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ENVIRONMENT & CLIMATE NEWS

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HOT TOPICS

Against the Wind

More than 300 governmental entities in 31 states have restricted or rejected wind energy projects since 2015. **Page 20**

EPA vs. Transparency

The Environmental Protection Agency withdrew a rule that required transparency in the scientific and economic studies used to justify clean air regulations. **Page 4**

TX Oil and Gas

Texas enacted laws to stop cities from banning new natural gas hookups and to divest from investment funds that spurn the industry. **Page 3**

MA Offshore Wind

The fishing industry is fighting an offshore wind project approved by the Biden administration off the coast of Massachusetts, citing dire findings from research conducted by the Army Corps of Engineers. **Page 12**

WA Carbon-Dioxide Restrictions

Gov. Jay Inslee signed a law capping CO2 emissions and raising energy prices, despite similar proposals having been rejected by voters twice before. **Page 14**

Biden Mandates 'Preserving' Nearly One-Third of Nation's Land

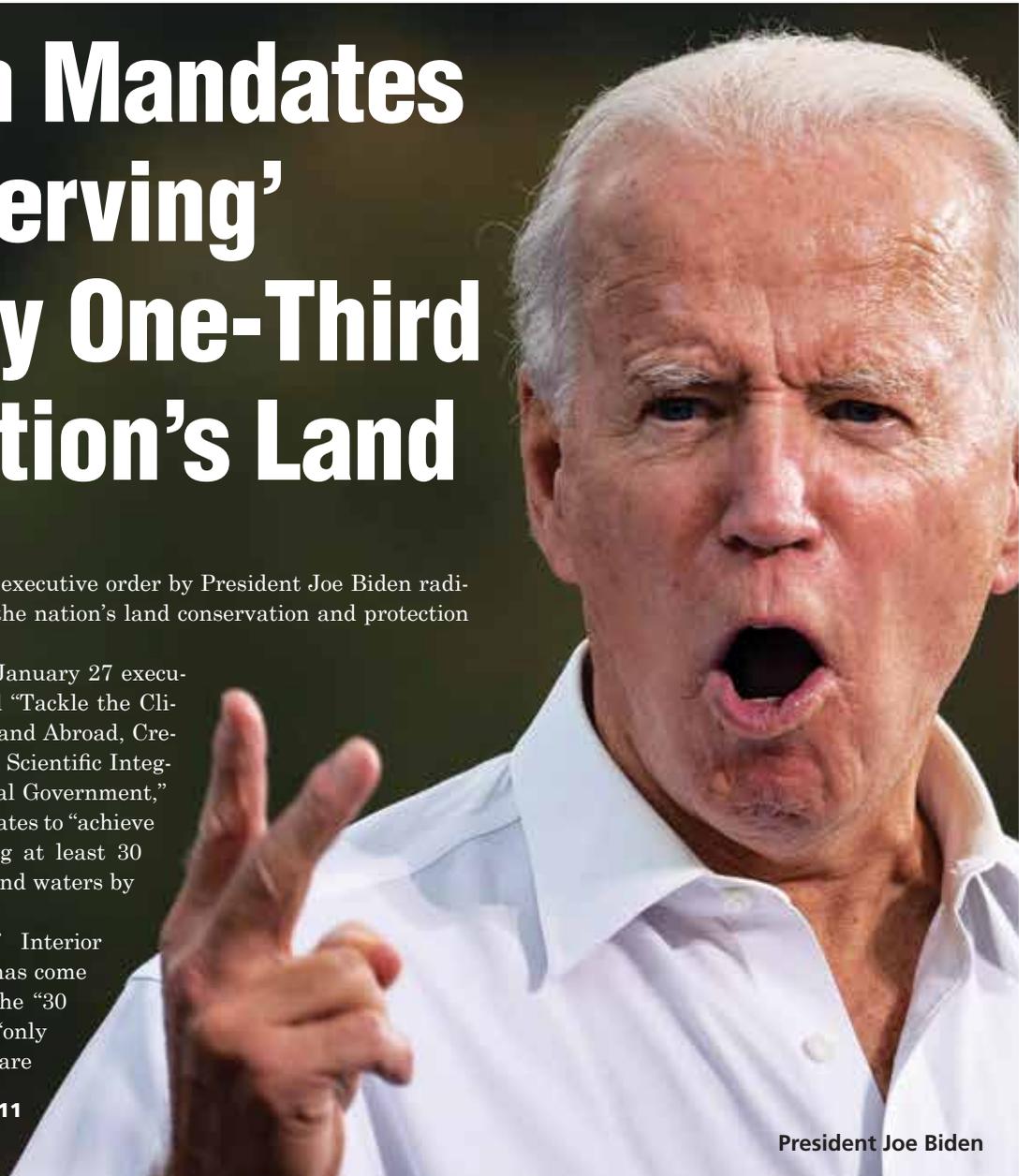
By Bonner R. Cohen

A provision in an executive order by President Joe Biden radically reshapes the nation's land conservation and protection practices.

Section 216 of the January 27 executive order (EO), titled "Tackle the Climate Crisis at Home and Abroad, Create Jobs, and Restore Scientific Integrity Across the Federal Government," calls for the United States to "achieve the goal of preserving at least 30 percent of our lands and waters by 2030."

A Department of Interior "fact sheet" on what has come to be referred to as the "30 by 30 Plan" states "only 12 percent of lands are

BIDEN MANDATE, P. 11



President Joe Biden

PHOTO COURTESY DREW ANGERER/GETTY IMAGES

New Mexico Proposes Stricter Ozone Regulations on Oil, Gas Operators

By Bonner R. Cohen

New Mexico's Environmental Department (NMED) unveiled a regulatory proposal that would curb ozone levels from oil and gas operators in several energy-producing counties.

The new rules would target oil and gas industry equipment that emits

volatile organic compounds and nitrogen oxides during operation. Those two chemicals can combine to form ground-level ozone.

The rules will apply to 50,000 wells and other oil and natural gas sites on

OZONE REGS, P. 10

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Texas Passes Bills Protecting Oil and Gas Industry from Activists

By Kevin Stone

Texas has enacted two laws designed to protect the oil and gas industry from environmental activists' efforts to block investment in the industry and to prevent the use of natural gas.

Disarming Activists

Senate Bill 13 (S.B. 13) requires state entities, including pension funds and the state's substantial K-12 school endowment, to divest from companies that boycott or cut ties with fossil fuel producers. The measure strikes at Wall Street investors and hedge funds who have curtailed or ended investments in petroleum companies or threatened to do so in opposition to carbon-dioxide emissions.

The new law is a response to divestment threats from firms such as BlackRock, whose founder and CEO, Larry Fink, announced to shareholders last year the firm would make climate change a defining factor in its investment strategy.

A second measure, House Bill 17 (H.B. 17), is a direct response to the strain placed on the state's power grid during February's winter storm that left more than two million Texans without power and led to more than 120 deaths. The law prevents localities from trying to halt the use of natural gas in new construction by banning the use of natural gas appliances.

'Lifeblood of the Texas Economy'

The oil and gas industry is critical to the Texas economy, so efforts to divest based on political rather than financial considerations are a direct attack on Texans' well-being, said state Rep. Phil King (R-Weatherford) on the House floor, in explaining why the bill is necessary.

"Oil and gas is the lifeblood of the Texas economy," King said. "In the world of capital, there's a movement to deny funds to businesses that will not sign on to extreme anti-fossil-fuel policy."

Early in the legislative session, Lt. Gov. Dan Patrick publicly said enacting legislation to prohibit the state from doing business with firms

"It's difficult to say whether or not S.B. 13 will have a major impact on curbing these boycotts, especially among the very large asset managers, such as BlackRock."

**ALEXANDER STEVENS
POLICY ANALYST
INSTITUTE FOR ENERGY RESEARCH**

that boycott oil and gas companies is a priority.

It is unclear whether laws forcing divestment from firms boycotting the oil and gas industry will cause companies managed or influenced by activists to reconsider their divestment decisions, says Alexander Stevens, a policy analyst at the Institute for Energy Research.

"It's difficult to say whether or not S.B. 13 will have a major impact on curbing these boycotts, especially among the very large asset managers, such as BlackRock," Stevens said. "On the one hand, the state pension funds and the K-12 endowment are large enough that denying the large asset managers access to these funds should put pressure on them to stop these boycotts.

"On the other hand, these large asset managers have already made the decision to put politics over profits by pursuing 'environment, social, and corporate governance' investing, which seems to upend the fiduciary duties portfolio managers owe to their clients," Stevens said.

'A Necessary Measure'

The law barring localities from banning new natural gas hookups is absolutely in the interests of the state and its people, Stevens says.

"I think H.B. 17 is a necessary mea-



sure to promote energy freedom in Texas," Stevens said. "Environmentalists have a long history of campaigns designed to restrict our ability to make creative use of our natural resources, and they have turned their attention to the local level, where natural gas bans have started to spring up across the country.

"By my count, there are currently 76 cities in the United States that have placed some sort of restriction on natural gas hookups, representing the indifference the environmental movement shows towards low- and middle-income energy consumers, as it forces consumers to use more electricity, which generally costs more than natural gas," Stevens said. "Additionally, bans on natural gas hookups don't make sense because they force more energy consumption onto the electric grid, which, as February's winter storm showed us, could be a recipe for additional blackouts, as more demand would place a greater strain on the grid in Texas."

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

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Louisiana Gov. Edwards Orders State to Become Carbon-Neutral

By Kenneth Artz

Louisiana state officials appear to be turning their backs on the fossil fuel industry in an effort to reduce greenhouse gas emissions sharply.

Democratic Gov. John Bel Edwards issued an executive order setting the lofty goal of making Louisiana carbon-neutral by 2050, and on May 7 Edwards announced the state would be joining the U.S. Climate Alliance.

As the first Gulf state to join the Climate Alliance, Edwards committed Louisiana to policies that advance the goals of the Paris Agreement, aiming to reduce greenhouse gas emissions by at least 26 to 28 percent below 2005 levels by 2025 and accelerate the development of new policies to reduce carbon dioxide in the state, among other things.

Industry Is Cutting Emissions

Louisiana's oil and gas operators are proud they have substantially reduced emissions for economic reasons, without government mandates, says Tyler Gray, president of the Louisiana Mid-Continent Oil & Gas Association, which is a member of Edwards' Climate Initiative Task Force.

"Our members are committed to reducing emissions through the



John Bel Edwards
Louisiana Governor

advancement of emerging technology," Gray said. "In fact, our members have already made improvements to reduce emissions, as the industry itself has invested \$108.2 billion in greenhouse gas mitigating technologies.

"The United States has reduced its CO2 emissions by 12 percent, while the rest of the world increased their CO2 emissions by 29 percent, with a 67 percent decline in emissions relative to production between 2000 and 2018," Gray said. "The Consumer Energy Alliance released its Louisiana Emissions Analysis, which found emissions declined by 71 percent across the state

since 1990, a remarkable feat given that Louisiana's Gross Domestic Product surged 177 percent over the same period."

Helps China, Hurts Louisiana

The idea that Louisiana should forego developing its fossil fuel wealth to fight modest climate change is a misguided notion tied to Edwards' political ambitions, says Jay Lehr, Ph.D. a senior policy analyst at the International Climate Science Coalition.

"Edwards is trying to ingratiate himself with the current Biden administration by throttling Louisiana's oil and

"Louisiana has a proud history of energy production that has helped make the nation stronger. This may play in San Francisco, but for those who like air conditioning, jobs, food, and better opportunities for their children, this is a wakeup call. Edwards' plans help China and Russia but hurt Louisiana."

DAN KISH
SENIOR VICE PRESIDENT OF POLICY, AMERICAN ENERGY ALLIANCE

gas industry," Lehr said. "Obviously his future career is more important to him than the welfare of the people in his state."

Edwards' plan benefits liberal interests and foreign governments at the expense of Louisiana's economy, says Dan Kish, senior vice president of policy at the American Energy Alliance.

"Louisiana has a proud history of energy production that has helped make the nation stronger," Kish said. "This may play in San Francisco, but for those who like air conditioning, jobs, food, and better opportunities for their children, this is a wakeup call.

"Edwards' plans help China and Russia but hurt Louisiana," Kish said.

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

Biden Administration to Revoke Benefit-Cost Clean Air Regulations

By Kenneth Artz

The U.S. Environmental Protection Agency (EPA) is reversing a rule requiring transparency of the scientific and economic justifications for agency regulations imposed to limit air pollution.

