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ENVIRONMENT & CLIMATE NEWS

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HOT TOPICS

Fracking Ban Upheld

A federal district court judge upheld a ban on oil and gas production in the Delaware River Basin, ruling the issue should be decided by the legislature. **Page 13**

Flipping the Bird Rule

Despite population numbers doubling under a voluntary conservation agreement worked out during the Obama administration, the Biden administration is pushing to list the lesser prairie chicken as endangered. **Page 3**

Crime and Again

The Biden administration announced it will make the accidental killing of migratory birds a criminal offense again. **Page 16**

Biden's Favor to Putin

President Joe Biden is restricting oil and gas production in the United States while helping Russia sell its gas by rescinding Trump-era restrictions on the Nord Stream 2 pipeline. **Page 22**

ANWR Leases Suspended

Interior Secretary Deb Haaland suspended lawfully granted oil and gas leases in Alaska's Arctic National Wildlife Refuge. **Page 9**

Texas Acts to Block Chinese-Owned Wind Power Facility Near Military Base

By Kenneth Artz

The state of Texas enacted legislation to stop a massive Chinese-owned industrial wind facility from being built near Laughlin Air Force Base in southwest Texas.

The Blue Hills Wind development attracted attention because its developer, GH America Energy, is the U.S. subsidiary of the Chinese Guanghai Energy Company, which is owned by Sun Guangxin, a Chinese billionaire who reportedly has ties to the Chinese Communist Party (CCP).

As planned, the industrial wind facility was to be built on 140,000 acres of land approximately 70 miles from Laughlin Air Force Base. That raised concerns the site would enable the

MILITARY BASE, P. 6

President Joe Biden

House Passes Bill to Mandate ESG Disclosures

By Kevin Stone

The U.S. House of Representatives passed a bill backing the Securities and Exchange Commission's (SEC) push to craft new rules requiring more comprehensive environmental, social, and governance (ESG) disclosures.

H.R. 1187, the Corporate Governance Improvement and Investor Protection Act, would authorize the SEC to issue

rules within two years requiring every public company to disclose in financial statements any climate-specific metrics tied to greenhouse gas emissions, fossil-fuel-related assets, and other presumed risks posed by the changing climate.

The bill targets publicly traded

ESG DISCLOSURES, P. 8

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FWS Proposes Endangered Listing for Lesser Prairie Chicken Despite Growing Numbers

By Kevin Stone

With the support of President Joe Biden, the U.S. Fish and Wildlife Service (FWS) has proposed adding the lesser prairie chicken to the federal endangered species list.

Under the 1973 Endangered Species Act (ESA), listing the lesser prairie chicken as endangered would require establishing critical habitat and setting restrictions on land use throughout the species' range to enable the bird to recover.

Much of the lesser prairie chicken's five-state range includes prime oil and gas drilling locations. Based on experience with other endangered species recovery plans, private land owners, industry, and state and local officials have expressed concern that listing the bird as endangered will severely limit agricultural and oil and gas operations.

Population Doubled Already

The lesser prairie chicken is a species of grouse indigenous to arid, short-grass regions of the southern Great Plains in Colorado, Kansas, New Mexico, Oklahoma, and Texas.

The species population declined to an estimated 15,397 birds in 2013, believed to be a record low.

Since that time, under a voluntary conservation plan developed by private landowners in consultation with state and local officials, the lesser prairie chicken population has more than doubled.

Lesser prairie chicken numbers rebounded to 34,408 in 2020, according to the most recent annual report by the Western Association of Fish and Wildlife Agencies.

Obama Rule Vacated

During the Obama administration, in 2014 the FWS listed the lesser prairie chicken as "threatened," in ESA terminology.

The Permian Basin Petroleum Association and other groups sued to overturn the listing, pointing out a voluntary conservation plan had been developed and "more than 180 oil and gas, pipeline, electric transmission, and wind energy companies" had enrolled in it.



U.S. District Judge Robert A. Junell overturned FWS's listing, finding the agency had not followed its own guidelines requiring voluntary conservation efforts be weighed when considering a listing decision.

"[The FWS] did not properly consider active conservation efforts for the bird when listing it," Junell wrote in his ruling. "The Court finds FWS did conduct an analysis, however this analysis was neither 'rigorous' nor valid as FWS failed to consider important questions and material information necessary to make a proper evaluation."

Biden's Motive 'Obvious'

With the lesser prairie chicken recovering, one must wonder what the Biden administration's true motivations are for requesting the bird be listed as endangered, says Byron Schломach, Ph.D., director of the Oklahoma-based 1889 Institute.

"As late as 2018, lesser prairie chicken conservation efforts in Oklahoma and neighboring states had resulted in a 30 percent increase in the bird's population in a single year," Schломach said. "It is clear that a federal endangered species listing is unnecessary.

"A look at the bird's range makes it obvious what the real motivation is, because the range happens to coincide with some of the richest shale oil deposits in the nation, most of it on private lands which the Biden administration can't limit with its moratorium on new leases on federal lands," Schломach said. "The Biden administration is determined to destroy this country's oil industry, and this effort is about requiring federal permission

to drill new wells where such permission has never been necessary before."

'Limits Landowner Autonomy'

The Biden administration's lesser prairie chicken listing is indeed an attempt to increase federal control over private property and oil and gas production, says Sen. Roger Marshall (R-KS).

"The U.S. Fish and Wildlife Service's announcement is disappointing and a reminder that this administration favors government overreach and heavy-handed regulation over cooperation with those who have been working to protect the lesser prairie chicken's habitat and growing the bird's population across the Midwest," Marshall said in a statement. "Instead of working with landowners to promote continued voluntary efforts, the service is instead implementing a listing that limits landowner autonomy and opportunity.

"Today's announcement will hurt our state's economy, hinder our oil and gas independence, increase utility costs, and prevent the development of renewable energy in prime western Kansas locations," Marshall said.

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

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Biden Administration Proposes Rescinding Endangered Species Reforms

By Kevin Stone

The U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service announced they are rescinding or revising multiple regulatory reforms of the 1973 Endangered Species Act (ESA).

Expanding Government Control

The Biden administration's announcement proposes rescinding reforms the FWS made during the Trump administration that treat species listed as "threatened" differently from those listed as "endangered," limit how indirect factors such as climate change are considered when deciding whether species are listed as endangered, and restrict critical habitat designations to areas that "currently or periodically" house an endangered species.

Under President Donald Trump, the FWS was barred from listing lands as critical habitat if they were unable to house an endangered species in their current condition.

The two agencies propose rescinding

the regulations that altered the conditions for designating critical habitat and have specified ESA decisions would be made "without reference to possible economic or other impacts of such determination."

Power for Radicals

The ESA rules are being changed to give power to radical environmentalists who backed the Biden/Harris ticket, said Rep. Bruce Westerman (R-AR), the top Republican on the House Natural Resources Committee, in a statement.

"By reinstating burdensome regulations, this administration has once again opened the door for environmental groups to weaponize the ESA and use it to delay critical projects across the country," Westerman said. "These changes will result in greater inefficiency in the federal permitting process and reduce incentives for proactive conservation."

Reversion to Obama-Era Limits

The announced rule changes signal

a return to Obama-era policies that increased restrictions on extractive industries through expansion of ESA actions.

Obama's FWS expanded lands designated as "critical habitat" of the northern spotted owl from 6.8 million acres to 9.5 million acres, much of it in prime logging areas. The change resulted in lumber production in the region declining from four billion board feet to 687 million board feet per year.

Not Saving Species

The ESA has not protected species, but is instead being used largely to limit economic development, says Daren Bakst, a senior research fellow in the Institute for Economic Freedom at The Heritage Foundation.

"The ESA has been a failure," Bakst said. "Over its nearly 50 years, only about 3 percent of species listed as threatened or endangered have been removed from the list due to recovery."

"The Trump administration issued

numerous rules to improve species conservation, like a rule ensuring the government follows the law by treating threatened and endangered species differently," Bakst said. "If the severe property-use restrictions that exist for endangered species don't apply for threatened species, private property owners will have an incentive to ensure that threatened species don't become endangered."

Controlling peoples' property use, not species protection, seems to be the real goal of the Biden administration's rule changes, Bakst says.

"The Biden administration's proposals to get rid of these changes makes no sense if species conservation is truly the goal," Bakst said. "Such actions genuinely make one wonder if species conservation or blocking development, even at the expense of species conservation, is really the goal for environmental extremists."

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

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Congress Considers Sharing Offshore Wind Project Revenue with Coastal States

By Bonner R. Cohen

Bipartisan federal legislation proposes sharing revenue generated by offshore wind industrial facilities in federal waters with coastal states affected by the projects.

The Reinvesting in Shoreline Economies and Ecosystems (RISEE) Act is cosponsored by Sens. Bill Cassidy (R-LA) and Sheldon Whitehouse (D-RI). The bill has 10 cosponsors, in all.

In addition to giving states a cut of revenues generated from offshore wind turbines, the bill attempts to boost the overall amount of revenue from offshore oil and gas drilling.

The legislation was offered after the Biden administration announced plans to raise offshore wind energy to 30 gigawatts by 2030, roughly 1,000 times the amount currently generated.

Strings Attached

Under the RISEE Act, 50 percent of the revenue generated by offshore wind facilities would go to coastal states adjacent to the sites, with the rest going to the U.S. Treasury.

Instead of allowing coastal states to use the revenue generated by offshore wind development to meet the needs their elected representatives find most pressing, the RISEE Act specifies revenue distributed to coastal states must be used for specific purposes set by the federal government.

The bill states the revenue must be devoted to restoring coastal wetlands and shores, improving hurricane protection, and hardening infrastructure against flooding and extreme weather events. Under the RISEE Act, states would also be directed to devote some of the revenues to offset damage to fish, wildlife, habitat, and the natural environment damaged by offshore wind development, and states are required to initiate or improve existing marine or coastal conservation-management plans.

The bill would not allow states to use the revenues generated by federally approved offshore wind developments to offset any negative effects the large groupings of wind turbines might have on tourism or the commercial and recreational fishing industries within each state.



'Fair Share of ... Revenues'

Press statements issued by several sponsors of the bill said the legislation was about helping coastal states reduce their vulnerability to disasters.

"With climate change bearing down on us, coastal states like Rhode Island need vastly more resources to protect homes and businesses from rising sea levels and other increasingly urgent threats," Whitehouse's press release said. "Our bill will allow states to get a share of federal revenues from the growing offshore wind industry to make those investments."

"This helps Louisiana and other states copy what we're doing now with offshore energy revenues to rebuild our shoreline and protect our communities," Cassidy said in a statement.

"Mississippi is a proud contributor to our nation's energy independence," Sen. Roger Wicker (R-MS), another cosponsor of the bill, said in a news release. "This legislation would ensure that Gulf Coast states receive a fair share of energy revenues generated off our shores, so that we can continue to make investments to protect and preserve our coasts for future generations."

Gulf States Get Boost

With offshore wind energy revenue difficult to predict, the RISEE Act would encourage coastal states to acquiesce to the federal government's offshore wind plans by amending the 2006 Gulf of Mexico Energy Security Act to increase

the revenue flow from offshore oil and natural gas development.

If enacted, four energy-producing Gulf states—Alabama, Louisiana, Mississippi, and Texas—would receive higher revenues through provisions in the bill eliminating the state revenue-sharing cap, increasing the amount of revenue from outer continental shelf (OCS) oil and gas development shared with states from 37.5 percent to 50 percent, and qualifying oil leases issued from 2000 to 2006 for future payment to Gulf Coast states. Under current law, only leases from 2007 to the present are eligible for revenue sharing.

