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**Republican Bills Target Putin, Seek Energy Independence**

By Bonner R. Cohen

Congressional Republicans have introduced multiple bills intended to restore U.S. energy independence and provide relief to American consumers. Shortly after taking office, President Joe Biden canceled the Keystone XL pipeline, blocked new oil and natural gas leases on federal land and waters, issued regulations raising the cost of domestic fossil-fuel production, and promoted policies increasing U.S. reliance on intermittent renewable energy, primarily wind and solar power.

The Republican bills would reverse these policies, according to their sponsors.

**ENERGY INDEPENDENCE, P. 8**

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**FERC Issues, Then Rescinds Greenhouse Gas Regs on Gas Pipelines, LNG**

By Kevin Stone

The U.S. Federal Energy Regulatory Commission (FERC) adopted stricter regulations and licensing requirements for natural gas pipelines and liquefied natural gas (LNG) transport in February, only to rescind them in late March under bipartisan pressure from the U.S. Senate.

The guidelines were enacted narrowly along party lines, with the three Democrat commissioners supporting the changes while the two Republicans dissented.

Before they were withdrawn, the policies specified the required...
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Climate Agenda Sinks Federal Reserve Board Nominee

By Bonner R. Cohen

Sarah Bloom Raskin, President Joe Biden’s nominee for vice chair of supervision on the Federal Reserve Board (Fed), withdrew her name from Senate consideration one day after Sen. Joe Manchin (D-WV) announced he would not vote to confirm her.

Manchin’s announcement foreclosed any chance Raskin would be approved, because all 50 Republican senators had indicated their opposition.

Raskin is an outspoken critic of investing in fossil fuel companies and has urged regulators and banks to closely monitor how coal, gas, and oil companies supposedly could upend the financial system by contributing to climate change.

Raskin expressed hostility to oil and gas companies, concern we face a climate crisis, and the belief the Fed should fight climate change, among other causes, in numerous published articles and public statements.

President Barack Obama appointed Raskin to the Fed’s board of governors in 2010 and named her deputy Treasury secretary in 2014.

‘Nation’s Critical Energy Needs’

Raskin doesn’t understand the crucial role of fossil fuels in economic prosperity, said Manchin in a statement on March 15.

“Her previous public statements have failed to satisfactorily address my concerns about the critical importance of financing an all-of-the-above energy policy to meet our nation’s critical energy needs,” said Manchin. “Fed policy should not be influenced by elections, Manchin said.

“The Federal Reserve Board is not an institution that should politicize its critical decisions,” said Manchin.

“The Federal Reserve Board is not an institution that should politicize its critical decisions,” said Manchin. “This is a 10-year term to perhaps the most important independent body that is tasked with ensuring the stability of the American economy.”

“At this historic moment for the United States and the world at large, it is imperative that the Federal Reserve Board preserves its independence and steer clear of partisanship,” said Manchin.

‘Fed’s Statutory Mission’

Current officials and future nominees should understand the responsibilities and limits of rulemaking government positions, said Sen. Pat Toomey (R-PA), ranking member of the Senate Banking Committee, in a statement after Raskin bowed out.

“The Senate’s bipartisan rejection of Sarah Bloom Raskin’s nomination sends a powerful message to the Fed, and to all financial regulators, that it is not their job to allocate capital or stray from their mission to pursue extraneous or politically motivated campaigns.”

SEN. PAT TOOMEY (R-PA)

“The Senate’s bipartisan rejection of Sarah Bloom Raskin’s nomination sends a powerful message to the Fed, and to all financial regulators, that it is not their job to allocate capital or stray from their mission to pursue extraneous or politically motivated campaigns.”

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.

“Partisan agendas should have no place at financial agencies, says Scott Shepard, director of the Free Enterprise Project at the National Center for Public Policy Research.

“The Federal Reserve System and the Securities and Exchange Commission are designed to be neutral regulators of American currency and markets, nothing more,” said Shepard. “They are not meant to be politicized.

“The Biden administration’s unprecedented efforts to politicize these agencies, and thus to destroy the basis of American prosperity, represent one of the greatest assaults on the American system and way of life ever mounted,” said Shepard. “But it is being challenged, and it is losing. Raskin’s defeat was a mighty blow.”
environmental analyses necessary for FERC approval of pipelines and new LNG facilities would have to address “environmental justice” issues and any effects the pipeline might have on climate change.

