By H. Sterling Burnett

President Joe Biden significantly increased the United States' commitment to reduce greenhouse gas emissions under the Paris climate agreement at a recent virtual climate summit. Biden opened his two-day Earth Day summit by committing the United States to cutting greenhouse gas emissions by 50 percent, to 52 percent below the 2005 levels, by 2030. This is almost double the 26 to 28 percent emissions reduction by 2025 promised by the Obama administration when the agreement was negotiated in 2015. Biden promised the U.S. electric power sector would produce "net-zero" emissions by 2050 and the nation would

CLIMATE SUMMIT, P. 12

President Joe Biden

PHOTO COURTESY GAGE SKIDMORE/FICKR.COM

Securities and Exchange Commission Pressures Companies on Climate Change Disclosures

By Bonner R. Cohen

The U.S. Securities and Exchange Commission (SEC) under President Joe Biden created a task force to enforce social justice and climate change goals prioritized by the administration.

The initial focus of the 22-member Climate and ESG (Environmental,

Social, and Governance) Task Force will be to "identify any material gaps or misstatements" by investment funds and publicly traded companies, analyze the "disclosure of climate risks under existing rules," and "develop initiatives to proactively identify ESG-related

SEC, P. 8

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Idaho Bill to Increase Electric Vehicle Fees Stopped in Committee

By Kenneth Artz

An Idaho House of Representatives committee bill to more than double the electric vehicle registration fee failed to get out of committee after electric company Idaho Power raised concerns about the bill.

If the bill had passed, vehicle registration fees for electric vehicles would have increased from \$140 to \$300 per year. Electric vehicle owners could have opted to pay a 2.5 cents per mile tax instead and would have been required to report their annual mileage to the Idaho Transportation Department.

Proponents of the bill say the fee is necessary so electric vehicle users will pay their fair share of taxes for road upkeep, which overwhelmingly comes through federal and state gas taxes. Opponents argue the \$300 registration is too high and would discourage electric vehicle use.

Power Company Opposed

Idaho Power has a bigger stake in the issue than the average electric vehicle owner.

The company's fleet includes numerous electric passenger cars, hybrid-electric trucks, and electric utility vehicles.

Idaho Power has set the ambitious goal for its fleet of vehicles to be 75 percent electric for passenger cars and forklifts and 35 percent electric for "other" vehicles, including SUVs, by 2030. The company also plans to purchase only electric vehicles by 2030.

Approves Idea, Not Numbers

Electric vehicles should pay their fair share of road maintenance, but the fees in this bill seem high, says Baruch Feigenbaum, senior managing director of transportation policy at Reason Foundation.

"Generally, I like the idea of electric vehicles paying for their use of the roads, because all the rest of us are paying the federal gas tax and they're not paying anything, but I will say \$300 seems high to me for what they should pay," Feigenbaum said. "I would say \$200 is a little bit more in line."

Feigenbaum says he prefers the bill's alternative of a mileage-based user fee



"What Idaho is trying to do is find the balance so that if a driver is not going to pay the fuel tax for the utilization and upkeep for the roads and public safety, they'll have another avenue so everyone pays for using roads."

BETTE GRANDE
COFOUNDER AND CEO
ROUGH RIDER POLICY CENTER

to a flat annual registration fee, but the proposed number is too high.

"Again, I would say 2.5 cents per mile sounds a little high to me," Feigenbaum said. "Generally, the equivalent for a gas tax would be 1.5 to 2 cents per mile."

"How we envision a mileage-based user fee is as a replacement for, not a supplement to, a gas-based tax—not a way to get additional revenue," Feigenbaum said. "A lot of these sorts of bills are a way to increase the revenue."

Concerns about privacy are a definite concern with a mileage-based tax, Feigenbaum says.

"Right now, there are nine states and two coalitions out there testing their own pilot programs for mileage-based user fees, and each one is looking at the privacy issue," Feigenbaum said. "Most of the mileage-based user fee pilot programs have alternatives to the location tracking technology, whether it's a flat odometer reading or some system that anonymizes where and when someone is driving."

Calls for Balance

Higher registration fees for electric vehicles are justified because their owners pay little to nothing toward the upkeep of the roads and bridges they use, says former North Dakota state legislator Bette Grande, cofounder and CEO of the Roughrider Policy Center.

"Without higher registration fees, electric vehicles are being shown favoritism," Grande said.

Finding the right fee is critical because it isn't fair for some drivers not to pay for the roads they use, Grande says.

"What Idaho is trying to do is find the balance so that if a driver is not going to pay the fuel tax for the utilization and upkeep for the roads and public safety, they'll have another avenue so everyone pays for using roads," Grande said.

"Everybody should pay for their use of the road," Grande said. "Some states do it almost entirely through their registration, and they keep their gas tax low because the federal gas tax is so high."

Reducing emissions is a separate issue, Grande says.

"The most important thing is that every state makes sure every vehicle on their roads helps pay for the upkeep and public safety, because every vehicle is responsible for road wear and tear and policing," Grande said. "Emission levels have nothing to do with the upkeep and public safety of the roads."

Kenneth Artz (kennethcharlesartz@gmx.com) writes from Dallas, Texas.

U.S. Fracking Activity Soars to 12-Month High, Says Report

By Kevin Stone

The U.S. hydraulic fracturing (“fracking”) industry has almost rebounded to pre-pandemic levels of activity, says a March 2021 Rystad Energy report.

New well completions in the Permian Basin in western Texas and a small portion of New Mexico exceeded maintenance levels in the first quarter of 2021, signaling an increase in production for the second quarter. Rystad Energy estimated in September 2020 that U.S. fracking services would not return to pre-pandemic levels until 2025. The new report shows 967 new fracking operations in North America for March 2021.

Rystad Energy estimates almost all major basins are positioned to operate at or above maintenance level production in the second quarter. The Permian Basin, which was hit hard by an unexpected freeze in Texas in February, is anticipated to have a continuation of production growth. In March, 429 new fracking operations began operating in

the Permian Basin, exceeding the 260 started in February.

Biden Shifts Policy

Higher prices caused by the Biden administration’s reversal of Trump-era energy policies are responsible for the increase in production, says Dan Kish, a senior fellow with the Institute for Energy Research.

“Activities of all kinds will increase in the Permian as prices increase from a combination of increased demand and the Biden administration’s attempts to strangle domestic production and transportation of oil and gas throughout the United States,” Kish said. “President Biden’s decision to revoke the permit for the Keystone XL pipeline sent a message to markets that the United States is turning its back on the energy independence the nation finally achieved in 2019, which contributed to rising prices.

“In addition, the effects of the Wuhan virus on the economy are slowly receding, as Operation Warp Speed vaccines are delivered to Americans, and there

is pent-up demand in the economy to travel,” Kish said.

Gas Flaring Declines

Gas flaring in the Bakken, Denver-Julesburg, Eagle Ford, Permian, and Powder River oil and gas producing basins continued to decline in January. Flaring in the Bakken shale basin dropped 5.7 percent, and Permian flaring declined 1 percent despite the increase in activity.

The Rystad Energy report indicates that the final February numbers will show a flaring spike in February in response to the winter weather crisis. Preliminary reports indicate flaring levels dropped in March to levels similar to those of January, resulting in a net quarterly reduction.

Flaring reductions are tied to gas transportation from the increased number of pipelines approved and completed under former President Donald Trump, Kish says. President Joe Biden is sympathetic to anti-energy groups that oppose building new and maintaining

existing pipelines.

“Natural gas flaring reductions will continue as more pipelines are built in the Permian to transport natural gas to markets,” Kish said. “Pipelines, like the Keystone XL pipeline, are preferable to other forms of transport from both an economic and environmental perspective. Yet anti-energy groups oppose pipelines even though they actually alleviate environmental problems and increase safety for the public and the environment.”

Kevin Stone (kevin.s.stone@gmail.com) writes from Dallas, Texas.

INTERNET INFO

“North American Fracking Activity Soars to Near Pre-Pandemic Levels,” Rystad Energy, April 10, 2021: <https://oilprice.com/Energy/Energy-General/North-American-Fracking-Activity-Soars-To-Near-Pre-Pandemic-Levels.html>

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Biden Administration Suspends Minnesota Copper Mine's Water Permit

By Duggan Flanakin

The U.S. Army Corps of Engineers has suspended its 2019 discharge permit for PolyMet's planned NorthMet copper-nickel mine in northern Minnesota, citing the 1972 Clean Water Act (CWA).

The Army Corps decision came in response to a February ruling by U.S. District Judge Patrick J. Schiltz that the U.S. Environmental Protection Agency (EPA) had wrongfully failed to determine formally whether the project "may affect" downstream waters that lie within lands belonging to the Fond du Lac Band of Lake Superior Chippewa.

Fond du Lac is one of 73 tribal entities with EPA-approved water quality standards, affording them downstream legal status in CWA permit decisions.

Schiltz ruled EPA had erred in its decision not to give the Band proper notice the anticipated wastewater discharge "may affect" the Band's waters. The permit suspension allows for a 90-day review of the mine's potential effects on tribal waterways.

Big Benefits Were Expected

The final wetlands permit issued by the Army Corps' St. Paul District Office in spring 2019 authorized PolyMet Mining Corp. to discharge dredge and fill material into 901 acres as part of the construction and operation of the NorthMet mine.

It is estimated that if NorthMet mine becomes fully operational, it will produce about 225 million tons of ore containing a billion pounds of copper and smaller amounts of nickel and cobalt.

Polymet estimated the project, the first copper mine in the historic iron mining district, would produce more than 1,000 construction jobs, approximately 360 full-time mining jobs, and 600 ancillary jobs. Polymet estimated the mine would produce approximately \$500 million each year in economic benefits for the region over the mine's 20-year permit life.

Mercury Worry

Mine opponents sued to overturn the permit, arguing toxic mercury could flow from the 19,000-acre, open-pit mining project into the reservation at



President Joe Biden

levels that violate Fond du Lac's water quality standards. In 2019, Fond du Lac asked EPA Region 5 Administrator Cathy Stepp to study whether the mine's discharges might affect tribal waters. The EPA declined to undertake a formal determination, saying it had discretion over whether to do so.

Schiltz ruled the EPA lacked such discretion. The agency is required under language of the CWA to make a "may affect" decision, Schiltz stated in his ruling.

"The Band would seem to have a plausible (perhaps even a slam-dunk) claim that EPA did not act 'in accordance with law,'" Schiltz ruled.

Contradicts Biden's Claimed Goals

The mine would produce huge benefits for American industries and the public, says Frank Ongaro, executive director of Mining Minnesota.

"The NorthMet deposit is part of the Duluth Complex, one of the largest undeveloped copper, nickel, and precious metals deposits in the world, holding 95 percent of known domestic nickel resources, 88 percent of our cobalt, and 34 percent of our copper," Ongaro said. "The Biden administration wants to have a domestic supply chain and move toward electric vehicles (EV), but you

cannot do this without more mining.

"The Duluth Complex contains enough metals to supply over 300 million EVs based on copper, over 200 million based on nickel, and over 40 million EVs based on cobalt, but it has to be mined," Ongaro said.

'No Water Quality Effects'

Schiltz's decision was purely procedural, and science supports PolyMet's mining plan, says Bruce Richardson, vice president of corporate communications and external affairs for PolyMet.

"The science was clear from the environmental review and permitting process that we will have no water quality effects downstream of the project," Richardson said. "That was the Minnesota Pollution Control Agency's (MPCA) conclusion, and EPA's separate conclusion was the project would have no water quality effects in a downstream state.

"Keep in mind that the [Fond du Lac] Reservation is located more than 110 river miles downstream of the project and MPCA found none of the communities between our project and the reservation would suffer any water quality effects as a result of our operations," Richardson said. "In fact, because we are cleaning up a legacy iron ore pro-



"The Biden EPA will take its time in reaching its decision, but I believe

it will ultimately rule against the mine, which will be bad news for blue-collar workers in Minnesota's Iron Triangle and thus bad news for Minnesota's economy."