The OCS revenue expansion might be considered an effort to slow the revenue decline from future offshore oil and gas development as the Biden administration delays or places moratoria on new leases and the production from current leases declines.

More Projects Pending

The United States has two offshore wind projects in operation: one off the coast of Rhode Island and the other a pilot project off the coast of Virginia.

The Biden administration approved a large offshore wind project off the coast of Massachusetts in May, and dozens of other offshore wind projects off-coast in the Northeast, Mid-Atlantic, and the Great Lakes have been pitched to the administration and are in various stages of planning or permitting.

"The people who sponsor this bill appear to be hedging their bets on just how much revenue their states will ultimately get from offshore wind. That's why they took the opportunity to boost their share of revenue they receive from offshore oil and gas development. Oil and gas have been good to them, and despite all the hoopla, offshore wind is a risky wager."

CRAIG RUCKER
PRESIDENT
COMMITTEE FOR A CONSTRUCTIVE
TOMORROW

Commercial fishing interests and various states' tourism industries could delay or block some of the projects, as they have done previously with proposals to expand offshore oil and gas production.

Questionable Revenue Forecasts

Although offshore wind blows with greater consistency than comparable onshore sites, it remains intermittent, making it difficult to gauge accurately the number of homes and business that can reliably receive power, says Craig Rucker, president of the Committee For A Constructive Tomorrow (CFACT), co-publisher of *Environment & Climate News*.

"The people who sponsor this bill appear to be hedging their bets on just how much revenue their states will ultimately get from offshore wind," Rucker said. "That's why they took the opportunity to boost their share of revenue they receive from offshore oil and gas development."

"Oil and gas have been good to them, and despite all the hoopla, offshore wind is a risky wager," Rucker 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 CFACT.

Texas Acts to Block Chinese-Owned Wind Power Facility Near Military Base



Continued from page 1

CCP to spy on or interfere in U.S. flight training and operations.

Legislators also said the power supply to the military base could be compromised or made vulnerable to attack.

S.B. 2116 passed the Texas legislature unanimously and took effect on June 18 upon Gov. Greg Abbott's signature.

National Security Concerns

After reviewing the wind farm project, local officials wrote a letter to then-Trump administration Treasury Secretary Steven Mnuchin, Secretary of State Mike Pompeo, and Secretary of the Air Force Barbara Barrett expressing their concerns about its potential to interfere in the operations of the military installation.

"Our greatest concern is the long-term implications this will have on the Air Force's mission of pilot training not with a single application, but rather a cumulative strategy that cannot be evaluated in the first filing," Val Verde County Judge Lewis G. Owens Jr. and Del Rio Mayor Bruno Lozano wrote. "We believe that this project and all future projects of a similar nature will result in unacceptable risk to national security of the United States."

Protecting the State

Early in Texas' 2021 legislative session, state Sen. Donna Campbell (R-New Braunfels) introduced S.B. 2116 to prohibit Texas government agencies from approving contracts or other agreements with certain foreign-owned companies in connection with critical infrastructure in the state.

"It has long been my priority to protect the State of Texas," Campbell told *Environment & Climate News*. "As chair of the Veteran Affairs and Border Security Committee, I have the honor

"The Chinese Communist Party is spreading its tentacles around the world. China is on a fast track to replace America as the world's dominant power, yet members of the [U.S. federal government's] interagency Committee on Foreign Investment in the United States seem so obtuse that they can't imagine our most threatening adversary using this facility to compromise our energy and national security in more ways than we can even identify. Let's hope the Texas legislature's action can stop Blue Hills in its tracks, because the whole thing is beyond outrageous."

MARK MATHIS
FOUNDER, CLEAR ENERGY ALLIANCE

and unique responsibility of protecting the citizens and service members of this great state.

"Just as a service member swears an oath to protect this nation and state, so too have I sought to do this through Senate Bill 2116," Campbell said. "In the wake of February's historic storm, and several attacks on infrastructure within the United States, I have taken a more active role in securing our critical infrastructure, and S.B. 2116 is part of that effort, by actively prohibiting foreign adversaries from taking advantage of critical infrastructure in our state."

'Strategically Important'

Texas is critical to America's national security, Campbell says.

"Texas is one of the most strategically important states in the country, with the ninth-largest economy in the world and over 15 military installations," Campbell said. "Unfortunately, this makes Texas a target for foreign adversaries, and we must ensure hostile nations seeking to harm our state are prevented from connecting physically or remotely into our critical infra-

structure systems.

"The recent Colonial Pipeline cyberattack showed that our critical infrastructure systems are not as secure as we need them to be," Campbell said. "Not only must we learn from these failures, we must address them. Senate Bill 2116 puts our state on the right track."

Avoiding Disruption

Texans should be concerned China could exploit the state's electricity grid and disrupt operations, says Jason Isaac, director of Life:Powered, a project of the Texas Public Policy Foundation.

"If you thought four million Texans losing power during the worst freeze in recent memory was bad, just imagine the chaos a coordinated attack on our electric grid would cause," said Isaac, a former state representative. "The Chinese Communist Party has a history of creating intentional vulnerabilities in technology, and companies that connect to the grid are given access to privileged and confidential information, including threat response protocols.

"Because electricity and internet access play such a critical role in our

lives—not to mention our national security—we should take every precaution to make sure our grid is protected from the real possibility of a cyberattack," Isaac said.

CCP 'Spreading Its Tentacles'

The threat from China is too great to allow this project to be completed, says Mark Mathis, founder of the Clear Energy Alliance.

"How is it possible this project was ever even considered?" Mathis said. "Why would we allow any nation—let alone Communist China—to purchase such a large tract of land near a military installation?"

"The Chinese Communist Party is spreading its tentacles around the world," Mathis said. "China is on a fast track to replace America as the world's dominant power, yet members of the [U.S. federal government's] interagency Committee on Foreign Investment in the United States seem so obtuse that they can't imagine our most threatening adversary using this facility to compromise our energy and national security in more ways than we can even identify."

It is good Texas took what steps it could to prevent this dangerous project, especially in the light of federal inaction, Mathis says.

"Let's hope the Texas legislature's action can stop Blue Hills in its tracks, because the whole thing is beyond outrageous," Mathis said.

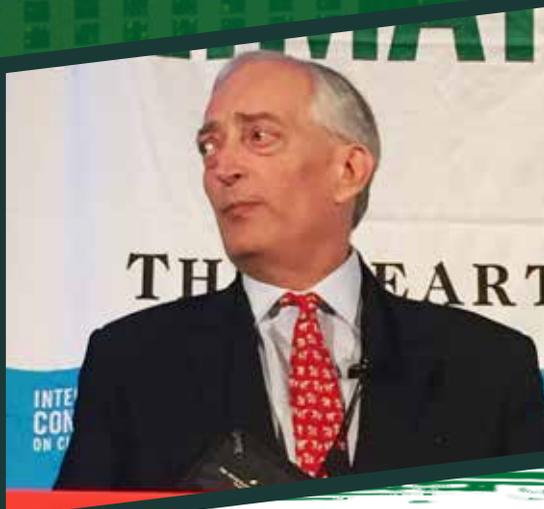
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House Passes Bill to Mandate ESG Disclosures

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companies and stocks in the electric power, finance, mining, nonrenewable energy, and transportation industries, plus “any other sector determined appropriate by the commission, in consultation with the appropriate principals.”

Broad New Authority

In addition to the disclosure requirements, the bill incorporates elements of the ESG Disclosure Simplification Act of 2021, now under consideration in the Senate, which would grant the SEC the authority to amend securities laws to require more ESG information.

The bill would also establish a Sustainable Finance Advisory Committee to advise the SEC on what ESG metrics should be included in the commission’s future rulemaking and gives the SEC discretion to incorporate “any internationally recognized, independent, multi-stakeholder environmen-



“The push for more disclosure related to global warming has little to do with providing material information for investment purposes. Rather, activists with no fiduciary duty to the company or its shareholders are trying to impose their progressive political views on publicly traded companies, and the country at large, having failed to enact change via the elected government.”

**LETTER FROM REPUBLICAN MEMBERS OF THE SENATE
BANKING COMMITTEE**

tal, social, and governance disclosure standards.”

Senators Expressed Concerns

Two days before H.R. 1187 passed the

House, Republican members of the Senate Banking Committee sent a letter to SEC Chair Gary Gensler and SEC Commissioner Allison Herren Lee urging the commission not to require new global warming disclosures.

“We do not believe that any further securities regulations to specifically address global warming are necessary or appropriate, and will only serve to further discourage firms from becoming publicly traded, thus denying significant investment opportunities to retail investors,” the senators’ letter said. “The push for more disclosure related to global warming has little to do with providing material information for investment purposes.

“Rather, activists with no fiduciary duty to the company or its shareholders are trying to impose their progressive political views on publicly traded companies, and the country at large, having failed to enact change via the elected government,” the Banking Committee members stated.

‘Very Troubling’

The House bill and the SEC’s pending climate disclosure proposal are blatant attempts to force businesses and investors to place climate change theories ahead of profit, with the encouragement of investment firms run by activists or profiting from government-backed green energy programs, says Craig Rucker, president of the Committee For A Constructive Tomorrow, which co-publishes *Environment & Climate News*.

“Efforts by the SEC to require stringent ESG disclosures are not just overreach by the government with respect to jurisdiction but an outright attempt to strongarm the business community into embracing far-Left causes,” Rucker said. “Expect activist groups to use this data, as well as lending institutions and politicians, to pressure industry into becoming even more woke.

“Among the things very troubling about ESG disclosures is they are now being used by huge investment firms, like Blackrock, to determine which companies get financial backing,” Rucker said. “Now the feds will likely also use it to determine which companies get government contracts and other perks. Such collusion between bureaucrats and Wall Street should alarm everyone.”

Universal ‘License for Bureaucrats’

The House bill gives the SEC too much discretionary power over corporations and portfolio funds, opening the door to massive abuse, Rucker says.

“Broadening the requirements of ESG reporting to ‘any other sector determined by the commission’ is basically giving license for bureaucrats to leave no sector of the American business community unscathed,” Rucker said. “It will be a regulator’s field day.”

The bill now heads to an evenly divided Senate, where the filibuster rule will likely require a 60-vote majority. That means the legislation will likely fail if it does not receive the support of at least 10 GOP senators.

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

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Biden Administration Suspends ANWR Oil Leases

By Kenneth Artz

The Biden administration suspended oil and gas leases in Alaska's Arctic National Wildlife Refuge (ANWR), halting a Trump-era oil and gas drilling program.

Department of the Interior (DOI) Secretary Deb Haaland's order suspends oil and gas activities in ANWR while the agency reviews "alleged legal deficiencies" in the environmental review approved by the DOI under Trump. Although the ban on activity is deemed "temporary," Haaland set no deadline for completing the review.

The Trump-era drilling program was instituted after Congress approved oil and gas production in a small portion of ANWR as a provision of a 2017 tax law. The law made good on former President Jimmy Carter's 1980 promise to the state of Alaska to allow a small part of its coastal plain to be developed under appropriate environmental safeguards.

Political Fight Over Energy

The Biden administration is attempt-



Alaska's Arctic National Wildlife Refuge

ing to force Americans to use only politically favored energy sources, says Robert L. Bradley Jr., Ph.D., CEO of the Institute for Energy Research.

"The history of ANWR is creeping toward a half-century," Bradley said. "Back in the 1970s, geologists noted the potential for a great supply of oil in the area, and the region was greenlighted for development until the *Exxon Valdez* [oil tanker] wrecked and leaked in 1989.