**Strong GOP Dissent**

The Republican commissioners said the Democrat majority was asserting the commission had the power to rewrite both the 1938 Natural Gas Act and the 1970 National Environmental Policy Act.

The proposed rules represented “the mother of all legal weapons” to be wielded against the fossil fuel industry, said Commissioner Mark Christie in a statement.

“First is the narrative that the courts are ‘telling us to do this,’” said Christie’s statement. “This claim rests on precedents: over a century of rulings from the D.C. Circuit, Sabal Trail, but since Sabal Trail there have been more recent opinions from the U.S. Supreme Court itself reasserting its major questions doctrine.

“The major questions doctrine holds that under the Constitution, major issues of public policy are reserved to Congress, so unless Congress has made an explicit grant of authority by law directing an agency to address a major policy issue, the agency cannot simply assume it has the power,” said Christie. “And whether this Commission can reject a certificate to build a natural gas facility, one that otherwise meets the criteria for approval under the Natural Gas Act, because of its alleged impact on global climate change, is clearly a major question of public policy, ... not just energy policy, but economic policy, and yes, even national security policy.”

**Cherry-Picking Rulings**

Chairman Richard Glick chose a single ruling that supported his political point of view, instead of examining the various rulings on the scope of FERC’s power, said Christie in his statement.

“And while we are bound to follow judicial precedent, we don’t get to ‘cherry pick’ one precedent, while ignoring the conflicting precedents, especially those more recent rulings from the Supreme Court itself setting out a doctrine that this certificate policy adopted today clearly violates,” said Christie.

“Preventing the construction of any new natural gas project is the overt public-policy goal of many interest groups who are conducting a national campaign of legal warfare—‘lawfare,’ for short—against every single natural gas project.

**Politics Over Law**

The regulatory changes FERC’s Democrat majority initially voted to impose on pipeline and LNG approval processes are wholly political, not based on legitimate concerns about public need, health, or safety, says Dan Kish, senior vice president for policy at the American Energy Alliance.

“FERC is turning into an advocacy group pushing a political agenda instead of ensuring Americans have access to reliable and affordable energy,” said Kish before the announced withdrawal of the rules. “These regulations have nothing to do with the environment, and simply open more avenues for enemies of affordable energy to attack projects through ‘lawfare’ and appeals which amount to economic terrorism against U.S. projects.

“All they will do is drive up costs, make lawyers richer, and hamper energy security in the United States,” said Kish.

**‘Sand in the Gears’**

These rules are one small part of the Biden administration’s ‘whole of government’ approach to blocking fossil fuel production and use, says Bette Grande, president of the Roughrider Policy Center.

“These regulations are consistent with actions from other arms of the Biden administration aimed at throwing sand in the gears of our fossil fuel industry. The regulators always sugarcoat their positions, but the impacts show the true intent, with more red tape simply adding more costs and delays, further reducing supplies.”

**BETTE GRANDE, PRESIDENT, ROUGHRIDER POLICY CENTER**

**‘Skyrocketing Energy Prices’**

Europe provides a cautionary tale about America’s energy future under Biden’s climate crusade, says Kish.

“Europe is waking up to skyrocketing energy prices pushed by Greens and the lack of energy security green policies are producing,” said Kish. “The United States, currently insulated by our recently achieved energy independence, is now being headed by those who haven’t gotten the memo that energy weakness is national security and economic weakness, which breeds foreign aggression.

“President Biden continues to call climate change the ‘existential threat’ which guides his energy, economic, and even national security policies,” said Kish. “The orders have gone out to his lieutenants to do everything in their power to irreversibly change the energy outlook in the United States, and they are faithfully carrying out his orders.”

**‘Just Do Your Damn Job’**

During a mid-March hearing before the Senate Energy and Commerce Committee, during which Glick was called to testify, committee chair Sen. Joe Manchin (D-WV) joined others in criticizing FERC’s pipeline delays.

Federal agencies including FERC are “throwing so many more obstacles, ... [going] way outside of his wheelhouse,” Manchin said about Glick to the press after the hearing. “Just do your damn job; that’s all I told him.”

In the week after the Senate grilling, FERC announced it was placing the climate policies on hold, downgrading them to draft status, which would not be applied to pipelines already involved in the permitting process.