BONNER COHEN
SENIOR FELLOW
NATIONAL CENTER FOR PUBLIC POLICY
RESEARCH

cessing site, there will actually be a net reduction in mercury loading to the St. Louis River as a result of our operations."

'A Dangerous Geopolitical Game'

With the Biden administration moving to reverse all the Trump administration's accomplishments, regardless of their benefits, it is unclear whether the PolyMet mine will ever open, says Bonner Cohen, a senior fellow at the National Center for Public Policy Research.

"The decision by Biden regulators to suspend PolyMet's Section 404 wetlands permit comes as no surprise," Cohen said. "The Biden EPA will take its time in reaching its decision, but I believe it will ultimately rule against the mine, which will be bad news for blue-collar workers in Minnesota's Iron Triangle and thus bad news for Minnesota's economy.

"There is the distinct possibility, if not probability, that the precedent set by the Fond du Lac Clean Water Act argument will be replicated elsewhere to snuff out other mining operations, which would be bad news for the nation," Cohen said. "The high-tech economy the Biden administration says it is pursuing cannot function without precious metals, which the U.S. has in abundance. Being dependent on foreign sources for copper, nickel, and other valuable metals is a dangerous geopolitical game to be playing."

Duggan Flanakin (dflanakin@gmail.com) writes from Austin, Texas.

Texas Considers Requiring Wind and Solar to Pay for Reliability

By Duggan Flanakin

A bill under consideration in the Texas Legislature would require Texas wind and solar companies to pay the costs for backup or supplemental power needed when they cannot deliver electricity reliably to the grid.

Currently, those costs are imposed on ratepayers.

Senate Bill 1278 (S.B. 1278), sponsored by state Sen. Kelly Hancock (R-Fort Worth), would require the Electric Reliability Council of Texas (ERCOT), which oversees 90 percent of the state's power market, "to purchase ancillary services and replacement power sufficient to manage net load variability."

"[ERCOT] shall ensure that ancillary services necessary to facilitate the transmission of electric energy are available at reasonable prices ... [and] ancillary services costs incurred by the ERCOT ... to address reliability issues arising from the operation of intermittent wind and solar resources must be directly assigned by the ERCOT ... to those resources," the bill states.

The bill defines ancillary services as "services necessary to facilitate the transmission of electric energy including load following, standby power, backup power, reactive power, and any other services as the Commission may determine by rule."

The Texas state Senate passed the legislation by a wide margin.

Reliable Power Shortfall

During the discussion of Hancock's bill, Texas lawmakers said the state's renewable energy mandates and massive government support for wind and solar power, including federal and state subsidies, have created challenges for the electric power grid.

Lacking federal or state support, traditional power plants usually have to

"The Legislature should unapologetically support bills to require reliable generation and place the cost on the generators who fail to supply it, not on the people of Texas."

JASON ISAAC, DIRECTOR, LIFE: POWERED

operate full-time in order to be profitable. The prices paid for the electricity generated to regulate and supplement the intermittent flow of electricity from wind and solar facilities are not enough to keep many fossil fuel power plants in business.

A deep freeze in February caused multi-day blackouts across much of the state when most wind and solar power went offline. Fossil fuel facilities couldn't take up all the slack, in part because several coal-fueled power plants in the state had recently closed and in part because ERCOT diverted power from gas pipelines and switching stations to homes. This resulted in pipes freezing and natural gas facilities being out of fuel and unable to operate.

Preventing similar power shortfalls spurred Hancock to offer S.B. 1278.

'Cost Is Socialized'

Adding wind and solar to the ERCOT grid has created big problems, says Bill Peacock, policy director of the Energy Alliance.

"Variability is the bane of grid operators," Peacock said. "The problem is wind power often floods the market when it is not needed and often doesn't show up when it is needed.

"The first lowers prices and profits, while the second increases prices, but these costs are socialized across providers and ratepayers, rather than paid for by renewables," Peacock said. "If wind and solar providers are going to flood the market when the weather is ideal,

they should also pay for the added costs when they don't show up."

Blames Central Planners

The blame for Texas' energy crisis rests squarely on ERCOT's support of intermittent power sources, says Robert Bradley Jr., Ph.D., CEO of the Institute for Energy Research.

"The once-strong Texas grid has been severely weakened by adding unreliable, intermittent renewables to the system and by discouraging, early retiring, and not adding reliable natural gas and coal to the grid," Bradley said. "ERCOT's centrally planned pricing system is based on the lowest marginal cost bid.

"This set up the failure of all failures since wind and solar can bid the lowest, often even negative bids, because they have no fuel costs and get a lucrative federal tax credit with each unit of production, needed or not," Bradley said.

Socialized Power Lines

Another unfair advantage Texas provided to wind producers is the billions of dollars consumers, ratepayers, and taxpayers were forced to spend to build electric transmission lines to deliver power from remote "resource-rich, high wind areas" in far west Texas to urban areas hundreds of miles away, says Jason Isaac, a former state representative and director of Life: Powered, a project of the Texas Public Policy Foundation (TPPF).

"The Texas Panhandle was designat-

ed as a 'Competitive Renewable Energy Zone (CREZ)' by the Texas Public Utility Commission (PUC) in 2008," Isaac said. "The PUC then called for erecting a network of transmission lines at taxpayer expense spanning over 2,300 miles to bring wind power from remote areas to Texas population centers."

These transmission lines for wind would not have been built if the state had not socialized the costs, Peacock says.

"No one would have ever built transmission lines to West Texas for wind and solar plants if the Texas Legislature had not mandated it," Peacock said. "The costs are too high and the loss of energy along the way makes the lines very inefficient.

"To date, CREZ has cost about \$8.6 billion, every penny of which has been paid by Texas consumers," Peacock said. "By 2029, those costs could top \$13.3 billion."

'Require Reliable Generation'

February's blackouts and April's electricity conservation alerts are a wake-up call for policymakers to prioritize grid reliability, Isaac says.

"The Legislature should unapologetically support bills to require reliable generation and place the cost on the generators who fail to supply it, not on the people of Texas," Isaac said. "In a recent TPPF poll, 70 percent of Texans surveyed agreed wind and solar should be required to provide a consistent amount of electricity to keep the grid reliable.

"Moreover, those polled said the cost, both financial and in lost productivity, of unreliable electricity should be borne by the generators that cause it, not by Texans as a whole," Isaac said.

Duggan Flanakin (dflanakin@gmail.com) writes from Austin, Texas.



Biden Administration's Tax Plan Targets Fossil Fuel Producers for Tax Increases

By Kenneth Artz

President Joe Biden proposes ending common business tax credits for fossil fuel companies, which the Biden administration refers to as subsidies.

The Biden administration's tax plan would increase the corporate income tax rate from 21 percent to 28 percent to help pay for the administration's \$2.3 trillion infrastructure package. The tax proposal would also provide additional extended federal support for select renewable energy technologies.

Oil fees, gas fees, and leases from resource production on federal lands and offshore are the second largest source of revenue for the federal government, behind income taxes. The Treasury Department estimates ending the targeted tax credits for fossil fuel companies would result in \$35 billion in additional revenue for the federal government over the coming decade.

Scapegoating Fossil Fuels

The Biden administration's "Made in America" tax plan is dishonest and will undermine America's long-term energy independence, says James Taylor, president of The Heartland Institute, which publishes *Environment & Climate News*.

"Conventional energy receives virtually no subsidies," Taylor said. "According to the U.S. Energy Information Administration, wind power by itself receives more subsidies than all conventional energy sources combined."

"Solar power also receives more subsidies than all conventional energy sources combined," Taylor said. "The only way Joe Biden can claim to fund his massive spending proposals via eliminating 'fossil fuel subsidies' is to turn the definition of subsidies on its head."

Biden's tax plan uniquely eliminates corporate tax deductions for fossil fuel companies, Taylor says.

"Allowing American conventional energy companies to utilize the same accounting methods available to every other industry in the country is not a subsidy," Taylor said. "Imposing punitive accounting methods on conventional energy producers, and conventional energy producers alone, is deliberately targeting domestic conventional energy producers for nefarious and unfair



treatment, at the expense of America's energy security."

Expect More Blackouts

Having failed spectacularly in California and Texas recently, renewables don't deserve any subsidies, says Robert L. Bradley Jr., the CEO and founder of the Institute for Energy Research.

"Any actual subsidies for oil and gas producers are very small, and the Biden administration is proposing to eliminate what little is left as a knife wound to fossil fuels," Bradley said. "Wind power's 13-time-extended Production Tax Credit, as well as the Investment Tax Credit for solar, is favoritism on stilts with an aim to drive out fossil fuels in electricity generation."

"The California and Texas blackouts show what such a policy will do, and adding more 'unreliables,' wind and solar power, at the expense of 'reliables,' meaning coal, natural gas, and nuclear, in power generation will increase blackouts in the future," Bradley said.

All special subsidies for energy production should cease, Bradley says.

"Large scale wind and solar were forced onto the electric grid artificially through government support and mandates, and have caused more problems than even free-market advocates anticipated," Bradley said. "No new renewable capacity should be added, and a natural retirement and disassembly

of wind turbines and solar arrays that can't compete on a level playing field with traditional sources of electricity should commence."

Assault on Reliability

If the energy provisions of Biden's tax plan become law, consumers will pay more for less-reliable energy, says Gary Stone, vice president of engineering at Five States Energy, LLC.

"The recent 'deep freeze' in Texas and much of the central United States once again demonstrated the unreliability of so-called 'green' energy technologies, specifically wind and solar," Stone said. "With frozen turbines and no sunlight, no method of practical electrical storage, and a marked reduction in the ability of fossil fuels to respond to the loads after the closing of many coal-fired plants, the electrical grid for all practical purposes collapsed. Or so it seemed to the folks sitting in their cold, dark houses with their pipes freezing up."

Less Supply, More Demand

Biden's policy would compound the problem by raising taxes and eliminating tax advantages for traditional energy sources, including the Intangible Drilling Cost (IDC) tax law that allows producers to deduct most costs of drilling new gas and oil wells, Stone says.

"The IDC has been long established as

"The recent 'deep freeze' in Texas and much of the central United States once again demonstrated the unreliability of so-called 'green' energy technologies, specifically, wind and solar. With frozen turbines and no sunlight, no method of practical electrical storage, and a marked reduction in the ability of fossil fuels to respond to the loads after the closing of many coal-fired plants, the electrical grid for all practical purposes collapsed. Or so it seemed to the folks sitting in their cold, dark houses with their pipes freezing up."

GARY STONE
VICE PRESIDENT OF ENGINEERING
FIVE STATES ENERGY, LLC

a method to encourage producers to take the risk of drilling," Stone said. "Elimination of the IDC will slow drilling and subsequent production."

"Fewer high-risk wells—the ones that typically find new areas of production—will be drilled, and producers will focus only on the 'sure things,' and fewer of those," Stone said. "Production from existing wells will decline, and there will be less new production to take up the slack, resulting in less supply even as demand increases as economic growth picks up, resulting in higher prices at the pump. Eventually, the United States may have to increase imports to meet demand."

Stone says we should ask our political leaders one very important question before we embrace the "golden idol of electric cars": "If the power grids across the nation cannot keep up with demand now, what will it be like when we double or triple the number of electric vehicles on the road?"

Kenneth Artz (kennethcharlesartz@gmx.com) writes from Dallas, Texas.

Securities and Exchange Commission Pressures Companies on Climate Change Disclosures

Continued from page 1

misconduct,” the SEC press release announcing the creation of the task force states.

ESG means companies are rated not just on traditional metrics such as revenues and the quality of goods and services they offer but also on “social justice” goals such as carbon footprint, air quality of the supply chain, ratios of various employee demographics, and many other such factors.

“Climate risks and sustainability are critical issues for the investing public and our capital markets,” acting SEC Chair Allison Herren Lee said in the press release. “Now more than ever, investors are considering climate-related issues when making their investment decisions.