"It wasn't until Donald Trump became president that, as part of his pro-development program, plans to develop ANWR's coastal plain gained new life," Bradley said. "Biden's plan is death by a thousand cuts. Reimposing 'Nil, Baby Nil' on ANWR is a symbolic victory as well as a practical one for the forced energy transformationists."

Harming American Families

The Biden administration's suspen-

sion of ANWR's oil and gas leases puts the U.S. government's reputation at risk, says Anthony Watts, a senior fellow at The Heartland Institute, which co-publishes *Environment & Climate News*.

"In an era of rapidly rising energy costs since the Biden administration took office, this is just another example of its 'tone-deafness' toward the American people, who are facing soaring costs just to keep the family car running," Watts said. "With ANWR leases gone, the market is already reacting with even higher gasoline prices based on fears of future shortages and possibly more restrictions.

"Additionally, this order may be illegal since contracts have already been agreed to and signed," Watts said. "It raises the question, 'Is the U.S. government as good as its word?' With Biden in control, the answer is apparently 'No.'"

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

California Regulators Miss Deadlines for Rules on Oil, Gas Well Locations

By Bonner R. Cohen

For the second time in six months, California regulators failed to meet a deadline set by Gov. Gavin Newsom to issue well-siting regulations for oil and gas drilling.

Unlike other oil and gas producing states such as Colorado, Pennsylvania, and Texas, California has no regulations specifying how far drilling rigs must be from homes, businesses, and schools. Newsom ordered the California Geologic Energy Management Division (CalGEM) to impose such rules.

After CalGEM missed Newsom's first deadline in December, regulators said they would have something ready by this spring, but spring came and went with no regulations being issued.

Open Letter to Newsom

CalGEM's pattern of missed deadlines is trying the patience of some environmental activist groups.

In an open letter to Newsom, dozens of environmental groups, under the name Last Chance Alliance, called on the governor to stop waiting for CalGEM to act and immediately mandate

"The oil and gas industry is not opposed to setbacks. In fact, it has supported setbacks that are based on science, data, local conditions, and rigorous health assessments. But a mandated, one-size-fits-all approach will cost the state billions and put thousands out of work."

KEVIN SLAGLE

VICE PRESIDENT, STRATEGIC COMMUNICATIONS

WESTERN STATES PETROLEUM ASSOCIATION

a 2,500-foot buffer between drilling rigs and places such as homes and schools, and to issue a moratorium on all new drilling in those zones.

"Given CalGEM's long track record of failing to prioritize public health outcomes over fossil fuel interests, please direct your agency to instate nothing short of a 2,500-foot setback between fossil fuel operations and sensitive sites," the letter said.

Tricky Political Landscape

CalGEM has not set a new date for issuing a draft rule, stating the matter is complicated.

The delays come at a bad time for

Newsom, who faces a recall election this fall. Green groups have been among his most ardent supporters, and he risks angering unionized oil workers if he clamps down too aggressively on their industry.

California is the nation's seventh-largest oil-producing state, and the oil and gas industry directly employs 152,000 people in the Golden State, with workers making \$89,500 a year on average.

Science and Circumstances

The Western States Petroleum Association (WSPA) and the Construction Trades Council oppose only scientifically unjustified buffer zones, says Kevin

Slagle, vice president for strategic communications at WSPA.

"The oil and gas industry is not opposed to setbacks," Slagle says. "In fact, it has supported setbacks that are based on science, data, local conditions, and rigorous health assessments. But a mandated, one-size-fits-all approach will cost the state billions and put thousands out of work."

California is curiously the odd man out on well-siting regulations, says Craig Rucker, president of the Committee For A Constructive Tomorrow (CFACT), which co-publishes *Environment & Climate News*.

"It's ironic California's ruling elites, who think they can micromanage the climate and how people use energy, cannot meet their own deadlines, even though other states, with little fanfare, have somehow managed to address the setback issue," Rucker 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 CFACT.

Astroturf Incident May Close Washington State Hydroelectric Dam

By Duggan Flanakin

The Puyallup tribe in Washington state is demanding closure of the historic Electron Hydro dam after a flood-related incident sent pieces of artificial turf into the Puyallup River.

Accidental Discharge

Electron Hydro bought the Puget Sound Power & Light facility in 2014 and had been working to improve relations with the Puyallup tribe in recent years, upgrading and renovating the facility to preserve the historic dam and 26-megawatt hydroelectric plant on the Puyallup River six miles from the Mount Rainier glacier terminus while improving the ability of salmon and trout to travel the river's entire length.

A diversion dam was installed to divert silty glacial water away from a construction site during renovations.

Without first getting specific approval and having its permit properly



amended, Electron Hydro installed artificial turf (Astroturf) with crumb rubber underneath the plastic liner, beneath and alongside the fish bypass channel to prevent or minimize erosion and runoff.

A series of heavy storms struck the region in July 2021. Heavy water flow dislodged boulders and sediment on Mount Rainier, ripping a hole in the

liner and sending 617 square yards of Astroturf and an estimated four to six cubic yards of crumb rubber downstream.

Toxic Violation?

In 2015, The U.S. Consumer Product Safety Commission in 2015 affirmed its 2008 determination that Astroturf poses no risk, even to young children playing on artificial turf fields. In addition, the U.S. Environmental Protection Agency began promoting the use of rubber crumbs on athletic fields and on playground surfaces in 1995 to help create markets for recycled car and truck tires.

Despite federal approval of Astroturf and crumb rubber surfaces, Washington state courts have ruled the artificial turf is toxic, and the Washington Department of Ecology fined the company \$501,000 for the discharge of plastic sports turf into the Puyallup River.

In the fall of 2020, the Puyallup tribe, which owns and manages the fishing rights in the river, demanded the dam be removed on grounds that its continued existence and operation threatens the survival of salmon and trout and thus endangers the tribes' livelihood. After the Astroturf incident, Puget Sound Power & Light issued a notice of intent to sue and cancel its power purchase agreement with Electron Hydro.

'Mindless Attacks on Hydropower'

This incident has been blown out of proportion and should not threaten the continued operation of this historic dam and power plant, says engineer Thom Fischer, CEO of Electron Hydro.

"The rationale for the construction project was in part to change the con-



"There are a lot of mindless attacks on hydro power, yet only

hydro power proved reliable during the June heat wave that sent temperatures as high as 110° F. I was initially hopeful about the renovation project, but what Electron Hydro did with the artificial turf destroys the faith anyone might have had about their ability to protect the salmon."

TODD MYERS
ENVIRONMENTAL DIRECTOR
WASHINGTON POLICY CENTER

versation between hydro operators and fish defenders," Fischer said. "We have to deal with heavy sediment and boulders released as the glacier on Mount Rainier slowly melts, which clogs fish screens.

"In a project in Alaska, we had designed a diversion structure that allowed dropping an inflatable rubber bladder during floods to enable the bedload to pass through more naturally, adding the fish screen afterwards," Fischer said. "But here, we never got that far before the flood damaged the turf bed. And now we cannot finish the project."

Electron Hydro's actions may have doomed the historic dam, making the state's electric grid less reliable, says Todd Myers, environmental director at the Washington Policy Center.

"There are a lot of mindless attacks on hydro power, yet only hydro power proved reliable during the June heat wave that sent temperatures as high as 110° F," Myers said. "I was initially hopeful about the renovation project, but what Electron Hydro did with the artificial turf destroys the faith anyone might have had about their ability to protect the salmon."

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

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BLM Nominee's Past with Eco-Terrorists Sparks Controversy

By **Kenneth Artz**

President Joe Biden's nominee for U.S. Bureau of Land Management (BLM) director faces significant opposition because of reports of past ties to the eco-terrorist group Earth First!

Nominee Tracy Stone-Manning held various positions in the office of Sen. Jon Tester (D-MT) from 2007 to 2012 and served as director of the Montana Department of Environmental Quality from 2013 to 2014, chief of staff for Montana Gov. Steve Bullock from 2014 to 2017, and most recently was a senior advisor for conservation policy at the National Wildlife Federation.

Stone-Manning's recent experience is not what has stalled her nomination. Her activities for the eco-terrorist group Earth First! during the 1980s and 1990s have led Republicans and even Obama-era BLM Director Bob Abbey to call on Biden to withdraw her nomination.

Extremist Group

In 1989, Stone-Manning admittedly mailed an anonymous and threatening letter to the Forest Service in 1989 saying a local forest in Idaho set to be logged had been sabotaged with tree spikes. The letter ended with the message, "P.S. You bastards go in there anyway and a lot of people could get hurt."

Stone-Manning avoided prosecution by agreeing to testify against the person later convicted of the spiking, according to the lead investigator in that case, Michael Merkley, in a letter he sent to the Senate Energy Committee, as reported by Fox News and other outlets.

Tree spiking involves nailing metal spikes into trees to make them unsafe to log. If the spikes go unnoticed when logging, a chainsaw can strike the obstruction, causing the chain to explode and seriously injure workers. In 1987, a 23-year-old mill worker in California had his jaw cut in half when his saw exploded upon hitting a tree spike.

'Violence Against ... Americans'

In Senate hearings in June, Sen. Dan Sullivan (R-AK) called on Biden to withdraw Stone-Manning's nomination, saying she is unfit to serve in light of her association with Earth First!

"[I]t is imperative—imperative—for the director of this agency, the Bureau

of Land Management, with so much power and so much control over my state and its future in economic opportunity for working Alaskan families, that the manager of BLM for the country be trustworthy, to be honest, to be fair-minded, to be beyond reproach, and certainly not to have been involved in an organization that perpetuated violence against its fellow Americans," Sullivan said.

"And from what we know about Tracy Stone-Manning, she is none of these things: trustworthy, honest, and fair-minded," Sullivan said. "What is shocking beyond surprising is that the president of the United States would put forward someone for this incredibly important position in BLM who is not only far left but a member of a group that was an eco-terrorist organization, a group that was undertaking violence against their fellow Americans so they could make a point on environmental issues in America."

Obama BLM Director Opposes

Sullivan and other Republicans were not the only ones denouncing Stone-Manning's nomination. The day after the Senate hearings on her nomination, Bob Abbey, BLM director during the Obama administration, issued a statement saying Stone-Manning should withdraw her nomination.

The revelations of Stone-Manning's involvement in the 1989 tree-spiking incident are enough to disqualify her from leading the bureau, Abbey said in the statement.

"As a 30-year BLM career employee, I don't take her actions lightly, nor should anyone else," Abbey stated. "If Stone-Manning participated in any aspect of planning, implementation or cover-up in the spiking of trees, then she should not be confirmed."

If Stone-Manning is confirmed, the incident will hang over her at the bureau, clouding every decision she makes, Abbey said.

Too Hot to Handle

Although Democrats have a long history of canonizing left-wing criminals, Stone-Manning's past involvement with an eco-terrorist organization is too much for even the Biden administration to accept, says Merrill Matthews, a resident scholar at The Institute for Policy Innovation, a free-market policy think tank.

"Barack Obama had a longtime relationship with radical leftist Bill Ayres, and many Democrats defend or at least don't criticize Hamas when it sends rockets into Israel," Matthews said. "Now President Biden has nominated a person associated with the eco-terrorist, tree-spiking group Earth First!"

"It is true that former radicals are sometimes rehabilitated, but that doesn't mean they should be put in positions of power," Matthews said. "If the outrage against Tracy Stone-Manning continues, I expect President Biden will pull the nomination. It would be a huge and ongoing distraction that Biden doesn't want or need, especially since it would cast a shadow over every decision coming out of the Bureau of Land Management."

