HOT TOPICS

Idaho Cobalt
A new cobalt mine scheduled to open in late 2022 could help reduce America’s reliance on unstable regions for this metal critical to electric batteries.

Nuclear Down, Emissions Up
Greenhouse gas emissions in northeastern U.S. states rose after the shutdown of three large nuclear plants in the region.

Biden Blocks Pipeline
The Biden administration withdrew U.S. support for an Israel-Europe natural gas pipeline intended to reduce dependence on Russian gas.

‘Midland Over Moscow’
A new bill before Congress would strengthen U.S. energy security.

Alaska Climate Lawsuit
The Alaska Supreme Court rejected a lawsuit claiming the state’s oil and gas production rules violate young people’s alleged right to be free from climate change.

Revised Water Rule Expands Federal Control over Private and State Lands

By Kevin Stone
The U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (ACE) have once again revised the definition of Waters of the United States (WOTUS) in federal regulations.

The EPA-ACE definition of WOTUS determines the agencies’ control of wetlands on federal, state, and private property nationwide, under the 1972 Clean Water Act (CWA).

The 2015 Clean Water Rule adopted under the Obama administration imposed

Court Blocks Biden Administration’s Social Cost of Carbon Rules

By Kevin Stone
A federal judge issued a preliminary injunction blocking the Biden administration’s use of any social cost of carbon (SCC) metric in federal “regulations and other relevant agency actions.”

The SCC metric violates the 1946 Administrative Procedure Act because it did not undergo the requisite notice-and-comment process, Judge James D. Cain Jr. of the U.S. District Court for the Western District of Louisiana, Lake Charles division, ruled.
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Postal Service Rejects Biden Admin Demands for All-Electric Fleet

By Duggan Flanakin

The U.S. Postal Service (USPS) has decided to replace the vast majority of its fleet with vehicles powered by internal combustion engines, instead of batteries, despite objections from the Biden administration.

The USPS will purchase 165,000 Next Generation Delivery Vehicles (NGDV) over the next 10 years, at least 10 percent of which will be electrically powered.

Postmaster General Louis DeJoy published a record of decision by the independent agency in the Federal Register on February 23.

Aging Postal Fleet

DeJoy, a businessman appointed by former President Donald Trump, inherited an organization that is $206.4 billion in debt and direly in need of new vehicles.

The average age of the 230,000 vehicles in USPS's delivery fleet is 25 years old, well-beyond their designed useful lives, and there is a significant risk of engine fires.

In 2021 the USPS agreed in principle to award a contract for NGDVs to Wisconsin-based Oshkosh Defense. The company will design and produce 50,000 to 165,000 new mail trucks over the 10-year life of the contract, at least 5,000 of which will be electric vehicles.

Not Green Enough?

The USPS declined to perform the new technical analysis and environmental review the EPA and the White House Council on Environmental Quality (CEQ) requested.

EPA Associate Administrator for Policy Vicki Arroyo claimed the postal service’s Environmental Impact Statement omitted essential information about total costs, underestimated greenhouse gas emissions, failed to consider less-polluting alternatives, and gave inadequate consideration to communities with environmental justice concerns.

The EPA and CEQ demanded the USPS comply with President Joe Biden’s executive order directing federal agencies to acquire 100 percent zero-emission vehicles by 2035, including 100 percent zero-emission light-duty vehicle acquisitions by 2027.

Needs New Trucks Now

Electric vehicles are too expensive and would take too long to build, says DeJoy.

“As we have reiterated throughout this process, our commitment to an electric fleet remains ambitious given the pressing vehicle and safety needs of our aging fleet as well as our fragile financial condition,” said DeJoy in a statement. “But the process needs to keep moving forward.

“The men and women of the U.S. Postal Service have waited long enough for safer, cleaner vehicles to fulfill on our universal service obligation to deliver to 161 million addresses in all climates and topographies six days per week,” said DeJoy.

The NGDVs will, for the first time, have air conditioning and heating, along with 360-degree cameras, advanced braking and traction control, airbags, a front- and rear-end collision avoidance system, and increased cargo capacity.

The contract with Oshkosh Defense has built-in flexibility, and the number of electric vehicles purchased could increase if the USPS receives an additional $3.3 billion in funding from either internal sources or congressionally appropriated funds, said DeJoy.

Sees EPA Overreach

The EPA should not interfere in other agencies’ purchasing decisions, says Bette Grande, president of the Roughrider Policy Center.

“It is hard to imagine that members of Congress who passed the enabling legislation in the early 1970s thought that this new federal agency, the EPA, would one day have the power to override purchasing decisions made by the USPS and other federal agencies,” said Grande. “The fact that there is no proven EV technology or a production vehicle that meets the USPS requirements does not deter EPA from its agenda, and cost considerations never factor in for the EPA.

“In rural America, the USPS works primarily through independent contractors who drive their own vehicles,” said Grande. “If EPA can rewrite the USPS contracts, it surely has the authority to require private contractors to convert to EVs.”

Electric vehicles aren’t adequate for the USPS’s needs, says Ben Lieberman, a senior fellow at the Competitive Enterprise Institute.

“The reality is that there are still issues with EV trucks and good reason for the USPS to avoid them until these issues are resolved and costs come down,” said Lieberman. “If reducing greenhouse gas emissions from the USPS is a goal, a better idea than expensive electric delivery trucks would be for the USPS to eliminate the favorable postal rates for junk mail.”

Duggan Flanakin (dflanakin@gmail.com) writes from San Marcos, Texas.
A new cobalt mine is set to begin operations in the United States later this year.

The mine, located in Lemhi County, Idaho, is owned by Jervois Mining, an Australian company that specializes in extracting minerals used to make batteries.

Although the main mineral produced at the underground mine is cobalt, the company also expects it to produce copper and gold.

The United States currently produces only about 500 tons of cobalt annually from a nickel-copper mine in Michigan and old mine tailings processed at a plant in Missouri. Products sold here each year contain tens of thousands of tons of cobalt.

Jervois says its Idaho mine will use state-of-the-art equipment and design to minimize any damage to water quality and the local environment.

“The site will operate on a zero-discharge basis with the water used in our processes, so there will be no degradation to rivers and streams,” states the company.

### Essential Mineral

Cobalt is used in a variety of essential technologies, including the electrodes for rechargeable batteries, superalloys for jet turbine engines, and magnets, states the U.S. Geological Survey (USGS).

Demand for cobalt has risen because it is an essential mineral for the lithium-ion batteries used in electric vehicles, increasing battery needs from internal combustion to electric vehicles, increasing battery needs around the world "presage a huge increase in demand for cobalt," said Beisner.

“Unlike other countries—like the Congo, where human rights are violated and environmental standards are poor—here in America, cobalt mining will have to meet stringent environmental and labor standards,” said Beisner. “Aside from being better from a moral and environmental perspective, mining cobalt here will reduce our dependence on hostile foreign states for this strategically vital mineral.”

For the health of the environment and people around the world, it makes sense to increase domestic mining and mineral refining, says Beisner.

“For decades, we’ve shortsightedly pushed mining out of America, thinking we were protecting nature,” said Beisner. “But nature’s in other countries, too, and when mining moves from places with strong environmental and human-rights protections to places with weak or none, nature and people suffer.”

“For people and for the planet, expanding mining of critical minerals in the United States makes good sense,” said Beisner.

Linnea Lueken (llueken@heartland.org) is a research fellow with the Arthur B. Robinson Center on Climate and Environmental Policy at The Heartland Institute.

### Idaho Cobalt Mine to Open

**By Linnea Lueken**

“Based on numbers recently released by the USGS, 79 percent of the world’s cobalt is mined in the politically unstable Kinshasa region in the Democratic Republic of Congo, unfortunately relying partially on child labor to bring this key metal to the Western marketplace via China.”

**ANN BRIDGES**

**COAUTHOR, GROUNDBREAKING! AMERICA’S NEW QUEST FOR MINERAL INDEPENDENCE**

Even if the federal government were not pushing policies that encourage the increased use of electric vehicles, the demand for technologies that utilize cobalt would continue to climb, says E. Calvin Beisner, Ph.D., president of the Cornwall Alliance for the Stewardship of Creation.

“Regardless how stringent climate policies are, or how rapidly we move from internal combustion to electric vehicles, increasing battery needs around the world presage a huge increase in demand for cobalt,” said Beisner.

Biden Climate Agenda Goes After Retirement and Pension Plans

By Kenneth Artz

The U.S. Department of Labor (DOL) has called for public comment on how to “protect workers’ life savings and pensions” from climate-related financial risks, with the aim of imposing new regulations on businesses and investors.

President Joe Biden’s executive order (EO) on Climate-Related Financial Risk directed the DOL to identify actions it can take under the Employee Retirement Income Security Act of 1974 (ERISA), the Federal Employees’ Retirement System Act of 1986, and other relevant laws to safeguard the life savings and pensions of U.S. workers and families from the alleged threat of climate-related financial risk.