“It is our responsibility to ensure that they have access to material information when planning their financial

“The Biden administration’s SEC plan is an attempt to shame any company that isn’t sufficiently woke and to give the mainstream media and activist investors new targets for protest and censure,” Danhof said. “All of this will weaken American businesses and make the United States less competitive in the global marketplace for capital.”

JUSTIN DANHOF, DIRECTOR, FREE ENTERPRISE PROJECT

future,” Lee said.

To encourage industrywide compliance, the task force will evaluate and pursue tips, referrals, and whistleblower complaints on ESG-related issues.

Expanding Scrutiny

The SEC task force will examine whether firms accurately describe their ESG investing approaches, exercise due dili-

gence in managing their ESG investments, and adopt business practices consistent with their stated ESG investment commitments.

Previous examinations by SEC staff have revealed “some instances of potentially misleading statements regarding ESG processes and representations regarding the adherence to global ESG frameworks.”

In particular, the commission has found instances in which portfolio management ESG practices were inconsistent with their stated investment approaches or failed to maintain, monitor, and update ESG investments according to their established restrictions and agreements, according to an April 9 SEC Risk Alert.

The SEC also found portfolio managers sometimes exercised proxy voting in ways inconsistent with the stated ESG approaches and made “unsubstantiated or otherwise potentially misleading claims regarding ESG approaches.”

Politicizing Investment

Biden is politicizing investment, putting his administration’s political goals ahead of justifiable traditional standards of responsibility to investors, says Justin Danhof, director of the National Center for Public Policy Research’s Free Enterprise Project.

“The SEC has long required companies to disclose information that is actually material to investors,” Danhof said. “The materiality standard is central to corporate disclosures and the operation of our capital markets.

“Forcing ESG disclosures into the materiality standard will add unnecessary costs on American businesses while simultaneously increasing the

politicization of corporate America,” Danhof said. “ESG is just code for liberal policies that are fodder for liberal activist investors.”

This plan is about the Biden administration pressuring companies to submit to its climate and social justice goals, Danhof says.

“The Biden administration’s SEC plan is an attempt to shame any company that isn’t sufficiently woke and to give the mainstream media and activist investors new targets for protest and censure,” Danhof said. “All of this will weaken American businesses and make the United States less competitive in the global marketplace for capital.”

Justifying Intervention

In the wake of the creation of the Climate and ESG Task Force, the SEC issued the April 9 Risk Alert, highlighting recent observations from examinations of investment advisors, registered investment companies, and private funds offering ESG products and services. The fact that investment advisors and funds have expanded their ESG investing and increased the number of product offerings across multiple asset classes justifies intervention by the SEC, the alert states.

“This rapid growth in demand, increasing number of ESG products and services, and lack of standardized and precise ESG definitions present certain risks,” the Risk Alert says. “For instance, the variability and imprecision of industry ESG definitions and terms can create confusion among investors if investment advisers and funds have not clearly and consistently articulated how they define ESG and how they use ESG-related terms, especially when offering products and services to retail investors.

“Actual portfolio management practices of investment advisers and funds should be consistent with their disclosed ESG investment processes or investment goals,” the SEC states in the alert.

Bonner R. Cohen, Ph. D. (bcohen@nationalcenter.org) is a senior fellow at the National Center for Public Policy Research and a senior policy analyst with the Committee for a Constructive Tomorrow.

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U.S. Liquefied Natural Gas Exports Surge

By **Bonner R. Cohen**

The United States is experiencing a surge in exports of liquefied natural gas (LNG) to northeast Asia, specifically China, Japan, and South Korea.

The growing appetite for American LNG coincides with the region's recovery from the COVID-19 pandemic and surging demand for heating fuel driven by an unusually cold winter with heavy snow.

Shipments of U.S. LNG to the three countries reached 3.2 million tons in February, almost two and a half times the highest monthly levels before the recent surge.

Natural-gas flows to U.S. export terminals set a daily record of 11.8 billion cubic feet on April 6, topping the previous high of 10.8 billion cubic feet set in March.

American LNG exports to Japan have pulled even with those coming from Qatar, a long-time key LNG supplier to the country. This has occurred even though U.S. LNG is approximately 40 percent more expensive than Qatar's.

Elsewhere in Asia, China's imports of LNG rose by 30 percent in March. LNG deliveries to Pakistan and Bangladesh surged as well. With the onset of spring's warmer weather, demand for gas to heat homes and businesses is expected to decline somewhat, but analysts expect purchases of U.S. LNG to remain robust.

Even though European economies are still grappling with the pandemic, Europe is beginning to replenish its drained inventories of American LNG. Together, exports of U.S. LNG to Europe and Asia were up 5.8 percent in March compared to a year ago.

Uncertain Future Under Biden

It is difficult to estimate how long the U.S. LNG export boom can last, given the Biden administration's hostility to fossil fuels, says Jay Lehr, a senior policy analyst for the International Climate Science Coalition.

A week after taking office, Biden paused all oil and gas leasing on federal

land, Lehr notes.

"The Biden administration's efforts to curtail the use of oil, natural gas, and coal in America and replace them with wind and solar power hide their real intent," Lehr said. "They know full well the nation cannot operate on wind and solar, but the further they can go in their plan, the more destructive it will be to the economy, suffering from a shortage of energy."

"Then they plan to step in and ration energy, which is their ultimate goal," Lehr said. "If the government has total control over energy, it has total control over the population."

Other countries will benefit at the expense of the United States under Biden's energy plans, says Craig Rucker, president of the Committee for a Constructive Tomorrow, co-publisher of *Environment & Climate News*.

"As welcome as the U.S. boost in LNG exports is, it could be short-lived if the Biden administration curtails natural gas production in the United States,"

"As welcome as the U.S. boost in LNG exports is, it could be short-lived if the Biden administration curtails natural gas production in the United States."

CRAIG RUCKER
PRESIDENT, COMMITTEE FOR A
CONSTRUCTIVE TOMORROW

Rucker said. "What then? The world will still need LNG, and countries like Japan will get it somewhere else."

"Qatar will be happy to fill the void," Rucker said. "Biden will simply enrich other producers, and energy-rich America will be the big loser."

Bonner R. Cohen, Ph.D. (bcohen@nationalcenter.org) is a senior fellow at the National Center for Public Policy Research and a senior policy analyst with the Committee for a Constructive Tomorrow.

Podcast Covering Climate & Environmental Policy.

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**Hosted by
H. Sterling Burnett, Ph.D.**

Burnett is a Heartland senior fellow on environmental policy and the managing editor of *Environment & Climate News*, Heartland's monthly newspaper covering environmental policy.

Occidental Petroleum Breaks with Rivals, Rejects Carbon Taxes

By **Kenneth Artz**

Vicki Hollub, chief executive officer of Occidental Petroleum, says she opposes a carbon tax, an idea that has gained support from rival oil companies and some trade groups.

“A carbon tax would be bad for a lot of the industry; a carbon tax would be bad for the consumers and especially for those consumers who are more disadvantaged from an economic standpoint,” Hollub told a virtual summit of the Texas Independent Producers and Royalty Owners Association.

Chevron, ExxonMobil, other major oil and gas companies, and the American Petroleum Institute long opposed carbon taxes. With President Joe Biden promising to fight climate change, these companies now embrace “carbon pricing.”

Energy Rationing

Big oil companies’ support for a carbon tax is a calculated move to reduce competition, says Jay Lehr, Ph.D., a senior

“A carbon tax would be bad for a lot of the industry; a carbon tax would be bad for the consumers and especially for those consumers who are more disadvantaged from an economic standpoint.”

VICKI HOLLUB
CHIEF EXECUTIVE OFFICER, OCCIDENTAL PETROLEUM

policy analyst with the International Climate Science Coalition.

“It is no surprise major oil companies support a carbon tax, because they know full well such a tax will drive their smaller competitors out of business and leave them barely damaged,” Lehr said. “Big corporations always support government, knowing they can live with the baggage government loads upon them.

“This new administration is determined to make fraudulent climate change their biggest issue, allowing them to grow government and their power,” Lehr said. “Ultimately, by

increasing wind and solar energy and reducing fossil fuels, total energy will be insufficient to run the economy, requiring government to ration energy. There is no better way to control the population, which is the Biden administration’s primary goal.”

ESG Factor

Large oil and gas companies have several other reasons they support a carbon tax, in addition to creating barriers that put competitors out of business, says Betty Grande, CEO of the Roughrider Policy Center.

Compliance with expensive progres-

sive-left environmental, social, and corporate governance (ESG) goals gives these companies access to capital from the five major banks and insurance companies, which other companies cannot afford to do, explains Grande.

“They get to stay in the clear,” avoiding protests and calls for boycotts by leftist activists, Grande said. “They get the infrastructure dollars. They get all this because they play the game of the Ponzi scheme that’s called a carbon tax.

“The smaller guy can’t afford this type of expense, so his ESG scores go down and he doesn’t get any capital out of the five majors, because they are doing ESG rankings,” Grande said. “A carbon tax affects companies unevenly. It is and has always been the big boys vs. the little boys. They want to shut down their smaller competitors, just as in all the other business aspects of the world.”

Kenneth Artz (kennethcharlesartz@gmx.com) writes from Dallas, Texas.



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Hawai'ians Turn Against Offshore Wind

By Duggan Flanakin

Three offshore wind projects that have been dormant since 2015 are being revived after President Joe Biden called for the nation to produce 30 gigawatts of offshore wind energy by 2030.

Hawai'ians are proving less than enthusiastic. Despite a state mandate requiring that all of Hawai'i's electricity come from renewables by 2045, many Hawai'ian environmental activists are fighting proposed onshore and offshore industrial wind projects.

Big Wind Proposals

In 2015, Danish wind giant Alpha Wind Energy, through its subsidiary AW Hawaii Wind, filed applications for two 400-megawatt (MW) offshore wind energy projects: a 12,000-acre project off Oahu's South Shore in depths up to 700 meters and an 11,400-acre North Shore project 12 miles northwest of Kaena Point in depths of up to 1,000 meters.

Also in 2015, Progression Hawaii Offshore Wind, Inc. applied for a commercial wind lease for a third 400-MW, multi-turbine offshore wind farm to be located off Oahu's South Shore. The three proposed projects would comprise nearly 150 giant turbines that proponents say could supply up to 40 percent of Hawai'i's energy needs.

All three applications stalled. However, they were given new life with the election of Biden. Supporters see offshore wind as critical to the state's ability to meet its legal mandate to reach 100 percent renewable energy by 2045. To that end, the state has banned issuing or renewing power purchase agreements for coal-generated electricity when agreements expire after December 31, 2022.

Biden's Wind Windfall

On March 29, Biden provided specif-

ics for his January executive order supporting offshore wind development, including \$230 million for port and intermodal infrastructure-related projects. Such projects could support shoreside wind energy projects, including storage areas, laydown areas, and docking of wind energy vessels to load and move items to offshore wind facilities.

Biden also announced the release of a new fact sheet by the U.S. Department of Energy's Loan Programs Office to facilitate access for the offshore wind industry to \$3 billion in funding through the Title XVII Innovative Energy Loan Guarantee Program.

These actions are directed at helping offshore wind developers overcome the wind industry's ranking (by the U.S. Energy Information Agency) as the world's most expensive form of energy production after battery storage. Before federal subsidies, offshore wind is currently more than three times costlier than a new combined-cycle natural gas plant.

Hawai'ians Against Wind

In 2015, Hawai'i was the first state to commit to 100 percent renewable energy, but there are growing signs of buyer's remorse. Even onshore wind projects have faced spirited protests and multiple arrests, in part because developers placed 170-meter-tall turbines far closer to public areas than is recommended by the World Health Organization.

The Conservation Council for Hawaii, an affiliate of the National Wildlife Federation, is firmly opposed to offshore wind industrial facilities, says Moana Bjur, executive director of the organization. Bjur says most Hawai'ians are opposed as well.

Bjur says the turbines would disturb

marine life, scour the ocean floor, and endanger cultural landscapes such as Kaena Point, where native Hawai'ians believe souls leap into the sea after death to be reunited with their ancestors.