Kevin Stone (kevin.s.stone@gmail.com) writes from Arlington, Texas.
Hawaii Supreme Court OKs Oahu Wind Energy Facility

By Duggan Flanakin

Big Wind scored a major victory in the Hawaii Supreme Court with the unanimous affirmation of a lower court decision approving the Habitat Conservation Plan (HCP) and Incidental Take License (ITL) for the Na Pua Makani wind power project on Oahu’s north shore.

Local wildlife activists who have long opposed industrial wind facilities in the Aloha State expressed disappointment at the decision.

The Conservation Council for Hawaii (CCH), an affiliate of the National Wildlife Federation, opposes offshore industrial wind facilities and has expressed grave concerns about onshore wind energy production as well.

In 2015, Hawaii became the first state to commit to 100 percent renewable energy, setting a 2045 target date. Large wind projects are a major component of the state’s energy plan.

Endangered Species Killings OK’d

The Hawaii State Board of Land and Natural Resources approved the HCP and ITL for the Na Pua Makani 25-megawatt industrial wind facility near Kahuku, in May 2018. The wind facility has since been constructed and become operational.

The court-approved plan authorizes Na Pua Makani to “take” up to 51 ‘ōpe’ape’a, the Hawaiian hoary bat, over a 21-year period. The Hawaiian hoary bat, the only extant native terrestrial mammal on the islands, is the state mammal and is on the federal government’s list of endangered species.

Keep the North Shore Country (KNSC) filed suit to block the wind facility, citing its potential killings of Hawaiian hoary bats.

After the First Circuit Court upheld the plan and license, KNSC filed an appeal, claiming the HCP was unlawful because of alleged procedural irregularities and because the plan did not comply with Hawaii’s endangered species statutes.

The Hawaii Supreme Court rejected KNSC’s arguments in full.

Confirms Wildlife Killings

Na Pua Makani is the third operating wind facility on Oahu’s north shore. The Kahuku farm has had one confirmed bat kill in the past seven years. The Kawaiola farm has reported no kills since installing deterrents in June 2019. Na Pua Makani has reported no “takes” of bats.

It is disingenuous to claim Hawaiian wind facilities are not harming wildlife, says Moana Bjur, executive director of the CCH.

“We have seen our alala (Hawaiian crow), the Hawaiian common gallinule, the Hawaiian black-necked stilt, pueo (Hawaiian short-eared owl), the àko-hekoke (honeycreeper), and Hawaiian petrels and nenes being killed, in addition to our hoary bats,” said Bjur. “Ecological concerns over wind facilities also include the disturbance of native wildlife habitat, plants, and ecosystems on both land and water via the infrastructure needed to support wind facilities.”

In addition to the harm to wildlife, Hawaii’s wind facilities are increasing ratepayers’ and consumers’ costs, with developers profiting at the people’s expense, says Bjur.

“The public most definitely is not profiting,” said Bjur. “We are seeing higher energy costs every year.”

Duggan Flanakin (dflanakin@gmail.com) writes from San Marcos, Texas.
Florida Legislature Passes Bill Cutting Rooftop Solar Subsidies

By Kenneth Artz

The Florida Legislature passed a bill limiting subsidies to rooftop solar panel owners paid for by other electric power consumers. HB 741 was approved by the state House of Representatives by a vote of 83 to 31, and by the state Senate, 24 to 15. In the House, six Democrats voted for the bill, and in the Senate, Sen. Randolph Bracy (D-Orlando) voted for and Sen. Jeff Brandes (R-St. Petersburg) voted against the bill.

Florida state Sen. Jennifer Bradley (R-Orange Park), who sponsored the bill in the Senate, says the current law benefits solar panel system owners at the expense of other consumers.

“This is a regressive policy,” said Bradley during the Senate debate on the bill. “This drives up costs and shifts [them] to all ratepayers.”

Ends Regressive Approach

The legislation will bring a welcome end to regressive policies that benefit one group of electric power users and providers at the expense of general ratepayers, says Florida Power & Light Co. (FPL), the state’s largest electric utility.

“We are pleased Florida lawmakers voted overwhelmingly to pass bipartisan legislation aimed at modernizing the state’s outdated net metering rules,” said FPL in a statement emailed to E&E News. “It importantly directs the Florida Public Service Commission to phase out this regressive tax and make solar energy more equitable for all Floridians, not just the fortunate few.”

Equalizes Payment Rates

Currently, Florida utility customers with solar installations receive a monthly credit on their electric bills, paying them for excess power they generate at the same retail rate other customers are charged, called net metering.

If the owner generates excess energy over a 12-month period, the utility writes them a check.