‘Manifestly False Presumptions’
The DOL’s actions are part of the Biden administration’s goal of imposing hard-left policies on every aspect of American life, says Scott Shepard, director of the Free Enterprise Project at the National Center for Public Policy Research.

“The administration claims to be motivated by the desire to ‘protect the life savings and pensions of U.S. workers and families from the threats of climate-related financial risk,’” said Shepard. “That is not at all what the administration plans to do with this rule. Rather, it intends to force pension-fund managers to adopt its manifestly false presumptions about climate, carbon, and the path the future will take.”

The DOL assumes the most extreme global warming projections relied on by the Intergovernmental Panel on Climate Change (IPCC) are accurate, says Shepard.

“There are no considerations in this proposed rule that the IPCC’s climate catastrophism might be overblown—and likewise no consideration that, given 40 years of predictions that a tipping point is just a few years off, it’s too late for carbon reductions to matter,” said Shepard. “There is no consideration of the near-certainty that developing and antagonistic countries will never join the West in any carbon reductions on politicized schedules, rendering the carbon cuts meaningless.”

‘Diminishing Opportunities, Prospects’
The Biden administration doesn’t recognize there is no technology that would allow the carbon reductions required by his policies on the political timetable he has established, says Shepard.

“The damage to the retirement funds, savings, and futures of middle- and working-class Americans from reducing carbon investment on a politicized schedule is unfathomable,” said Shepard. “Biden’s policies are revving up inflation while diminishing opportunities, prospects, and the availability of the basic necessities of life, putting peoples’ present and future well-being at risk.

“As with everything from this administration, it is a politicized fraud that will harm average Americans grievously,” said Shepard.

Fiduciary Duty Redefined
All Americans will pay for the pursuit of environmental, social, and governance (ESG) goals under this scheme, says Bette Grande, government relations manager for energy issues at The Heartland Institute, which co-publishes Environment & Climate News.

“Last fall the DOL amended its fiduciary standards to allow consideration of climate risk and ESG factors when managing retirement plan investments,” said Grande. “Now the Department wants to take it even further by forcing retirement plan sponsors and investment advisors to focus on ‘climate-related financial risk.’

“The DOL simply cannot resist pushing their agenda using other peoples’ money,” said Grande. “The DOL is forcing ERISA retirement plans to support the radical climate agenda, but the plan participants don’t have a seat at the table.”

Secretly Reshaping the Economy
The Biden administration wants to replace traditional shareholder capitalism with the stakeholder capitalism favored by globalists, and the pace of this fundamental transition is staggering, says Grande.

“While the public has been distracted by the pandemic and now the Ukraine, our economy is being reshaped in the image of Klaus Schwab’s World Economic Forum, and they’re doing it largely with your own money,” said Grande. “And yet, not a word about any of this in the media.”

State and local public employee pensions have been financially shaky for decades, and adding climate risk considerations will make the situation worse, says Grande.

“When I served in the North Dakota House of Representatives, I chaired the State Employee Benefits Committee and dealt with the challenges of underfunded plans,” said Grande. “Now the Biden administration wants to force its climate agenda on money managers, which will reduce their investment options and hamper long-term performance.”

Kenneth Artz (KApublishing@gmx.com) writes from Dallas, Texas.
Continued from page 1

Cain also stated in his opinion the use of an SCC metric violated the “major questions doctrine,” under which a federal bureaucracy cannot impose new obligations of vast economic and political significance unless Congress clearly gives it that authority.

The ruling came in a lawsuit against President Joe Biden and other federal officials by the states of Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, South Dakota, Texas, West Virginia, and Wyoming.

‘Unauthorized Executive Overreach’
This ruling is only a first step in a longer fight, said Louisiana Attorney General Jeff Landry, who spearheaded the multistate lawsuit, in a press release after Cain’s February 11 decision.

“Biden’s attempt to control the activities of the American people and the activities of every business from Main Street to Wall Street has been halted today,” said Landry.

“Agriculture, energy, and virtually every other manufacturing industry is at stake; and today, a federal judge in Louisiana recognized that the federal government does not have this reach,” said Landry. “While our fight is far from over, I am pleased the Court granted preliminary relief against the president’s unacceptable and unauthorized executive overreach; and I remain committed to seeing this case through to the end—fighting every step of the way for the workers and job creators in Louisiana and throughout our Republic.”

A three-judge panel of the Fifth Circuit Court of Appeals stayed Cain’s injunction, but Landry’s office says they will appeal.

Bureaucratic Working Group
The lawsuit was in response to an executive order (EO) President Joe Biden issued on his first day in office reestablishing an Interagency Working Group (IWG) on the SCC that had been disbanded under the Trump administration.

Biden’s EO directed the IWG to come up with a new estimate of the SCC based on the estimated impact of human-induced climate change globally, to be used by executive branch agencies.

The IWG adopted an interim SCC estimate used by the Obama administration of $51 per metric ton of carbon dioxide emitted, and equivalent methane and nitrous oxide emissions, adjusted for monetary inflation.

The IWG planned to issue a revised SCC metric, which was expected to be much higher than Obama’s, the same month as Cain’s injunction.

Imminent, Harmful Actions
Critics of Cain’s ruling claim he wrongfully interpreted the interim SCC estimate as final and binding, but interim values have real policy impact, said Devin Watkins, an attorney at the Competitive Enterprise Institute (CEI), in a recent blog post.

“Non-final actions do not yet have legal effect, yet these ‘interim’ IWG values are causing direct legal effect and as such are a final agency action,” wrote Watkins. “The final agency action doesn’t need to directly harm the plaintiffs by itself; it just needs to cause particularized harm that is imminent, and in this case, that harm is already occurring.

“These harms are ongoing harms against the states, and this injunction can prevent those harms from continuing to occur,” said Watkins. “As such, the states have standing.”

Politically Manipulated Models
The models used to calculate the SCC are highly subjective, not grounded in real-world data, says Kevin Dayaratna, Ph.D., principal statistician at The Heritage Foundation.

“It’s disturbing and quite frankly dangerous to put these models in the hands of policymakers who can manipulate them to achieve any result that they want to rubber-stamp their agenda,” said Dayaratna. “We applaud the judge’s decision to prohibit the social cost of carbon in rulemaking, and we hope lawmakers also realize the flaws in these models.”

The SCC is a political tool, not an economic one, based on politically determined assumptions and discount rates for future costs, says Marlo Lewis Jr., a senior fellow at CEI.

“The SCC is too speculative to ever be an empirically verified determination of the climate-related damages from an incremental ton of CO2 emissions, and should not be used to make regulatory or permitting decisions,” said Lewis.

“Of course, some SCC estimates are more inaccurate than others because the assumptions on which they are based are more dubious than others,” said Lewis. “For example, all of the Obama and Biden administrations’ Interagency Working Groups’ methodological choices consistently erred on the side of climate alarm and regulatory ambition.”

Economic Ripple Effects
The states that sued face imminent harm if the SCC-based interim rule is allowed to stand, says Lewis.

“All SCC-based regulations would make energy scarcer and more costly, producing ripple effects throughout the economy, with the harshest impacts on low-income households that can least afford to pay more for utilities, gasoline, and food—as agriculture is very carbon-intensive. Note, though, official SCC estimates may get worse. Some prominent progressives now want to redefine the SCC as whatever carbon price is needed to achieve net zero by 2050. In principle, that would require increasing the Biden administration IWG’s central estimate from $68/ton in 2050 to more than $1,500 per ton!”

MARLO LEWIS JR.
SENIOR FELLOW
COMPETITIVE ENTERPRISE INSTITUTE

Kevin Stone (kevin.s.stone@gmail.com) writes from Arlington, Texas.
The very fabric of America is under attack—our freedoms, our republic, and our constitutional rights have become contested terrain. The Epoch Times, a media committed to truthful and responsible journalism, is a rare bastion of hope and stability in these testing times.
Biden Nixes EastMed Pipeline to Europe

By Duggan Flanakin

A year after canceling the Keystone XL pipeline on President Joe Biden’s first day in office, and just weeks before Russia invaded Ukraine, Biden quietly withdrew U.S. support for the planned EastMed pipeline.

EastMed would have sent Israeli natural gas via Cyprus and Greece to southern Europe. Russia and Turkey oppose the undersea pipeline, which would run through waters Turkey and Turkish Northern Cyprus claim.

U.S. support for the project was crucial because of Turkey’s threats to stop pipeline construction militarily.

Under President Donald Trump, the United States supported the project. Europe and Israel hoped to bring the pipeline online by 2025.

EastMed was designed to deliver 20 billion cubic meters of dry natural gas from the offshore fields of Israel and Cyprus across Greece to Italy and Bulgaria.

In stark contrast to Trump, Biden decided to lift sanctions on the Russian Nord Stream 2 pipeline. Biden then imposed new sanctions after Russia invaded Ukraine.

Energy/Security Policies Conflict

Turkish President Recep Erdogan, who insists Israeli gas must flow through Turkey to reach Europe, praised Biden’s reversal of U.S. policy on the EastMed pipeline.