"Hawai'ians are concerned about putting up enormous seascape-changing towers in areas where humpback whales give birth and feed, and where seabirds have only recently begun to rebound from prior environmental damage," Bjur said. "Giant windmills would slaughter the moli or Laysan albatross, shearwaters, wedgetails, and other avian species.

"Many Hawai'ians have expressed extreme environmental concerns about offshore and onshore wind, as well as concerns about the land area required for solar arrays, and other concerns about geothermal energy," Bjur said.

Some Hawai'ians are even considering delaying the ban on coal until 2030, Bjur says.

"People are asking if this [commitment to 100 percent renewables by 2045] can even be done," Bjur said. "The true reality is starting to hit, and people are rethinking, asking anew, 'How can we pull this off? Can we? Should we?'"

Calling for Local Control

There may be a possibility "big wind" will simply replace "big oil" and squelch local efforts at community-based renewable energy (CBRE), which is supported by state law, says Travis Idol, president of Hawai'i Interfaith Power and Light.

"The point of CBREs is to empower developers, customers, and communities to design and implement projects that meet local needs and preferences," Idol said. "Photovoltaic-covered church parking lots, electric vehicle charging stations, ... lots of small-scale, enabling projects that communities can devel-



"Many Hawai'ians have expressed extreme environmental concerns about offshore and onshore wind, as well as concerns about the land area required for solar arrays, and other concerns about geothermal energy."

MOANA BJUR
EXECUTIVE DIRECTOR
CONSERVATION COUNCIL FOR
HAWAII

op and be proud of.

"That's what can drive the renewable energy revolution in Hawai'i," Idol said.

'Should Be a Nonstarter'

Big wind, big geothermal, and big solar should all be precluded as undermining local solutions and as threats to the environment, Idol says.

"I think they are wrong to even consider offshore wind projects, which are a bit like figuring out whether and how Hawai'i could power itself entirely by tapping the geothermal potential on Hawai'i Island," Idol said. "Theoretically, it could, but it should be a non-starter of an idea."

Hawai'ians want more than a supposedly objective process; they want local control, Idol says.

"The 'out of the way, so it's okay' assumption of offshore wind is disrespectful of the natural environment and the people of Hawaii who care about and have a deep connection to these environments and places," Idol said.

"It's not sufficient to have an 'objective, unbiased' process in which the most suitable locations for big wind projects are identified, with the goal of optimizing tradeoffs between the cost of putting in the project and the cost to the community of hosting it," Idol said. "That is the antithesis of place-based, community-centered development."

Duggan Flanakin (dflanakin@gmail.com) writes from Austin, Texas.

Biden Makes Expensive Commitments at Earth Day Climate Summit

President Joe Biden

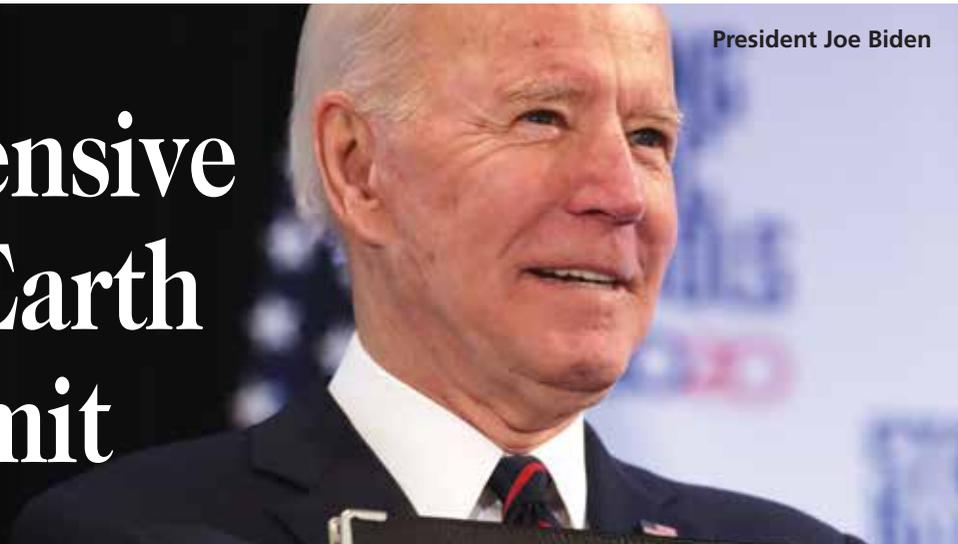


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Continued from page 1

move its personal and public transportation fleet to all electric vehicles.

Big-Government Pivot

We need to save the Earth from climate change while creating a just environment and an economy built on green jobs, Biden said in his Earth Day Proclamation.

“In recent years, climate change has upended the lives of millions of Americans,” Biden said. “That is why my administration is advancing the most ambitious climate agenda in our nation’s history.

“Our clean energy plan will create millions of good-paying union jobs, ensure our economic competitiveness, and improve the health and security of communities across America,” Biden said. “By making those investments and putting millions of Americans to work, the United States will be able to cut our greenhouse gas emissions in half by 2030.”

Big New International Commitments

In his opening statement at the summit, Biden said climate change is an international problem that can’t be solved by a single country. As a result, most of the climate initiatives Biden discussed at the summit involved programs to be developed with other countries, with large doses of financing from the United States.

Among the new multinational programs Biden proposed creating are the following: partnering with Canada on a Greening Government Initiative; establishing a Net-Zero Producers Forum with the energy ministries from Canada, Norway, Qatar, and Saudi Arabia; establishing a U.S.-

“Moving to an economy that relies principally on renewable energy has been a disaster everywhere it has been tried. From blackouts in Australia to the decimation of birds in California to soaring electricity prices in Germany, the impacts have been devastating to both the economy and the environment.”

CRAIG RUCKER
PRESIDENT, COMMITTEE FOR A CONSTRUCTIVE TOMORROW

India Climate and Clean Energy Agenda 2030 Partnership; increasing technical assistance to countries participating in the Renewable Energy for Latin America and the Caribbean initiative; and building a multinational “clean energy mineral supply chain” through the Energy Resource Governance Initiative, a multinational effort founded by Australia, Botswana, Canada, Peru, and the United States.

Biden also committed the United States to working to reduce international shipping and aviation emissions and creating a zero-emissions transportation revolution in the United States.

Big Tax Toll

New funding is at the core of Biden’s international finance plans. To encourage developing countries to fight climate change as they pursue economic growth, Biden is directing most U.S. international development dollars to the development and deployment of technologies that produce net-zero emissions of greenhouse gases.

For example, Biden has directed the U.S. International Development Finance Corporation (DFC) to achieve a net-zero investment portfolio by 2040. As an interim step, DFC is directed to ensure a minimum of one-third of all

its new investments have a “climate nexus” beginning with the 2023 fiscal year.

Biden also directed the U.S. Millennium Finance Corporation to “address climate change challenges across its investment portfolio and business operations ... over the next five years, commit[ing] that more than 50 percent of its program funding will go to climate-related investments ... promot[ing] low-carbon economic development, [to] help countries transition away from fossil fuels, and maintain a coal-free policy across its portfolio of grants.”

To ensure enough funding for these and the administration’s other international climate programs, Biden is committing two to three times the amount of climate money spent by former President Barack Obama.

“The United States intends to double by 2024 our annual public climate finance to developing countries relative to the average level during the second half of the Obama-Biden Administration (FY 2013-2016),” says Biden’s Earth Day fact sheet. “As part of this goal, the United States intends to triple its adaptation finance by 2024.”

Big Renewable Energy ‘Disaster’

Global examples prove Biden’s climate

initiatives will worsen environmental problems in the United States and around the world, says Craig Rucker, president of the Committee for a Constructive Tomorrow, co-publisher of *Environment & Climate News*.

“Moving to an economy that relies principally on renewable energy has been a disaster everywhere it has been tried,” Rucker said. “From blackouts in Australia to the decimation of birds in California to soaring electricity prices in Germany, the impacts have been devastating to both the economy and the environment.

“Biden’s push to expand the use of renewables and ‘decarbonize’ our energy infrastructure will only exacerbate these problems in the United States and globally,” Rucker said.

Biden’s climate plans will bankrupt future generations and do nothing to prevent climate change, says meteorologist Anthony Watts, a senior fellow with The Heartland Institute, co-publisher of *Environment & Climate News*.

“A worldwide experiment was conducted on carbon dioxide emissions reduction when the world shut down a good portion of its economy due to COVID-19,” Watts said. “Despite large drops in emissions worldwide, carbon dioxide in the atmosphere continued to rise. There wasn’t even a blip of reduction.

“Somehow, Biden and his advisors think they can accomplish what the year of lockdown did not, by making huge expenditures that will haunt our grandchildren,” Watts said. “To say these misguided climate plans are insane would be an understatement.”

H. Sterling Burnett, Ph.D. (hsburnett@heartland.org) is the managing editor of Environment & Climate News.

U.S. Interior Department Asserts Authority over Oklahoma Mining Permits

By Kevin Stone

The U.S. Department of Interior's Office of Surface Mining Reclamation & Enforcement (OSMRE) notified Oklahoma the state no longer has the authority to regulate and issue permits under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) on Indian lands there.

OSMRE's action came after the U.S. Supreme Court ruled in *McGirt v. Oklahoma* (2020) five Native American reservations in eastern Oklahoma had never been lawfully disestablished, meaning oversight of the surface and subsurface uses of the lands in question falls under the purview of the tribes and the federal government.

Rules Changed

Approximately half of the state of Oklahoma consisted of five Native American reservations of the "Five Civilized Tribes" before Oklahoma attained statehood under the 1906 Oklahoma Enabling Act (OEA). Under the OEA, the tribes retained autonomy within their reserved lands. The newly formed state retained jurisdiction over non-Native Americans and for other legal purposes. The Act was presumed to have disestablished the reservations themselves.

Jimcy McGirt, a member of the Seminole tribe, challenged the disestablishment of the reservations in an attempt to overturn state convictions on various sex crimes. McGirt's legal team argued the language of the Enabling Act had failed to disestablish the reservations. As a result, they said, his case was subject to federal, not state, jurisdiction under the Major Crimes Act of 1885, which placed certain crimes committed by Native Americans on tribal lands under federal jurisdiction.

McGirt's case reached the U.S. Supreme Court in 2020. In a landmark majority decision written by Justice Neil Gorsuch and joined by Justices Breyer, Ginsburg, Kagan, and Sotomayor, Gorsuch ruled the Enabling Act had not disestablished the reservations and that prosecution of the case fell under federal jurisdiction.

The broader implication of the decision is that the reservations were never disestablished. The Biden administra-



tion and the tribes argue that determination justifies reassignment to the federal government of jurisdiction in matters such as land and resource regulation and permitting.

Dissent Noted Big Impact

In his dissent in *McGirt*, Chief Justice John Roberts said the consequences of the decision could include taxation, adoption, and environmental regulations. The ruling "has profoundly destabilized the governance of eastern Oklahoma," Roberts wrote.

Roberts' warning was borne out in a December 2020 letter the Seminole Nation sent to oil and gas companies operating within the tribe's historic territory, in which the tribe asserted its right to tax and permit oil producers. The letter states operators must obtain permits from the Seminole Nation and would be subject to an 8 percent "severance fee" of the gross market value of any oil and gas produced.

In OSMRE's notice to Oklahoma withdrawing the state's authority to permit and regulate mining claims on tribal lands, the agency noted the SMCRA defines "Indian lands" as "[a]ll lands, including mineral interests, within the exterior boundaries of any Federal Indian reservation, notwithstanding the issuance of any patent, and including rights-of-way, and all lands including mineral interests held in trust for or supervised by an Indian tribe."

OSMRE indicated approximately half

the state's mining operations now fall under federal jurisdiction.

Tax Revenue Hit

U.S. Environmental Protection Agency (EPA) Administrator Michael Regan held separate phone calls with Oklahoma Gov. Kevin Stitt and leaders from several tribal nations to discuss the Biden administration's approach to natural resource management on tribal lands in the wake of the *McGirt* decision.