The credits are greater than the value of the power produced, says Tim Benson, a senior policy analyst at The Heartland Institute, which co-publishes Environment & Climate News.

“They sell back to the grid, they should be paid at the same rate conventional sources are paid, reflecting the true wholesale cost of electricity,” said Benson.

The current law is regressive because it subsidizes relatively wealthy Floridians who could afford to install expensive distributed generation systems, says Benson.

“Net metering causes a reallocation of transmission, distribution, and reliability costs to those customers who do not own distributed generation,” said Benson. “Such cost-shifting impedes social equity because rooftop solar owners generally have higher incomes than others, so lower-income ratepayers end up paying extra to subsidize higher-income customers, making net metering just another welfare program for the upper-middle class, at the expense of the poor.”

Limits Subsidies

Under HB 741, customers who have solar panels installed before January 1, 2024 will be able to sell their excess electricity back to the utility at full retail rates for the next 20 years. Those who install solar in 2024 and 2025 will be able to sell back at 75 percent of the retail rate for 20 years. Customers who install solar in 2026 will receive a 60 percent credit, and those who install solar in 2027 and 2028 will get a 50 percent credit, at the retail rate, for two decades.

Beginning January 1, 2029, the billing credit is eliminated for new rooftop installations.

Recoups Additional Costs

In addition, under the current law, rooftop solar owners do not pay their full share of the cost of maintaining the electric grid that allows them to send and receive electricity.

Beginning January 1, 2024, HB 741 allows utilities to petition the Florida Public Service Commission for approval of new charges “including base facilities charges, electric grid access fees, or monthly minimum bills to ensure that the [investor-owned utility] recovers the fixed costs of serving [solar] customers.”

Rooftop solar systems add costs to the electric power grid, says Benson.

“It is particularly unfair for solar owners to be paid for the cost of maintaining the grid because the intermittency of solar power actually increases those costs,” said Benson.

Reverses Trend

It’s long past the time to cut subsidies for solar power, which unjustifiably receives more taxpayer support than any other energy source, says James Taylor, president of The Heartland Institute.

“The U.S. Energy Information Agency reports that solar power receives more taxpayer subsidies than all conventional energy sources combined. It is high time policymakers make solar power sink or swim on its own merits. Good for Florida policymakers waking up to that reality.”

JAMES TAYLOR
PRESIDENT, THE HEARTLAND INSTITUTE

“The U.S. Energy Information Agency reports that solar power receives more taxpayer subsidies than all conventional energy sources combined. It is high time policymakers make solar power sink or swim on its own merits. Good for Florida policymakers waking up to that reality,” said Taylor.

Gov. Ron DeSantis is expected to sign the bill, according to E&E News, but had not acted on it by press time.

Kenneth Artz (KApublishing@gmx.com) writes from Dallas, Texas.
Tennessee Senate Passes Bill to Protect Energy Infrastructure

By Linnea Lueken

The Tennessee Senate passed a bill that would largely prevent local governments from restricting or prohibiting certain energy infrastructure projects.

SB 2077 passed the state Senate by a vote of 23 in favor and seven opposed, on March 24. A companion bill in the Tennessee House of Representatives awaits consideration in two committees.

The affected political subdivisions of the state include counties, towns, and municipalities.

Comprehensive Action

Among the enterprises listed in SB 2077 which local governments may not prevent from constructing new or expanding existing infrastructure are electric utilities, gas utilities, and gas transmission companies.

The bill specifically prohibits actions by local governments that would involve de facto banning of energy infrastructure, industrial projects, and related transportation infrastructure such as natural gas pipelines. The bill would also bar municipalities from imposing moratoriums on siting, expansion, or maintenance of energy transportation infrastructure.

In addition, the bill would protect liquefied petroleum gas dealers, transmitters, distributors, retail outlets, and storage entities from local government prohibitions on otherwise lawful energy operations.

Protecting Statewide Projects

Local governments should not be able to ban energy projects, especially ones with statewide effects, said bill cosponsor Sen. Ken Yager (R-Kingston), in a statement given to Environment & Climate News.

“A locality should not have the authority to outright ban energy infrastructure when that infrastructure serves the vital needs of the people of an entire state,” said Yager.

Anti-fossil-fuel activists in Tennessee and from outside the state are actively working to prevent the construction of new critical fossil-fuel energy infrastructure, says Yager, citing the recent cancellation of the 49-mile Byhalia pipeline project south of Memphis, which was intended to connect oil pipelines from Tennessee to Mississippi.