The EPA's "Increasing Consistency and Transparency in Considering Benefits and Costs in the Clean Air Act Rulemaking Process," also known as the Benefit-Cost Rule, was finalized in 2020 under the direction of Andrew Wheeler, agency administrator under then-President Donald Trump.

Wheeler said the Benefit-Cost Rule would promote transparency and prevent other administrations from imposing restrictions not based on transparent science and a careful consideration of the economic impact of regulations intended to limit air emissions.

The EPA changed its view with the arrival of the Biden administration.

"The rule EPA is now withdrawing would have helped the public better understand how the EPA makes Clean Air Act decisions and improved the consistency in how the government implements the Clean Air Act."

DAREN BAKST, SENIOR RESEARCH FELLOW, THE HERITAGE FOUNDATION

In May, the agency stated its Benefit-Cost Rule unjustifiably limits the agency's ability to protect public health by restricting the use of critical science when shaping regulations and limits on emissions under the 1970 Clean Air Act.

"[The Benefit-Cost Rule] imposed procedural restrictions and requirements that would have limited EPA's ability to use the best available science in developing Clean Air Act regulations, and would be inconsistent with economic best practices," the EPA's press release announcing the policy reversal states. "[EPA] has critical

authority under the Clean Air Act to protect the public from harmful air pollution, among other threats to our health."

'Pushing Their Extreme Agenda'

The Biden administration's environmental and energy policies show disdain for sound science and transparency, says Daren Bakst, a senior research fellow in regulatory policy studies for The Heritage Foundation.

"The Biden administration has failed to defend the Trump administration's EPA science transparency rule," Bakst

said. "EPA got rid of every member of two legally required science panels in a blatant effort to pick people who support the administration's regulatory agenda, and now it is rescinding the Benefit-Cost analysis rule. The rule they are trying to get rid of promotes open government, transparency, and the public's right to know.

"The rule EPA is now withdrawing would have helped the public better understand how the EPA makes Clean Air Act decisions and improved the consistency in how the government implements the Clean Air Act," Bakst said. "But as we are seeing virtually every day, EPA and the Biden administration appear more concerned with pushing their extreme agenda than in ensuring the agency is making sound and transparent regulatory decisions."

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

Senate Votes to Rescind Trump-Era Methane Regulations

By Linnea Lueken

The U.S. Senate voted to rescind changes made under former President Donald Trump to strict Obama-era limits on the release of methane gas in oil and gas production and transportation.

Used Congressional Review Act

With a vote of 52 in favor of rolling back the Trump regulations and 42 opposed, Senate Democrats, with three Republicans, used the 1996 Congressional Review Act (CRA) to pass S.J. Res. 14. The legislation would reinstate the Oil and Gas New Source Performance Standards, regulations limiting methane emissions from oil and gas industry activities, adopted by the U.S. Environmental Protection Agency (EPA) in 2012 and 2016.

The Obama-era regulations required oil and gas operators to check every six months for methane leaks from pipelines, storage tanks, and other equipment installed after 2015, and to plug any leak within 30 days after detection.

The Trump administration rescinded the Obama-era restrictions and replaced them with its own methane limits, timelines for compliance, and penalties in late August 2020.

Under the CRA, an executive agency must submit a finalized rule to Congress before it becomes law. Congress then has 60 legislative days to review the act and can, by a simple majority, pass a resolution overturning the regulation. The clock for review resets when Congress is not in session. As a result, although the Trump administration finalized the rules in August, the 60-day calendar for review extended into May 2021 because Congress was out of session during the election and on weekends and holidays.

On April 28, the Senate voted to rescind the Trump rules, sending the resolution to the U.S. House of Representatives, where it has awaited action since April 30.

Expedites Methane Limits

By using the CRA to rescind the Trump-era regulations, the Obama-era regulations will automatically become the law of the land once again if the House concurs, without EPA having to go through the months-long process of writing new rules.

A statement made by the Biden



Group of Senate Democrats

PHOTO COURTESY SENATE DEMOCRATS/Flickr

“The ‘greenest’ strategy is to encourage pipelines and let economics take over from there. Fear of global warming is misplaced in any case, because methane is a short-lived gas in the atmosphere and warming has been overestimated by climate models that cannot replicate the real climate.”

ROBERT L. BRADLEY JR.
CEO AND FOUNDER, INSTITUTE FOR ENERGY RESEARCH

administration after S.J. Res. 14 was approved says the Senate’s action will pave the way for further actions by the EPA to meet President Joe Biden’s pledge to cut U.S. greenhouse gas emissions by at least 50 percent by the end of the decade.

Industry on It

Rescinding Trump’s methane regulations is unnecessary because companies were already limiting methane leaks and releases for economic reasons, says Tim Benson, a policy analyst at The Heartland Institute, which publishes *Environment & Climate News*.

“Reinstating the New Source Performance Standards is unnecessary, as industry is already taking proactive measures to limit methane emissions,” Benson said. “Operators don’t need the extra costs of compliance that these regulations will surely entail, which will almost certainly be passed along to consumers in the form of higher prices.”

Even though there has been a significant increase in oil and gas pipeline infrastructure and fossil fuel production, methane emissions have declined

significantly, Benson says.

“According to the EPA’s 2021 Greenhouse Gas Inventory, oil and gas methane emissions have decreased by 16.6 percent since 1990, while natural gas production has increased 96 percent over that time period and oil production has increased by 66 percent,” Benson said. “So even though the United States has added more than 370,000 miles of new gas pipelines over that time to keep up with nationwide demand, methane emissions have still fallen by 69 percent in natural gas distribution systems, while emissions in natural gas transmission and storage systems decreased by 25 percent.

“It is already in the best interest of every oil and gas worker to ensure methane and other greenhouse gas leakages do not occur, and no regulation will change that or is needed to ensure it,” Benson said.

Burning Money

It has always been more economical for companies to capture as much natural gas as possible, instead of having to flare or vent it, says Robert L. Bradley

Jr., CEO and founder of the Institute for Energy Research.

“The economic decision is to market natural gas if profitable, and vent or flare if not, a principle that has operated from the beginning of the industry and certainly in recent years,” Bradley said. “The amount of captured versus released gas has increased proportionally over the years as natural gas has become more valuable and gas pipelines have expanded and improved.”

The Obama-era methane emission regulations, coupled with the push to reduce the number of new gas pipelines, will result in more flaring downstream at chemical plants and power stations when there is more gas than can be stored safely or used, Bradley says.

“The saying ‘It’s not easy being green’ applies to natural gas,” Bradley said. “To the extent regulation forces the capture of gas, there is that much more to be flared downstream, and to the extent that the left discourages pipelines, the more pressure there is to release natural gas for reasons of safety.

“The ‘greenest’ strategy is to encourage pipelines and let economics take over from there,” Bradley said. “Fear of global warming is misplaced in any case, because methane is a short-lived gas in the atmosphere and warming has been overestimated by climate models that cannot replicate the real climate.”

Linnea Lueken (linnea.heartland@gmail.com) writes from Laramie, Wyoming.

Governor Pushes Pennsylvania to Join Regional Greenhouse Gas Initiative

By Adam Houser

Gov. Tom Wolf of Pennsylvania is attempting to force the state to join the Regional Greenhouse Gas Initiative (RGGI) through an executive order.

The RGGI is a cap-and-trade initiative among 11 Northeastern states mandating limits on carbon dioxide emissions from electric power plants. Companies producing electricity using fossil fuels must purchase tradeable allowances for their carbon dioxide emissions. The number of allowances declines each year, forcing companies to reduce emissions over time.

Republican lawmakers in the Pennsylvania General Assembly are trying to block Wolf's order with several bills. One measure, passed through committee, instructs the legislature to send a letter to the RGGI leadership stating Wolf lacks the authority to opt Pennsylvania into the initiative on his own.

Big Producer

The move would have national consequences because "Pennsylvania is the third-largest net supplier of energy

to other states, after Wyoming and Texas," the Energy Information Administration reports.

Joining RGGI would damage Pennsylvania's economy and cede the state's energy leadership, Marc Morano, editor of ClimateDepot.com, a project of the Committee for a Constructive Tomorrow, which co-publishes *Environment & Climate News*, testified at a December 11, 2020 hearing held by Pennsylvania's Department of Environmental Protection on Wolf's RGGI order.

"Pennsylvania has been the energy success story of America," Morano said. "You have led the way in our CO2 reductions. If you really cared about CO2 reductions you would be embracing your fracking revolution. You would be embracing Pennsylvania's energy legacy.

"Instead, you're turning it over to a cap-and-trade carbon taxation scheme that's going to raise the cost of energy for Pennsylvanians [but] have no impact ... on the weather," Morano said.

RGGI States Losing Business

The RGGI has hurt its member states'

economies, says David Stevenson, director of the Center for Energy & Environmental Policy at the Caesar Rodney Institute, in an article in the *Cato Journal*.

"[C]omparison states' economies grew 2.5 times faster than the RGGI states," Stevenson writes. "Data from the U.S. Bureau of Economic Analysis show that the RGGI states lost 35 percent of energy intensive businesses (primary metals, food processing, paper products, petroleum refining, and chemicals), [while] the comparison states only lost 4 percent.

"The RGGI states lost 13 percent of overall goods production, while the comparison states grew by over 15 percent," Stevenson writes. "We see this impact show up in industrial electric demand, with the RGGI states falling 17 percent while non-RGGI comparison states only fell 3 percent."

'Strong Bipartisan Response'

Wolf lacks the authority to join the RGGI without legislative approval, said Pennsylvania state Reps. James B. Struzzi II (R-White Township), Donna

Oberlander (R-Clarion), and Pam Snyder (D-Jefferson) in a memorandum sent to fellow lawmakers in the state.

"A carbon tax is a major energy and fiscal policy initiative, and if such a tax is to be imposed on Pennsylvania industries, we believe it must emanate from the General Assembly," said the legislators' memorandum. "In addition to the fiscal impact on Pennsylvania manufacturers, coal and gas electric generation, consumers, and future economic investments made in our state, this also implicates serious constitutional principles of checks and balances that merit a strong, bipartisan response from the Legislative Branch."

Adam Houser (ahouser@cfactcampus.org) writes from Fairfax, Virginia.

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Massachusetts Enacts Net-Zero Emissions Law

By **Bonner R. Cohen**

Gov. Charlie Baker of Massachusetts signed legislation committing the state to take “aggressive action on climate change” by achieving net-zero carbon-dioxide emissions by 2050.

By enacting Senate Bill 9 (S.B. 9), “An Act Creating a Next Generation Roadmap for Massachusetts Climate Change Policy,” state lawmakers and the governor have taken a major step toward severing ties with fossil fuels and making Massachusetts more reliant on renewable energy, notably wind and solar power.

“Climate change is an urgent challenge that requires action, and this legislation will reduce emissions in Massachusetts for the decades to come while also ensuring that the Commonwealth remains economically competitive,” Baker said in a statement. “We are proud to have worked closely with the legislature to produce bipartisan legislation that will advance clean energy sources and secure a healthy, livable environment for future generations.”

Big Goals, Big Costs

Among other provisions, the law empowers the Baker administration to implement a new energy-efficient building code for municipalities. The law also authorizes the Commonwealth to procure an additional 2,400 megawatts (MW) of what the governor’s office describes as “clean, reliable offshore wind energy” by 2027.

Massachusetts is no stranger to ambitious climate-change policies, but the new law is far more comprehensive and prescriptive than all previous climate legislation in the state.

To achieve its goal of net-zero emissions by 2050, the new law authorizes the state’s Secretary of Energy and Environmental Affairs (EEA) to cap emissions at no more than 50 percent of current levels by 2030 and no less than 75 percent by 2040.

The legislation also authorizes the EEA to establish emissions limits every five years, including sub-limits for six sectors of the Massachusetts economy: commercial buildings, electric power, industrial heating and cooling, industrial processes, natural gas distribution and service, and transportation.

Mandatory Wind Boost

Offshore wind developers will be among



“A Beacon Hill Institute study examining the previous legislative session’s version of S. 9 found gasoline prices in Massachusetts would have to be at least \$14.10 per gallon, while the tax on gasoline emissions would have to be \$1,585 per metric ton to get the Bay State to reduce emissions by 100 percent.”

TIM BENSON
POLICY ANALYST, THE HEARTLAND INSTITUTE

the chief beneficiaries of the new law. By authorizing the Commonwealth to procure additional offshore wind power, the law will bring the state’s total amount required to 4,000 MW by 2027. Earlier this year, the state’s Department of Energy Resources issued an offshore wind power Request for Proposals with the Department of Public Utilities for review and approval, soliciting up to 1,600 MW of new offshore wind power.