"It is a priority of the Biden-Harris administration to respect tribal sovereignty, fulfill federal trust and treaty responsibilities, and engage in robust consultation with tribal nations in policy deliberations that affect tribal communities," an EPA official told *Reuters* after the calls.

After the phone call with EPA, Stitt told a news broadcast he was concerned the *McGirt* ruling could seriously undermine Oklahoma's tax revenues and the sanctity of historic land and resources.

"My big fear for the sake of Oklahoma's future is if it goes into taxation or it bleeds into regulation, then the state of Oklahoma doesn't have any rights in eastern Oklahoma," Stitt said.

In 2019, the state collected \$452.8 million from the gross production tax on gas and \$655.7 million from oil, making it the state's third-largest source of revenue behind the personal income tax and sales tax. Although most of the state's petroleum production lies outside the affected eastern portions of the state, revenues could still be reduced.



"The decision by the Office of Surface Mining Reclamation and

Enforcement, if it stands, will likely have significant negative impacts on Oklahoma's economy as well as the state's fiscal picture, as our rights to control our own economic destiny are denied in the name of an erroneous legal interpretation."

BYRON SCHLOMACH, PH.D.
DIRECTOR
1889 INSTITUTE

Paris Factor

Also at risk is state permitting policy, with the Biden administration rejoining many components of the Paris climate agreement and implementing other climate policies aimed at reducing oil and gas production on federal lands.

Oklahoma Energy Secretary Kenneth Wagner, who was also on the call, told reporters the Supreme Court's decision should be limited to crimes, not civil matters. Stitt agreed, saying Oklahoma should return to the Supreme Court to press this claim.

'Significant Negative Impacts'

The *McGirt* decision will have far-reaching harmful consequences for Oklahoma, says Byron Schломach, Ph.D., director of the 1889 Institute.

"Despite Justice Gorsuch's attempt to narrowly tailor his ruling to the federal Major Crimes Act, we knew it would be applied to other areas," Schломach said. "The decision by the Office of Surface Mining Reclamation and Enforcement, if it stands, will likely have significant negative impacts on Oklahoma's economy as well as the state's fiscal picture, as our rights to control our own economic destiny are denied in the name of an erroneous legal interpretation."

Kevin Stone (kevin.s.stone@gmail.com) writes from Dallas, Texas.

Federal Court Rejects Austin's Effort to Rescind Pipeline Permits

By Duggan Flanakin

A federal district judge dismissed a lawsuit filed by the City of Austin and other parties asking the court to rescind permits issued to, and thus stop the operation of, Kinder Morgan Inc.'s \$2.15 billion, 430-mile Permian Highway Pipeline (PHP).

Austin was joined in the lawsuit by Travis and Hays Counties, the city of San Marcos, the Barton Springs Edwards Aquifer Conservation District, and four individuals. The plaintiffs argued the pipeline's operations could harm endangered species and disturb the Edwards Aquifer, a major source of drinking water and recreation for central Texas.

Federal District Judge Robert Pittman, who serves on the U.S. District Court for the Western District of Texas, dismissed the case on the grounds of the plaintiffs failing to make their case.

Incidents During Construction

The plaintiffs cited two incidents during the pipeline's construction as motivating them to file the lawsuit challenging PHP's permits.

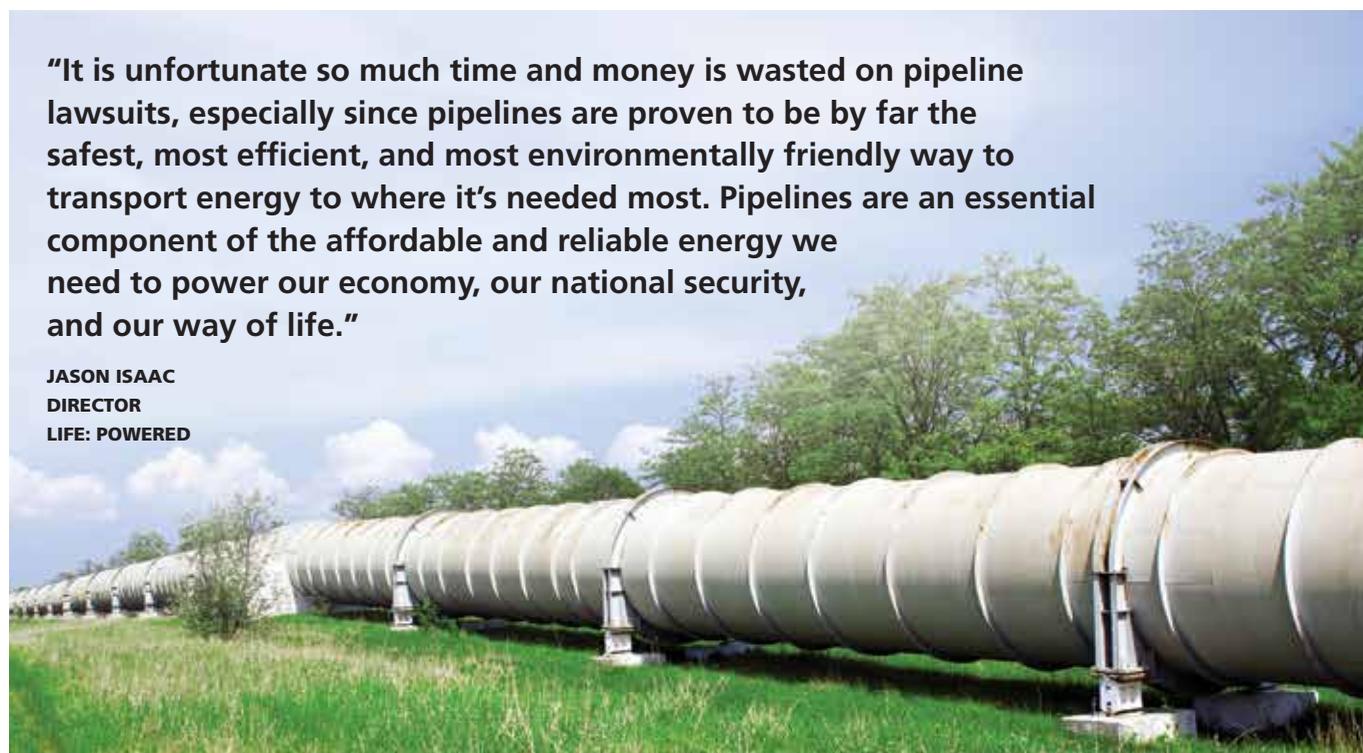
During an early phase of construction, Kinder Morgan spilled 36,000 gallons of drilling fluid into the Blanco River in Hays County, affecting several nearby water wells. After that incident, the company rerouted the pipeline around the river, adding two miles to its length, upon consultation with local officials, the U.S. Army Corps of Engineers, and the Texas Railroad Commission.

Also during construction, venting of compressed air used to run an internal inspection device through a completed portion of the pipeline resulted in high decibel levels, sparking complaints from residents nearby. The city of Kyle, which had been notified of the inspection, responded by issuing a notice of noncompliance with its noise regulations.

Questions of Jurisdiction, Timing

With construction completed, the pipeline began full commercial operation on January 1. Kinder Morgan Texas Pipeline LLC and pipeline owner Permian Highway Pipeline LLC filed a motion to dismiss the challenges to the validity of the PHP permits.

The U.S. Fish and Wildlife Service and U.S. Department of the Interior filed a separate motion to dismiss in December 2020. The agencies argued



"It is unfortunate so much time and money is wasted on pipeline lawsuits, especially since pipelines are proven to be by far the safest, most efficient, and most environmentally friendly way to transport energy to where it's needed most. Pipelines are an essential component of the affordable and reliable energy we need to power our economy, our national security, and our way of life."

JASON ISAAC
DIRECTOR
LIFE: POWERED

the Western District of Texas lacked subject matter jurisdiction over claims they had violated the National Environmental Policy Act and the Administrative Procedure Act. They further argued the court was precluded from granting the requested relief and the challengers had not established a risk of future harm.

In response, plaintiffs argued the court still had jurisdiction to order an environmental impact review even though construction was complete. The plaintiffs also argued that, because their concerns about the pipeline did not end with its completion, the federal agencies' responses should have also addressed its operation and maintenance.

Lynn E. Blais, a University of Texas Law School professor and counsel for the plaintiffs, cited a recent decision by the D.C. Circuit Court of Appeals vacating a U.S. Army Corps of Engineers easement for the Dakota Access Pipeline and ordering the Corps to prepare a more stringent environmental impact statement.

Defendants countered that, despite the court's ruling in that case, it did not stop the flow of oil through the pipeline, which has been operating since 2017, while the environmental reviews were being carried out.

No Evidence of Damages

Pittman rejected the defendants' con-

tention his court lacked jurisdiction or the authority to grant plaintiffs relief, but he found the plaintiffs had failed to make their case.

Pittman ruled the pipeline does not pose an imminent risk of harm to the environment, to the Edwards Aquifer, or to the golden-cheeked warbler, the Austin blind salamander, or other aquatic species, as plaintiffs had claimed.

"Neither their complaint nor their response include any facts suggesting that the ongoing impacts on the golden-cheeked warbler will lead to its death or injury as required to constitute a take under the statute," Pittman said in his decision.

'War Against Natural Gas'

This lawsuit was about radical environmentalists trying to end the use of fossil fuels, not protecting species, says Robert Bradley Jr., founder and CEO of the Institute for Energy Research.

"Blocking pipelines and capacity upgrades are environmentalists' means of forcing a transition to 'clean' energy sources," Bradley said. "The opposition's rhetoric shows the attempt to stop PHP from operating is just part of an ongoing war against natural gas."

"When opponents organized a 'Stop the Permian Highway Pipeline Week of Action,' including a car caravan, they issued a declaration stating, 'Human rights violator and world-

destroyer Kinder Morgan is over halfway through construction of the Permian Highway Pipeline, a massive, direct assault on all forms of life," Bradley said.

PHP's Environmental Benefits

The PHP has the capacity to deliver 2.1 billion cubic feet of natural gas per day from the Waha field in Pecos County to terminals in Katy, Texas, with connections to the U.S. Gulf Coast and markets in Mexico.

The *Energy Law Advisor* reports natural gas operators have reduced natural gas flaring in Texas and New Mexico since PHP began operating.

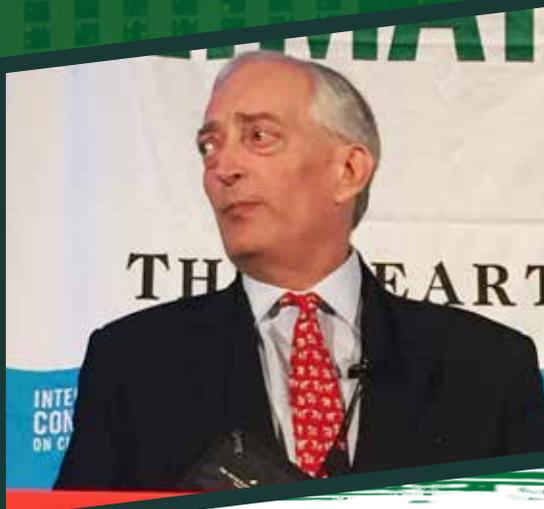
Moving oil and gas through pipelines benefits the environment and our economy, says Jason Isaac, director of Life:Powered, a project of the Texas Public Policy Foundation.

"It is unfortunate so much time and money is wasted on pipeline lawsuits, especially since pipelines are proven to be by far the safest, most efficient, and most environmentally friendly way to transport energy to where it's needed most," Isaac said. "Pipelines are an essential component of the affordable and reliable energy we need to power our economy, our national security, and our way of life."

Duggan Flanakin (dflanakin@gmail.com) writes from Austin, Texas.

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Indiana House Passes Bill Barring Local Natural Gas Hook-Up Bans

By Bonner R. Cohen

The Indiana General Assembly is considering a bill to prohibit the state's cities, towns, and counties from banning new natural gas hook-ups.