As vice president, Biden supported the pipeline, and he should support it today, says Shoshana Bryen, senior director at the Jewish Policy Center.

“When the U.S. and its allies are in the midst of an energy crisis, the EastMed natural gas pipeline project has been caught in a web of conflicting security and energy policy in Europe and beyond,” said Bryen. “The Biden administration should quickly reverse its decision to withdraw support from an important project that would reduce future Russian leverage in European energy markets.”

Decision ‘Undercuts Our Allies’

Biden’s decision to withdraw support for the EastMed natural gas pipeline undermines the energy and national security of Israel and the United States’ European allies, said two Greek-American members of Congress, Rep. Gus Bilirakis (R-FL) and Rep. Nicole Malliotakis (R-NY), in a joint letter to Secretary of State Anthony Blinken on January 21.

“We write in stark opposition to the Biden administration’s change of course on the EastMed pipeline project,” said Bilirakis and Malliotakis in their letter. “By undermining the EastMed project, the Biden administration undercuts our allies and their hopes for energy independence and economic prosperity.”

Withdrawal from EastMed was a serious mistake, and Biden should reverse his decision immediately, said Bilirakis and Malliotakis.

“We hope you and President Biden recognize the significant national security implications the United States and our European allies are facing because of European reliance on Russian gas,” the Congress members wrote. “The EastMed project … is a viable alternative to the Nord Stream 2 and European dependence on Russian gas.”

‘Objectionable and Hypocritical’

Biden’s energy actions will harm both the United States and its allies, said Bilirakis and Malliotakis in separate statements.

“The Biden administration’s actions in this matter are particularly objectionable and hypocritical in light of its tacit approval of Russia’s Nord Stream pipeline, which will only deepen Europe’s energy dependence on a volatile adversary,” said Bilirakis.

“President Biden’s decision to shut down America’s Keystone XL Pipeline, greenlight Putin’s Nord Stream 2 pipeline, and now disavow the Greek-Cypriot-Israeli EastMed Pipeline is a microcosm of this administration’s failed energy and foreign policy agendas,” said Malliotakis. “This president is asleep at the wheel, and his decision-making could cause severe economic and national security consequences for America and our allies.”

Hopes Dashed

The European Union gave the 1,100-mile, $7 billion pipeline “Special Project” status, and the Trump administration hailed it as a boon to European energy independence.

The European Commission, the European Union’s executive body, designated the pipeline as a “Project of Common Interest” in 2013 and invested heavily in technical, economic, and environmental studies.


In 2020, Cyprus, Egypt, Greece, Israel, Italy, Jordan, and the Palestinian Authority chartered the East Mediterranean Gas Forum to promote natural gas exports.

The withdrawal of U.S. support means the project is essentially dead, given Turkey’s military threats against it.

“President Biden’s decision to shut down America’s Keystone XL Pipeline, greenlight Putin’s Nord Stream 2 pipeline, and now disavow the Greek-Cypriot-Israeli EastMed Pipeline is a microcosm of this administration’s failed energy and foreign policy agendas. This president is asleep at the wheel, and his decision-making could cause severe economic and national security consequences for America and our allies.”

REP. NICOLE MALLIOTAKIS (R-NY)

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REP. NICOLE MALLIOTAKIS (R-NY)
New Federal Fuel Economy Standards Are Invalid, Petition Says

By Duggan Flanakin

A petition before the U.S Environmental Protection Agency (EPA) formally requests the regulatory bureau reconsider its new fuel economy standards after a judge determined the assumptions behind Biden administration rulemaking are probably invalid.

The EPA issued its final corporate average fuel economy (CAFE) standards in December 2021. The new standards restore and extend greenhouse gas and fuel economy rules for cars and light-duty trucks developed under President Barack Obama that require a 5 percent per year increase in fuel economy for vehicle model years 2023 through 2026.

Under President Donald Trump, the EPA set an annual increase for average fuel economy of 1.5 percent through 2026. Biden’s EPA has reversed course, reinstating the 5 percent annual increase in fuel economy through 2026.

Changes Halted

Days after a judge issued a preliminary injunction against the use of a social cost of carbon (SCC) metric in federal rulemaking, the Competitive Enterprise Institute (CEI) petitioned the EPA in a letter to Administrator Michael Regan.

U.S. District Judge James D. Cain Jr. of the Western District of Louisiana, Lake Charles division, ruled the social cost of carbon (SCC) estimate the EPA used to justify the CAFE rule is likely to be found unlawful (see article, page 1).

The SCC metric was the product of an Interagency Working Group (IWG) on the Social Cost of Greenhouse Gases established by a Biden executive order.

Cain’s injunction bars the EPA and other federal agencies from “adopting, employing, treating as binding, or relying upon the work product of the Interagency Working Group” or any other estimates of the “social cost of greenhouse gases” based on global effects.

E0 Action Blocked

Cain’s decision requires federal agencies to “return to the guidance of the White House’s Office of Management and Budget’s 2003 Circular A-4 ... in conducting regulatory analysis.” The OMB guidance specified the discount rates agencies should use in determining the future effects of regulations.

Cain also prohibited the defendants from relying on or implementing Section 5 of President Biden’s Executive Order 13990 “in any manner.” Section 5 of the EO, titled “Accounting for the Benefits of Reducing Climate Pollution,” states, “It is essential that agencies capture the full costs of greenhouse gas emissions as accurately as possible, including by taking global damages into account.”

‘Of Central Relevance’

The Clean Air Act requires the EPA administrator to convene a proceeding for reconsideration of a rule “if the grounds for [objecting to a final rule] arose after the period for public comment (but within the time specified for judicial review) and if such objection is of central relevance to the outcome of the rule,” states CEI’s petition.

The EPA admits its CAFE standards rely on the IWG’s estimates of the “global social benefits of CO₂, CH₄, and N₂O emission reductions,” says CEI.

The use of global estimates produced huge alleged climate benefits from the rule. If the EPA’s cost-benefit analysis were corrected using a 7 percent discount rate, it would show a net harm, not a benefit, from implementing the stricter fuel economy standards, says CEI.

As long as Cain’s order stands, the EPA cannot legally implement the new standards even if it ignores the IWG’s social cost of carbon assessments, says CEI.

‘Easily Manipulated’

Cain was right to block the use of an SCC metric built on flawed assumptions and improper methodologies, says Marlo Lewis Jr., a senior fellow at CEI.

“Whatever their value as an academic pursuit, the SCC estimates are too speculative and assumption-driven to inform policy decisions,” said Lewis. “Indeed, the SCC estimates are easily manipulated for political purposes. The Obama, and now Biden, IWG’s process for estimating climate-related externalities is a case in point. All of the IWG’s methodological decisions have the effect of increasing SCC values.”

“CAFE standards were created by the Energy Policy Conservation Act in 1975 in direct response to the oil embargo imposed by OPEC in 1973—a problem that is no longer a problem and won’t be one again,” said Benson. “Moreover, car and light-truck emissions in the United States account for only roughly 1.5 percent of all human-caused greenhouse gas emissions, a fraction that will become even smaller as emissions from developing countries rise.

“These standards add thousands of dollars to the price of new cars and increase the price of used cars, for no significant environmental benefit. The idea that consumers can be made better off by restricting their freedom to choose—the presumption that lies at the bottom of all proposals to impose or raise CAFE standards—is false. Government-enforced fuel economy mandates should end.”

TIMOTHY BENSON
SENIOR POLICY ANALYST
THE HEARTLAND INSTITUTE

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

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The Biden administration has reinstated a waiver allowing California to set auto emission rules more stringent than the federal standards established under the 1970 Clean Air Act (CAA).

California’s waiver affects the prices and types of automobiles sold across the United States because states accounting for more than one-third of the nation’s auto market have adopted California’s stricter standards.

The U.S. Environmental Protection Agency granted the special authority, which will be exercised by the California Air Resources Board (CARB), on March 9.

The Biden administration’s action will lead to a cleaner environment, said California Gov. Gavin Newsom, who signed an executive order in 2020 mandating that by 2035 all new cars and passenger trucks sold in the state must have zero carbon-dioxide emissions.

“We welcome the Biden administration’s expected move to recognize our authority to continue setting the pace with bold policies, investments, and partnerships to clean the air and accelerate the global zero-emissions vehicle transition,” said Newsom in a statement.

By Bonner R. Cohen

EPA Reinstates California Vehicle Emission Standards Waiver

EPA Promoting EVs

Reinstating California’s waiver is part of a strategy to remove gasoline- and diesel-powered vehicles from the road and replace them with government-favored electric vehicles (EV), says Dan Kish, a senior fellow at the Institute for Energy Research.

“The federal government shouldn’t be putting its thumb on the scale in favor of EVs,” said Kish. “For example, late last year EPA released their ‘2023 and Later Light-Duty Greenhouse Gas Emissions Standard,’ a rule essentially mandating that 17 percent of new vehicles in model year (MY) 2026 are fully electric or plug-in hybrids.