The law also increases state micro-management of energy efficiency for individuals and businesses alike. It establishes new requirements for commercial kitchen equipment, plumbing, lighting, computers and computer monitors, and electric vehicle supply equipment, and for consumer appliances such as faucets, portable electric spas, residential ventilating fans, showerheads, toilets, and water coolers sold in the state.

Political Consequences Avoided

Baker and the legislature are foisting a huge energy bill on future generations, says Dan Kish, a senior fellow at the Institute for Energy Research.

“Massachusetts just endorsed Chinese slave labor for solar panels and wind turbines and much higher electricity prices for its residents,” Kish said. “It is instructive to note that no one who voted on this will be in office when the bills will have to be paid, but they are around to spend the money rich ‘green’ companies are spreading around.”

This law is a bureaucrat’s dream, granting untold power over the economy and peoples’ lives, says Craig Rucker, president of the Committee for a Constructive Tomorrow.

“The legislature has handed unelected bureaucrats in Massachusetts a blank check to micromanage most of the state’s economy for decades to

come,” Rucker said. “The new law’s driving force is hubris, and the wreckage that hubris will leave behind is to drive more and more people to leave the state.”

Pain for the Poor

Massachusetts’ zero emissions goal and green energy mandates will harm the poor, says Tim Benson, a policy analyst with The Heartland Institute, which publishes *Environment & Climate News*.

“Mandating the use of ‘renewable’ sources like wind and solar at the expense of fossil fuels in order to ‘decarbonize’ economies, as S.B. 9 does, is incredibly expensive, with the costs disproportionately impacting low-income households by raising their electric bills as well as the cost of all goods and services,” Benson said. “A Beacon Hill Institute study examining the previous legislative session’s version of S.B. 9 found gasoline prices in Massachusetts would have to be at least \$14.10 per gallon, while the tax on gasoline emissions would have to be \$1,585 per metric ton to get the Bay State to reduce emissions by 100 percent.

“I’m sure Bay Staters will be happy to spend 150 bucks every week filling up the tank,” Benson said. “Affordable energy is the key to productivity growth and the production of virtually all goods and services, yet by enacting this ‘Next-Generation Roadmap,’ Baker and the Massachusetts General Court have decided to make everything more expensive for working families in Massachusetts while also seriously raising the cost to do business in the Commonwealth.”

Despite the high costs, Massachusetts’ new climate law will do nothing to protect the environment, Benson says.

“Sadly, all of this will be done to achieve an effect on global carbon dioxide emissions that is completely insignificant, because eliminating Massachusetts’ entire carbon dioxide footprint would be virtually immeasurable globally,” Benson said.

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.

New Mexico Regulators Restrict Natural Gas Flaring

By Duggan Flanakin

The New Mexico Oil Conservation Commission has adopted new regulations requiring oil companies, natural gas processors, and pipeline operators to reduce flaring and venting of methane gas to 2 percent of production by 2026.

The action came in response to an executive order by Gov. Michelle Lujan Grisham in January 2019.

Under the rule, the 98 percent capture will be based on each operator's fourth quarter 2021 and first quarter 2022 recovery and venting data. The limits sharply restrict venting or flaring of natural gas during drilling and production operations, granting only temporary exceptions to the limits during emergencies and malfunctions and when needed for safety.

New Mexico is following Alaska and Colorado in setting new anti-flaring standards.

Emissions Already Declining

A new report from the World Bank says



"Nobody wants unnecessary venting and flaring, nor is flaring done indiscriminately. If the state's primary emphasis is using enforcement to penalize flaring and venting, the rules will have negative impacts."

**PAUL GESSING
PRESIDENT, RIO GRANDE FOUNDATION**

flaring in the United States fell by 32 percent from 2019 and 2021, with a minor percentage of the decrease being attributable to the global pandemic.

The report found decreased flaring in the Bakken, Eagle Ford, and Permian shale regions. The World Bank attributes more than 70 percent of the reduction in flaring to construction of

new infrastructure to transport and use gas.

Flaring Costs Money

The New Mexico Oil Conservation Division of the state's Energy Materials and Natural Resources Department estimates New Mexico operators vented or flared 36 billion cubic feet of natural gas in 2019, which would generate about \$10 million to the state treasury but has much more value to the industry and consumers.

At a wholesale price of just \$2 per thousand cubic feet, producers would have earned more than \$72 million in revenues from that amount of natural gas had they been able to get it to market and avoid having to flare it.

Oil and gas revenues are critical to the New Mexico economy. Nearly 40 percent of the state budget and sizable percentages of local and county budgets are funded by oil and gas production.

Pipelines Needed

Industry professionals are eager to minimize venting and flaring of valuable natural gas, but the proposed rules are only reasonable if they allow expansion of pipelines, says Paul Gessing, president of the Rio Grande Foundation.

"Nobody wants unnecessary venting and flaring, nor is flaring done indiscriminately," Gessing said. "If the state's primary emphasis is using enforcement to penalize flaring and venting, the rules will have negative impacts.

"The real problem is a lack of pipeline infrastructure, in large part due to regulations," Gessing said. "If

infrastructure is improved, excess venting and flaring will take care of itself. If not, then the new rules or President Biden's moratorium on oil and gas leasing on federal lands will force curtailment of production at great cost to operators and the state."

Forced Reductions Costly

Some of the recent venting and flaring is associated with the significant increase in crude oil production in the bi-state Permian Basin, combined with limited pipeline access, says petroleum geologist Karr Ingham, executive vice president of the Texas Alliance of Energy Producers (TAEP).

"Had New Mexico's policy been in place for the past few years, operators in the state would have had to significantly restrict production due to a lack of pipeline infrastructure," Ingham said. "Federal policy to shutter existing pipelines and ban new ones only exacerbates the problem.

"A flaring cap would have created a significant tradeoff resulting in much lower crude oil production, and the revenue from lower production would obviously have been lost to the industry and to the state," Ingham said. "Moreover, any flaring increases were a temporary phenomenon brought about by the rapid increase in crude oil production, with associated gas production as the byproduct. Historically, that problem has always been solved by investment in increased pipeline capacity."

Industry Working on It

The oil and gas industry shares New Mexico's goal of reducing flaring, says TAEP President Jason Modglin. Even without any regulation, the industry has taken steps to reduce flaring and venting, Modglin says.

"Fracking is increasing because of the recovery of price and demand for oil and gas," Modglin said. "This is a good thing for the United States, to see domestic production rebound.

"Securing takeaway capacity for waste gas, which requires market investment and innovation, not top-down control, is the best way to conserve that gas for a beneficial use," Modglin said.

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

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Texas Governor Weighs in on Climate Suit Against Exxon

Greg Abbott
Governor of Texas

By Kevin Stone

Texas Gov. Greg Abbott filed an amicus curiae brief asking the Texas Supreme Court to reverse a lower court decision that prevents ExxonMobil from deposing the plaintiffs of a climate lawsuit.

Public officials from San Francisco and other California municipalities sued Exxon and other energy companies in 2017, claiming emissions from the oil and gas produced by the defendants were causing damage from rising sea levels.

Exxon countersued. At issue is a Texas appeals court's refusal to allow Exxon to depose California officials and seek documents in discovery, prompting an appeal to the Texas Supreme Court.

Climate Lawsuits, Countersuits

Exxon alleges the defendants are part of a conspiracy among environmental activists, local governments, and trial attorneys attempting to penalize the company for its views on climate change. Exxon argues the same officials downplayed the effects of climate change on their infrastructure in bond-offering disclosures, which the company contends demonstrates the claims made against the firm in the lawsuit were not made in good faith.

The cities claim Texas courts lack jurisdiction over them.

In 2018, Tarrant County District Judge R. H. Wallace Jr. ruled Texas

courts did have jurisdiction over the matter, granting Exxon's request for depositions and discovery.

In June 2020, a three-judge panel of Texas' Second Court of Appeals in Fort Worth overturned Wallace's decision, ruling Texas courts lacked jurisdiction over the municipal defendants Exxon was countersuing.

Abbott Weighs In

Abbott issued a friend of the court brief in support of Exxon's request for the Texas Supreme Court to take up the company's appeal and allow it to depose the California officials.

In his brief, Abbott characterizes the California officials as out-of-state activists trying to suppress the speech and economic rights of Texas companies, which Abbott notes the state has an interest in defending.

"Respondents are California officials and local governments, plus a Massachusetts lawyer, who are allegedly using tort lawsuits in California courts as a pretext to suppress the speech of eighteen Texas-based energy companies on the subject of climate and energy policies," Abbott's brief states. "When out-of-state officials try to project their power across our border, as respondents have done by broadly targeting the speech of an industry crucial to Texas, they cannot use personal jurisdiction to scamper out of our courts and retreat across state lines."

Abbott's brief cites *BMW of N. Am., Inc. v. Gore*, in which the court ruled, "By engaging in such 'lawfare,' respondents have flouted 'principles of state sovereignty and comity [that hold] that a State may not impose economic sanctions on violators of its laws with the intent of changing the tortfeasors' lawful conduct in other States.'"

'Acting Hypocritically'

The cities suing Exxon are acting hypocritically in multiple ways, says James Taylor, president of The Heartland Institute, which co-publishes *Environment & Climate News*.

"The plaintiffs are acting hypocritically by suing oil companies for producing a product the cities themselves rely on and use daily, and any emissions come from the cities and their residents using oil, not the production and sale of it," Taylor said. "The cities claim oil companies' carbon dioxide emissions are causing rising seas, yet when the plaintiffs offer bonds for sale, they fail to mention rising seas as a material threat to their infrastructure."

"Also, the cities demand that courts force Exxon to disclose private documents concerning the company's climate knowledge and strategies, yet it wants the court to block Exxon's request for similar disclosure from the plaintiffs," Taylor said.

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

New Idaho Law Expands Allowable Wolf-Hunting Methods

By Kenneth Artz

Gov. Brad Little of Idaho signed legislation expanding the allowable methods for controlling the state's wolf population.

The law allows the Idaho Wolf Depredation Control Board to hire private contractors to hunt wolves, and it expands the methods licensed hunters may use to take wolves to include the use of night-vision equipment and hunting from snowmobiles and all-terrain vehicles.

Legislative sponsors of the bill estimated the new law could lower the wolf population by as much as 90 percent, from about 1,500 to 150, curtailing attacks on cattle, sheep, and wildlife.

At an estimated 1,500 wolves, Idaho's wolf population far exceeds the state's recovery goal in its federally approved wolf management plan of 150 wolves. Idaho hunters killed 1,000 wolves in the past two years.

Livestock Predation Growing

Predation on livestock has been a growing problem since wolves were reintroduced into the state, says Caleb Pirc, former government affairs manager for The Idaho Wool Growers Association and owner of Good Shepherd Farm, where he raises sheep.

"I think part of the problem is wolves are very hard to hunt, and they're very hard to trap, because they are in hard-to-get-to areas," Pirc said. "In the case of the sheep, we're dealing with an animal that doesn't have any natural defenses and is pretty small. We had a producer in eastern Idaho who lost 150 [sheep] one night because the wolves just ran them off a cliff."

"The purpose of paying private contractors and expanding the ways of hunting wolves is to maintain balance in the ecosystem and protect livestock, because it is really hard to get a wolf," Pirc said. "We have people who come in from out of state, buying wolf tags, and they won't see a single wolf on guided hunts."

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

New Mexico Proposes Stricter Ozone Regulations on Oil, Gas Operators

Continued from page 1

federal, state, and private land in counties with high ozone levels, including Chaves, Dona Ana, Eddy, Lea, Rio Arriba, Sandoval, San Juan, and Valencia.

If adopted as currently written, the rules, released on April 29, will force the industry to install new control devices and enhanced leak detection technology and to meet tighter compliance deadlines.

Originally, low-emitting “stripper wells” and other sites were exempt from the rule. They were added to the final proposal after environmental groups complained.

NMED estimates the new rules, expected to take effect in the spring of 2022, will reduce ozone-forming emissions by about 129,000 tons each year. Operators failing to comply will face stiff fines.

Rules Threaten State’s Economy

The ozone proposal comes at a time when the future of fossil-fuel devel-



“As New Mexico adopts a more progressive agenda, our state falls further behind our western neighbors in population growth and other key measures of success.”

HOWARD HUTCHINSON
EXECUTIVE DIRECTOR
COALITION OF ARIZONA/NEW MEXICO COUNTIES

opment in New Mexico is already in doubt.