The gas hook-up bill, known as House Bill 1191, was sponsored by state Reps. Edmond Soliday (R-Valparaiso) and Jim Pressel (R-Rolling Prairie). Pressel, who is also a home builder, argues banning natural gas from homes and appliances would drive up the cost of housing, and homeowners should be allowed to make their own energy choices.

The bill was passed by the House and has moved to the Senate for consideration.

Some cities and counties in states controlled by Democrats—such as California and Massachusetts—have passed ordinances banning use of natural gas in new buildings, citing climate



concerns. Four Republican-controlled states, including Kentucky and Missouri, passed laws similar to the Indiana bill in 2020, and 12 states are considering such legislation this year.

Amendment Stresses Cost

An amendment added to the Indiana bill distinguishes it from similar measures in other states by restricting Indi-

ana's state-funded universities from adopting energy-saving mandates, including the barring of new natural gas hook-ups, when erecting new or renovating existing buildings, unless they can be expected to result in savings within 10 years.

The Indiana Builders Association and the state's Chamber of Commerce are on record as favoring the legislation. They stress the importance of allowing consumer choice in energy decisions.

Pressel says he believes his bill promotes consumer choice and energy affordability.

"I think it's very unfair to our constituents, any of them, to take away any source of energy that is currently, during the pandemic, the cheapest and most affordable way to heat your house," Pressel said in a floor speech while the House was considering his bill. "So, do we want local units of government potentially, and I stress potentially, to take that away from [people] when things could be so bad for them now?"

'Environmental Insanity'

Banning new natural gas uses is a very poor policy choice, says Craig Ladwig, director of the Indiana Policy Review Foundation.

"This is another example of environmental insanity," Ladwig said. "The arguments raised against this bill are based on emotion, lacking a scientific backing.

"The management of energy requires the ability to recognize the relative merits of different sources of energy and, with this bill, the Indiana Legislature is demonstrating that ability," Ladwig said. "Our state has been blessed with inexpensive, clean coal resources and even cleaner natural gas resources, and to throw this advantage away without a careful cost-benefit analysis would be political malfeasance."

Leftist university administrators and faculty are fighting this bill out of loyalty to ill-considered climate alarmism, says Jay Lehr, Ph.D., a senior policy analyst for the International Climate Science Coalition.

"Most universities in Indiana and

"I think it's very unfair to our constituents, any of them, to take away any source of energy that is currently, during the pandemic, the cheapest and most affordable way to heat your house. So, do we want local units of government potentially, and I stress potentially, to take that away from [people] when things could be so bad for them now?"

JIM PRESSEL
INDIANA STATE REP.
(R-ROLLING PRAIRIE)

in every other state are run by leftist administrators and faculty who spend much of their time indoctrinating young, impressionable minds," Lehr said. "Indiana shouldn't even allow state-funded universities to impose green restrictions on new buildings, because they will entail significant costs with absolutely no benefit.

"At least this bill requires universities to show any restrictions on natural gas, or mandates for the use of green building materials, will save the university money," Lehr said.

Growing Role of Natural Gas

Natural gas is the second-largest energy source in Indiana, behind coal. Most of the natural gas used in the state is deployed to power businesses, with approximately 16 percent going to homes. As more coal plants go offline under regulatory pressure from the Biden administration, natural gas' share of electric power generation is expected to grow further.

H.R. 1191 easily passed the House, and its sponsors indicated they believe it will sail through the GOP-controlled Senate. After that, the legislation will be sent to Republican Gov. Eric Holcomb for his expected signature.

Bonner R. Cohen, Ph.D., (bcohen@nationalcenter.org) is a senior fellow at the National Center for Public Policy Research and a senior policy analyst with the Committee for a Constructive Tomorrow.

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California Fracking Ban Rejected by Senate Committee

By Kenneth Artz

A bill to ban hydraulic fracturing (fracking) and other nontraditional oil-extraction techniques in California failed in a legislative committee on April 13.

Senate Bill 467 would have banned fracking and the use of water, steam, or acid to produce oil after 2035 to reduce California's greenhouse gas emissions sharply. The bill also would have imposed a 2,500-foot buffer between oil wells and businesses, homes, hospitals, and schools.

The legislation would have prohibited most petroleum production in California, resulting in the loss of thousands of jobs tied to fossil fuel extraction, according to an October 2020 report from researchers at UC Santa Barbara.

The anti-fracking bill received four of the five votes required to get it out of committee. Two Democrat committee members refused to cast a vote, and one, state Sen. Susan Eggman (D-Stockton), voted with the committee's two Republican members against the bill.

Solid Safety Record Cited

California's fracking ban proposal is as anti-science as any bill offered in the state legislature this year, says Adrian Moore, vice president of policy at Reason Foundation.

"Fracking has been practiced safely and responsibly in California since 1953 with no notable environmental harms, even in Kern County on top of a massive complex of geological faults," Moore said. "California regulators have repeatedly affirmed fracking in California is well regulated and does not impose the environmental harms fear-mongers hypothesize.

"There is no problem in California that a fracking ban would solve, only an inhibition on further oil extraction, arguably the real goal of the proposed ban, which is perhaps the most expensive way to try to advance clean energy," Moore said.

Jobs Saved

This bill would have been harmful to working people, says Tim Benson, a policy analyst at The Heartland Institute, which co-publishes *Environment & Climate News*.

"It might be hard for some people to

Hydraulic fracturing derricks

"There are real impacts for Californians when the government decides what energy sources it will allow and not allow. This bad policy is rooted in the mistaken notion that it's possible for individuals, particularly supposed experts, to identify and impose the best energy and economic policies to guide the state for 40, 50, and 100 years into the future."

**RYAN YONK
RESEARCH FELLOW
INDEPENDENT INSTITUTE**

believe, but California is still the seventh-largest oil-producing state in the country, and more than 150,000 Californians work in the industry," Benson said. "Banning fracking would have put most of these people out of work.

"Thanks to the state's other ridiculous energy policies, California's electricity prices are already 60 percent higher than the U.S. average, and banning fracking would cause those costs to rise," Benson said.

Even some diehard climate-alarmist California legislators recognized voters would be unhappy if legislators increased their energy costs further and put more people out of work, Benson says.

"As we're still in the midst of the COVID-19 pandemic and the economic uncertainties it has produced, some California legislators seem to understand that any action putting thousands of union workers out of work while simultaneously raising the already-high electricity bills of everyone in the state probably wouldn't have played well," Benson said. "Simply put,



as much as many legislators and Gavin Newsom may want to get rid of oil and gas production, they realize it's too important to the state economy to do so at the present time."

Price Hikes Averted

The proposed ban on fracking makes you wonder what state legislators are thinking, says Betty Grande, a former North Dakota state legislator and CEO of the Roughrider Policy Center.

"Californians can ban fracking if they want, but they are still consumers, so eventually they're going to have to figure out going without oil and gas doesn't work if they want to survive," Grande said. "If California ever bans fracking, it will hurt the average people, who will face higher costs for cooling and heating their homes, fueling their vehicles, and everything else.

"There's already a migration away from California due to the state's high taxes, social justice, and anti-fossil fuel policies, and if they continue making such policies harsher, then they will push even more businesses and people out of the state," Grande said.

Two Tests

Cleaner, cheaper energy will come from entrepreneurial innovation opening new markets, not mandates banning energy sources, Benson says.

"I am a big fan of engineers innovating, creating the next great types of green energy technologies, which is

very different than supporting a centrally planned transition to one type of green energy or away from some other type of energy altogether," Benson said. "If renewable energy is going to succeed, then it's going to have to pass not just the environmental test—which it actually fails many ways—but it also has to pass the market test as well."

This bill is about politicians staying in power, not about what's best for Californians, says Ryan Yonk, a research fellow at the Independent Institute.

"It's not at all surprising California wants to ban fracking statewide, given where the state has been trending on energy and climate issues," Yonk said. "Rather than this truly being an environmental initiative, it's about elected officials identifying and catering to a specific constituency that will garner them enough votes to stay in office, rather than trying to solve the problem of affordable energy and environmental protection for the state.

"There are real impacts for Californians when the government decides what energy sources it will allow and not allow," Yonk said. "This bad policy is rooted in the mistaken notion that it's possible for individuals, particularly supposed experts, to identify and impose the best energy and economic policies to guide the state for 40, 50, and 100 years into the future."

Kenneth Artz (kennethcharlesartz@gmx.com) writes from Dallas, Texas.

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STUDY

Fossil Fuel Jobs Pay Better Than Green Industry Jobs

By **Bonner R. Cohen**

The Biden administration's plans for an accelerated transition from fossil fuels to renewable energy could result in lower incomes and lost jobs, according to a new report.

The April Energy Futures Initiative (EFI) report, titled "Wages, Benefits, and Change: A Supplemental Report to the Annual U.S. Energy and Employment Report," states hourly wages in the coal, natural gas, and oil industries are higher than those paid by producers of wind and solar power.

EFI reports the median average hourly wages for those employed in the coal, natural gas, and oil industries were \$28.69, \$30.33, and \$26.59, respectively. Workers in the wind industry earned \$25.95 an hour on average, and those working in the solar industry earned \$24.48 per hour. Nuclear power workers earned the highest median hourly income in the energy-producing sector, averaging \$39.19 per hour.

Overall, energy workers' median hourly wage of \$25.60 is 34 percent higher than the national median hourly wage of \$19.14.

More Jobs, More Permanent

The number of workers employed in the fossil-fuel industries exceeds the number of workers in the wind and solar industries, EFI's report shows. In 2019, there were 636,043 workers in the natural gas sector, 839,841 workers in the oil sector, and 185,689 workers in the coal sector. The wind and solar industries employed 114,774 and 345,393 workers, respectively, with the help of billions of dollars in government subsidies.

In 2011, the United States surpassed Russia as the world's largest producer of natural gas. In 2018, America overtook Saudi Arabia as the global leader in petroleum production, the report notes.

"The increased production in these two sub-sectors has contributed to energy employment growth of almost nine percent in four years, creating 72,100 jobs," the report states. "In fact, petroleum and natural gas account for the largest source of jobs within the fuels technology sector, and within these two sub-sectors, mining and extraction had the greatest growth of jobs in 2019."



Job-Killing Policy

The transition to green energy being pushed by the Biden administration will replace relatively stable, higher-paying jobs with lower-paying, migratory jobs and seasonal employment, says David Wojick, Ph.D., an independent analyst who writes for the Committee for a Constructive Tomorrow.

"In addition to paying lower wages than their fossil-fuel counterparts, wind installations and solar arrays need fewer workers to keep them operating," Wojick said. "Once wind turbines and solar panels have been installed, workers move on to the next project, often in another state, leaving behind a skeleton crew to deal with any problems that arise."

"Also, because most of the green jobs are in construction and thus are often seasonal, the annual wage differences are much greater than the hourly differences," Wojick said. "Installing solar panels is not a good career."

Advantage: China

The consequences of President Joe Biden's policies to fight climate change will go far beyond the impact on the fossil fuel industries, says Dan Kish, a distinguished senior fellow at the Institute for Energy Research.

"The Biden administration's obsession with climate will destroy the American economy, and with it the livelihoods of countless Americans," Kish said. "Replacing good, high-paying careers in real energy with temporary, lower-paying jobs in 'green energy' will drive up the cost of living while driving down the quality of life."

"It will also shift our manufacturing base to China, as they burn over

"In addition to paying lower wages than their fossil-fuel counterparts, wind installations and solar arrays need fewer workers to keep them operating. Once wind turbines and solar panels have been installed, workers move on to the next project, often in another state ..."