“As EPA put it, ‘We project that during the four-year ramp up of the stringency of GHG standards, the standards can be met with gradually increased sales of plug-in electric vehicles in the U.S., from about 7 percent market share in MY 2023 (including both fully electric vehicles and plug-in hybrid vehicles) up to about 17 percent in MY 2026,'” said Kish, quoting the EPA.

Fifty Percent More Costly

Industry executives predict battery-powered cars and trucks will be much higher priced than those with internal-combustion power, says Kish.

“EVs are much more expensive than vehicles with internal combustion engines,” said Kish. “As the CEO of Stellantis (Chrysler/Fiat/Peugeot) explained late last year, ‘What has been decided is to impose on the automotive industry electrification that brings 50 percent additional costs against a conventional vehicle.’”

The CAA does not authorize measures to fight climate change, says David Wojick, Ph.D., a Virginia-based energy analyst.

“The Clean Air Act was never designed to implement climate policy,” said Wojick. “Backdoor policies like this should not be allowed at the federal or state level. It is Congress’ job to develop climate policies affecting interstate commerce, not an executive agency.”

LA’s Smog Problem

The initial purpose of the California waiver was to deal with the state’s unique air quality problems, such as the notorious smog that plagued Los Angeles for decades.

Over time, the waiver evolved into a climate policy, and CARB requested a waiver to set standards for greenhouse gases in 2005. The EPA denied the request.

Under the Obama administration, the EPA granted CARB’s petition in 2009.

The Trump administration rescinded California’s waiver altogether in 2019, stating the state’s standards were not supported by the science. In addition, allowing the state to exercise special power would force automakers to manufacture two sets of vehicles or conform to California’s rules nationwide.

Waiver ≠ Climate Action

Now, as part of the Biden administration’s “whole of government approach to the climate crisis,” the EPA is allowing California to reinstate its strict greenhouse gas standards.

States that have adopted California’s vehicle emissions standards are Colorado, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, New York, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, and Washington, plus the District of Columbia.

Implementation of California’s standards is pending in Minnesota, Nevada, and New Mexico.

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.
Corn Ethanol More Environmentally Harmful than Gasoline

By Kevin Stone

Adding or substituting corn-based ethanol for gasoline increases greenhouse gas emissions, states a study in *Proceedings of the National Academy of Sciences (PNAS)*. Researchers estimate the federal Renewable Fuel Standard (RFS), which requires biofuel-blended transportation fuels, resulted in 24 percent higher greenhouse gas emissions from the transportation sector over the years 2008 to 2016.

Under the RFS, the United States accounts for nearly half (47 percent) of all global biofuel production, states the study. Eighty-seven percent of the biofuel blended into gasoline in the United States comes from corn grain ethanol.

Other Costs Tallied

The study reported a variety of negative impacts from the government's ethanol mandate. The ethanol mandate caused a 30 percent rise in corn prices and 20 percent rise in the prices of other crops, states the study. Higher prices resulted in the land area devoted to corn cultivation growing 8.7 percent in the years following enactment of the RFS mandate in the 2005 Energy Policy Act and expansion of the RFS under the Energy Independence and Security Act of 2007.

The study also found the rapid expansion of corn grown for ethanol resulted in a 3 percent to 8 percent annual growth in fertilizer use nationwide, and a measurable decrease in water quality, wildlife habitat, and the storage of carbon dioxide in the soil.

Tyler Lark, Ph.D., assistant scientist at University of Wisconsin-Madison Center for Sustainability and the Global Environment, was the lead author of the research article, titled “Environmental Outcomes of the U.S. Renewable Fuel Standard,” which was published in *PNAS* on February 14.

Politics Trumps Science

The environmental harms found by researchers are unlikely to result in a change in policy, says Jay Lehr, Ph.D., a senior policy advisor with the International Climate Science Coalition.

“It is unlikely that these findings will be sufficient to kill ethanol requirements, because the ethanol trade lobby is too strong,” said Lehr. “The study’s findings are correct, but politicians don’t care, because they are rewarding political allies.

“There are few checks and balances anymore with politicized science,” said Lehr.

Science routinely takes a back seat to politics when laws are enacted, says Isaac Orr, a policy fellow for energy and environmental policy at the Center of the American Experiment.

“Government mandates, such as the Renewable Fuel Standard, are never 100 percent based on science, because we live in a republic where elected officials write the laws,” said Orr. “These officials answer to the voters in their districts, so a degree of political horse-trading happens to make laws. As a result, I don’t see this study having much effect on the RFS.

“The idea that science is a clean, consensus-driven industry is one of the most destructive ideas in our society, because it gives people the incorrect impression that science is black and white, right or wrong, which could not be further from the truth,” said Orr. “Researchers will use different criteria to evaluate questions, and sometimes they have an ax to grind, and sometimes they [have] legitimate differences.”

‘Shiny New Object’

Public policies are often based more on wishful thinking than on sound science or the demands of the market, says Orr. “Sometimes that works, but more often than not, at great expense we learn the hard way that physics doesn’t care about what politicians want,” said Orr.

Environmental policy can be somewhat capricious because it is generally based on the changing whims of radical environmentalists, says Bette Grande, president and CEO of the Roughrider Policy Center.

“The RFS experience should serve as a lesson for any current darlings of the environmental movement,” said Grande. “As soon as environmental activists find a shiny new object, today’s cause or technology *du jour* will be kicked to the curb with no concern for the environmental or economic damage left in its wake.”

Kevin Stone (kevin.s.stone@gmail.com) writes from Arlington, Texas.
Continued from page 1

a new definition of WOTUS, which was challenged by multiple states and business groups. Federal courts found the rule expanded federal authority beyond what the CWA and U.S. Supreme Court rulings allowed. As a result, more than half the states were governed by the pre-2015 definition.

Trump administration EPA-ACE officials replaced the 2015 rule in 2020. The new EPA-ACE rule does not simply revert to the pre-2015 definition of WOTUS but attempts to impose the broader Obama-era rule, revised to comply with court decisions.

‘Interjecting New Uncertainties’
All 50 Republican members of the U.S. Senate signed a letter to the EPA and the ACE objecting to the rule, which will likely be challenged in court, on February 3, 2022.

“It would be irresponsible for EPA and USACE to proceed down a regulatory path that could be invalidated or significantly altered as early as this summer,” states the senators’ letter. “We are foremost troubled to see that the proposed rule exceeds the regulatory authority granted to EPA and USACE by the Clean Water Act.

“The proposed rule seeks to federalize waters in a land grab that arguably surpasses its 2015 predecessor, improperly encompassing water features traditionally within the sole purview of states, while reverting from the comparative straightforward application of the 2020 Navigable Waters Protection Rule ... and interjecting new uncertainties for nearly every private sector stakeholder,” said the senators.

The letter was written by Sen. Roger Wicker (R-MS) and Sen. Cindy Hyde-Smith (R-MS), who introduced S. 2567, the Navigable Waters Protection Act, to clarify by statute the federal government’s jurisdiction over navigable waters and adjacent lands, in 2021.

Livelihoods Threatened
Several state governors expressed opposition to the regulation, including Montana Gov. Greg Gianforte and Alaska Gov. Mike Dunleavy.

The Biden administration’s water rule is vague, ambiguous, and overreaching, said Gianforte in a statement.

“If the agencies adopt the Proposed Rule, it is the citizenry that will foot the bill for the agencies’ equivocation,” said Gianforte. “No Montanan, and indeed, no American, should be required to hire a consultant simply to advise whether their water is jurisdictional, and then worry whether the consultant correctly interpreted the subjective regulations.

“Montanans should not be precluded from pursuing their livelihoods because they cannot afford to obtain a permit in association with the pothole in the middle of their dryland farm,” said Gianforte.

The new regulation will especially harm Alaskans because the federal government controls so much of the state, said Dunleavy in a statement.

“Alaska stands to be disproportionately affected by the Proposed Rule, and particularly by the vast expansion of federal jurisdiction it will inflict on states,” said Dunleavy. “Alaska needs regulations tailored to the diversity and abundance of its waters, not a one-size-fits-all rule imposing excessive federal requirements.”

Usurps State Powers
The CWA clearly assigns to the states the primary role of protecting waters covered by the law, says Daren Bakst, a senior research fellow in regulatory policy studies at The Heritage Foundation.

“The new proposed definition is evidence that the Left still doesn’t get the problems connected to past interpretations of Waters of the United States,” said Bakst. “For example, this new definition continues to ignore the critical role that Congress envisioned states should play under the Clean Water Act.

“Right at the outset of the CWA, the statute does not merely recognize the primary role of states in addressing water pollution, it also proclaims that congressional policy is to preserve and protect these primary responsibilities and rights of states,” said Bakst. “The Biden administration’s proposal isn’t about protecting anything other than federal power.”

Constitutional Concerns
The Biden administration officials are trampling on the right of landowners to control their property, says Bakst.

“The EPA and Corps are not just usurping authority vested in the states, they are acting like local zoning boards,” said Bakst. “This is not merely a statutory problem but also a constitutional one.