President Joe Biden’s pause on oil and gas development on federal land threatens to cripple New Mexico’s economy.

Oil and gas extraction in the hydrocarbon-rich Permian Basin, which New

Mexico shares with Texas, has been a major source of jobs and tax revenues.

At the beginning of the year, the industry employed approximately 100,000 workers in the state, and its tax revenues put \$2.8 billion per year into the state’s coffers, according to the New Mexico Oil and Gas Association.

Those revenues accounted for more than a third of New Mexico’s budget.

New Mexico’s two U.S. senators, Democrats Martin Heinrich and Ben Ray Lujan, sent a letter to White House climate advisor Gina McCarthy in early March expressing concern about the effects of the potential ban on new oil and gas production on federal lands in their state.

“We write to follow up on President Biden’s Executive Order 14008 addressing the climate crisis,” the letter states. “[Although a] leasing pause is fully appropriate in the new Biden administration, an extended and indefinite suspension would have significant impacts on our workforce and state funding for education and creates unnecessary uncertainty for New Mexico’s state and local budgets.”

Activists in Charge

Against its residents’ interests, New Mexico’s state government is collaborating with the Biden administration to destroy the oil and gas industry, says Jay Lehr, Ph.D., a senior policy analyst with the International Climate Science Coalition.

“There is an all-out effort by the Biden administration and its political allies to destroy the oil and gas indus-

try in New Mexico and everywhere else,” Lehr said. “Since New Mexico’s Permian Basin is one of the United States’ best energy producers, this will hurt its citizens the most.”

The ozone rules are just the latest in a long series of abuses against resource developers in New Mexico, says Howard Hutchinson, executive director of the Coalition of Arizona/New Mexico Counties.

“In the 1990s, emboldened by their success in destroying New Mexico’s timber industry, environmental organizations embarked on campaigns to take out ranching, mining, and irrigated farming,” Hutchinson said. “Every year over the past three decades, New Mexico’s legislature and federal and state agencies have cranked the regulatory ratchet on these industries.

“Now the hungry reptile is going after the biggest prey of all: the oil and gas industry,” Hutchinson said. “As New Mexico adopts a more progressive agenda, our state falls further behind our western neighbors in population growth and other key measures of success.”

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.

INTERNET INFO

Bonner R. Cohen, “Green New Deal backers balk at Biden fracking ban on federal land,” The Committee for a Constructive Tomorrow, March 16, 2021; <https://www.cfact.org/2021/03/16/green-new-deal-backers-balk-at-biden-fracking-ban-on-federal-land/>

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Biden Mandates ‘Preserving’ Nearly One-Third of Nation’s Land

Continued from page 1

permanently protected” and the same is true for 23 percent of the nation’s waters. The EO leaves unexplained how the amount of land protected is to be raised to “at least” 30 percent in nine years.

The White House directed federal agencies to produce implementation strategies to carry out the order within 90 days. When the resulting 22-page document, “America the Beautiful,” was released on May 6, instead of providing specifics about how to reach the goal of protecting 30 percent of U.S. land and water, the document was a litany of generalities about the importance of biodiversity and the urgency of confronting climate change.

The federal government currently owns about 27 percent of America’s land. The Biden administration argues only 12 percent of the land in the United States is protected. As a result, it is unclear where the additional land and water is going to come from to obtain protection of 30 percent of the United States by 2030.

Western Legislators Object

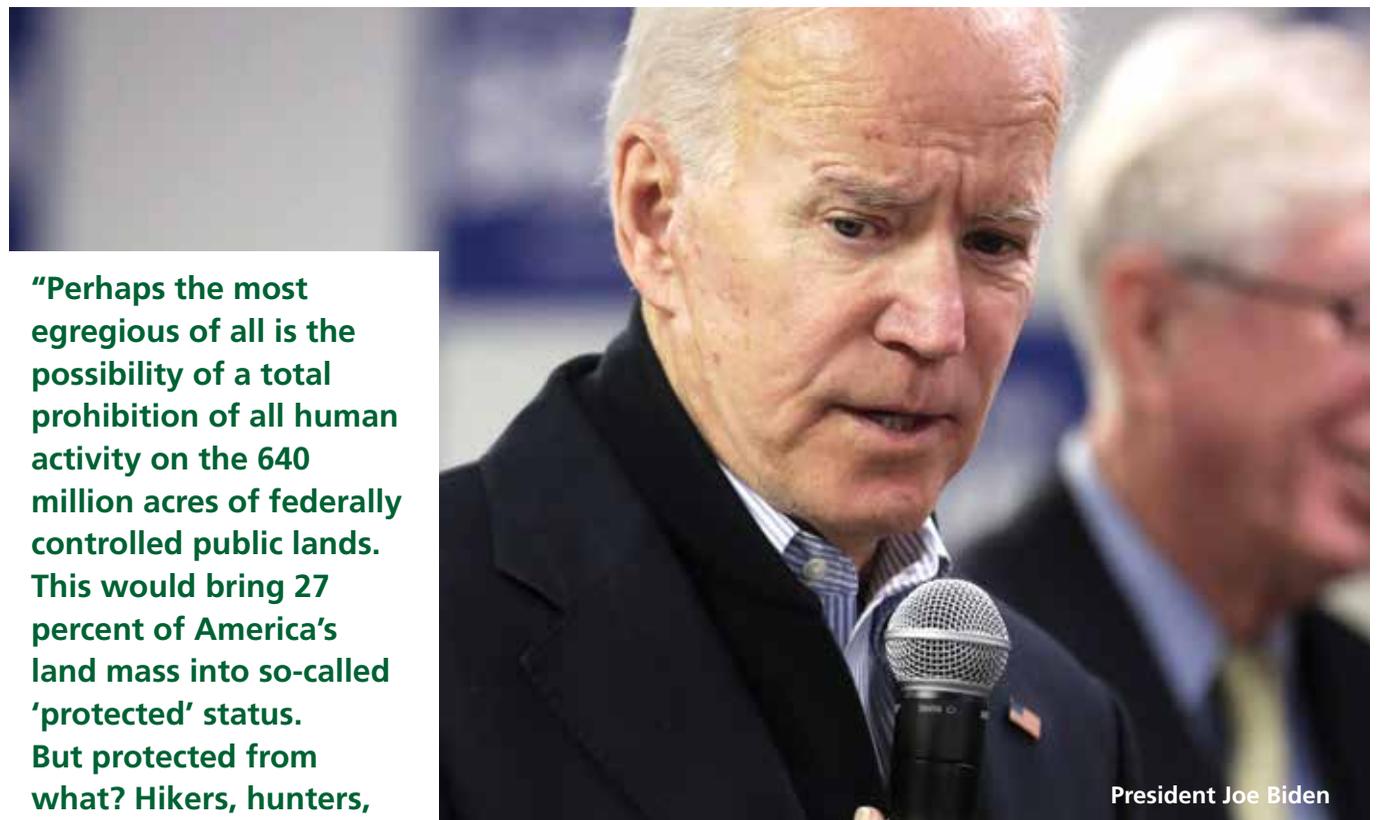
Members of Congress and numerous state legislators are expressing concerns about Biden’s plan and the Interior Department’s February 11 revocation of a Trump-era order giving state and local governments a voice in federal land acquisitions within their jurisdictions.

In a March 16 letter to Biden, 64 members of the Congressional Western Caucus pointed out the federal government already manages 640 million acres of land—one million square miles—in the United States, 90 percent of which is west of the Mississippi.

“Western states will be disproportionately impacted by policies set in place to achieve the 30 by 30 goal, which we fear will impact revenues derived and jobs that depend on multiple-use public lands,” the letter states. “Our lands and our waters must remain open to activities that support our rural economies and help us achieve our agriculture, timber, recreation, energy, and mineral needs.”

Governors Question Authority

Governors from 15 states, ranging from Alabama and Tennessee in the Southeast to Alaska and Idaho in the Northwest, questioned the Biden administra-



President Joe Biden

PHOTO COURTESY DREW ANGERER/GETTY IMAGES

“Perhaps the most egregious of all is the possibility of a total prohibition of all human activity on the 640 million acres of federally controlled public lands. This would bring 27 percent of America’s land mass into so-called ‘protected’ status. But protected from what? Hikers, hunters, skiers, and virtually all beneficial economic activity perhaps, but certainly not from the greatest threat of all—environmentally destructive wildfires, a danger that would only be exacerbated by this policy.”

JENNIFER FIELDER
FORMER MONTANA STATE SENATOR

tion’s authority to undertake its 30 by 30 Plan.

“[We] are not aware of any statutory or constitutional authority for the President, the U.S. Department of Interior, the U.S. Department of Agriculture, or any other federal agency to set aside and permanently preserve 30 percent of all land and water in the United States,” the 15 governors wrote in an open letter to Biden. “Nowhere in the laws of our nation is the authority delegated to the President or executive branch agencies to unilaterally change the policies governing land use in America.

“Obtaining the 30 percent goal would require your administration to con-

demn or otherwise severely limit the current productive uses of such lands, infringing on the private property rights of our citizens and significantly harming our economies,” the governors’ letter said.

The governors promised to sue to block the administration’s actions if they go too far.

Buying Land, Twisting Laws

The 30 by 30 Plan could be enacted through a variety of means, says former Montana state Sen. Jennifer Fielder, CEO of the Montana-based American Lands Council. For example, the Land and Water Conservation Fund could fund new land acquisitions, the 1973 Endangered Species Act could be rigorously enforced to restrict public and private land use, or the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers could issue a new “Waters of the United States” rule declaring ephemeral bodies of water federally protected.

“Perhaps the most egregious of all is the possibility of a total prohibition of all human activity on the 640 million acres of federally controlled public lands,” Fielder said. “This would bring 27 percent of America’s land mass into so-called ‘protected’ status.

“But protected from what?” Fielder

asks. “Hikers, hunters, skiers, and virtually all beneficial economic activity perhaps, but certainly not from the greatest threat of all: environmentally destructive wildfires, a danger that would only be exacerbated by this policy.”

Factoring in Private Efforts

Although Biden’s 30 by 30 preservation plan is unneeded, there is a way to minimize its impact on states and private property holders, says Jane Shaw Stroup, manager of the Goodman Institute’s Liberty and Ecology blog.

“The 30 percent figure is unrealistic as well as totally unnecessary,” Stroup said. “However, since Biden is going to pursue that course of action, here’s one thing he should do: The administration should count as preserved the many examples of private conservation throughout the country.

“An inventory of such projects should be taken, as was done by the White House Council on Environmental Quality in the Reagan administration,” Stroup said.

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.

Biden Administration's Offshore Wind Plans Endanger Fishing Industry

By Duggan Flanakin

The Biden administration announced final approval for plans to install up to 84 giant wind turbines approximately 12 nautical miles off the coast of Martha's Vineyard, Massachusetts.

The 800-megawatt Vineyard Wind project is the down payment on President Joe Biden's goal of installing 30,000 megawatts of offshore wind energy sources by the year 2030.

"The approval of this project is an important step toward advancing the [Biden] administration's goals to create good-paying union jobs, while combating climate change and powering our nation," U.S. Secretary of the Interior Deb Haaland said in a statement.

Fishing Industry Ignored

The Responsible Offshore Development Alliance (RODA), a coalition of fishing industry associations and fishing companies, condemned the project's approval, saying government officials "met with silence" their concerns about the project's effects on fish stocks and vessel traffic.

The fishing operators in the region say the onetime \$16 million payout offered to them to offset any losses and the promise to "study" the effect of the Vineyard Wind project on fisheries are too little, too late.

"Safe transit for mariners through wind energy areas is a key issue for fishermen with regard to offshore wind development in the U.S.," RODA says on its website. "Currently, the regulatory process does not require any specific project design conditions to allow fishermen to safely transit through wind energy areas on the way from ports to traditional fishing grounds."

"This is a critical shortcoming in the federal planning and review process," RODA states. "RODA is striving to address this issue and ensure our fishing fleets' safety at sea."

Army Corps Lists Harms

In the U.S. Army Corps of Engineers' portion of the Federal Record of Decision (ROD), the Army Corps indicated the Vineyard Wind project would be bad for fisheries.



"While Vineyard Wind will have beneficial impacts to the local economy, it is anticipated that there will be negative economic impacts to commercial fisheries," the Army Corps writes in the ROD. "[D]ue to the placement of the turbines it is likely that the entire 75,614-acre area will be abandoned by commercial fisheries due to difficulties with navigation.