DAVID WOJICK, PH.D., INDEPENDENT ANALYST

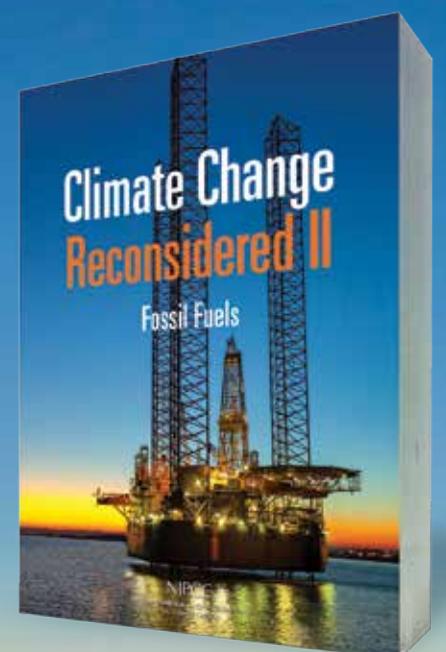
half the world's coal to make the solar panels coveted by elites in this country," Kish said. "It is now the official policy of the United States that energy independence—the goal of almost seven decades of American sacrifice and finally achieved under President Trump—is inconsistent with the national interest. Higher energy

prices and lower wages will help 'build back better' in China."

Bonner R. Cohen, Ph.D., (bcohen@nationalcenter.org) is a senior fellow at the National Center for Public Policy Research and a senior policy analyst with the Committee for a Constructive Tomorrow.

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Court Vacates Trump Administration Methane Emission Rules for Landfills

By H. Sterling Burnett

The U.S. Court of Appeals for the District of Columbia vacated a rule that delayed the deadline until November 2021 for solid waste facilities and landfills to submit plans for reducing methane emissions.

The Biden administration had requested the Court to vacate the rule, adopted by the U.S. Environmental Protection Agency (EPA) under then-President Donald Trump in 2019, to expedite restrictions on methane emissions. Normally, such restrictions face a lengthy regulatory process that requires new rules, public notice, time for comments, and possible appeals.

Tightening Regulations, Timetables

Under the court's decision, President Joe Biden can set stricter methane emission standards and timetables,



Landfill in Florida

ber to methane emissions from landfills," Ebell said. "If they succeed, it could make disposing trash in landfills much more expensive."

Reversing Course

The EPA and other agencies are intensifying their efforts to fight climate change, including by reducing greenhouse gas emissions from landfills and municipal solid waste facilities. With

says Myron Ebell, director of the Center for Energy and Environment at the Competitive Enterprise Institute.

"It seems likely that the result of vacating the Trump EPA's delay will be to allow the Biden-Harris administration to apply its new souped-up Social Cost of Methane, which is a variant of the Social Cost of Carbon Dioxide, num-

the Trump administration's rule delaying emission plans having been upheld by the courts, the Biden administration faced a lengthy regulatory process to have new standards and timetables enacted.

To bypass that process, the EPA asked the U.S. Court of Appeals for the District of Columbia in March to vacate the EPA's rule delaying implementation of the 2016 limits on methane released from solid waste landfills.

The court's decision allows Biden's EPA to undertake a new rulemaking process without taking the time to revoke the previous rule.

Although landfill operators and representatives of the solid waste industry had sought the delay granted by the Trump-era EPA, they did not object to EPA's reversal. With no one objecting to the changes before the court, the DC Circuit vacated the rule.

EPA can now impose federal standards mandating that particular pollution control technologies be installed to cut methane emissions from landfills under the old timetable. EPA's rule would cover approximately 1,900 U.S. solid-waste landfill sites.

Reviving Obama Rule

Regulations of air emissions from solid-waste landfills were first proposed under the Clean Air Act in 1991. The EPA did not propose restrictions on methane or other emissions from solid waste facilities until August 2016, under the Obama administration.

The EPA established guidelines to reduce emissions and required states to submit plans to implement those standards by September 2017. For states that failed to submit plans complying

"It seems likely that the result of vacating the Trump EPA's delay will be to allow the Biden-Harris administration to apply its new souped-up Social Cost of Methane, which is a variant of the Social Cost of Carbon Dioxide, number to methane emissions from landfills."

MYRON EBELL
DIRECTOR
COMPETITIVE ENTERPRISE INSTITUTE

with the EPA's emission standards by the deadline, EPA was to deliver its own federal implementation plan by the end of November 2017.

When the EPA failed to meet that deadline, California, other states, and environmental groups sued to force the EPA to act. In May 2019, U.S. District Judge Haywood Gilliam of Oakland ordered the EPA to impose the rules, requiring the agency to submit a federal plan by November 2019.

To avoid having to comply with Gilliam's order, the EPA adopted new regulations postponing its deadline to November 2021. Gilliam rejected the EPA's new deadline in November 2020, ruling the agency lacked the authority to change the standards or timetables. The EPA disagreed and appealed Gilliam's ruling to the U.S. Ninth Circuit Court of Appeals in San Francisco.

The Ninth Circuit Court overturned Gilliam's order, ruling the EPA had lawfully set new regulations and was no longer bound by its earlier schedule.

"This case is not just about trash, landfills or emissions guidelines; it's also about the separation of powers," wrote Judge Patrick Bumatay in a unanimous ruling by the three-judge panel that heard the case. "We see a greater threat to the separation of powers by allowing courts to pick and choose what law governs the executive branch's ongoing duties.

"To continue to adhere to [Gilliam's] injunction based on a legal duty that has since disappeared is a harm in and of itself," Bumatay wrote.

H. Sterling Burnett, Ph.D. (hsburnett@heartland.org) is the managing editor of Environment & Climate News.



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Climate Science Is ‘Unsettled,’ Says Obama Science Director’s New Book

By H. Sterling Burnett

Of the multiple books and documentaries poking holes in the apocalyptic climate change narrative released in the past year, *Unsettled* may be the most critical of all, because of its author, Steven E. Koonin.

Climate Insider Unsettles Debate

Koonin was involved in the development of the early computer models used in science and wrote one of the first books describing how computer models were developed, how they function, and their strengths and limits when used in science. The book is still widely used in college classrooms today. Koonin’s more than 200 academic papers and articles have been cited more than 14,000 times, according to Google Scholar.

Koonin’s research and writings on climate science and energy led former President Barack Obama to appoint him Undersecretary for Science in the U.S. Department of Energy. Koonin’s portfolio included the government’s climate research program.

Koonin is the ultimate climate insider. Climate alarmists cannot plausibly portray him as a fringe scientist working outside the mainstream or legitimately label him a “climate denier.”

Koonin’s research indicates the climate is changing and humans have influenced some of that change. Almost everything else people have been led to believe about climate change is unsettled, Koonin reports.

‘The Science’

The author begins by describing what he refers to as “The Science”—you know, the thing everyone is supposed to be following:

“The Science,’ we’re told, is settled. How many times have you heard it?”

“Humans have already broken the earth’s climate. Temperatures are rising, sea level is surging, ice is disappearing, and heat waves, storms, droughts, floods, and wildfires are an ever-worsening scourge on the world. Greenhouse gas emissions are causing all of this. And unless they’re eliminated promptly by radical changes to society and its energy systems, ‘The Science’ says Earth is doomed. [Emphasis

Review of *Unsettled: What Climate Science Tells Us, What it Doesn’t, and Why It Matters*, by Steven E. Koonin (BenBella Books), May 4, 2021, 240 pages, ISBN-10: 1950665798, ISBN-13: 978-1950665792; \$8.49 (Kindle), \$22.46 (Hard Cover) on Amazon

“Yes, it’s true that the globe is warming, and that humans are exerting a warming influence upon it. But beyond that—to paraphrase the classic movie *The Princess Bride*: ‘I do not think “The Science” says what you think it says.’”

EXCERPT FROM *UNSETTLED*

in original.]

“Well . . . not quite. Yes, it’s true that the globe is warming, and that humans are exerting a warming influence upon it. But beyond that—to paraphrase the classic movie *The Princess Bride*: ‘I do not think “The Science” says what you think it says.’”

‘Muddled’ Models

Unsettled discusses what we know about how the climate works (hint: it’s less than you’ve been led to believe), and the extent to which humans are contributing to climate change (also less than you might think). Koonin then discusses how climate models have developed and the ways in which their results are “muddled,” in Koonin’s words. Koonin shows models often contradict one another and fail to match observed changes in temperature and climate.

The book examines how various interested parties suppress and misrepresent good climate research in order to persuade the public we face a climate crisis. Koonin highlights this by citing specific examples throughout the book.

‘Apocalypses That Ain’t’

Chapters five through nine examine various negative effects purportedly

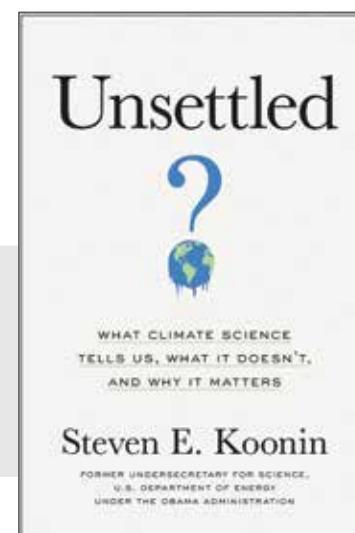
caused or exacerbated by human-caused climate change. This set of chapters is fairly summed up by the title of chapter nine: “Apocalypses That Ain’t.” Among the findings Koonin discloses are:

- The late[st] generation of models is actually more uncertain than the earlier one[s].
- Heat waves in the U.S. are now no more common than they were in 1900 and the warmest temperatures in the U.S. have not risen in the past fifty years.
- Humans have had no detectable impact on hurricanes over the past century.
- The net economic impact of human-induced climate change will be minimal through at least the end of this century.

Unsettled then examines who “broke” climate science, and how and why they did so, detailing the ways by which the scientific enterprise and wise policy decision-making are being perverted.

Science Perverted to Persuade

Science is a process, a method of discovering truth. As Koonin’s book shows,



many of those involved in climate research and reporting have abandoned science—the process of discovering data and evidence and assembling facts—for “The Science,” a massive effort to persuade people to believe something that is not true, for normative or political reasons.

Koonin’s suggestion that the federal government should institute a “Red Team/Blue Team” exercise to examine and discuss weaknesses in various government climate reports before they are published was met with hostility by many politically connected scientists and powerful government leaders.

Prominent Democratic senators have pushed legislation to “prohibit the use of funds to Federal agencies to establish a panel, task force, advisory committee, or other effort to challenge the scientific consensus on climate change, and for other purposes.”

You read that right. Politicians who regularly demand people “follow the science” on climate change have tried to ban the use of the scientific method to discover what climate science tells us.

Later in the book, Koonin explores why political edicts to curtail fossil fuel use are likely to produce outcomes as bad as or worse than the harms they are meant to prevent. Koonin counsels flexible adaptation as the response to climate change most likely to mitigate any harms while generating beneficial outcomes.

Koonin definitively shows that much more is unsettled than is settled in the climate debate.

H. Sterling Burnett, Ph.D. (hsburnett@heartland.org) is the managing editor of Environment & Climate News.

CA Gov. Newsom's Energy Policies Drive Recall Challenge

By Ronald Stein

California Gov. Gavin Newsom has inflicted so much financial damage on the state that it will likely take decades to recover, if that is even possible.

His destructive energy policies have contributed greatly to these problems. Instead of reducing energy demand or the use of fossil fuels, Newsom's policies have simply shifted energy production from domestic suppliers to foreign countries.

The California showman's green policies seem to be driven largely by his emotions, as he continually virtue-signals his environmental bona fides in a desire for instant political gratification.

State's Energy Dependence Grows

California's dependence on foreign suppliers for the state's energy needs, as well as for military operations on the West Coast, has resulted in an increase in imported crude oil from foreign countries from 5 percent of total consumption in 1992 to 58 percent today. This has occurred even as the percentage of the nation's oil supply coming from foreign sources has declined significantly over the same period.

The United States has largely become energy-independent, yet California has become more dependent on foreign oil than ever before.

As a result of Newsom's continuous efforts to reduce in-state oil production, the imported supply of crude oil costs California more than \$60 million dollars a day, paid to foreign supplier countries.