“When the federal government makes it unreasonably difficult to use and enjoy your property, even for ordinary activities like farming and ranching, this is an attack on private property rights,” said Bakst. “The problem with WOTUS is both its breadth and its vagueness, virtually guaranteeing property owners don’t know what the law even requires, and thus many live in fear any activities they engage in on their land may result in civil penalties or even criminal charges.”

‘Far Greater Reach’
The rule is about giving the federal government even more control over the nation’s land, rather than preventing water pollution, says Craig Rucker, president of the Committee For A Constructive Tomorrow, which co-publishes Environment & Climate News.

“As is typical with the Biden administration, they are catering to the most extreme elements of the radical environmental movement in crafting policy. WOTUS was intended to be centered on navigable waters. Biden, however, is set to give bureaucrats far greater reach by permitting them to regulate any ditch, mud puddle, or swamp they randomly determine has a ‘critical nexus’ to a navigable waterway somewhere.”

CRAIG RUCKER
PRESIDENT
COMMITTEE FOR A CONSTRUCTIVE TOMORROW

Kevin Stone (kevin.s.stone@gmail.com) writes from Arlington, Texas.
Increased after Nuclear Plants Closed

Northeastern States’ Greenhouse Gas Emissions Increased after Nuclear Plants Closed

By Linnea Lueken

Greenhouse gas emissions rose in northeastern U.S. states shortly after three large nuclear power plants were shuttered.

Emissions increased even as Massachusetts, New York, and other states began implementing new policies to meet ambitious commitments to reach net-zero emissions from power generation in coming decades.

Massachusetts’ Pilgrim nuclear plant closed in 2019, followed closely by Pennsylvania’s Three Mile Island plant. New York’s Indian Point reactor was shut down in 2021.

The main reasons for the shutdowns were pressure from environmental lobbyists, nuclear power falling out of favor with state governments, financial difficulties arising from competition with heavily subsidized renewable power sources, and utilities deciding to reap huge profits by erecting subsidized wind and solar industrial facilities.

No Nuclear Net-Zero

Around the same time as the shutdowns, northeastern states began ratcheting up existing commitments to reduce emissions from power generation.

As members of the Regional Greenhouse Gas Initiative (RGGI), New York and Massachusetts committed to sharp reductions in carbon dioxide emissions from electric power generation. New laws required much deeper emission cuts.

In 2019, New York passed the Climate Leadership and Community Protection Act, which requires the elimination of all greenhouse gas emissions from the production of electricity by 2040 and a 40 percent reduction in emissions across all sectors of the economy by 2030.

Similarly, state Senate Bill 9, “An Act Creating a Next Generation Roadmap for Massachusetts Climate Policy,” enacted into law in 2021, established the commonwealth’s goal of net-zero emissions by 2050 and included funding for offshore wind projects.

Operating nuclear power plants produce no carbon dioxide, but these states do not count existing or possible future nuclear facilities as clean energy, and they plan for massive increases in electric power from wind and solar facilities with battery backup.

Subsidies Distort Markets

Government gives preferential treatment to renewable energy sources while devaluing more-reliable sources such as nuclear, says Gordon Tomb, a senior fellow at the Commonwealth Foundation.

“The subsidization of solar and wind energy has distorted markets, increasing energy costs and decreasing reliability,” said Tomb. “In Pennsylvania, we have seen a nuclear plant and more than a dozen coal-fired plants shut down, partly as a result of this distortion.”

Calling wind and solar power low-cost is deceptive, says Tomb.

“Some proponents of so-called green energy claim solar and wind are low-cost sources,” said Tomb. “But that’s only if you don’t count the cost of subsidies and the enormous investment in backup power supplies that must be available 70 percent of the time, when the wind and sun are not producing.”

Magical Thinking

Nuclear and hydrocarbons are still the most practical sources of energy to provide the baseload power required to maintain the grid and provide on-demand electricity, says Tomb.

“Mark Mills of the Manhattan Institute refers to the vision of green sources providing baseload electricity supply as ‘magical thinking,’” said Tomb. “That is an apt descriptor, whatever one thinks of the green’s bogeymen of carbon emissions and nuclear waste.

“Then there is the fact that so-called green technologies require an order of magnitude more materials and land to produce the same amount of energy as do hydrocarbons and nuclear,” said Tomb.

Coal and natural gas use increased in the Northeast shortly after the three nuclear plants were shuttered, Energy Information Administration data show.

Corresponding to the increase in coal, natural gas, and fuel oil use, emissions rose noticeably in New England, New York, and Pennsylvania, U.S. Environmental Protection Agency data show.

One of the Dumbest Actions

Allowing or forcing nuclear plants to close was a huge mistake, and residents of those states will come to miss the low-cost, reliable energy they supplied, says Jay Lehr, a senior policy advisor with the International Climate Science Coalition.

“Closing nuclear power plants ranks as one of the dumbest actions governments have ever taken,” said Lehr. “They provide the safest form of energy at the lowest cost.

“One day they will come back, when the public gets tired of escalating energy costs, though that may not be for more than a decade,” said Lehr.

Nuclear power plant closures in the name of reducing carbon dioxide emissions are especially foolish, says Lehr.

“Of course, efforts by socialist environmentalists and states to remove emissions of carbon dioxide—the gas that makes all living things on Earth survive—are truly insane,” said Lehr.

‘Rid the Earth of carbon dioxide and it dies.

“Since wind and solar produce large amounts of carbon dioxide emissions in their manufacture but supply relatively little reliable energy at all on our grids, as they must be backed up with equal amounts of fossil fuel energy, shutting down the only energy source that produces no carbon dioxide—nuclear—just proves their amazing stupidity,” said Lehr.

Linnea Lueken (llueken@heartland.org) is a research fellow with the Arthur B. Robinson Center on Climate and Environmental Policy at The Heartland Institute.
Minn. Regulators Approve Plan to Close Remaining Coal Power Plants

By Bonner R. Cohen

The Minnesota Public Utilities Commission (PUC) has unanimously approved Xcel Energy’s proposal to shut down its last remaining coal-fired power plants by 2030.

The plan also allows Xcel to extend the life of its Monticello nuclear plant by 10 years, to 2040, and erect new industrial-scale wind and solar facilities across the state.

The PUC also gave preliminary approval to Xcel’s plans to erect two long-distance, high-voltage transmission lines, but deferred a decision on the utility’s request to build two small natural-gas plants.

Environmentalists Nix Plans

The utility is closing its long-serving coal plants in Oak Park Heights and Becker in 2028 and 2030, respectively, years earlier than previously scheduled.

Xcel originally proposed building an $800 million combined-cycle natural gas plant in Becker to replace the coal plant. Environmental groups complained, and the plan was scrapped in June. The activist groups said they would not oppose extending the life of the nuclear plant by 10 years, instead.

Xcel also proposed constructing two smaller natural-gas plants, one in southwestern Minnesota and the other in neighboring North Dakota. The PUC indefinitely put off a decision on the proposal.

‘Blackouts Guaranteed’

Xcel’s customers will pay a heavy price for the increased reliance on renewable energy, says David Wojick, Ph.D., an independent energy analyst.

“This so-called plan is a hoax with blackouts guaranteed,” said Wojick. “Minnesota’s winter peak need for electricity is on brutally cold, windless nights, when solar and wind will provide near-zero power.

“That little nuclear plant can only provide a small fraction of the needed power, and backup batteries won’t last an hour,” said Wojick. “Xcel knows this, but they will make billions in the short run building or buying thousands of megawatts of wind and solar generators, which their customers pay for. Only when the power fails will they acknowledge the plan doesn’t work.”

‘Climate Cartel’

Utilities are pushing wind and solar not because it’s good for their customers but because it’s good for their bottom line because of government’s thumb on the scale, says Craig Rucker, president of the Committee For A Constructive Tomorrow (CFACT).

“Utilities like Xcel have become key players in what we can call the ‘climate cartel,’” said Rucker. “Thanks to never-ending federal subsidies and many states mandating ever-increasing amounts of renewable energy, utilities have figured out how to game the system and line their pockets.

Green Power Subsidies

Xcel has become a leader in promoting renewable energy and has benefitted from millions of dollars in federal subsidies.

The company has pledged to lower carbon dioxide emissions from its power plants by 85 percent below 2005 levels by 2032.

To meet this goal and still provide power, the company plans to acquire or build about 3,150 megawatts (MW) of utility-scale solar, 2,650 MW of wind, and 250 MW-hours of battery storage capacity by 2034.

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.
A bill to strengthen U.S. energy independence and help wean American allies from Russian oil and gas has been introduced in the U.S. House of Representatives.

“Huge Geopolitical Risk”

Pfuger’s bill focuses on increasing North America’s energy production to end dependence on insecure overseas sources, says Gary L. Stone, vice president of engineering with Five States Energy.

“It’s a shame for the American people that it took less than a year for the Biden administration to destroy America’s newfound energy independence—a trend that started long before Russia’s invasion of Ukraine but will only worsen as tensions continue to rise,” said Isaac. “Congress and state legislatures across the country should take action to stop Biden’s anti-energy agenda that threatens our livelihoods, economy, and national security.”