"It is anticipated that the discharge of fill material associated with the project will result in major impacts to mollusks, fish, and crustaceans in the project area," the Army Corps' analysis states.

The Army Corps estimates the dumped fill material will smother any mollusk species nearby and have 36 adverse effects on fish eggs and the larval stages of some crustaceans.

Benefitting Foreign Corporations

The Vineyard Wind project will primarily benefit foreign corporations that stand to receive billions of dollars in federal loan guarantees and renewable energy credit subsidies, says author and energy analyst Robert Bryce.

"Britain's BP, Norway's Equinor, and Denmark's Ørsted are developing a total of some 6.2 gigawatts of offshore wind capacity in U.S. waters," Bryce said. "Those companies aren't coming to America for the cheeseburgers. They're coming here hoping to collect billions of dollars in federal tax credits."

Vineyard Wind is likely to harm sea

life in the area, Bryce says.

"Some of the permitted wind projects sit directly atop some of the best squid and scallop fisheries on the Eastern Seaboard," Bryce said. "Rockefeller University energy expert Jesse Ausubel called the push for a huge expansion of offshore wind a 'massive industrialization' that will negatively impact ocean life.

"Putting thousands of offshore platforms off our coast will have impacts on fisheries, navigation, and national security," Bryce said.

Wishing and Hoping

Based on experience, the Biden administration's huge wind farm expansion plans are more likely to be wishful thinking than an achievable goal, Bryce says.

"In a 2011 speech by then-Interior Secretary Ken Salazar at a conference sponsored by the American Wind Energy Association, Salazar boasted of the Obama administration's 'ambitious—but achievable' goal of deploying 10 gigawatts of offshore generating capacity by 2020 and 54 gigawatts by 2030," Bryce said. "How did that work?" you might ask. Well, ten years after Salazar's speech, the United States has five offshore wind turbines producing a total capacity of 30 megawatts of electric power—some 9,970 megawatts short of the ambitious but supposedly achievable goal laid out in 2011."



"Some of the permitted wind projects sit directly atop some of the

best squid and scallop fisheries on the Eastern Seaboard. Rockefeller University energy expert Jesse Ausubel called the push for a huge expansion of offshore wind a 'massive industrialization' that will negatively impact ocean life. Putting thousands of offshore platforms off our coast will have impacts on fisheries, navigation, and national security."

ROBERT BRYCE
ENERGY ANALYST

Economic, Environmental 'Loser'

Multiple studies by independent experts have found offshore wind energy is a net economic and environmental loss, says physicist John Droz Jr., director of the Alliance for Wise Energy Decisions.

"Four different consultants hired by New Jersey officials between 2008 and 2012 all found offshore wind was a loser," Droz said.

"Wind energy is not a winning solution to climate change, either," Droz said. "No scientific study done anywhere has concluded expanding wind energy will prevent a consequential amount of carbon dioxide from entering the atmosphere. The reason is there is no such thing as wind energy by itself. It is inescapable that wind energy must be paired with an augmenting source of energy, which in 95 percent of cases is natural gas, because it's the only conventional energy source that can ramp up and down as quickly as wind and thus be able to provide energy when the wind turbines are not."

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



U.S. Fracking Up, Flaring Down

Hydraulic
fracturing rig

By Duggan Flanakin

Despite the February freeze limiting oil and gas operations in west Texas and New Mexico, hydraulic fracturing to produce oil and natural gas recovered to pre-pandemic levels by March.

Conversely, associated wellhead gas flaring—the burning of gas when storage and pipeline capacity is unavailable—declined again in January in major oil and gas regions in the United States: the Permian, Bakken, Eagle Ford, Powder River, and Denver-Julesburg.

Rystad Energy, an energy research and business intelligence company, reported 967 fracking operations were started in March in the United States, a 12-month high. It later revised that number to 1,064 wells, about 6.5 percent above January 2021 activity. For 2021's first quarter, the number of completed wells in the Permian Basin exceeded the output required to keep oil and gas supplies and stocks from declining.

Rystad predicted oil production will continue to rise in the second quarter and slow down later this year. The increases conflict with Rystad's September 2020 estimate that U.S. fracking would not return to pre-pandemic levels until 2025.

Production Increases, Flaring Falls

Rystad reported a decline in gas flaring since early in the fourth quarter of 2020 despite a significant recovery in fracking activity. The reason for this decline is that the industry is committed to the gradual elimination of routine flaring of natural gas, Rystad reports.

Rystad found the amount of methane released or flared per unit of oil and gas produced—methane emissions intensity—has declined significantly.

As of January 2021, only 5.7 percent of gas was flared in the Bakken, Rystad reports. Permian flaring intensity fell

“Fracking, pioneered and utilized efficiently in the United States, has created an abundant, affordable energy source to attract manufacturing and industry back to our shores. Returning to costly, unreliable energy harms U.S. jobs and the economy and produces no environmental improvement.”

JASON MODGLIN

PRESIDENT, TEXAS ALLIANCE OF ENERGY PRODUCERS

to 1 percent—the same intensity as in the Eagle Ford region, which historically has flared much lower percentages of gas than the Permian because of better infrastructure in place.

Rystad estimated flaring in the Permian for the first quarter of 2021 would be at its lowest since 2017.

Big Progress Already

The oil and gas industry has no interest in losing money by unnecessarily venting or flaring a viable commercial product, says Jason Modglin, president of the Texas Alliance of Energy Producers.

“The Texas Alliance has worked with the Texas Methane and Flaring Coalition to continue making significant progress in reducing the amount of natural gas flared from operations,” Modglin said. “A new report from the Texas Independent Producers and Royalty Owners Association found methane emissions intensity in the Permian Basin had declined more than 70 percent in the past eight years even as oil production more than tripled over the same period.

“Industry shares the goal of reducing flaring and venting, and has taken steps absent of new regulation to reduce both,” Modglin said. “Securing takeaway capacity for waste gas is the best way to conserve it for a beneficial use, and these improvements have happened because of market investment

and innovation, not regulation.”

Pipeline Infrastructure Critical

To avert further regulation, oil and gas operators began to refocus production efforts in regions with good infrastructure, thus reducing the need for flaring, says Bette Grande, CEO of the Roughrider Policy Center.

“When oil prices dropped in early 2020 because of actions taken by OPEC and because of the COVID-19 pandemic, North Dakota producers, fearing a Biden [administration] moratorium on drilling on federal lands, began focusing on drilling new wells on lands where they already had federal permits,” Grande said. “Those parcels are generally well-equipped with pipelines and related infrastructure and, as a result, have relatively little flaring.

“There was an incentive to shut in wells that had limited access to infrastructure, such as storage tanks and pipelines, which tended to flare more gas,” Grande said. “As production ramps back up, wells with limited infrastructure are the last to come back online.”

Shifted Operations

If the Biden administration blocks oil and gas infrastructure construction, flaring will increase in the Bakken as prices rise and wells lacking sufficient infrastructure come back online, Grande says.

“In North Dakota, gas production is projected to outstrip pipeline and processing capacity by 2022, prompting increased flaring,” said Grande. “Federal and state regulations forcing oil companies to throttle back wells that flare will make operations more difficult.

“North Dakota producers currently capture 92 percent of the gas, and of the remaining 8 percent, 2 percent is flared because wells lack access to gas-gathering pipelines, and 6 percent is due to inadequate existing infrastructure, because existing pipelines are already at capacity,” Grande said. “When drilling activity moves beyond the core producing areas, these infrastructure issues will increase, and flaring will go back up.”

Critical of Biden Plans

Modglin says the Biden administration's intent to reduce fossil fuel production and use clashes with a growing worldwide demand for oil and gas products. Cutting U.S. oil and gas production will harm the economy and the environment, Modglin says.

“There is zero evidence to suggest fossil fuel consumption, domestically or globally, is falling,” Modglin said. “Absent U.S. production, we will be forced to import more foreign oil from regions with lower environmental and labor standards, making our country more dependent on foreign sources of energy and harming the environment in the process.

“Fracking, pioneered and utilized efficiently in the United States, has created an abundant, affordable energy source to attract manufacturing and industry back to our shores,” Modglin said. “Returning to costly, unreliable energy harms U.S. jobs and the economy and produces no environmental improvement.”

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

Wash. State Imposes Carbon Dioxide Cap-and-Trade Regime

By Duggan Flanakin

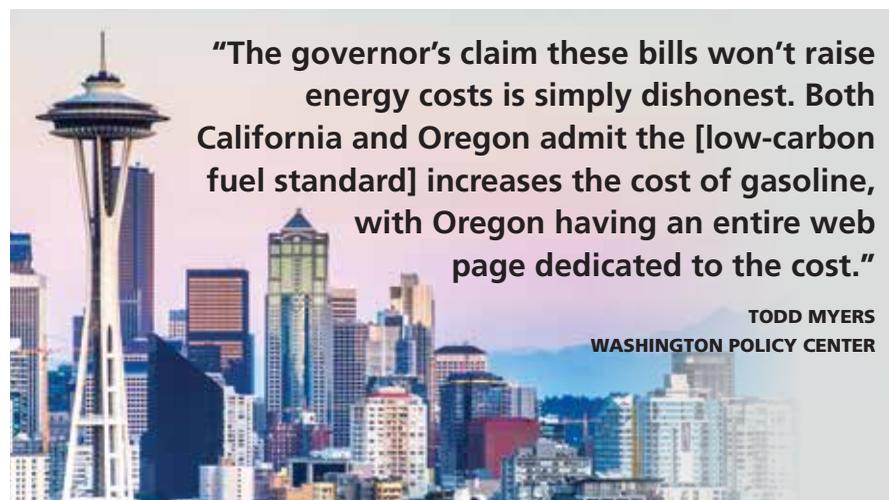
Washington Gov. Jay Inslee signed legislation creating a low-carbon fuel standard (LCFS) that caps carbon dioxide emissions and sets specific emission limits for individual businesses.

Inslee also used a line-item veto to remove language in Senate Bill 5126 tying implementation of the cap-and-trade scheme to a transportation spending package with a gasoline tax hike of at least 5 cents per gallon.

Senate Bill 5126 was approved in the state Senate largely through a “grand bargain” struck by lawmakers that included the gas tax. Many legislators expressed anger over Inslee’s veto of the gas tax hike.

Auctioning Eco-Indulgences

The new law establishes a “cap-and-invest” program for greenhouse gas emissions, to be implemented by the state’s Department of Ecology. A limited amount of emission credits will be



“The governor’s claim these bills won’t raise energy costs is simply dishonest. Both California and Oregon admit the [low-carbon fuel standard] increases the cost of gasoline, with Oregon having an entire web page dedicated to the cost.”

**TODD MYERS
WASHINGTON POLICY CENTER**

auctioned off each year, with the total number of credits slowly reduced over time to reach “net zero” CO2 emissions by 2050.

Revenues from credit auctions will be placed in a “Forward Flexible Account” targeting clean transportation, natural climate resiliency, clean energy transition and assistance, and energy effi-

ciency projects.

Businesses purchasing credits will be allowed to sell them to companies whose emissions exceed their allotments.

The legislation requires an environmental justice review to ensure the cap-and-invest program achieves reductions in criteria pollutants in communities highly affected by air pollution.

‘It Is Unconstitutional’

Democratic lawmakers called Inslee’s veto of the gas tax a betrayal of the compromise reached to get the bill passed.

Inslee’s veto was unconstitutional and will be challenged in court, House Speaker Laurie Jinkins (D-Tacoma) said in a statement.

“The governor’s partial veto today of ... the clean fuel standard bill reaches beyond his constitutional powers, and we will ask the Washington courts to again rule on the balance of legislative and executive branch powers,” Jinkins said.

State Sen. Mark Mullet (D-Issaquah) said in a statement his vote for the bill was based precisely on the funding provision Inslee vetoed.

“My votes were contingent on the bills’ funding for transportation projects,” Mullet said. “There is absolutely no reason that Gov. Inslee should veto portions of these bills that would help us tackle our state’s transportation needs.

“The Washington State Supreme Court says [the governor] does not have the authority to veto sentences in bills, as [Inslee] did today,” Mullet said. “Not only is what he did today bad policy, it is unconstitutional.”

‘The Policies Are Regressive’

The new mandates will be ineffective and harm the poor, House Minority Leader J. T. Wilcox (R-Yelm) told *Environment & Climate News*.

“House Republicans voted against the low-carbon fuel standard and cap-and-trade bills because the policies are regressive and will make life more expensive for Washingtonians,” Wilcox said. “These measures will also do very little to reduce CO2 emissions.