Neighborhood-Friendly

The bill would let the state and federal governments ensure safety while leaving localities free to ensure neighborhoods are protected, says Yager.

“Industries involved in energy and energy infrastructure are some of the most highly regulated in the state,” said Yager. “Many federal laws already regulate safety aspects of pipeline construction and maintenance.

“These pipelines, storage tanks, and other infrastructure segments provide natural gas, petroleum, ammonia, etc. to those who need it,” said Yager. “This bill keeps general local zoning power intact. It only states local governments cannot outright ban altogether the sort of infrastructure that is necessary to access reliable, affordable energy sources.”

Yager’s bill would allow local governments to keep infrastructure projects at a reasonable distance from residences, says Ron Shultis, director of policy and research at the Beacon Center of Tennessee.

“The bill simply ensures local governments cannot prohibit the delivery or supply of certain types of energy while still allowing local governments to reasonably regulate through aspects like zoning so pipelines aren’t going through the middle of neighborhoods,” said Shultis.

Struggle for Control

Lobbyists paid with taxpayer dollars have been fighting against the bill, says Shultis.

“Despite rapid inflation and rising gas prices, taxpayer-funded lobbyists on behalf of local governments here in Tennessee are seeking to squash a commonsense proposal to ensure Tennesseans have adequate access to the energy necessary to live their lives,” said Shultis.

Contrary to its critics’ claims, Amendment 1 of the bill has specific provisions allowing necessary and usual rules and policies to ensure pipelines are safe and comply with existing laws protecting the environment, land use, and human health, says Shultis.

“Opponents aren’t so much trying to make sure residents have control over local energy decisions, but rather are trying to prevent the bill from prohibiting their own politically motivated power grabs,” said Shultis. “Yet as we often see, those calling for ‘local control’ are still seeking control.

“In this case, it means using local government to implement liberal ideologies at the expense of Tennessee taxpayers,” said Shultis.

“Opponents aren’t so much trying to make sure residents have control over local energy decisions, but rather are trying to prevent the bill from prohibiting their own politically motivated power grabs. Yet as we often see, those calling for ‘local control’ are still seeking control.”

RON SHULTIS
DIRECTOR OF POLICY AND RESEARCH
BEACON CENTER OF TENNESSEE

Local Governments’ Projects Exempted

In a further concession to local governments, Yager’s bill would allow existing government-owned municipal utilities to place limits on their own operations and any infrastructure they may construct in the future.

“In addition to prohibiting local political subdivisions from taking the actions that I have mentioned, ... it does not prevent a political subdivision from owning its own electric or natural gas system and from promulgating the rules necessary to run that electric system,” said Yager, during a March 15 hearing on his bill.

Calls for Infrastructure Study

The bill directs Tennessee’s Department of Economic and Community Development to examine “the current infrastructure of utilities operating in this state, including pipelines or transmission lines that are used to produce or distribute gas, oil, or another energy source.”

The purpose of the study is to find out whether improvements to existing infrastructure would attract developers and investors.

The study is expected to cost $10,000 per county. The department will coordinate with utility companies to map existing pipelines and transmission corridors, generate plots for unmapped areas, and suggest where additional pipelines might be useful or desirable to improve operations.

The utilities would help determine what improvements are necessary.

Linnea Lueken (lueken@heartland.org) is a research fellow with the Arthur B. Robinson Center on Climate and Environmental Policy at The Heartland Institute.
Continued from page 1

‘Achieve Full Energy Independence’

Sen. Josh Hawley (R-MO) introduced the American Energy Independence Act (AEIA) of 2022 shortly after Russia invaded Ukraine.

Hawley’s bill states it is “the official policy of the United States to achieve full energy independence and low energy costs for its citizens in light of Russia’s invasion of Ukraine.”

The bill directs federal agencies to identify and rescind existing regulations that reduce American energy independence, bars new rules that reduce energy security or raise prices, and promotes the goal of energy independence by 2024.

‘Reverse ... American Energy Surrender’

Regulatory decisions have cut oil and gas production and raised prices for consumers, said Hawley in a statement.

“The Biden administration’s energy policies are completely backwards, and now working Americans are paying the price,” said Hawley. “The United States cannot afford to be energy-dependent on our enemies. We must reopen domestic energy production full throttle, restore our energy independence, and reverse this policy of American energy surrender.”