“We were exporting oil and natural gas and held a commanding position in international markets, and with limited dependence on foreign oil our national security and our economy were in much better shape,” said Stone. “A commanding domestic oil and gas industry promotes lower prices at the pump, stronger domestic security, and abundant jobs in the oilfield.”

‘Arsenal of Energy’

The president has asked other countries to increase fossil fuel production while opposing it here, says Dan Kish, senior vice president for policy at the American Energy Alliance.

“President Biden’s administration is the most anti-American energy security administration in history, and Americans deserve better,” said Kish. “Instead of working to bolster that security, Biden is running around the world begging Iran and Venezuela for more oil. He’d rather do business with sworn enemies of the United States than allow Americans and Canadians to make North America the arsenal of energy and democracy.”

“We could also work [with] Mexico by helping them adopt modern oilfield technology, which will also enhance environmental performance,” said Kish. “Between us, we have centuries of oil and gas, which could be produced in the most environmentally advanced way.”

‘Biden’s Anti-Energy Agenda’

The United States will become more dependent on foreign sources unless Biden’s energy policy is reversed, says Jason Isaac, director of Life Powered, a national initiative of the Texas Public Policy Foundation.

“It’s a shame for the American people that it took less than a year for the Biden administration to destroy America’s newfound energy independence—a trend that started long before Russia’s invasion of Ukraine but will only worsen as tensions continue to rise,” said Isaac. “Congress and state legislatures across the country should take action to stop Biden’s anti-energy agenda that threatens our livelihoods, economy, and national security.”

‘Time for a Quick Reset’

So-called green energy can’t solve the country’s problems, says Robert L. Bradley Jr., Ph.D., CEO and founder of the Institute for Energy Research.

“It’s time for a quick reset to oil and gas from wind, solar, and batteries,” said Bradley. “Time to call the bluff of the other side and side with dense mineral energies over dilute, intermittent, inferior substitutes.

“Midland, Texas and the other hydrocarbon centers of the country deserve the federal government’s encouragement and support,” said Bradley.

Sanctions, End to Waivers

Pfuger’s bill requires the president, within 10 days, to impose sanctions on any entity involved in the planning, construction, maintenance, financing, or operation of Nord Stream 2, as well as any corporate officer or principal shareholder with a controlling interest in such an entity.

The bill would also revoke the president’s authority to waive sanctions on Nord Stream 2 and TurkStream, another Russian pipeline project. It would also allow any nation, with certain exceptions, to access an expedited approval process to import U.S. LNG or natural gas.

The bill was referred for consideration to four committees, all chaired by Democrats.

Kenneth Artz (KA publishing@gmx.com) writes from Dallas, Texas.
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California Judge Declares Great Lakes States’ Gray Wolves Off-Limits

By Kenneth Artz

A federal judge in northern California ruled gray wolf populations in the Great Lakes region must be reinstated to the national threatened and endangered species list (TESL).

U.S. Senior District Judge Jeffrey S. White of the Northern District of California overturned a U.S. Fish and Wildlife Service (FWS) decision to delist the Great Lakes area wolf populations, on February 10. The FWS had determined gray wolf numbers in the upper Midwest exceeded the recovery goals set by the agency, with pack sizes large and numerous enough to be counted as successfully recovered, in 2020.

After state agencies in the region developed wolf management plans the FWS approved, responsibility for managing wolf populations was returned to the states, including Michigan, Minnesota, and Wisconsin.

With large populations of wolves, some states reinstated limited hunting seasons to control the increasing population and limit the threat to humans and livestock. Wisconsin implemented a short wolf hunt in February 2021, during which 218 wolves were harvested across three days.

The federal court’s ruling negates states’ authority to manage the wolves, placing the responsibility back with the federal government.

Northern Rockies Exempted

Environmental groups that had challenged the federal government’s decision to remove wolves from the TESL wanted the court to require all wolves in the United States be relisted as endangered or threatened, but the court did not mandate the federal government relist wolf populations in the northern Rocky Mountains.

Wolf packs in northern Rocky Mountain states were specifically delisted by a federal law enacted after courts repeatedly intervened and blocked multiple attempts by the FWS to delist those populations as recovered and healthy. What Congress imposed through law, White said he was precluded from overturning.

To have gray wolves in the northern Rockies listed as threatened or endangered, petitioners will have to seek new legislation from Congress and go through the prescribed regulatory processes for such listings.

Says Activism Beat Science

This ruling is a great example of forum shopping and comes at the expense of professional wildlife management, the goal of wolf recovery, and the rights of the people in the Great Lakes region, said Kaitlynn Glover, executive director of the Public Lands Council and executive director for natural resources of the National Cattlemen’s Beef Association, in a statement.

“Today’s decision conflicts with the intended purpose of the [Endangered Species] Act and removes critical management tools for wolves that pose a tremendous threat to farmers and ranchers, rural economies, and vital land and natural resource conservation,” said Glover. “It’s disappointing that environmental activism carried more weight than science in this case.

“Rather than ruling on due process and adherence to recovery criterion, Judge White chose to remand the rule and undermine one of the most successful ESA recovery stories in United States history,” said Glover. “ESA should not be used as a permanent management tool.”

‘We Lose Control’

Contrary to White’s assessment, gray wolves across Michigan's Upper Peninsula (UP), northern Wisconsin, and northern Minnesota have recovered to very healthy population levels, Michigan state Rep. Greg Markkanen (R-Hancock) told Environment & Climate News.

“What this decision means is we lose control as a state,” said Markkanen. “It is very disturbing because a judge in California has no idea what is going on in our state and across the Upper Peninsula and northern Michigan, Wisconsin, and Minnesota.

“The original goal was 200 wolves; some estimates now have the wolf population in the UP at over 1,000.”

People are very disturbed by the fact that someone in California can make a judgment call about what is going on in Michigan.”

‘Businesses Are Losing Money’

For most of Michigan’s history, the UP was known for its white-tailed deer population, and a sizable number of deer hunters from downstate Michigan went there even before there was a Mackinac Bridge, says Markkanen.

“People would wait for days to get across on the ferry for an opportunity to hunt in the UP,” said Markkanen. “Now, many businesses are losing money in the fall because there are no archery, firearm, and black powder hunts. There are areas in the UP where dogs are disappearing, and a farmer in the eastern UP lost 30-plus sheep to wolves.

“It is becoming devastating to our economy in the fall,” said Markkanen. “Hunters, trappers, and farmers in the UP are not looking to wipe out the wolf population like they did in the Lower Peninsula 150 years ago. They just want the state to be able to manage them, and they want outdoorsmen, who really finance the Department of Natural Resources in the state, to be in on the management plan.”

Kenneth Artz (KApublishing@gmx.com) writes from Dallas, Texas.
Biden Moves to Force Industrial Sector to Reduce Carbon-Dioxide Emissions

By Kevin Stone

The Biden administration is targeting U.S. industry for climate action with new regulations and programs involving numerous executive branch agencies.

The White House has announced several new programs to reduce industrial greenhouse gas emissions funded by the Infrastructure Investment and Jobs Act. These include a new hydrogen initiative that will spend $8 billion on the creation of regional clean hydrogen hubs, a Buy Clean Task Force for federal construction projects, and an Initiative for Interdisciplinary Industrial Decarbonization Research.

International climate initiatives include a joint project with the European Union to advance carbon-based trade policies that reward American manufacturers of clean steel and aluminum. Regulatory actions include new guidance from the White House Council on Environmental Quality on the deployment of Carbon Capture, Utilization, and Sequestration (CCUS) technologies.

The administration claims industry emissions will soon surpass those of the transportation and electric power sectors, but only because it assumes a huge increase in the number of electric vehicles and severe restrictions on the use of fossil fuels to generate electric power.

Currently, transportation accounts for 29 percent of U.S. emissions, followed by electricity generation at 25 percent and the industrial sector at 23 percent.

History of Economic Damage

The Biden administration’s initiatives are unlikely to yield benefits worth the economic damage they will cause, says Craig Rucker, president of the Committee For A Constructive Tomorrow, which co-publishes Environment & Climate News.

“When government places itself in a position of leadership on matters such as ‘innovation’ and ‘efficiency,’ things rarely go well,” said Rucker. “For example, a new study refutes a previous USDA study that claimed ethanol had a 39 percent lower carbon impact than gasoline, finding that when all factors are taken into account, it may have as much as a 24 percent greater carbon footprint than gasoline.

“There’s no reason to believe government bureaucrats are any better suited to create ‘hydrogen infrastructure,’ to deploy ‘carbon capture technologies,’ or forge a ‘comprehensive strategy’ to reduce emissions from steel, cement, and chemical production—all of which are part and parcel of Biden’s Clean Manufacturing initiative—than their past interventions in the market proved to be,” said Rucker.

Seeks Winners, Picks Losers

History amply demonstrates government mandates and subsidies are ill-suited to drive innovation, says Ben Lieberman, a senior fellow at the Competitive Enterprise Institute.