“When environmental policies are balanced and effective, such as healthy forest initiatives and cleaning up toxic sites, you have seen Republican support,” Wilcox said. “But we will not support ineffective policies that create more financial burdens for working families and small businesses.”

‘Injecting More Politics’

The low-carbon-dioxide standard will do nothing to improve air quality and will raise energy costs, says Todd Myers, director of the Center for the Environment at the Washington Policy Center.

“The low-carbon fuel standard, when combined with cap-and-trade, does literally nothing to reduce CO2 emissions or improve air quality,” Myers said. “The LCFS adds nothing to reductions covered by cap-and-trade except extra cost. The only beneficiaries are the foreign biofuel companies that lobbied for it.

“The governor’s claim these bills won’t raise energy costs is simply dishonest,” Myers said. “Both California and Oregon admit the LCFS increases the cost of gasoline, with Oregon having an entire web page dedicated to the cost. To have to resort to dishonesty is an indication of how weak the justification for the policy truly is.”

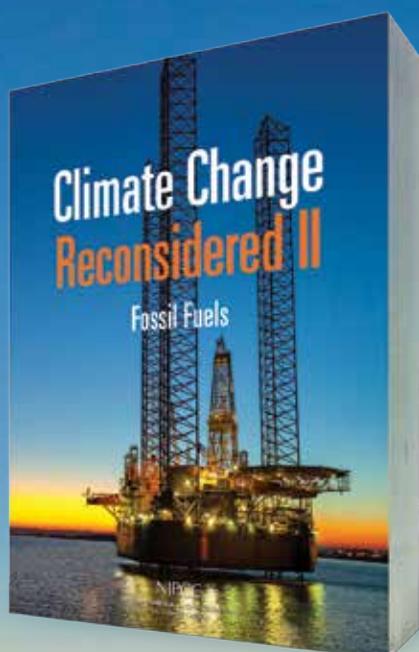
The environmental justice provisions of the bill are not based on science and are strictly a payoff to a key Democratic constituency, Myers says.

“The environmental justice provisions override science-based and objective standards of environmental effectiveness and steer funding to politically favored communities,” Myers said. “Injecting more politics is not the way to reduce the impacts of poverty and pollution. In fact, it undermines science-based policies that do.”

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

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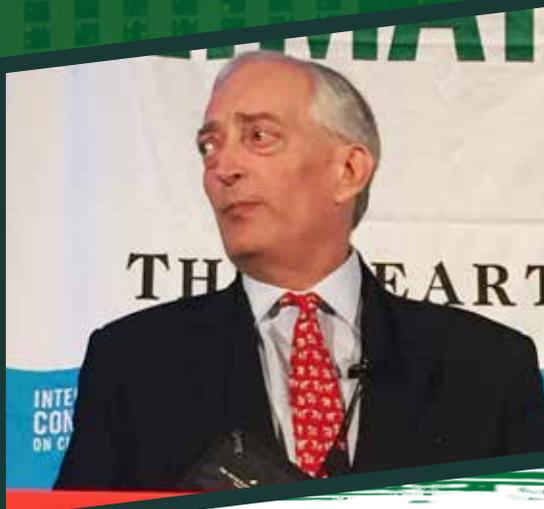


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California Electric Vehicle Push Raises Many Questions

By Ronald Stein

California Gov. Gavin Newsom is attempting to ban the sale of internal combustion powered (ICP) vehicles in the state by 2035.

Newsom's September 23, 2020 executive order directs the California Air Resources Board (CARB), the state's air quality regulator, to require all new cars and passenger trucks sold in California be zero-emission vehicles by 2035. With current technologies, that means they must be electric vehicles (EVs).

Newsom has said replacing gasoline- and diesel-powered vehicles with electric vehicles is critical to meeting California's carbon dioxide emission reduction goals.

With half of all the EVs in America being registered in California, the state already leads the nation in EV ownership and use.

Legal Maneuvers

Because Newsom does not have the



authority to ban ICP vehicles directly, his administration is using an end-around to force consumers to purchase more EVs, says Margo Parks, director of California policy at the Western States Petroleum Association.

"The governor can't ban ICPs on his

own, so the executive order directs the California Air Resources Board (CARB) to implement rulemaking to ban the sale of the vehicles under California's federal Clean Air Act waiver and other laws they believe grant them such authority," Parks said. "Complicating Newsom's desire to force lifestyle changes on Californians is the fact that CARB has no authority over vehicle registration.

"Californians will still be able to purchase and register used ICP vehicles or buy new or used ICP vehicles in other states and register them in California," Parks said. "CARB also has no authority to set registration fees, limiting its ability to make gas and diesel power vehicles more expensive."

Limits to Growth

Research indicates Newsom's EV order may not result in the intended environmental benefits.

The National Bureau of Economic Research estimates EV drivers put about half as many miles on their cars as the average driver. The research suggests EVs' limited range and charging options have resulted in them being used as secondary, not primary, vehicles in households.

A study by Nature Energy found 18 percent of drivers who bought EVs from 2012 and 2018 switched back to fossil-fuel-powered cars because of dissatisfaction, often before the vehicles were fully paid off.

Another factor limiting EV attractiveness in California is that the vehicles depend on a reliable electric power supply, something California increasingly

lacks. As the state has moved to more wind and solar power, its electric power system has become increasingly prone to extended power outages during the summer months. This has resulted in EV drivers often being unable to charge their cars fully.

Power outages rendering EVs unusable are likely to become more common as even more of the state's electric power supply comes from weather-dependent sources and larger numbers of EVs place increased demand on the unreliable grid.

Unattractive Costs

Even with government tax credits, EVs typically cost more to purchase than comparable ICP vehicles, limiting lower-income Californians' ability to buy them.

The Hybrid & Electric Cars Survey by CarMax, the nation's largest retailer of used cars, reports purchasers of zero- and low-emission vehicles are generally highly educated and financially well-off, with more than 70 percent of EV owners having a four-year college or postgraduate degree. The average household income of EV purchasers is more than \$200,000.

Similarly, the Public Policy Institute of California reports California is home to more than two million undocumented immigrants, and 45 percent of the state's population—18 million of the state's 40 million residents—are from the Hispanic and African American communities, with average incomes less than half that of the average current EV owner.

High electricity prices will make it even more difficult to increase EV use among California's poor, who already devote a larger portion of their incomes to electricity than wealthy Golden State residents. A report from the Energy Information Administration suggests California's electricity policies have resulted in the state's households paying 50 percent more for electricity than the national average, and industrial users paying more than double the national average for electricity. Only Hawaii has higher energy costs.

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

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Biden Administration Fast-Tracks Massive Solar Project in California Desert

By Bonner R. Cohen

The Biden administration fast-tracked the approval of a giant solar power project on 2,000 acres of federal land in the southern California desert.

The U.S. Department of the Interior (DOI) approved the \$550 million solar facility, the Crimson Solar Project (CSP). The DOI estimates the CSP will have the “potential” to power nearly 87,500 homes in Southern California Edison’s service area.

The DOI’s Record of Decision authorizes Sonoran West Solar Holdings, LLC, a wholly owned subsidiary of Recurrent Energy, a Canadian solar power company, to construct the 350-megawatt (MW) solar photovoltaic facility, along with a 350-MW energy storage system for backup and supplementary power, and the necessary ancillary support systems on the federal land.

Looming Water Problem

The DOI has failed to address the long-term environmental effects of solar panels, which must be disposed of at the end of their operating lifespans, says physicist John Droz, director of the Alliance for Wise Energy Decisions.

“Solar panels are frequently discarded into landfills, where their toxic metals, such as cadmium and lead, can leech into the environment and potentially pollute groundwater,” Droz said. “It’s well-documented that some solar panels will use PFAS—per- and poly-fluoroalkyl substance—chemicals, which the Environmental Protection Agency and other regulatory agencies consider to be some of the most problematic toxic chemicals in the environment.

“Since the federal government does not restrict these in solar panels, and no state has yet done so, the burden of regulation falls on the shoulders of local communities, which are largely unqualified to do so,” Droz said. “One potential consequence is that these

“At 2,000 acres, this is a pretty big solar slab, but it is tiny compared to what California alone, much less the country, would need to go solar. California peaks at around 42,000 MW, so they need 120 of these 350 MW slabs, covering a whopping 240,000 acres, but that is just for daytime use.”

DAVID WOJICK, PH.D., INDEPENDENT ENERGY INDUSTRY ANALYST

potentially toxic chemicals might get into local aquifers.”

Land Cost: One Million Acres

As large as this project is, it represents a small percentage of what California needs to go all-electric, says David Wojick, Ph.D., an independent energy industry analyst and writer for the Committee for a Constructive Tomorrow, which co-publishes *Environment & Climate News*.

“At 2,000 acres, this is a pretty big solar slab, but it is tiny compared to what California alone, much less the country, would need to go solar,” Wojick said. “California peaks at around 42,000 MW, so they need 120 of these 350 MW slabs, covering a whopping 240,000 acres, but that is just for daytime use. They need at least that much again to charge the batteries for nighttime electric power needs, so add another 240,000 acres, making it 480,000 acres.

“In addition, California is moving to electrify all cars and trucks and to end the use of natural gas for cooking, heating, and other uses, doubling again the electricity needed, meaning the space taken up by solar arrays will top 960,000 acres,” Wojick said. “Throw on a little reserve and call it an even 1,000,000 acres. Conservation, habitat, and wildlife will take big hits.”

Job-Creation Claims

The Biden administration is pursuing projects such as this one to fight climate change and create jobs, said DOI Secretary Deb Haaland in a press statement

announcing the approval.

“Projects like this can help to make America a global leader in the clean energy economy through the acceleration of responsible renewable energy development on public lands,” Haaland said.

“The time for a clean energy future is now,” Haaland said. “We must make bold investments that will tackle climate change and create good-paying American jobs.”

The DOI estimates the project will create 650 temporary construction jobs, mostly for installing prefabricated solar panels; 10 permanent jobs; and 40 temporary jobs in maintenance and operations across the 25- to 30-year operational life of the facility.

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 at the Committee for a Constructive Tomorrow.

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EPA Proposes Restricting Hydrofluorocarbons, Mandating Costlier Replacements

By Kevin Stone

The U.S. Environmental Protection Agency (EPA) rolled out a proposed rule sharply limiting the use of hydrofluorocarbon (HFC) refrigerants.

EPA identifies HFCs as greenhouse gases that contribute to global warming. As part of the agency's efforts to carry out President Joe Biden's directives to reduce greenhouse gases, EPA proposes cutting use of HFCs by 85 percent over the next 15 years.

Under EPA's plan, the agency will allocate HFC permits up to a preset cap for industrial users based on past use, allowing them to sell or trade permits among themselves. Companies that reduce their HFC emissions by more than their allocation will be allowed to sell their excess permits to companies that need them. The cap will decline over time until the amount of HFCs allowed across all products is just 15 percent of current use.

The agency will issue its first set of HFC allowances for 2022 by October 1, 2021.

In public statements about the HFC proposal, EPA claimed cutting HFC emissions could reduce future warming by as much as 0.5° by 2100.

Congress Forced Switch

Another driving force behind the HFC regulation was a provision of the Consolidated Appropriations Act of 2021, which then-President Donald Trump signed into law on December 27, 2020.

The provision was cosponsored by Sen. Tom Carper (D-DE) and Sen. John Kennedy (R-LA). Carper and Kennedy, among others in the Senate, had previously sponsored legislation to force the replacement of HFCs with more-expensive, domestically produced alternatives. After their standalone legislation restricting HFCs failed to get enough support, they attached it to the end-of-year pandemic relief and omnibus spending bill.

Both lawmakers represent states where companies producing the more-expensive alternative coolants are located.

The Kennedy-Carper amendment enjoyed broad support among the



Democratic caucus and was opposed by the Senate GOP leadership, including then-Majority Leader Mitch McConnell (R-KY) and Sen. John Barrasso (R-WY), chairman of the Senate Environment and Public Works Committee.

Barrasso attached a provision preventing states from imposing stricter limits or shorter timelines than the federal HFC rules for at least five years.

Fuzzy Fridge Math

Previous estimates cast doubt on EPA's claim its proposed HFC restrictions would reduce future warming by 0.5°.

Citing climate model projections, EPA previously estimated if every country in the world reduced its greenhouse gas emissions by the amount agreed to under the Paris Climate Agreement, it would prevent 0.17° of the expected rise in temperatures by 2100. The United Nations' Intergovernmental Panel on Climate Change estimated completely banning HFCs worldwide would prevent only 0.13° of temperature increase through 2100.