Although Biden needs committed leftists in his administration to back up his progressive decisions, he doesn't need people whose motives and integrity are in question, Matthews says.

"He can easily find other environmentalists who are equally committed to his agenda without the eco-terrorist baggage," Matthews said.

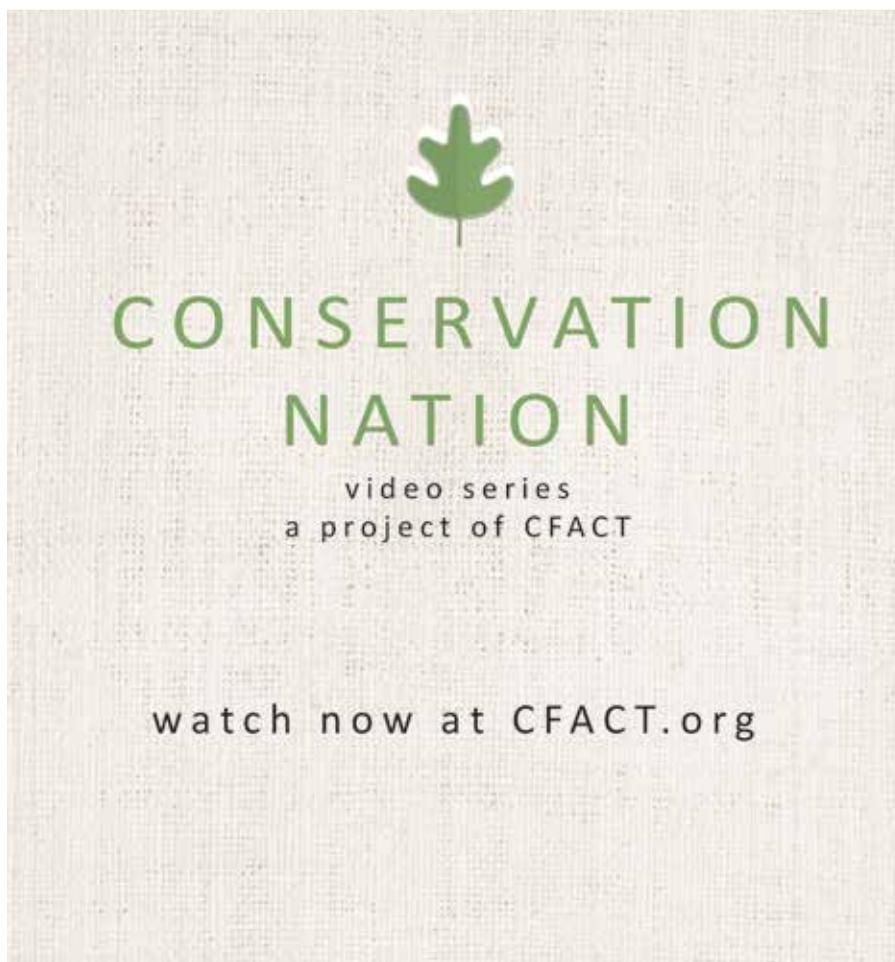
'No Surprise'

Stone-Manning's nomination is unfortunate but not unexpected, says Jay Lehr, an internationally renowned speaker, scientist, senior policy advisor with the International Climate Science Coalition, and senior science analyst at the Committee For A Constructive Tomorrow, which co-publishes *Environment & Climate News*.

"Manning's nomination by the Biden administration to head the BLM is no surprise," Lehr said. "Right down the line, all the administration's cabinet appointments have been people hellbent on destroying everything our Founding Fathers stood for. Individual freedom and property rights head the list."

"This individual with a history of terrorism in our forests would ensure the public gets little or no access to all federal lands," Lehr said. "She is, as are so many of Biden's appointments, an avowed communist intent on eliminating human freedoms and increasing government control over every aspect of our lives."

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



CLEAN Future Act Would Classify All Oil and Gas Production Water as Toxic

By Linnea Lueken

A bill before Congress could force most oil and gas wells to close, by making them too expensive to operate.

The legislation, introduced by Rep. Frank Pallone (D-NJ), would direct the U.S. Environmental Protection Agency (EPA) to “identify or list as hazardous waste any drilling fluids, produced waters, or other wastes associated with the exploration, development, or production of crude oil, natural gas, or geothermal energy that the Administrator determines ... meet the criteria ... for the identification or listing of hazardous waste” within a year after the legislation is enacted.

A report published by Rice University’s Baker Institute for Public Policy found water produced from oil and gas wells can be disposed of in 180,000 Class II wells throughout the country because it is not classified as hazardous and thus needs no special handling. If the water is classified as hazardous waste, there are fewer than 200 Class I wells nationwide that would be permitted to take it, the report states.

‘Prohibitively Expensive’

The CLEAN Future Act would massively increase the cost of production, forcing operators to shut down wells, which is the true intent of the legislation, says Kenny Stein, policy director at the Institute for Energy Research.

“[T]he purpose of this provision is to destroy the domestic oil and gas industry,” Stein said. “Reclassifying produced water as hazardous waste would make domestic oil and gas production hugely more expensive, likely prohibitively expensive for many fields and wells.”

The stated purpose of the bill, known as the Climate Leadership and Environmental Action for our Nation’s Future Act (CLEAN Future Act), is to “build a clean and prosperous future by addressing the climate crisis, protecting the health and welfare of all Americans, and putting the Nation on the path to a net-zero greenhouse gas economy by 2050, and for other purposes.”

Dramatically reducing oil and gas production would intensify any alleged climate crisis, Stein says.



Rep. Frank Pallone (D-NJ)

“The irony, from an environmental perspective, is that choking off domestic production would simply mean the United States, and other countries demanding oil and gas, would have to import it from countries where environmental standards are far lower than those in the United States, or even effectively nonexistent,” Stein said.

Nonexistent Loophole

Activists claim there is a loophole allowing hydraulic fracturing to operate without being subject to the Safe Drinking Water Act, but that is false, Stein says.

“The impetus for this provision comes from a belief among environmentalists that hydraulic fracturing is benefiting from a loophole passed as part of the 2005 Energy Policy and Conservation Act,” Stein said. “The provision, adopted to conform to a Circuit Court ruling, clarified the historical practice that fluids used for hydraulic fracturing, other than diesel, were not subject to regulation under the Safe Drinking Water Act because they don’t pose a danger to drinking water supplies.

“In reality, even the Obama-era EPA acknowledged there is no evidence of hydraulic fracturing threatening drinking water supplies, which makes perfect sense because the fracturing process happens thousands of feet below the water table,” Stein said. “This provision is an end run around that reality, seeking to treat everything coming out

of wells as hazardous waste in order to shut down production.”

‘A Transparent Assault’

Pallone’s bill is about shutting down the domestic oil and gas industry, not protecting drinking water, says Jay Lehr, Ph.D., a senior policy advisor with the International Climate Science Coalition.

“This is a transparent assault on the oil and gas industry, aimed at forcing the country to rely on wind and solar, which the left knows is not possible and will require the rationing of electricity to the public, which is their primary intention,” Lehr said. “The chemicals used in fracking wells either reduce surface tension to allow oil and gas to flow more easily over the surfaces of the shale rock and sand and gravel in which it is contained, or prevent the formation of algae which clogs the pores of the fractured rock, so a very mild biocide is used in minute quantities.

“Any knowledgeable scientist, engineer, or oil rig worker knows fracking fluids are safe,” Lehr said. “This legislation, if passed, could end America’s dominance in the production of oil and natural gas.”

Shutting Down Modern World

Pallone’s bill would destroy modern society, says Gary Stone, executive vice-president of engineering with Five States Energy.

“Rep. Pallone suffers from either a myopic ignorance about the importance

“This is a transparent assault on the oil and gas industry, aimed at forcing the country to rely on wind and solar, which the Left knows is not possible and will require the rationing of electricity to the public, which is their primary intention. The chemicals used in fracking wells either reduce surface tension to allow oil and gas to flow more easily over the surfaces of the shale rock and sand and gravel in which it is contained, or prevent the formation of algae which clogs the pores of the fractured rock, so a very mild biocide is used in minute quantities.”

JAY LEHR, PH.D.
SENIOR POLICY ADVISOR
INTERNATIONAL CLIMATE SCIENCE
COALITION

of petroleum in modern life or an evil desire for complete chaos and anarchy throughout the country,” Stone said. “In addition to the obvious transportation and power uses for oil and gas, virtually every commercial product used or consumed in modern society, including food, is either directly or indirectly produced using petroleum.

“His proposal would totally shut down drilling and most producing wells; existing storage would be depleted in a matter of days, and any petroleum used thereafter would be imported at exorbitant prices; modern society as we know it would in essence shut down,” Stone said. “The recent supply disruptions due to electronic chip and worker shortages would be a drop in the bucket compared to the chaos that would ensue. The ‘progressive’ agenda and attack on oil and gas are a death knell for the country.”

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

Federal Judge Upholds Delaware Basin Fracking Ban

By Duggan Flanakin

A federal judge rejected a lawsuit to overturn an oil and gas production ban in the oil-rich Marcellus Shale region.

The plaintiffs asked the court to overturn a permanent ban on natural gas drilling and hydraulic fracturing (“fracking”) issued by the Delaware Basin River Commission (DRBC) affecting 17 Pennsylvania counties.

With more than 13,000 wells, the Marcellus Shale region has turned Pennsylvania into the nation’s second-biggest gas-producing state. Despite the economic boost to Pennsylvania’s economy and the state’s revenues, Gov. Tom Wolf in 2015 issued a moratorium on new drilling leases on state-owned land.

The suit was brought by two Pennsylvania state senators and four local governments.

Partisan Political Dispute

The DRBC issued a moratorium on fracking in 2009, which remained in effect until the commission established the permanent ban in February 2021.

Until the ban, the owners of more than 300 square miles of Delaware Basin land were reportedly receiving lease payments from natural gas companies.

The permanent ban leaves farmers and other landowners without the ability to develop their property for oil and gas production, a right other Pennsylvanians have and are profiting from.

Federal Judge Paul Diamond of the United States District Court for the Eastern District of Pennsylvania ruled the lawsuit was over a partisan dispute best resolved through the political process.

Challenged Constitutionality

Pennsylvania state Sens. Gene Yaw (R-Loyalsock Township) and Lisa Baker (R-Lehman Township), the Pennsylvania Senate Republican Caucus (PSRC), Damascus Township, Dyberry Township, Wayne County, and Carbon County sued to overturn the ban, arguing it constituted an unconstitutional taking of property from mineral rights owners and taxing authorities.

The plaintiffs also argued the DRBC lacks the authority to ban fracking in the 17 affected Pennsylvania counties. The commission’s members are



a federal government representative (who abstained) and the governors of Delaware, New Jersey, New York, and Pennsylvania.

With Wolf lacking the authority to ban oil and gas production on private land in the region, and the other representatives on the DRBC having no jurisdiction at all in Pennsylvania, the DRBC does not have any authority to ban fracking in Pennsylvania, the plaintiffs argued.

The plaintiffs also argued the ban was unjustified because fracking poses no environmental threat to the Delaware River Basin, citing a study by the neighboring Susquehanna River Basin Commission which found no link between intensive gas drilling in the Marcellus and degradation of the watershed.

Diamond ruled Yaw, Baker, and the PSRC lacked standing to challenge the DRBC’s action, but he gave the four local governments time to file an amended lawsuit in which they will have to “articulate how the moratorium has actually injured them.”

‘Harms Working Class’

The DRBC’s decision disregards science, the good of the country, and the welfare of Pennsylvania families, says David Callahan, president of the Marcellus Shale Coalition.