“Economic central planning has never worked before, and this time won’t be any different. The federal government has a long history of trying to pick winners and losers among emerging technologies, and they invariably waste tax dollars on what turns out to be losers.”

Ben Lieberman
Senior Fellow
Competitive Enterprise Institute

“Economic central planning has never worked before, and this time won’t be any different. The federal government has a long history of trying to pick winners and losers among emerging technologies, and they invariably waste tax dollars on what turns out to be losers.”

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

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Democrats Say Goodbye to Virginia’s Energy Independence

By Collister Johnson Jr.

A fter every member of the Republi- can majority in the Virginia House of Delegates voted to repeal the Virginia Clean Economy Act (VCEA), the Democratic-controlled Senate predictably chose to block that result.

During a hearing on HB 118, the bill sponsored by state Del. Nick Freitas (R-Culpeper) to repeal the VCEA, I testified before the state Senate’s Commerce and Labor Committee. I called the VCEA the “most radical, dangerous, and destructive energy legislation ever enacted in the Commonwealth.”

By “dangerous” I meant the VCEA causes Virginia to relinquish its energy independence—the ability to control its own energy destiny through the use of dispatchable, reliable natural gas and nuclear power—by replacing it with weather-dependent solar and wind.

Batteries Not Included

The VCEA’s proponents claim to solve the intermittency problem through the use of batteries for electricity “storage.”

Batteries have numerous problems, including enormous cost and documented safety concerns. Analysts writing for the Committee For A Constructive Tomorrow (CFACT)—for instance, in the January 21 article “VCEA Makes Virginia’s Electricity Grid Dangerously Unreliable”—have demonstrated batteries are totally inadequate to supply electricity during periods of low generation.

Batteries are not generators. They have to be recharged constantly, and under the VCEA the mechanism for charging them is the very solar and wind generators whose intermittency causes the energy deficiency in the first place.

Lessons Unlearned

This loop of self-imposed energy deficiency was illustrated perfectly by the recent electricity fiasco in Texas.

Climate alarmists claim the blackout problem was caused by the failure of natural gas turbines. That is true, but far from the whole story. Gas turbines did fail, but their failure was caused by the fact they lacked the electricity necessary to activate the compressors and other machinery required for their start-up—electricity that was supposed to be supplied by the very same wind turbines the initial failure of which created the problem.

But wait, say the proponents of the VCEA. If batteries prove to be inadequate, the shortage can be solved by importing electricity from adjoining grid systems.

Really? How would that work when the adjoining systems have also been depleted by the same requirement to convert their grids to solar and wind? They have the same problem at the same time: a severe shortage of dispatchable energy. Just like batteries, they can’t be depended on to provide reliable energy.

Massive Overbuilding Required

What this means in practical terms is solar and wind intermittency and unreliability will require Virginia’s electricity grid to be massively overbuilt.

How much overbuilt?

The Suburban Virginia Republican Coalition commissioned a study by the Center of the American Experiment (CAE) to answer that question. CAE has impressive experience making such calculations, in similar studies for the state governments of Minnesota, North Carolina, and West Virginia.

The CAE study found a VCEA-compliant grid would require the construction of a monstrous 203,000 megawatts of solar and wind generation, four times greater than what would be required if the current system of natural gas and nuclear were simply expanded.

The VCEA grid expansion will cost $203 billion, whereas a simple expansion would be only $15.5 billion.

The additional annual cost for a residential utility customer under the VCEA would be $2,235, whereas simple expansion would cost just $88 per year. Industrial customers would be hit especially hard, their electric bills rising an average of $437,000 a year under the VCEA versus $25,000 under an expansion using natural gas and nuclear.

Utilities Win Big

You might well think Virginia’s two electric utilities, Dominion Energy and Appalachian Power, understand this problem.

They must understand they are walking into a trap of enormous proportions, one which will create dangerous unreliability and loss of energy independence, and so they won’t go along with the VCEA plan, right? Wrong. Not only will they go along with the massive solar, wind, and battery buildout, they are enthusiastic supporters of the plan.

The utilities will make a huge sum of money off the VCEA, the CAE study notes.

“Because investor-owned utilities [Dominion Energy and Appalachian Power] are regulated monopolies, ... they are not allowed to make a profit,” writes CAE. “Instead, they are guaranteed a 9.35 percent rate of return on equity when they spend money on capital assets.”

“The VCEA will require utilities to spend billions of dollars on new infrastructure,” writes CAE. “Additional utility returns under the VCEA would be roughly $109 billion. Under the [expansion of existing assets] scenario, they would be $11.3 billion.”

The massive overbuilding of the grid required by the VCEA would increase utility profits by approximately $100 billion, all paid for by captive Virginia ratepayers.

Energy Poverty, Blackouts Loom

Virginia Democrats have succeeded in launching the state on an enormous grid expansion that will result in a huge increase in utility profits, a loss of energy independence, and a dangerous, self-inflicted state of energy poverty and unreliability.

This course directly jeopardizes the promise made by new Gov. Glenn Youngkin, who has stood by his statement that “reliable and affordable access to electricity is imperative to the health and safety of all Virginians, ... and the unpredictable and rising cost of electricity poses a significant and immediate threat to our Commonwealth and its citizens.”

Collister Johnson Jr., J.D. (Johnson.collarist@gmail.com) serves on the board of advisors of the Committee For A Constructive Tomorrow (CFACT), which co-publishes Environment & Climate News.
Alaska Supreme Court Rejects Youth Lawsuit Challenging State’s Energy Policies

By Bonner R. Cohen

The Alaska Supreme Court has dismissed a lawsuit claiming the state’s young residents have a right under the state’s constitution to protection from climate change allegedly caused by oil and natural gas development.

In a three-to-two decision, the justices rejected the challenge to the state’s energy policy law, which promotes development of the state’s energy resources. The majority found the state’s legislature and executive branch, not the courts, should decide the state’s energy policy, affirming a lower court ruling from 2018.

The decision is welcome because such lawsuits lack scientific merit and are based solely on the attorneys’ political goals, says Jay Lehr, Ph.D., a senior fellow with the International Climate Science Coalition.

“I hope this ruling marks a sea change in climate-related litigation and helps put an end to the decades-long effort to distort science in the courtroom to forward a political agenda,” said Lehr. “The Alaska Supreme Court made the right decision and thwarted this transparent ploy to circumvent the state legislature in setting the state’s energy policies.”

Children’s—and Lawyers’—Crusade

In Sagoonick v. State of Alaska, attorneys for Our Children’s Trust, an Oregon public interest law firm, recruited 16 youths as plaintiffs to sue state officials.

Attorneys for the plaintiffs argued Alaska’s constitution requires the development of natural resources “in the public interest” and “for the maximum benefit of its people,” whereas oil and gas production is causing dangerous climate change.

The relief sought by the plaintiffs included requiring the state “to stop implementing its energy policy in violation of their rights … and develop and submit to the court ‘an enforceable state climate recovery plan ... consistent with global emissions reductions [sic] rates necessary to stabilize the climate system,’” states the Alaska Supreme Court opinion.

‘Using Children as Props’

Activists are stoking fear of a climate apocalypse among youths in order to gain political control over the economy, says Craig Rucker, president of the Committee For A Constructive Tomorrow (CFACT), which co-publishes Environment & Climate News.

“There is nothing new in using children as props in the political arena; it’s cynical, but that’s not to say it can’t be effective,” said Rucker. “Fortunately, in the Alaska case the judges weren’t moved and stuck to the law.

“This is a victory for honesty and the Alaskan economy, which is highly dependent on the state’s abundant natural resources,” said Rucker.

Suing Everywhere

Our Children’s Trust has sued all 50 states and the U.S. government over the past decade to secure “the legal rights of youth to a healthy atmosphere and safe climate, based on the best available science,” the group’s website states.

In the federal case of Juliana v. U.S., the plaintiffs’ attorneys claimed children were being harmed by human-induced climate change. The lawsuit was rejected by the Ninth Circuit Court of Appeals in 2020.

In Alaska, Our Children’s Trust backed a similar lawsuit, Kanuk v. State, brought by six children in 2011, in which the plaintiffs alleged fossil-fuel development was causing dangerous climate change. The Alaska Supreme Court dismissed the case in 2014.

Two of the Alaska Supreme Court justices in the majority in Sagoonick v. State of Alaska have retired since the decision. Our Children’s Trust filed a petition on February 7 asking for a rehearing of the case.

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.
By Ronald Stein

The Environmental, Social, and Governance (ESG) movement, which demands divestment from fossil fuels and is pushed by many of the masters of the financial universe, is leading the world to an era of Extreme Shortages Guaranteed with a vengeance!

The idea businesses should be forced to adopt ESG guidelines, regardless of the costs and personal desires of their owners—consequences be damned—is dangerous.

Collusion Against Public Interest

Banks and investment giants such as Bank of America and BlackRock, Inc. are colluding to reshape the economy and energy infrastructure.