EPA's claim that reducing HFCs would prevent as much as 0.5° of future temperature increase is based on an extreme outlier among the estimates of the potential impact and relies on a single journal article, says Benjamin Zycher, Ph.D., a resident scholar at the American Enterprise Institute.

"The bases of EPA's claims are described in a 2016 paper appearing in *Science* titled 'Data Check: How a figure key to new HFC pact was born,'" Zycher said. "In that paper, Warren Cornwall wrote, 'the figure has its origins in a 2006 dinner held by five scientists in a village in the Swiss Alps.' The

underlying analysis then appeared in a paper published seven years later.

"The original paper assumed massive and exclusive adoption of HFC-equipped air conditioning in the developing world by 2050, with that equipment remaining in place through 2100," Zycher said. "In other words, market incentives to produce cheaper, more efficient air conditioning would be ignored."

Unrealistic Expectations

The authors of the analysis also assumed all those people demanding air conditioning would have it by 2050, which is highly unrealistic, Zycher says.

"The idea that everyone who wants air conditioning will have it by 2050 is hugely problematic, especially when applied to Africa under the premise that in 30 years the availability of electricity will be widespread and reliable," Zycher said. "The authors assumed any replacement equipment for existing air conditioning and refrigeration would also be charged with HFCs, thus if you cut HFCs you cut refrigerant-related emissions."

"The EPA estimates its HFC reduction proposal would eliminate the equivalent of 4.7 million metric tons of carbon dioxide by 2050, which may seem like a lot until you put the number in context," Zycher said. "If the entire world cut greenhouse gas emissions in half by 2050, emissions that year would be about 27 billion tons, so the effect of a 4.7-million-ton equivalent reduction would be 17 one-thousandths of 1 percent of the temperature effect—an undetectable amount."

"The EPA estimates its HFC reduction proposal would eliminate the equivalent of 4.7 million metric tons of carbon dioxide by 2050, which may seem like a lot until you put the number in context. If the entire world cut greenhouse gas emissions in half by 2050, emissions that year would be about 27 billion tons, so the effect of a 4.7-million-ton equivalent reduction would be 17 one-thousandths of 1 percent of the temperature effect—an undetectable amount."

**BENJAMIN ZYCHER, PH.D.
RESIDENT SCHOLAR
AMERICAN ENTERPRISE INSTITUTE**

'Nonsensical Notion'

EPA's HFC phaseout is not based on sound science, says David Wojick, Ph.D., a writer for the Committee for a Constructive Tomorrow, which co-publishes *Environment & Climate News*.

"The HFC phase-out is EPA's first major rule based entirely on the nonsensical notion that political action can stop climate change," Wojick said. "They are forcing out a chemical they forced in when they banned [chlorofluorocarbons], which was even stupider."

"Even worse, they lack the accurate information needed to establish the proper baseline for allowances under this huge cap-and-trade scheme," Wojick said. "There may well be chaos in the numerous HFC-using industries, including vital electronics and lifesaving medical devices. In short, this is about as bad as it gets."

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

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REPORT

Counties and Towns Fighting Industrial Wind, Solar Projects

By Tim Benson

Many states are adopting regulations to block large-scale industrial renewable energy projects within or near their jurisdictions, according to a recent study by the Center of the American Experiment (CAE).

The report, written by Robert Bryce, a visiting fellow at the Foundation for Research on Equal Opportunity, suggests large-scale government efforts to expand the number and size of renewable energy facilities will increasingly flounder in the face of local opposition.

Big Land Requirements

The Biden administration's "Energy Efficiency and Clean Energy Standard" would add "millions of solar panels—including utility-scale, rooftop and community solar systems—and tens of thousands of wind turbines" throughout the United States, the infrastructure bill states.



A December 2020 study by the Andlinger Center for Energy and the Environment at Princeton University estimates getting to "net-zero emissions" by the midpoint of this century would necessitate converting 228,000 square miles of land into solar and wind facilities. Bryce's report notes this would be the equivalent of covering the entire states of California and Wash-

ington with solar panels and wind turbines.

Bryce's paper shows ambitious goals for expanding renewable energy generation may never come to fruition because of local pushback.

Pushback on Big Renewables

More than 300 governmental entities in 31 states have either restricted or rejected wind energy projects since 2015 because of health concerns about noise and light pollution, expectations of losses of property value and tourism, concerns over harms to wildlife, and a desire to protect scenic views.

The 31 states are Alabama, California, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, North Carolina, North Dakota, Nebraska, Nevada, New Hampshire, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Vermont, Virginia, and Wisconsin.

Localities have imposed various types of rules to block or limit large-scale wind and solar projects. These policies include regulating noise limits and turbine height, requiring minimum setbacks from buildings and dissenting landowners, selling wind rights to conservation holding companies, and building heliports elsewhere because turbines cannot be built near heliports for safety reasons.

"Lots of people like the idea of renewable energy, but very few people want to live near or see 500- or 600-foot-high wind turbines," Bryce told *Environment & Climate News*. "No one wants to sit on their porch after a long day at work and see forests of giant spinning machines with their red-blinking lights all night, every night, for the rest of their lives.

"The negative health impacts that can be caused by wind turbine noise are real, and the refusal by major media outlets to cover the problem is scandalous," Bryce said.

'Looking for a Champion'

Local governments and property owners are increasingly seeking help to

block the sting of new industrial renewable energy projects in their communities, says Isaac Orr, a policy fellow with CAE.

"Rural communities in the Midwest are looking for a champion against these large industrial energy projects," Orr said. "Our organization has received numerous calls and emails asking for hundreds of copies of Bryce's report and asking how they can organize against these projects.

"I have personally talked to people who left their homes in Wisconsin due to having industrial wind turbines nearby when I worked in the Wisconsin state Senate in 2011," Orr said. "They're not kooks or conspiracy theorists. They are real people who are being negatively affected by these installations."

'Won't Solve Climate Change'

Expanding large-scale green energy projects won't prevent climate change, but it will harm people and the environment, Bryce says.

"Paving rural America with renewable energy infrastructure won't solve climate change," Bryce said. "It will, however, cost trillions of dollars, create visual blight on landscapes across the country, kill untold numbers of bats and birds, cause more negative human health impacts, and lead to more economic pain in rural America.

"My research indicates land-use conflicts will prevent any wholesale effort to convert the domestic economy to renewables," Bryce said.

Tim Benson (tbenson@heartland.org) is a policy analyst at The Heartland Institute.

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BIDEN PROPOSAL SPENDS MORE ON ELECTRIC VEHICLE PROGRAMS THAN ON ROADS AND BRIDGES

INTERNET INFO

Robert Bryce, "Not In Our Backyard: Rural America Is Fighting Back Against Large-Scale Renewable Energy Projects," Center of the American Experiment, April 21, 2021: <https://www.heartland.org/publications-resources/publications/not-in-our-backyard-rural-america-is-fighting-back-against-large-scale-renewable-energy-projects>

COMMENTARY

Virginia Republicans Embrace Criticism of Virginia Clean Economy Act

By Collister Johnson Jr.

Virginia's law requiring the state's primary electric utilities, Dominion Energy and Appalachian Power, to generate their electricity exclusively from wind and solar sources by 2045 will damage the state's economy and environment alike.

The law, enacted in 2020 and misleadingly labeled the "Virginia Clean Economy Act" (VCEA), radically changed Virginia's energy policy, which for many years supported a balanced portfolio of electricity sources: coal, natural gas, nuclear, petroleum, and renewables.

Harms Highlighted

Beginning in early 2021, the Committee for a Constructive Tomorrow (CFACT) published a series of articles exposing the harmful environmental and economic consequences this radical legislation will impose on the state.

The notable effects of Virginia's 100 percent wind and solar mandate are likely to be spread far and wide, including an \$800 per year increase in electricity costs for the average ratepayer, the clearcutting of forests and destruction of productive farmland to make way for a vast array of solar panels covering 490 square miles of land, and the solar and wind industrial facilities becoming part of the "public interest," thus ending historic State Corporation Commission regulatory authority over excessive electricity rates, the CFACT analyses note.

After CFACT released its reports, the Suburban Virginia Republican Coalition (SUVGOP), a Republican support group focused on suburban voters, concluded the VCEA, a bill created, pushed, and passed entirely by Democrats, must be repealed. The SUVGOP says this issue can galvanize voters in low-income and environmentally focused communities, which would help expand the party's appeal.

Heading into Virginia's 2021 statewide elections, the SUVGOP has said it hopes its efforts will have a national influence by demonstrating that exposing the adverse consequences of wind



and solar energy can be a winning message for Republicans.

Started on Web

The SUVGOP began its effort by creating a website called RepealVCEA.com.

The website includes a video documenting the recent clearcutting of a mature forest in Spotsylvania County, just outside the city of Fredericksburg, to create the massive 6,300-acre Fawn Lake solar facility, the largest solar project east of the Mississippi.

As part of its ongoing efforts to generate support for repealing the VCEA, the SUVGOP worked with Virginia state Del. Nick Freitas (R-Culpeper) to introduce a bill to repeal the VCEA. The SUVGOP also held a series of receptions for all 18 GOP candidates for statewide office in the 2021 elections, where it urged each of the them to support repealing the law.

SUVGOP members also wrote articles for Virginia publications such as the *Jefferson Policy Journal* and *Bacon's Rebellion*, to educate the public about the high economic and environmental costs of the VCEA.

In addition, the SUVGOP compiled the only comprehensive list of all solar projects proposed or constructed in the Commonwealth. The list revealed there are more industrial-sized solar projects in Virginia than in any other state on a

per capita basis, despite Virginia ranking 24th in terms of annual sunshine.

'Not Doable, Affordable, or Good'

The Republican candidates for statewide office incorporated the "Repeal VCEA" message into their policy positions on energy.

E&E News, a leading publication covering environment and climate issues, summed up the Virginia GOP's position with the headline: "GOP united in ire over energy law in VA Governor's race."

"GOP candidates generally agree on one thing: They hate the state's new energy law and want to repeal it," the article states.

"We need an electrical grid which is stable, and we absolutely have to change direction," Glenn Youngkin, who won the Virginia GOP's gubernatorial nomination, told *E&E News*. "We must change direction from the clean energy plan that was passed, ... because it is not doable, affordable, or good for Virginia."

CFACT's research really opened people's eyes to high cost of the VCEA, says SUVGOP co-chair Ron Wright.

"I don't think we could have launched and sustained the Repeal VCEA campaign without the information and assistance provided by CFACT," Wright said.

"We hope our efforts will lead to success for all Republicans, not only in Vir-



"We need an electrical grid which is stable, and we absolutely

have to change direction. We must change direction from the clean energy plan that was passed, ... because it is not doable, affordable, or good for Virginia."

GLENN YOUNGKIN
VIRGINIA GOP GUBERNATORIAL
NOMINEE

ginia this year but also throughout the country in 2022," Wright said.

Clarifying the Consequences

This issue is an important part of the organization's mandate to publicize facts and educate the public about the effects of laws on individuals and the economy, says CFACT President Craig Rucker.

"CFACT's primary mission is public education and influencing the debate on important policy issues such as electricity generation," Rucker said. "Climate alarmists who claim carbon dioxide is a 'pollutant' and that there is a climate crisis are simply scaremongers who cannot support their beliefs with facts and scientific research.

"CFACT is pleased to join with others, such as The Heartland Institute, to provide policymakers with facts and truth to rebut many of the myths, misinformation, and outright falsehoods advanced by some of the mainstream media concerning climate change," Rucker said.

Having candidates in the upcoming November election take a clear stand on the VCEA gives Virginia voters an opportunity to express their views on the long-term desirability of this and other government mandates—and the politicians who support them.

Collister Johnson Jr., J.D., (johnson.collister@gmail.com) serves on the Committee for a Constructive Tomorrow's board of advisors.

COMMENTARY

Pipeline Hack Shows Fossil Fuels Are Still Important

By Isaac Orr

The cyberattack that temporarily shut down the Colonial Pipeline focused new attention on the all-important role pipelines and the fossil fuels they transport play in our lives. The Colonial Pipeline delivers 45 percent of the fuel consumed on the East Coast.

Anyone who pretends we don't need the energy provided by oil and natural gas is living in an alternative reality.

Crucial Pipeline

The Colonial Pipeline stretches 5,500 miles from Houston, Texas to New Jersey, carrying 2.5 million barrels of fuel per day, the U.S. Energy Information Administration (EIA) reports. The pipeline carries refined petroleum products, such as diesel, gasoline, heating oil, and jet fuel, to the Northeast and several states in the Southeast.