Newsom's policies produce greater emissions, not less. The foreign suppliers of California's energy have significantly less-stringent environmental regulations than California and the United States. In addition, shipping oil to California from other countries produces greater emissions than would be emitted if the oil were produced in-state or shipped by truck or rail from other states. Shifting emissions to other countries is not a sound environmental policy.

Phasing Out Production

In an effort to boost his environmental credentials, on Earth Day 2021, Newsom ordered an end to fracking in California by 2024 and required the state to phase out oil production by 2045.



Gov. Gavin Newsom
California

These irresponsible actions would result in job losses in the state and reduce revenue to California government coffers while increasing worldwide emissions.

It is estimated Newsom's policies would result in a whopping \$90 million being shipped every day to foreign countries to support California's economy. That is, if they can get the fuel into the state. California's port infrastructure is not capable of receiving all the state's energy from foreign countries, yet Newsom stymies every effort to expand and upgrade port infrastructure for fossil fuel deliveries.

Abundant Offshore Oil Nixed

Newsom evidently believes it is better to import crude oil than to increase in-state oil production.

Generally, in-state oil production is sourced from California's shale and ocean crude oil reserves in the Monterey Shale and Pacific Ocean, estimated to be among the largest such

reserves in the country. Approximately two billion barrels of economically recoverable oil off Santa Barbara's coasts is off-limits to production under state and federal moratoria on outer continental shelf oil production along the West Coast. Large reserves of oil and natural gas are within seven miles of the coast.

This is significant because proven extraction technology makes it possible to reach formations within seven miles of shore through land-based slant drilling. This energy could be produced without any risk of offshore spills.

EV Rejections

A recent study of California by the National Bureau of Economic Research (NBER) shows electric vehicles (EVs) are driven half as much as internal combustion engine vehicles. EVs are generally not the primary vehicles of the high-income individuals who can afford them, NBER found.

Fifty percent of all EVs in America

are in California. The bad news is a recent study showed 18 percent of California's EV owners switched back to gasoline-powered cars because charging their electric cars was a hassle and took far too much time.

Newsom wants all 30-million-plus vehicles in the state to be electric. He has yet to accept the fact that there may not be a ready supply of the "green" exotic minerals and metals needed to do that.

Cambridge University Emeritus Professor of Technology Michael Kelly says replacing millions of light-duty vehicles with next-generation EVs would require huge quantities of materials to manufacture millions of EV batteries, including lithium, cobalt, copper, and neodymium. These and other critical minerals are mined and refined almost entirely in foreign countries, such as China, with economic and geopolitical interests often at odds with those of the United States.

Dissatisfied Voters

Newsom seems equally oblivious to the fact that finding the land for all the needed intermittent electricity generation from wind and solar power will not be easy.

Opposition to solar and wind farms from rural landowners and conservationists is growing even as California and other states implement increasingly stringent renewable energy mandates. A February 2021 report by Columbia University's Sabin Center for Climate Change Law found local governments in 31 states have adopted at least 100 ordinances blocking or restricting new wind and solar industrial facilities.

Newsom's policies are inflicting international environmental degradation, raising energy prices in the state, and financially damaging California by driving jobs out of state and reducing government revenues flowing into the treasury.

This triple whammy is one reason why Newsom faces a looming recall election that may soon put him out of a job.

Ronald Stein (Ronald.Stein@PTSadvance.com) is the founder of PTS Advance, an energy and science consulting and recruitment firm based in Irvine, California.

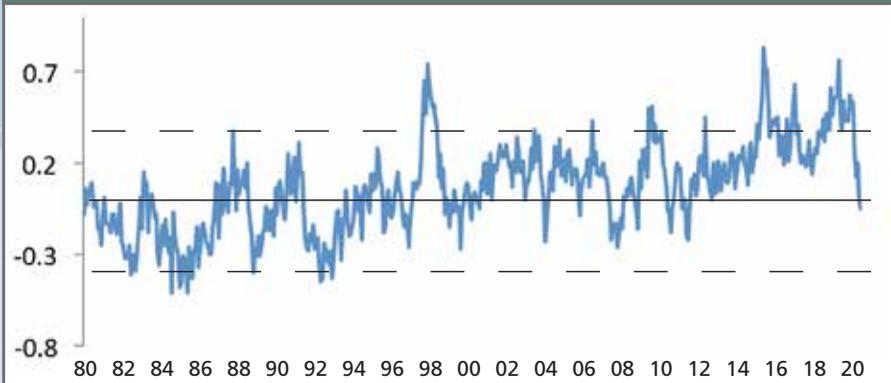
GLOBAL SATELLITE TEMPERATURES

HOW MUCH GLOBAL WARMING?

Each month, *Environment & Climate News* updates the global averaged satellite measurements of the Earth's temperature. These numbers are important because they are real—not projections, forecasts, or guesses. Global satellite measurements are made from a series of orbiting platforms that sense the average temperature in various atmospheric layers. Here, we present the lowest level, which climate models say should be warming. The satellite measurements are considered accurate to within 0.01°C. The data used to create these graphs can be found on the Internet at nsstc.uah.edu/climate. All past data were revised when the methodology was updated in April 2015.

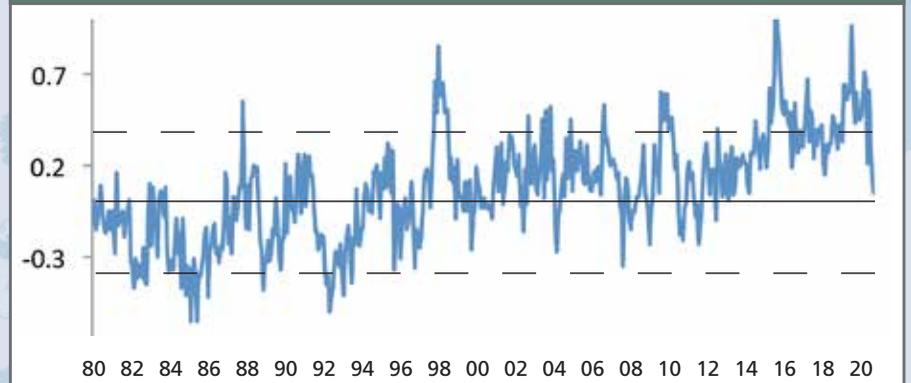
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GLOBAL AVERAGE



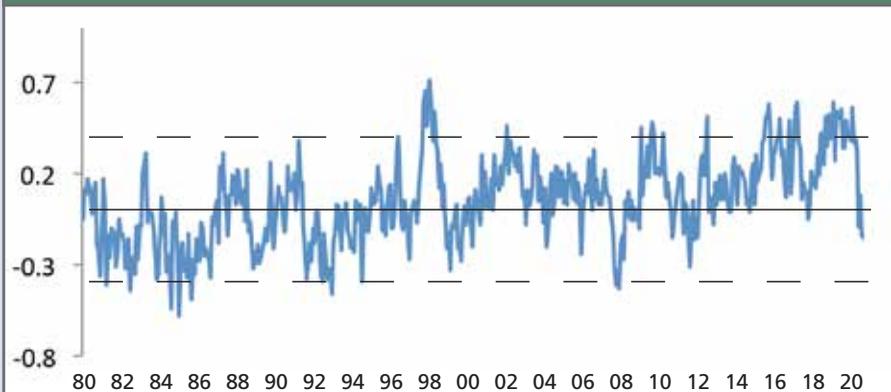
The global average temperature was 0.05°C below average.

NORTHERN HEMISPHERE



The Northern Hemisphere's temperature was 0.05°C above average.

SOUTHERN HEMISPHERE



The Southern Hemisphere's temperature was 0.15°C below average.

219,000 years of Temperature Variation

Source: Jouzel et al., 1996, www.ncdc.noaa.gov/paleo/image/vostok-t.gif.



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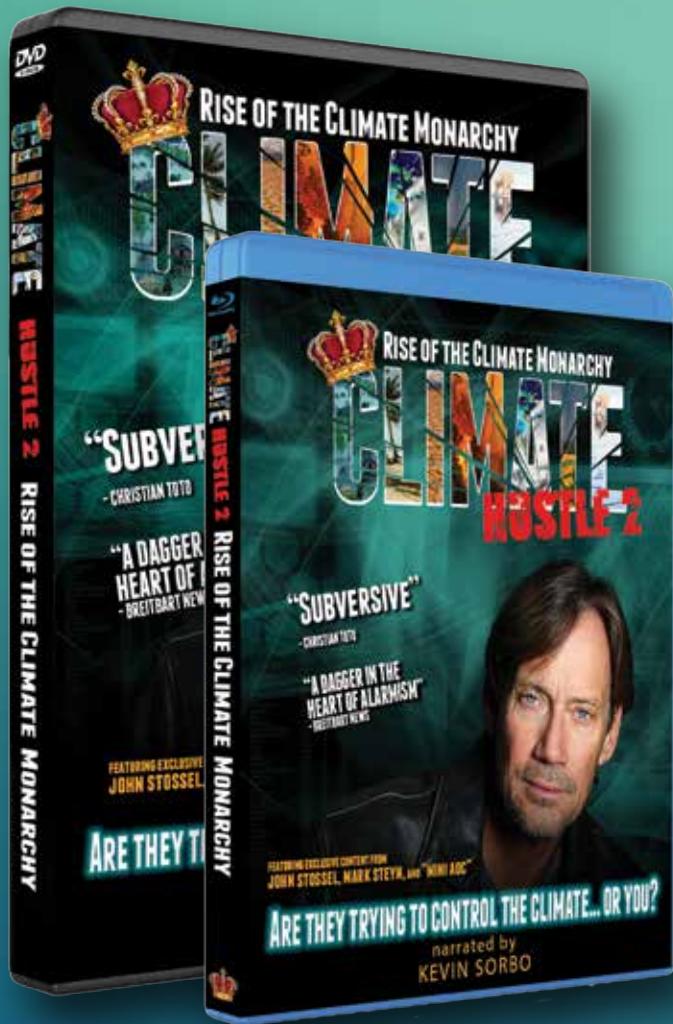
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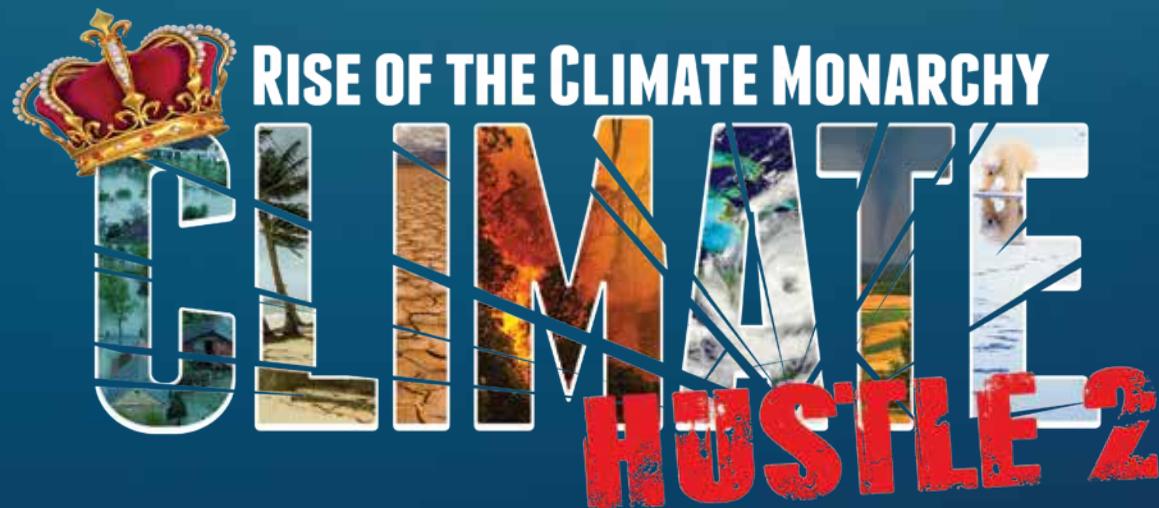
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