The notion that unelected and unaccountable functionaries—such as Larry Fink of Blackrock, World Economic Forum Executive Chairman Klaus Schwab, Federal Reserve Bank Governor Lael Brainard, and Securities and Exchange Commission Chairman Gary Gensler—can legitimately substitute their progressive fixations for the will of the American people is incomprehensible.

Their efforts to forcibly create a monolithic, regimented economic system they control is beginning to resemble the fascism of the past. The American people never voted to give banks this sort of control over our country.

Ongoing Need for Oil

Depriving citizens of the more than 6,000 products made from crude oil—goods that did not exist before 1900—is evil. Virtually all the components of wind turbines and solar panels, and all forms of transportation, use products derived from crude oil.

Ridding the world of crude oil would eliminate most forms of transportation, along with electricity generation from wind and solar.

The domino effects of tinkering with the crude oil supply chain are shortages and soaring prices—not only for electricity but also for products that support the entire agricultural and medical industries, all branches of the military, airports, electronics, communications, all manner of shipping, and asphalt for roads.

The ESG crusade is environmental nihilism morphed into an ideological fervor the world has not witnessed since the rise of National Socialism in Germany in the early 1930s.

Adolf Hitler appeared on the cover of Time magazine on multiple occasions: most famously on January 2, 1939, when Time named Hitler their Man of the Year. The mainstream media endorsed National Socialism, and they are now promoting a globally destructive green transition on all seven continents.

Children Mining ‘Blood Minerals’

Many African, Asian, and South American children are enslaved and dying in mines and factories, extracting and processing rare earths and exotic minerals required for solar panels, wind turbines, electric vehicles, and utility-scale battery warehouses demanded by green elites in wealthier and healthier countries.

The authors of the Pulitzer-Prize-nominated book Clean Energy Exploitations: Helping Citizens Understand the Environmental and Humanity Abuses That Support Clean Energy call these “blood minerals.”

Most poor people in the United States are not poor by any historical standard. They have cell phones, cable TV, cars, lots of food, and plenty of disposable income. What’s more, there is no such thing as a fixed class of the poor. People come and go, depending on age and life circumstances. Plus, in American politics, when you hear kvetching about the poor, everyone knows what you’re supposed to do: hand the government your wallet.

The same cannot be said for those without access to fossil fuels in energy-starved developing countries.

Government Killing American Dream

The fascist economic model is quickly killing the American Dream. Government policies have resulted in economic changes for the worse. Ask yourself how many incomes in a single household it takes to pay the bills. After World War II, the single-income family was the norm.

Then, resulting in large part from government policies, the value of money was destroyed, Americans’ savings were wiped out, and the economy’s capital base was devastated. The year 1985 was the turning point. This was the year it became more common than not for a household to need two incomes rather than one.

Today, in real-dollar terms, the median family income is only slightly above where it was when President Richard Nixon wrecked the dollar, put on price and wage controls, and created the Environmental Protection Agency, and the whole apparatus of the parasitic welfare-warfare state was entrenched and made universal.

If ESG becomes the law, no longer will one generation expect to live a better life than the previous one.

ESG Is Recycled Fascism

The problem is more fundamental than ESG. It is the existence of hundreds of state and federal regulatory agencies. It is the presumption the government must manage every aspect of market interactions.

No aspect of life is untouched by government intervention, and it often takes forms we do not readily see. All of health care is regulated, but so is every bit of our food, transportation, clothing, household products, and even private relationships.

No government in the history of the world has spent as much, borrowed as much, and created as much fake money as the United States.

Fascism has no new ideas, and not even its partisans really believe it can accomplish what it sets out to do. The similarities between ESG divestment objectives and fascism are truly frightening.

Ronald Stein (Ronald.Stein@PTSAdvance.com) is the founder of and ambassador for Energy & Infrastructure at PTS Advance.
Democrats’ War on Fossil Fuels Helped Cause Ukraine Crisis

By Justin Haskins

Disregarding international law and the sovereignty of Ukraine, Russian troops entered the Ukrainian breakaway regions of Donetsk and Luhansks. Russian President Vladimir Putin claimed the soldiers were serving as peacekeepers, but as U.S. Ambassador to the United Nations Linda Thomas-Greenfield rightly said in a speech, “We know what they really are.”

Ukraine’s Forced Disarmament

Although no one action, policy, or president is solely responsible for the tragedy we’re seeing today, there is no doubt some U.S. policies contributed substantially to the crisis in Ukraine.

For example, from 1992 through 1994, congressional Democrats and then-President Bill Clinton put massive pressure on Ukraine to dismantle its nuclear arsenal. In the wake of the fall of the Soviet Union in 1991 and 1992, Ukraine had the third-most nuclear arms in the world. Ukrainian officials bowed to international pressure in 1994. Had Ukraine maintained some of its nuclear arms, it’s unlikely Russia would be invading the country today.

EU Thirst for Russian Fuel

Perhaps the most overlooked factor contributing to Russia’s decision to assault the sovereignty of Ukraine is Democrats’ longstanding commitment to end most, if not all, fossil-fuel development (and use) in the United States.

One of the most important reasons Europe’s biggest and most powerful military forces have refused to intervene in Ukraine is that Europe has become dependent on Russian energy sources. Russia is the primary supplier of the EU’s natural gas, coal, and crude oil.

For more than a decade, officials in Europe have warned of the region’s close economic ties with Russia, but without a reliable alternative source of fossil fuels, many European nations have felt they have no choice but to continue to develop arrangements with Russia.

Germany’s Pipeline Dependency

Germany, the largest economy in the European Union, worked with Russia to build Nord Stream 2, a 750-mile pipeline designed to transport natural gas from Russia to Germany.

Nord Stream 2, which has been built but is awaiting approval from the German government to start operating, is owned by a subsidiary of Gazprom, an energy company controlled by the Russian government.

The Associated Press reports, “Germany meets about a quarter of its energy needs with natural gas, a share that will increase in the coming years as the country switches off its last three nuclear power plants and phases out the use of coal. About half of the natural gas used in Germany comes from Russia.”

Although German Chancellor Olaf Scholz has halted the process of certifying the pipeline, at least for now, due to Russia’s aggression in Ukraine, it is doubtful this action will stand if Russian occupation or annexation becomes permanent.

Fickle U.S. Energy Policy

Why has Europe continued to rely on Russia for a significant portion of its energy supply?

The United States is more closely aligned with the values of Europeans, and it produces more coal than Russia and leads the world in natural gas production.

Trump administration officials posed this question to European officials as part of its campaign to expand U.S. energy exports, and the answer was clear: no one in Europe believes the United States will remain a leading exporter of natural gas, coal, and oil in the years to come.

Why? Almost entirely because of Democrats’ insistence that America transition to alternative energy sources such as wind and solar.

In an insightful article for the National Interest in 2019, foreign policy expert Nikolas K. Gvosdev, a professor at the U.S. Naval War College, explained Europeans’ distrust of the United States.

“Any official U.S. offer of an energy alternative depends, essentially, either on Trump’s re-election in 2020 or the unshakeable promise from any of Trump’s Republican primary or Democratic general election competitors to honor Trump’s commitments,” wrote Gvosdev. “In these circumstances, it is not difficult to see why Europeans may hedge their bets.

“Why bet the proverbial farm on a U.S. [liquefied natural gas] supply across the Atlantic if there remains significant doubt as to whether a Democratic successor to Trump—particularly as 2020 candidates endorse the so-called ‘Green New Deal’ with varying degrees of enthusiasm—would continue with such plans?” wrote Gvosdev.

Europe Boxed In

Time has shown European officials were right to question America’s promises.

Joe Biden, not Donald Trump, won the 2020 election after pledging to make America’s electric grid net-zero by 2035 and to put the United States on a course to phase out nearly all fossil-fuel use and production by 2050.

Europe’s dependence on Russian energy severely restricts its ability to stand up to Russia, and Putin knows it.

As long as Europe continues to need Russia’s fossil fuels, it can’t take the steps necessary to avert crises like the one now occurring in Ukraine, because wind and solar energy sources are not reliable enough to operate without fossil fuels backing them up.

Had Democrats embraced the tremendous economic and geopolitical benefits of natural gas, nuclear, oil, and other forms of energy years ago, Russia wouldn’t have the clout in Europe it does today, making it extremely unlikely it could make such an aggressive move against Ukraine.

“Had Democrats embraced the tremendous economic and geopolitical benefits of natural gas, nuclear, oil, and other forms of energy years ago, Russia wouldn’t have the clout in Europe it does today, making it extremely unlikely it could make such an aggressive move against Ukraine.”

Justin Haskins (jhaskins@heartland.org) is director of the Socialism Research Center at The Heartland Institute, which co-publishes Environment & Climate News, and he is the coauthor of the New York Times bestselling book The Great Reset: Joe Biden and the Rise of Twenty-First Century Fascism.
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.

FEBRUARY 2022

The global average temperature was 0.00°C above average.

The Northern Hemisphere’s temperature was 0.01°C above average.

The Southern Hemisphere’s temperature was 0.02°C below average.

219,000 years of Temperature Variation

The zombies mindlessly repeated “Save the Planet. Stop Global Warming.”