“We are extremely disappointed in Gov. Wolf, who aligned with out-of-

state interests to jam through a fracking ban that directly harms working-class Pennsylvania families,” Callahan said. “The Biden administration’s lack of action to prevent this ban, along with the president’s economically devastating anti-energy executive orders—which have already put tens of thousands of skilled union laborers out of work—does absolutely nothing to help America.

“The commission’s blatant disregard for scientific evidence and bodies of independent research—including from the neighboring Susquehanna River Basin where continuous water quality and quantity monitors have shown no impact from shale development—further demonstrates the purely political nature of this action,” Callahan said.

‘A Political Decision’

The DRBC’s oil and gas ban was “a political decision uninformed by science” that will harm the state and regional economies, said Gene Barr, president of the Pennsylvania Chamber of Business and Industry, in a statement issued when the fracking ban took effect.

“We are extremely disappointed to see Gov. Wolf vote in lockstep with the other states in the Delaware River Basin Commission to ban drilling and activities related to natural-gas development in the basin,” Barr said. “The votes by New York, New Jersey, and

Delaware provide further evidence that these states do not have Pennsylvania’s best interests in mind.

“These states have obstructed infrastructure development that would have delivered Pennsylvania’s energy to the states and to customers in New England, where shamefully they have had to rely on foreign natural gas, including a tanker from Russia,” Barr said. “These states have also taken regulatory actions to hamper the operating environment for manufacturing and energy resources, and the [DRBC’s] vote should give policymakers further pause in further coordination with these states on energy policy, such as joining the Regional Greenhouse Gas Initiative.”

Feds Abstained

The Biden administration bears some of the blame for the DRBC’s decision, and its inaction contradicts the president’s stated commitment to promoting American jobs, Barr’s statement said.

“[T]he federal government’s decision to abstain from this vote is extremely disappointing, given the national energy security implications of reduced domestic energy development and President Biden’s stated commitment to reducing emissions and reshoring manufacturing,” Barr said.

“With our economy reeling due to the pandemic and associated lockdown measures, and recent events highlighting how imperative energy production is, this is no time to let irresponsible voices carry the day and impede energy development,” Barr said.

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

Official Connections:

Pennsylvania state Sen. Gene Yaw (R-Loyalsock Township):
<https://www.senatorgeneyaw.com/>; <https://www.senatorgeneyaw.com/contact-me/capitol-office/>

Pennsylvania state Sen. Lisa Baker (R-Lehman Township):
<https://www.senatorbaker.com/>;
<https://www.senatorbaker.com/contact-me-2/>

Minnesota Appeals Court Approves Enbridge Pipeline

By Duggan Flanakin

A three-judge panel of the Minnesota Court of Appeals ruled the Minnesota Public Utilities Commission (PUC) had the authority to approve paperwork for the Enbridge Line 3 Replacement Project.

The court's decision enables Enbridge to complete the \$3 billion pipeline replacement project.

The Canadian portion of the project has already been completed, as have sections in North Dakota and Wisconsin, where it feeds into the Enbridge terminal in Superior, Wisconsin.

The 334-mile Minnesota section of the replacement line follows a slightly different path than the original Line 3. It is 60 percent complete and on track to become operational later this year.

When completed, Replacement Line 3 will be capable of transporting 760,000 barrels of oil from Alberta per day. The existing Line 3 has become corroded over the years and has been



“Line 3 is a vital piece of energy infrastructure, a crucial link in our supply chain that supports North American energy independence. The Line 3 replacement is needed because the current pipeline is corroded and operating at only half of its potential capacity.”

ISAAC ORR, POLICY FELLOW
CENTER OF THE AMERICAN EXPERIMENT

operating at about 50 percent capacity to avert spills.

Challenge Rejected

Pipeline opponents argued the PUC erred in granting approval to the project's environmental impact statement, certificate of need, and route permit.

They claimed Enbridge relied on an incorrect demand forecast for petro-

leum products. The plaintiffs argued the PUC failed to consider the negative effects of electric vehicles on the future demand for petroleum products.

A majority of the three-judge panel hearing the case rejected that argument.

“[S]ubstantial evidence supports the Commission's decision to issue a certificate of need,” Judge Lucinda E. Jesson wrote for the majority. “The Commission reasonably selected a route for the replacement pipeline based upon respect for tribal sovereignty, while minimizing environmental impacts. Accordingly, we affirm.”

Property Vandalized

Shortly before the hearing, Enbridge contractor Matt Gordon, a Native American of the White Earth Nation tribe, reported activists had trespassed and vandalized his company's equipment, broken into construction trailers, damaged environmental safeguards intended to control erosion, and attempted to trap workers while occupying the worksite.

A group of Native American business leaders issued a statement condemning the vandalism and the portrayal of Native Americans as universally opposing the pipeline. Native American tribes and environmental organizations were the chief plaintiffs attempting to block the project.

“[The vandalism] not only created a hardship for our workers, it created additional challenges for our companies,” the statement said. “Protests that disrupt work, damage property, and threaten our employees while claiming to be on behalf of our Native people is creating additional tension and consequences within our tribal communities.

“They also intentionally create a false narrative that there is no Native American support for this project and the economic impacts and opportunities it brings to our people,” the letter said.

Upon losing their appeal, the plaintiffs demanded the Biden administration shut the pipeline down, as President Joe Biden did to the Keystone XL pipeline upon assuming office.

‘Vital ... Energy Infrastructure’

The Enbridge 3 pipeline is part of the energy infrastructure that has helped the United States become energy-dominant, and opposition to it is dangerous and irrational, says Isaac Orr, a policy fellow with the Minnesota-based Center of the American Experiment.

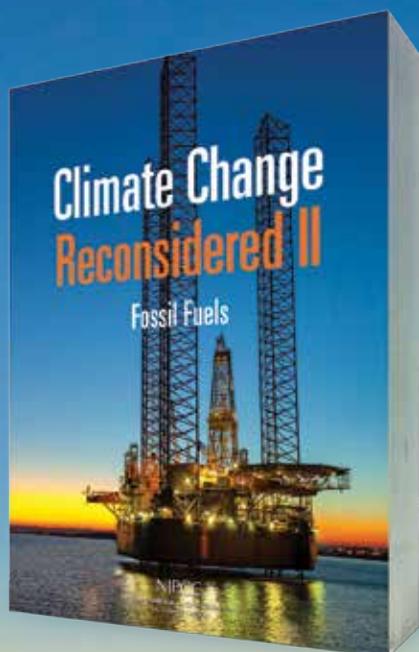
“Line 3 is a vital piece of energy infrastructure, a crucial link in our supply chain that supports North American energy independence,” Orr said. “The Line 3 replacement is needed because the current pipeline is corroded and operating at only half of its potential capacity. Replacing the pipeline will effectively double its ability to transport oil.

“Pipeline opponents pretend the project isn't needed because they claim electric cars will make the pipeline unnecessary, but electric car sales are minuscule compared to sales of gasoline-powered cars,” Orr said. “Much of the oil transported by Line 3 becomes jet fuel and diesel fuel for trucks and tractors, and there is no alternative to oil for these fuels—which is why Jane Fonda burned a lot of oil to get to Northern Minnesota to protest the pipeline.”

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

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Swiss Voters Reject Carbon Dioxide Restrictions, Synthetic Pesticide Ban

By Kevin Stone

Swiss voters rejected a referendum to impose big new taxes and restrictions on greenhouse gas emissions to keep the nation on pace with its Paris climate accord commitments.

The ensuing law would have forced the Swiss public to reduce greenhouse emissions to 50 percent of 1990 levels by 2030 through a “polluter pays” strategy involving new taxes on carbon dioxide (CO₂) emissions.

Despite early polling showing 60 percent of voters supported the restrictions, 51.6 percent cast their ballots against the law. Voters also rejected a ban on synthetic pesticides and on imported foods produced using those substances.

Cost Concerns

Opponents of the carbon-dioxide tax argued the law would impose unjustifiably high costs on energy use.

The proposed law would have imposed new building regulations and taxes on fuels used by vehicles, aircraft, and factories. The law would also have introduced a tax on airline tickets from Switzerland.

Homeowners and members of the oil



industry, car associations, and Gastro-Suisse, the catering industry’s umbrella organization, formed a coalition arguing the measure was too expensive and unfairly targeted people in rural areas who have no practical alternative to cars and trucks.

Goals vs. Reality

Although most Swiss support the goals of the Paris climate agreement, most also believed the proposed new taxes represented an undue economic burden, says Myron Ebell, director of the Center for Energy and Environment at the Competitive Enterprise Institute.

“At first glance, the Swiss vote against various climate taxes seems surprising,” Ebell said. “After all, the Swiss government, with strong public support, has been a leader in promoting the international climate agenda.

“However, the vote is only the latest

evidence that many Europeans think their energy taxes are already too high,” Ebell said. “The French ‘yellow vest’ protests against yet another gas tax increase in 2018 and 2019 represent the most notable example.”

It seems many people have had enough, Ebell says.

“My guess is that most Europeans think they are already doing more than their share to reduce emissions,” Ebell said. “Some may even have believed the climate industrial complex’s propaganda that green energy would be cheaper than conventional energy, but they are now learning the bitter truth.”

Unfair Burden, Negligible Effect

Recognition of Switzerland’s minimal proportion of global CO₂ emissions may have boosted the “no” vote. Opponents of the climate referendum argued the economic hardships to be imposed by the law were far out of line with its expected effect on global greenhouse gas levels.

Of the 37,077 metric tons (Mt) of carbon dioxide emitted in 2017, China was responsible for 10,877 Mt, and its



“My guess is that most Europeans think they are already doing more

than their share to reduce emissions. Some may even have believed the climate industrial complex’s propaganda that green energy would be cheaper than conventional energy, but they are now learning the bitter truth.”

MYRON EBELL

COMPETITIVE ENTERPRISE INSTITUTE

percentage continues to grow. China’s CO₂ emissions increased by 353.8 percent between 1990 and 2017.

Opponents of the bill pointed out Switzerland was responsible for less than 40 Mt, about 0.1 percent of the world’s total emissions in 2017, and had already reduced its carbon-dioxide emissions by 11.6 percent since 1990.

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

Biden Admin. Proposes Rescinding Migratory Bird Protection Reforms

By Kenneth Artz

The U.S. Department of the Interior (DOI) announced it will make the accidental killing of migratory birds a criminally punishable offense again.

Prosecute or Not?

In December 2020, the U.S. Fish and Wildlife Service published regulatory changes decriminalizing the accidental or unintentional killing of migratory birds.

A 1970s-era interpretation of the 1918 Migratory Bird Treaty Act (MBTA) allowed the criminal prosecution of people or companies that killed protected migratory birds even when the deaths were unintentional.

Under President Donald Trump, the DOI changed the rule so those who inadvertently killed a bird protected



under the MBTA when undertaking otherwise legal actions would not be liable for criminal punishment. Only intentional killings of migratory birds would be criminally prosecuted.

The Biden administration’s proposed rule change will make the accidental or unintentional killing of migratory birds criminal acts once again.

‘Inexcusable Interpretation’

Protecting migratory birds shouldn’t mean foregoing common sense or denying people their rights, says Daren Bakst, a senior research fellow in regulatory policy studies with The Institute for Economic Freedom at The Heritage Foundation.

“Unfortunately, past implementation of the MBTA allowed for property owners who accidentally or unintentionally harmed migratory birds while engaging in ordinary day-to-day activities, to potentially face criminal charges,” Bakst said. “The Trump administration finalized a rule preventing this type of overcriminalization and threat to due process.