Gasoline prices skyrocketed throughout the country while the pipeline was offline.

"Gasoline prices have been surging, pushing up the national average price of a gallon of regular, unleaded gas to \$2.96 a gallon, according to the AAA," *The Wall Street Journal* reported. "That national average could soon pierce \$2.99 and hit a 6½-year high. Gasoline prices could rise 3 cents to 7 cents a gallon this week in affected areas such as Mississippi, Tennessee, and East Coast states from Georgia to Delaware, the automobile association estimated."

Although higher prices are never welcome, they are better than supply shortages like those that quickly materialized throughout the Southeast after the cyberattack shut the Colonial Pipeline down.

Running on Empty

On May 12, 72 percent of gas stations in metro Raleigh, North Carolina did not have fuel, according to *Gas Buddy*. Almost a quarter of the gas stations in the state were out of fuel at 7:00 that morning. The shortage led to long lines at gas stations as people panicked to fill up and top off their vehicles.

North Carolina was not alone in this. *The Chicago Tribune* reported 88 percent of gas stations were out of fuel in Washington, DC; about half were out in



Virginia; 42 percent of Maryland stations were dry; and about half the gas stations in Georgia and South Carolina were without fuel.

Motorists desperate for fuel turned to *Gas Buddy* to find out where they could get gasoline, reminiscent of shoppers scouring grocery stores for toilet paper at the beginning of the COVID-19 pandemic.

Indispensable Fuels

For all the buzz about wind turbines and solar panels, they provide very little of the energy we use in our daily lives.

Less than 1 percent of vehicles on the road today are electric, *The New York Times* reports. EIA data show solar power provides about 1 percent of our total energy use, and wind provides about 2.64 percent.

Oil, by contrast, plays an indispensable role in our lives. In the United States, oil accounted for 37 percent of all the energy used in 2019, and natural gas accounted for 32 percent. This means pipelines are largely responsible for transporting 69 percent of the energy Americans use.

Pipelines, and the oil and natural gas

products they transport, are essential technologies that allow our modern society to function. Politicians who obstruct the operation or construction of pipelines are denying this energy reality at the expense of the availability and affordability of energy for American families and businesses.

Pipeline Politics

Speaking of obstruction, one of President Joe Biden's first actions in office was to kill the Keystone XL Pipeline. In doing so, Biden denied energy reality.

Similarly, Gov. Gretchen Whitmer of Michigan is demonstrating she still fails to grasp the enormous lesson the Colonial Pipeline closure demonstrated to the nation: Pipelines are important!

Whitmer is pressing ahead with her attempt to close the aging Enbridge Line 5 oil pipeline, a crucial carrier of petroleum products that runs under the Straits of Mackinac, and blocking its safer, more-efficient replacement, already authorized by the courts, from being completed.

Whitmer has even threatened to sue pipeline operator Enbridge to seize any profits the company may earn by "illegally" operating the pipeline after

The Colonial Pipeline closure should serve as a wakeup call to pipeline protestors and politicians who pretend we don't need the energy transported by these pieces of critical infrastructure. We are as reliant on oil and natural gas as we are on water, a reality that isn't going to change anytime soon.

the administration's arbitrary May 12 deadline. The fines could amount to \$1.8 million per day. The state has yet to act on this threat.

Whitmer's pipeline policies will act as a self-inflicted Colonial Pipeline event, causing fuel shortages in Michigan and other states in the region. Closing the Line 5 pipeline would jeopardize the supply of propane, a critical home heating fuel, in Michigan's Upper Peninsula and cause prices to rise. Rural Michiganders, who already pay more for energy as a percentage of their income than many other Michigan residents, would be hit hardest.

Wakeup Call

The Colonial Pipeline closure should serve as a wakeup call to pipeline protestors and politicians who pretend we don't need the energy transported by these pieces of critical infrastructure.

We are as reliant on oil and natural gas as we are on water, a reality that isn't going to change anytime soon.

Instead of protesting against pipelines or allowing politicians to stop them, we should appreciate the vital role pipelines play in our lives and take steps to secure other pipelines from cyberattacks, to prevent more hacks like the Colonial Pipeline shutdown.

In fact, we should build more critical pipeline infrastructure to create a diverse and resilient energy delivery system for the fossil fuels we rely on every single day.

Isaac Orr (isaac.orr@americanexperiment.org) is a policy fellow specializing in energy and environmental issues at the Center of the American Experiment, a Minnesota-based think tank.

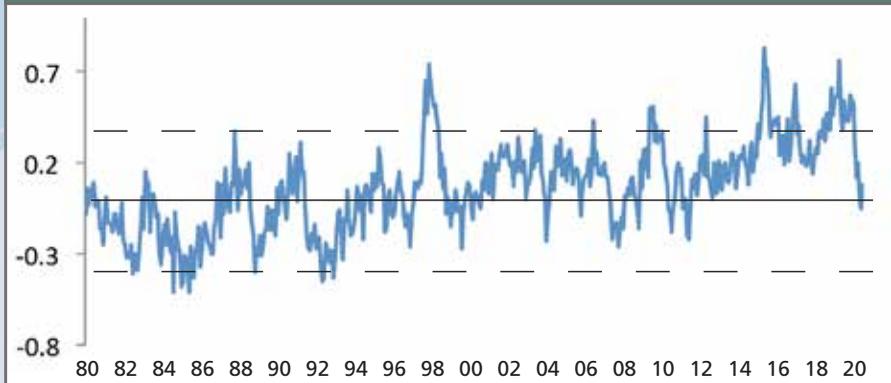
GLOBAL SATELLITE TEMPERATURES

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 monitor 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.

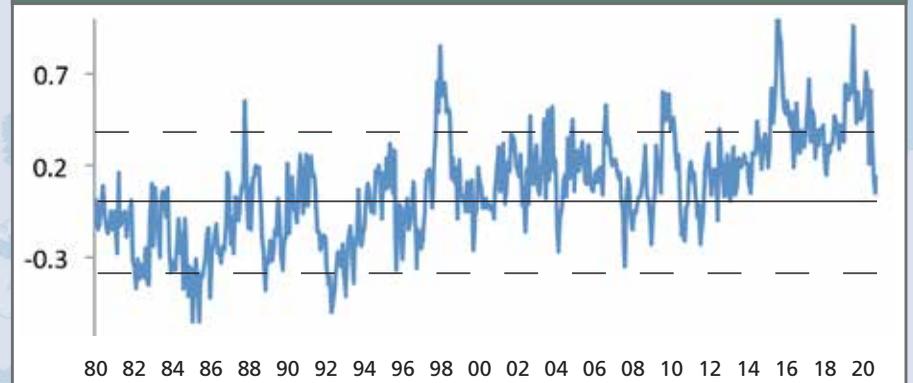
MAY 2021

GLOBAL AVERAGE



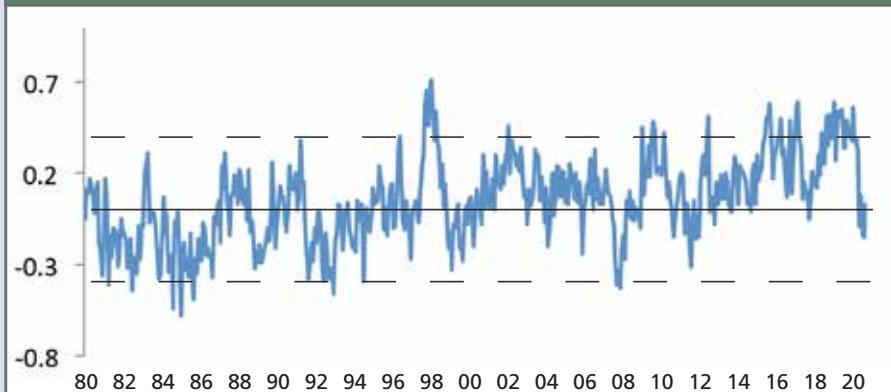
The global average temperature was 0.08°C above average.

NORTHERN HEMISPHERE



The Northern Hemisphere's temperature was 0.14°C above average.

SOUTHERN HEMISPHERE



The Southern Hemisphere's temperature was 0.03°C above 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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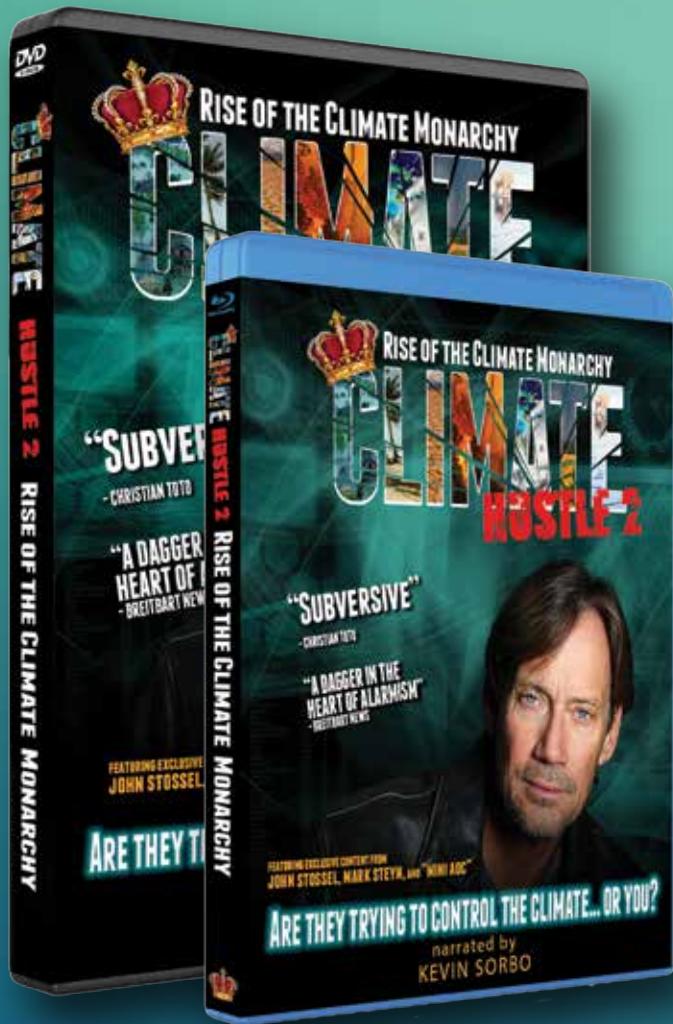
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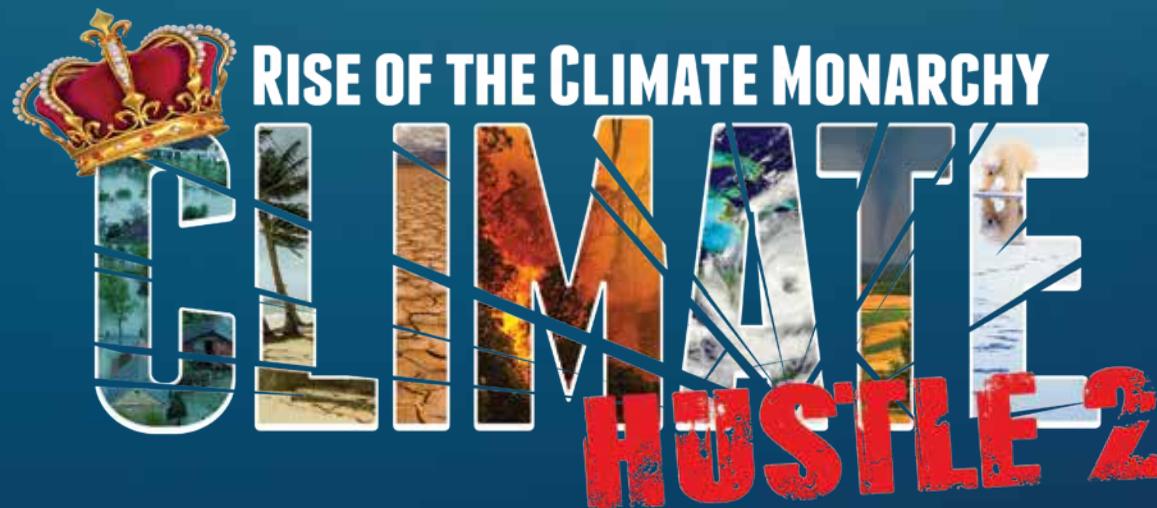
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