“But now it looks like common sense could be leaving the building, with the Biden administration proposing to go

back to the inexcusable interpretation that existed before,” Bakst said.

A 2017 legal opinion from the DOI Solicitor’s Office explains what is at stake, Bakst says.

“The DOI’s Solicitor said, ‘Interpreting the MBTA to apply to incidental or accidental actions hangs the sword of Damocles over a host of otherwise lawful and productive actions, threatening up to six months in jail and a \$15,000 penalty for each and every bird injured or killed,’” Bakst said.

“We need to get rid of that sword and allow Americans to engage in lawful and productive actions without having to fear the pain of the blade,” Bakst said.

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

U.S. Supreme Court Upholds Property Rights in California Farm Case

By **Bonner R. Cohen**

The U.S. Supreme Court ruled a California regulation forcing property owners to allow union organizers access to workers on farms in the state violates the owners' constitutional rights.

Property Rights Excluded

In 2015, organizers from the United Farmworkers of America (UFA) entered the property of Cedar Point Nursery, a strawberry-growing operation in northern California, in an effort to persuade the 3,000 employees of Cedar Point- and Fresno-based Fowler Packing Company to join their union.

Although property owners have the right to exclude trespassers, California's 1975 Union Access Regulation, created by the state's Agricultural Labor Relations Board, required farm owners to allow union organizers onto their property for three hours a day, 120 days a year, to recruit workers.

The regulation was upheld by the California Supreme Court in a 4-3 decision in 1976 and went unchallenged until UFA organizers entered Cedar Point's property without permission during the 2015 harvest.

Cedar Point Nursery owner Mike Fahner didn't know the regulation existed, because his workforce had shown no interest in unionizing.

Represented pro bono by the Pacific Legal Foundation (PLF), the nursery asked the Supreme Court to invalidate California's regulation and affirm the state cannot force property owners to allow unions to enter private property and disrupt commercial operations without paying compensation.

'Government-Authorized Invasion'

Justices Samuel Alito, Amy Coney Barrett, Neil Gorsuch, and Clarence Thomas joined Chief Justice John Roberts' majority opinion in *Cedar Point Nursery v. Hassid* finding the California regulation violated the U.S. Constitution's takings clause. Justice Brett Kavanaugh issued a separate concurring opinion. The three other justices dissented.

California's regulation violated the nursery's property rights protected by



the Fifth Amendment of the U.S. Constitution, said Roberts in his majority opinion, finding the state must compensate the nursery.

"The Founders recognized that the protection of private property is indispensable to the promotion of individual freedom," Roberts wrote. "The Takings Clause of the Fifth Amendment, applicable to the States through the Fourteenth Amendment, provides: '[N]or shall private property be taken for public use, without just compensation.'

"The right to exclude is 'one of the most treasured' rights of property ownership," Roberts wrote. "The access regulation appropriates a right to invade the growers' property and therefore constitutes a *per se* physical taking."

Such a physical taking requires just compensation, Roberts concluded.

"Rather than restraining the growers' use of their own property, the regulation appropriates for the enjoyment of third parties the owners' right to exclude," Roberts wrote. "The upshot of this line of precedent is that government-authorized invasions of property—whether by plane, boat, cabal, or beachcomber—are physical takings requiring just compensation."

'No Special Right'

The Supreme Court ruling affirmed all parties must comply with the U.S. Constitution, said the PLF in a statement.

"Today, the Supreme Court ... affirmed that the government cannot force people to allow third parties to trespass on their property," the PLF stated. "[Union organizers] have no special right to invade private property and disrupt commercial operations,

and property owners have a fundamental right to exclude trespassers. ... Government can't make a regulation violating that right even if it limits the hours when it applies."

The Court's ruling is an important win for property owners, says Daren Bakst, a senior research fellow at The Heritage Foundation's Institute for Economic Freedom.

"The Court has made it clear that deciding who can enter your property is a fundamental element of private property rights, and government can't simply modify this right when it feels like it," Bakst said. "If the government is going to allow an invasion of private property, as the California regulation did for labor organizations against farmers, it will be deemed a *per*

"If the government is going to allow an invasion of private property, as the California regulation did for labor organizations against farmers, it will be deemed a *per se* physical taking, requiring the payment of just compensation."

DAREN BAKST
SENIOR RESEARCH FELLOW
HERITAGE FOUNDATION

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



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California County Fights State Oil and Gas Restrictions

By Duggan Flanakin

The Kern County Board of Supervisors voted unanimously to oppose California Gov. Gavin Newsom's plans for a statewide ban on hydraulic fracturing and eventually all in-state oil and gas production.

The vote was four to zero in favor of fighting the state restrictions, with one board member absent. Several interested parties delivered testimony, including a report by Kern County Planning Director Lorelei Oviatt.

On April 23, Newsom directed the California Geologic Energy Management Division (CalGEM), the state agency that regulates oil and gas operations, to stop issuing fracking permits by January 2024.

That same day, Newsom asked the California Air Resources Board to find ways to end all oil and gas production in the state, to achieve "carbon neutrality" by 2045.

In 2020, Newsom asked the legislature to pass a bill banning fracking, but

state lawmakers tacked on additional restrictions on oilfield processes that drew labor union opposition. In the end, the fracking ban legislation failed to pass.

'You Could Be Next'

CalGEM formally proposed draft anti-fracking rules on May 21.

CalGEM's rules include broad language allowing a regulatory phaseout of all "well stimulation" techniques, including fracking, acidizing, gravel packing, steam flooding, and steam injection.

At a Kern County Board meeting held to discuss CalGEM's actions, Oviatt called the proposed ban an unwarranted attack on the oil and gas industry and a dangerous precedent for other industries that want to do business in Kern County.

"And now, with no evidence of an

environmental impact, the state is going to ban this innovative method—not ban an industry, although they said they will someday," Oviatt testified.

"What is to stop the next industry being attacked?" Oviatt asked.

"Aerospace brings an innovative use and invests in it. It becomes a part of our economic diversification, but then the state decides for whatever reason to ban that."

Many industries could be similarly limited by the state, Oviatt said.

"What about alternative fuels?" Oviatt asked. "What about carbon capture? What about all these things [that] bring ... economic diversification? This ban sends a chilling message, that if you come to California with something innovative, you better watch out because you could be next."



'Ignore Science ... and Facts'

Newsom's restrictions on oil and gas production ignore the evidence of the tremendous benefits they provide, says Kevin Slagle, vice president of strategic communications with the Western States Petroleum Association (WSPA).

"Once again, Gov. Newsom has chosen to ignore science, data, and facts to govern by bans, mandates, and personal fiat," Slagle said. "Banning nearly 20 percent of the energy production in our state will only hurt workers, families, and communities in California and turn our energy independence over to foreign suppliers.

"Through all means possible, [the WSPA] will join with workers, community leaders, and others who wish to protect access to safe, affordable, and reliable energy to fight this harmful and unlawful mandate," Slagle said. "We will be a key part of an equitable energy future for California."

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





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South Dakota Wind Turbine Manufacturer Closing Its Doors

By Bonner R. Cohen

A South Dakota manufacturer of wind turbine blades announced it will shut its doors permanently by mid-August, sending shock waves through the local community.

More than 300 workers at the South Dakota-based Molded Fiber Glass (MFG) plant will lose their jobs when it closes, forcing locals to take a hard look at green energy proponents' promises to provide good-paying jobs for American workers.

Closing Despite Federal Subsidy

In operation since 2007, the 325,000-square-foot plant has had a precarious existence from the start. Ohio-based MFG threatened to shutter the plant in 2017, saying the looming expiration of a federal wind-industry subsidy known as the production tax credit (PTC) would undermine the plant's profitability.

Thanks in no small part to the intervention of South Dakota Sen. John Thune (R), the PTC was extended as part of a 2017 tax reform bill, and the factory received a new lease on life.

Enacted in 1992 as a "temporary" measure to help boost the wind industry, the PTC has faced expiration several times, only to be extended repeatedly by Congress.

The subsidy, scheduled to expire at the end of this year, is likely to be extended once again, given the current composition of Congress and support by the Biden administration. However, not even generous federal and state subsidies to the wind industry could save MFG's Aberdeen manufacturing facility.

Broken Promises

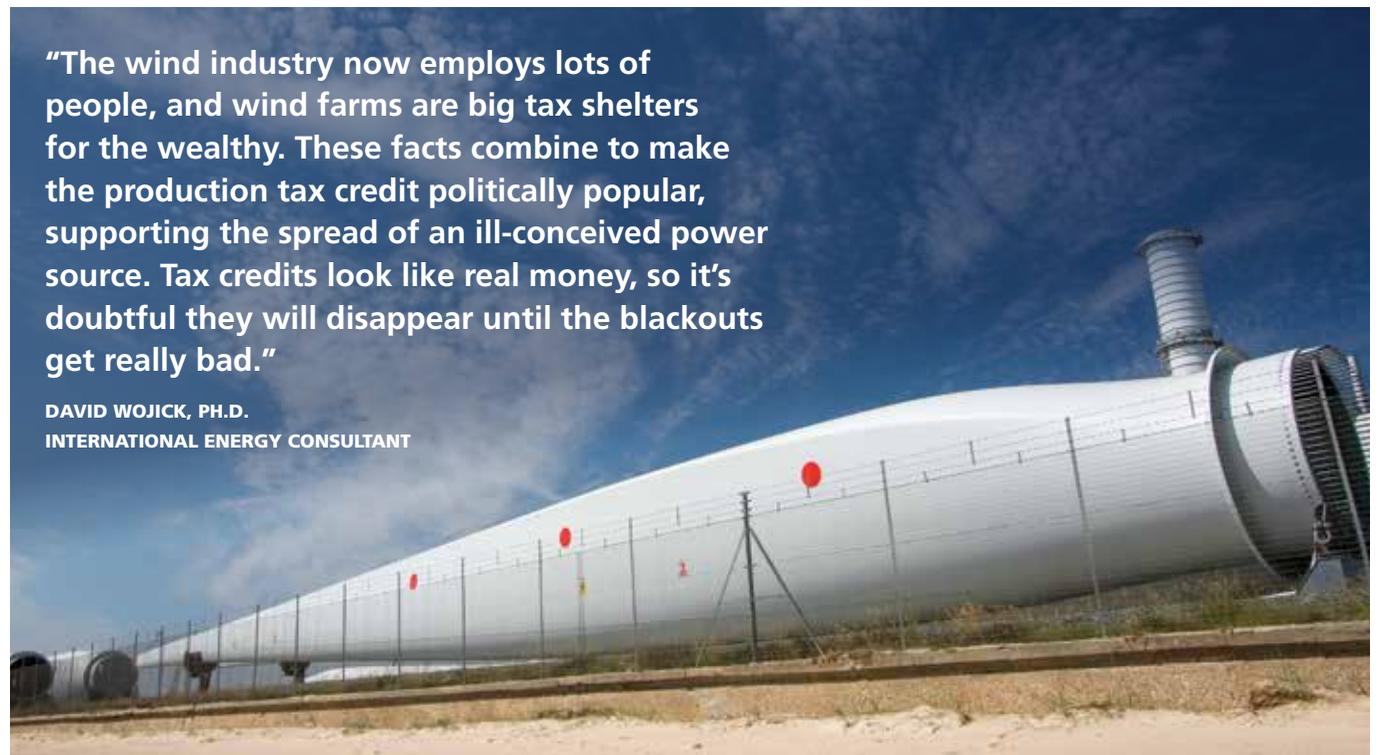
President Joe Biden, whose administration is aggressively steering the nation away from fossil fuels and toward renewable energy, told Congress earlier this year his move away from conventional fuels will expand the job market.

John Kerry, Biden's special envoy for climate, said just a couple of months earlier those losing jobs in the fossil fuel industry because of Biden's policies will find they have a better choice of jobs in the solar or wind manufacturing or installation industries.

American workers are not benefitting from Biden's promotion of wind energy, said Thune in a press statement

"The wind industry now employs lots of people, and wind farms are big tax shelters for the wealthy. These facts combine to make the production tax credit politically popular, supporting the spread of an ill-conceived power source. Tax credits look like real money, so it's doubtful they will disappear until the blackouts get really bad."

DAVID WOJICK, PH.D.
INTERNATIONAL ENERGY CONSULTANT



responding to MFG's announcement.

"It's troubling that at a time when wind energy is seeing record investment that this growth would not translate to American jobs, and it's especially hard for these good-paying jobs in Aberdeen to again face uncertainty," Thune said. "In his first address to Congress, President Biden said, 'There's no reason the blades for wind turbines can't be built in Pittsburgh instead of Beijing,' and that, of course, should include Aberdeen."

Damaged by Foreign Competition

Foreign competition was an important part of what made the closing of the factory unavoidable, MFG stated in a press release announcing the August shutdown.

"The closure comes as a result of changes in market conditions, foreign competition, and proposed revisions to tax policies impacting the wind energy industry in the United States," MFG stated.

Employees were notified of the closure through a letter from the company.

"In an effort to maintain a viable operation, MFG has actively pursued alternate business opportunities during recent months, unfortunately without success," MFG's letter said.

A Bad Bet

Though wind energy is politically popu-

lar at present, especially with industry beneficiaries of tax credits pushing for support, it is likely to lose its appeal as intermittency-related electric power blackouts increase, says David Wojick, Ph.D., an international energy consultant who writes for the Committee For A Constructive Tomorrow (CFACT), which co-publishes *Environment & Climate News*.

"The wind industry now employs lots of people, and wind farms are big tax shelters for the wealthy," Wojick said. "These facts combine to make the production tax credit politically popular, supporting the spread of an ill-conceived power source.

"Tax credits look like real money, so it's doubtful they will disappear until the blackouts get really bad," Wojick said.

A Doomed Industry?

The wind industry is untenable, a creation of big government, says Jay Lehr, Ph.D. a senior science analyst with CFACT.

"It is always sad to see Americans lose their jobs," Lehr said. "Long-term, the wind industry in America will all collapse one day and make the country one huge sculpture park of abandoned factories and windmills," Lehr said. "The industry only exists because of government subsidies and presently primarily supports Chinese industry.

"The biggest secret most do not realize is wind energy adds no net benefit to our electricity grids," Lehr said. "One hundred percent of every wind facility's output must be backed up with dependable coal, natural gas, or nuclear power kept as spinning reserve, ready to ramp up or down in seconds when the wind is not blowing at adequate speeds or is blowing so erratically that the electricity generated must be supplemented by power from other sources to ensure a consistent flow of electricity through power lines and transformers, a necessity for the proper functioning of the electric grid."

Suffering Under Biden

South Dakota's prospects for becoming a bigger player in the energy sector have suffered two setbacks in recent months.

In addition to the MFG plant closure, the Biden administration's decision to kill the Keystone XL pipeline means South Dakota and many other states will not benefit from having the now-cancelled infrastructure project transport 800,000 barrels of oil a day through their states.

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 CFACT.

COMMENTARY

Rainfall Driving Bumper Crops and Crop Failures Is Natural

By William D. Balgord

Bloomberg News seems unaware that a principal underlying cause of bumper crops and crop failures resides way out in the middle of the Pacific Ocean.

Climatologists and meteorologists point to a natural phenomenon known as “ENSO,” the El Niño-Southern Oscillation, as the cause behind the dearth of rain currently sparking anxiety for farmers across the Great Plains. What does ENSO mean in layman’s terms?

Ocean Circulation Affects Rainfall

Many people have likely heard that El Niño (Spanish for “the boy”) weather events bring above-average moisture to the U.S. grain belt. When that happens, certain other weather features naturally fall into place.

An El Niño drives vast amounts of moisture eastward from the Pacific into



“The main point, clearly missed by Bloomberg and Reuters, is that the cause of these alternating periods of drought and excess rainfall is no deep mystery: the rain and droughts are driven by the [El Niño-Southern Oscillation].”

the United States. Even more moisture may be added as the flow continues over the Gulf of Mexico and up into the interior United States, contributing greater than average rainfall across the southern, central, and eastern United States.

El Niño’s Condition

Surface waters off the Pacific coast produce substantially more moisture from evaporation during an El Niño, which circulates warmer waters, and less during a La Niña (Spanish for “the girl”), during which cooler ocean waters circulate.

The La Niña that ended in winter left the ENSO in a neutral condition. Now it may be about to enter another El Niño. If it does, much of the current drought in parts of North America will lessen or disappear. Time will tell.

La Niñas contribute to drought conditions in portions of the United States and other global regions mentioned as suffering rain shortages lately in a recent Reuters article, but they do the opposite far to the south. For grain-producing areas of Australia, the humid Pacific air coming ashore over that nation’s northeastern coastline derives from evaporation of warm water pushed westward from the central Pacific. Consequently, Australian farmers benefit from greater than average rainfall during the La Niña phase of ENSO, in contrast to the American and Canadian grain belts, which benefit from El Niño.

ENSO, Not Climate Change

The main point, clearly missed by Bloomberg and Reuters, is that the cause of these alternating periods of drought and excess rainfall is no deep mystery: the rain and droughts are driven by the ENSO.

What is not so well understood is exactly why, and to what extent, the shifting position of warm water and its

accompanying wind, evaporation, and rainfall patterns oscillates with some degree of regularity from the El Niño phase back to the La Niña phase.

When I asked the late Dr. Bill Gray, former hurricane expert at Colorado State University, during a climate conference, he opined it had to do with the movement of deep ocean currents that shuttle cold polar water toward the equator while the Gulf Stream and Kuroshio or Japan Current carry warm water poleward.

There is, as Gray explained, a lack of uniformity of temperatures in the cold-water masses that arrive and well up along the coastlines of Peru and Ecuador. The arrival of excess cold water pushes warmer water farther west, toward the central Pacific and Australia, aided by offshore easterly winds. Eventually, smaller amounts of cold water well up to the surface. Then warm water begins to return and may lead to the next El Niño.

Pronounced temperature differences in near-surface water also affect the circulation of surface winds and the progression of weather systems arriving in North America that continue far inland.

Take Some Weather Classes

Reporters for Bloomberg and Reuters could improve their understanding of the facts about what drives weather patterns and rainfall by auditing a course in meteorology before embarking on another foray into commodity forecasting, a task for which their compensation seems to exceed their understanding.

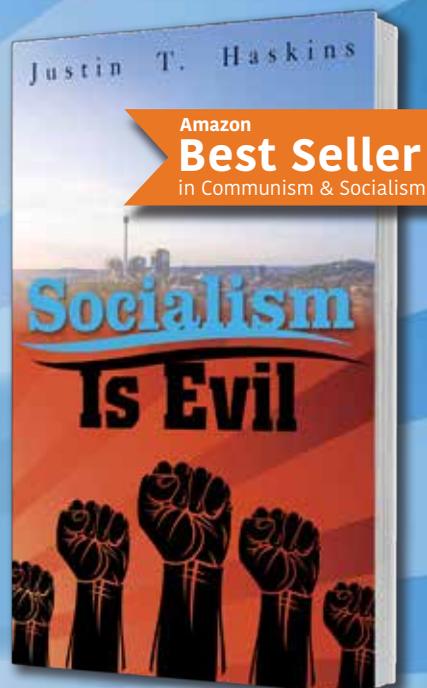
William D. Balgord, Ph.D., (envrt1@outlook.com) heads Environmental & Resources Technology, Inc. in Middleton, Wisconsin.

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COMMENTARY

Federal Farm Policy Is Always Corrupt



By James Bovard

Federal agricultural policy has been permeated by political racketeering since President Franklin Roosevelt appointed America's first farm dictator in 1933.

Recently, *The Washington Post* revealed President Donald Trump's Secretary of Agriculture, Sonny Perdue, purchased a South Carolina grain plant from Archer-Daniels-Midland, one of the nation's largest ethanol and biodiesel producers, after it became clear Trump would nominate him.

The *Post* reports Trump "added hundreds of millions of gallons of ethanol to the U.S. gas supply" and "Perdue announced a \$100 million subsidy of biofuels, including ethanol and biodiesel."

Reform Efforts Miss Ethanol

"Ethics reform" is an eternal crusade in Washington, D.C., with almost every new presidential administration promising to implement it or, in Trump's lingo, to "drain the swamp."

Unfortunately, the media regularly ignore the corruption in federal ethanol policy. Ethanol is holy water for Iowa farmers who profit from the increased demand for corn. Ethanol epitomizes the political treachery resulting from government interventions.

A 1986 study by the U.S. Department of Agriculture concluded increased production of ethanol costs consumers and taxpayers roughly \$4 for each \$1 of additional farm income.

"Consumers would be much better off if they burned straight gasoline in their automobiles and paid a direct cash subsidy to farmers in the amount that net farm income would be increased by

ethanol production," the study stated.

Instead of a straight payoff to an interest group with huge clout in the Iowa presidential caucuses, politicians devised a convoluted Rube Goldberg regime that camouflages windfalls for wealthy landowners and their political allies.

Bipartisan Ethanol Worship

Former Presidents George W. Bush (a Republican) and Barack Obama (a Democrat) were champions of mandating more ethanol use.

Ethanol has long been hyped as a linchpin of national energy independence even though it routinely requires more energy to produce—tractor fuel, the cost of shipping grain, etc.—than it generates as a vehicle fuel. Ethanol causes lower fuel mileage than gasoline because it contains only about two-thirds as much fuel energy as gasoline. In addition, ethanol can damage auto engines.

President Joe Biden's Agriculture Secretary, former Iowa governor Tom Vilsack, is one of the biggest ethanol zealots in the nation. The Biden administration jumped on the ethanol bandwagon despite 40-plus years' evidence of its harm to the environment.

Bad for Environment

The Clean Air Act of 1977 banned products such as ethanol, finding them harmful to the environment.

When the Clinton administration tried to mandate more ethanol in gasoline, a federal appeals court ruled in 1995 "the sole purpose of the Reformulated Gasoline Program is to reduce air pollution. ... EPA has even conceded that the use of it might possibly make

air quality worse."

The Congressional Budget Office admitted in 1995, "Ethanol evaporates quickly, especially in hot weather, contributing to ozone pollution."

Stanford University's Mark Jacobson estimated in 2007 the use of "E85 (85 percent ethanol fuel, 15 percent gasoline) may increase ozone-related mortality, hospitalization, and asthma by about 9 percent in Los Angeles and 4 percent in the United States as a whole relative to 100 percent gasoline."

In 2018, when Trump sought to nullify a Clean Air Act provision limiting sales of 15 percent ethanol in the summer, the Sierra Club denounced him for "once again ignoring Americans' health and safety. Despite claims, corn ethanol is not a safe and environmentally-friendly fuel source—it is hugely detrimental to the environment and public health."

Big Payoffs

Despite these drawbacks, the promotion of ethanol continues.

Forbes reported in 2016, "From the 2008 through 2014 election cycles, the [biofuels] industry showered federal lawmakers with \$10.9 million in campaign contributions."

The biofuels industry spent much more on lobbying the federal government. From 2008 to 2014, the industry spent \$188 million on an array of special interest perks. The investment paid off handsomely. According to a USDA-financed report from the Food Marketing Policy Center of the University of Connecticut, "For every dollar invested in contributions to political action committees, farm groups obtained on average approximately \$2,132 in policy

transfers"—policy transfers being a euphemism for subsidies.

Unfortunately, the vast majority of farm policy corruption is legal, thanks to laws written by politicians. Buying votes is the only farm policy most members of Congress understand. When politicians and political appointees have free rein to set prices and rig markets, shady payoffs are par for the course. Subsidized corporations favor politicians controlling the game, since they are confident they will control politicians.

Since the 1930s, federal farm policy has been "socialism for one industry," with endless interventions to profit the most politically connected growers.

'Defined Down Robbery'

Almost a century and a half ago, the Supreme Court clearly recognized the perfidy of such schemes, ruling, "To lay with one hand the power of the government on the property of the citizen and with the other to bestow it upon favored individuals to aid private enterprises and build up private fortunes is nonetheless a robbery because it is done under the forms of law and is called taxation."

Lamentably, politicians have "defined down" robbery. The only way to fix federal farm subsidies is to abolish them.

James Bovard (Jim@jimbovard.com) is the author of ten books and has written for The New York Times, The Wall Street Journal, The Washington Post, and many other publications. A longer version of this article was published by the American Institute for Economic Research. Edited and republished with author's permission.

COMMENTARY

A Pipeline for Vladimir, Pipe Dreams for Joe

By Larry Bell

President Joe Biden has a strange strategy to protect us against the world's greatest existential threat.

I'm referring, of course, to climate change.

Biden launched the Democratic Party's campaign against planet-ravaging American petroleum use and export on his very first day in office by capping off the Keystone XL pipeline at the Canadian border, costing approximately 11,000 U.S. workers their jobs and preventing 830,000 barrels of oil per day from flowing into American refineries. That same day, he placed moratoriums on oil and gas drilling on federal lands and waters.

Biden Okays Russian Pipeline

In the light of Biden's domestic actions restricting fossil fuel production, his prior complaints that President Donald Trump was too chummy with Russian President Vladimir Putin, and his professed concern for the climate, it is remarkably paradoxical Biden decided to lift Trump's sanctions on the corporate entity and its CEO who are overseeing the construction of Russia's Arctic Gazprom Nord Stream 2 gas pipeline under the Baltic Sea into Germany.

Didn't Biden promise to draw a contrast between himself and Trump by vowing there would be no more "rolling over in the face of Russia's aggressive actions?"

Biden's actions seem bizarrely out of touch with his position on climate change and with U.S. Secretary Antony Blinken's confirmation-hearing statement, "I am determined to do whatever we can to prevent that completion" of Nord Stream 2.

Advantage: Putin

Rep. Michael McCaul (R-TX), ranking member of the House Foreign Affairs Committee, characterized Nord Stream 2 as "a Russian malign influence project that threatens to deepen Europe's energy dependence on Moscow, render Ukraine more vulnerable to Russian aggression, and provide billions of dollars to Putin's coffers."

Even a member of Biden's own



Vladimir Putin

party, Senate Foreign Relations Committee Chairman Bob Menendez (D-NJ), said in a statement, "I urge the administration to rip off the Band-Aid, lift these waivers, and move forward with the congressionally mandated sanctions."

Pipeline completion, which may occur this summer without intervention, will give Putin enormous leverage in Europe. Russia has a long record of withholding critical supplies to neighbors during disputes, including cutting off gas to Ukraine.

Odd Cyberattack Response

The timing for lifting the sanctions is particularly ironic, occurring just weeks after a Russian-origin ransomware cyberattack on the Colonial Pipeline which left thousands of gasoline stations across the eastern United States with fuel shortages.

Although U.S. officials have stated they don't believe the Russian government was directly responsible, the line between criminal hacking groups and state-backed cyber operations is often murky in Russia, China, and elsewhere.

As discussed in my book, *Cyberwarfare: Targeting America, Our Infrastructure, and Our Future*, governments often recruit hackers and services from deniably independent groups to carry out their objectives.

Paris Reversal Rewards Putin

Russia, one of the world's three largest oil producers and second biggest natural gas exporter, is also a big winner from the Biden administration's reversal of Trump's withdrawal of the United States from the 2015 Paris climate accord.

With an economy smaller than Italy's, oil and gas provides 40 to 50 percent of the Russian government's operating budget, 55 to 60 percent of the country's export earnings, and an estimated 30 percent of Russia's GDP.

Those oil and gas revenues are key to financing Russia's global military power and projecting Moscow's presence as an important supply source to China and other import-dependent nations.

EU, Germany Benefit

Meanwhile, Nord Stream 2 natural gas supplies will be a big boon to another big Paris party: the European Union (EU), most particularly its big economic powerhouse, Germany.

In attempting to meet its carbon emission reduction commitments, Germany installed more wind capacity than any other EU nation and ranked as third largest in the world by 2018.

Between 1999 and 2013, Germany also installed more solar capacity than any other nation, much of it imported from China. Of the two energy sources,

solar was 40 percent less efficient than wind.

As a result, 40 million German households experienced an estimated 50 percent rise in the prices they paid for electricity between 2006 and 2015.

Through 2014, because of Germany's shift to wind and solar power, large businesses and industrial users paid approximately one-quarter more for electricity than the average for businesses in the rest of the EU.

Along with spiraling costs, adding intermittent wind and solar electricity also undermined power reliability. Up until 2008, Germany's grid had never been interrupted. In 2012 there were 1,000 brownouts, followed by more than 2,500 in 2013.

Sometimes wind or solar generates more power than the grid can safely handle or its consumers can use. This has necessitated Germany having to pay Switzerland and the Netherlands to take "garbage power" off Germany's grid.

America Last

In sum, the Biden administration's energy agenda will benefit Russia while ending America's energy independence and our energy resource advantage that has stimulated more than \$200 billion of investment in new factories, generated millions of jobs, produced vital federal and state revenues, and reduced the U.S. trade deficit by several hundred billion dollars.

Wasn't the original idea behind the Democrats' war on fossil fuels supposed to be about protecting the planet from the menace of climate change?

How will a plan that does nothing to reduce fossil fuel emissions, one that only relocates them to a geopolitical rival, prevent the drowning of polar bears?

Larry Bell (lsbell@central.uh.edu) is an endowed professor of space architecture at the University of Houston, where he founded the Sasakawa International Center for Space Architecture and the graduate space architecture program. This article was originally published by Newsmax and is republished with the permission of its author.

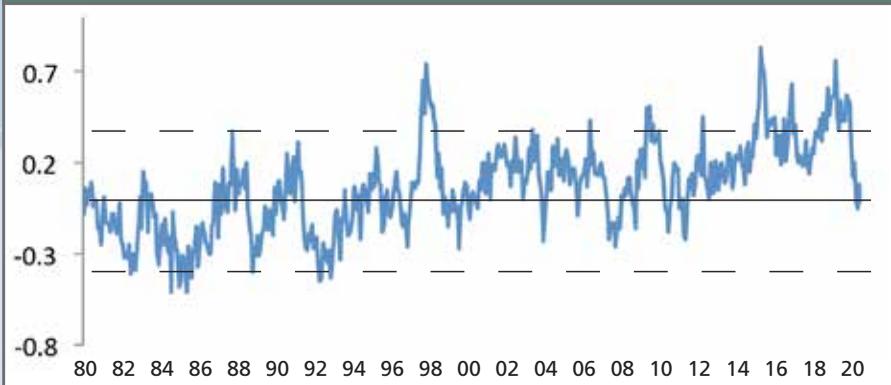
GLOBAL SATELLITE TEMPERATURES

HOW MUCH GLOBAL WARMING?

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

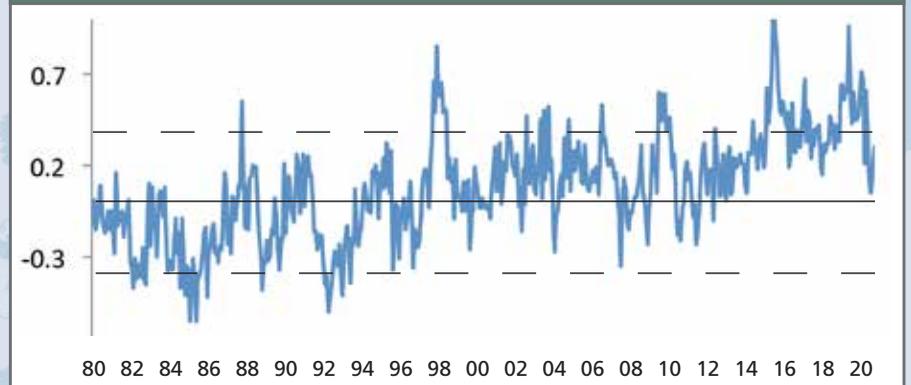
JUNE 2021

GLOBAL AVERAGE



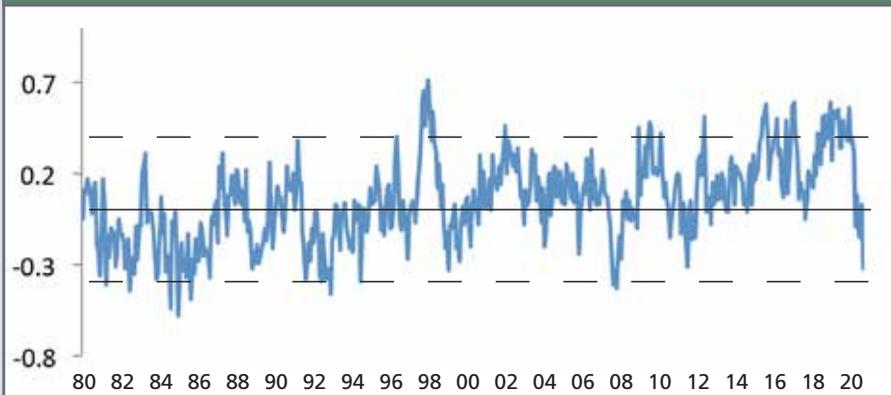
The global average temperature was 0.01°C below average.

NORTHERN HEMISPHERE



The Northern Hemisphere's temperature was 0.30°C above average.

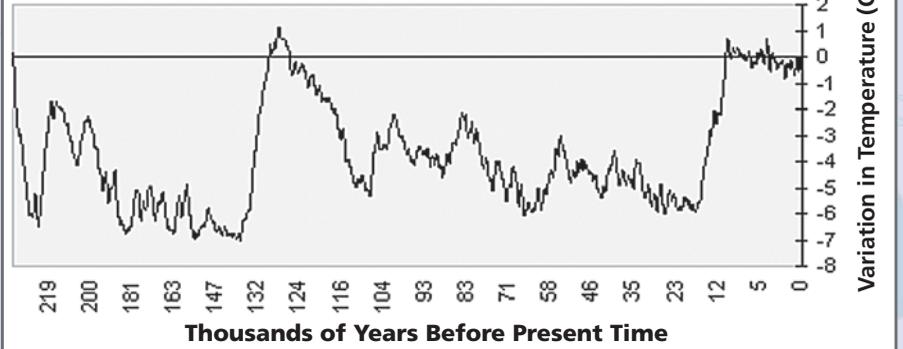
SOUTHERN HEMISPHERE



The Southern Hemisphere's temperature was 0.32°C below average.

219,000 years of Temperature Variation

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



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