The AEIA would ease the regulatory burden on fracking, restore the federal permit for the Keystone XL Pipeline, and ease the permitting process for pipelines. It would bar U.S. funding of the Paris climate agreement and rescind the Biden administration’s leasing moratorium.

The bill would also direct federal agencies to set the social cost of carbon at zero dollars per ton for infrastructure projects and to prioritize boosting domestic energy production over fighting climate change.

‘ Shut Down Putin’s War Chest’

U.S. Reps. Cathy McMorris Rodgers (R-WA) and Bruce Westerman (R-AR) introduced the American Energy Independence Act in the House.

Their bill would boost U.S. exports of liquified natural gas (LNG) to Europe to provide an alternative to Russian gas, said the sponsors in a joint statement.

“Putin and Russia’s economy are dependent on dominating energy production and exporting to other nations. To counter Putin, our bill flips the switch to promote American energy jobs, production, and exports. America must shut down Putin’s war chest and stop bloodshed in Ukraine, and this legislation is a vital step in achieving those goals.”

U.S. REP. CATHY MCMORRIS RODGERS (R-WA)
U.S. REP. BRUCE WESTERMAN (R-AR)

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‘Create a Safer Europe’


The ESCAPE act directs the U.S. Secretary to expedite approval of natural gas exports to NATO allies, Japan, and any other country that would promote U.S. national security. The bill also authorizes mandatory U.S. sanctions on the development of Russian pipeline projects such as Nord Stream II.

“Energy security is national security, and expanding American energy exports will create a safer Europe by removing Vladimir Putin’s heavy hand from our allies’ energy grids,” said Miller.

‘A Clear Path Out’

These bills share the goal of shoring up U.S. energy independence and thus our economic security, says Craig Rucker, president of the Committee For A Constructive Tomorrow (CFACT), which co-publishes Environment & Climate News.

“These bills have two things in common,” said Rucker. “First, they offer a clear path out of the energy dead end that the United States and its allies find themselves in.

“Second, they have absolutely no chance of being enacted as long as the Biden White House remains committed to its destructive climate policies,” said Rucker.

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 CFACF.
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.
New Mexico Fuel Standards Bill Fails

By Kenneth Artz

New Mexico’s House of Representatives declined to pass SB 14, the Enacting the Clean Fuel Standard Act. Although the bill passed the Senate, where it originated, a tie vote in the House resulted in it not being passed before the 2022 legislative session expired.

SB 14, sponsored by Sen. Mimi Stewart (D-Albuquerque), would have required a 20 percent reduction in carbon dioxide intensity of transportation fuels refined, blended, or produced in the state by 2030 from 2018 levels, and a 30 percent reduction in carbon dioxide intensity by 2040.

The bill also would have established a carbon credit trading system to be imposed on various sectors of the economy, such as agriculture, electricity generation, and the oil and natural gas industry.

Essentially a Gas Tax Hike

SB 14 amounted to a tax on gasoline that would raise costs and disproportionately hit rural and low-income households, House Minority Leader James Townsend (R-Artesia) told the press in a statement.

“You’re proposing a bill that is going to increase fuel prices,” said Townsend’s statement. “You cannot talk about this without talking about the burden on the backs of New Mexicans.

“I think the people of New Mexico won,” said Townsend. “New Mexicans said they didn’t want to pay higher prices for gasoline just to support the governor’s initiatives.”

Cleaner Than Ever

The Clean Fuel Standards bill shows how far out of touch elites are with the concerns of working people, says Gary L. Stone, P.E., executive vice president of Engineering at Five States Energy LLC in Dallas, Texas.

“SB 14 was obviously championed by urban Democrats on the false basis of our need to prevent ‘catastrophic human-caused climate change,’ the same climate that has been constantly changing for the past four billion years or so, with no regard for the effect it would have on rural- and small-town New Mexicans who, like their neighbors in West Texas, drive long distances each day in their jobs and recreation,” said Stone. “Onerous artificial standards and high gas prices will only increase the cost of daily living, especially for the working poor and middle class.

“Our land, water, and air are cleaner than they’ve been in decades,” said Stone. “The children crying the ‘wolf’ of climate change will continue until they completely bankrupt society in their quest for spending and regulations to stop what can’t be stopped or until people rise in mass to stop them.”

Tough on the Poor

The bill failed because the program was bad policy, especially for working-class families, says Tim Benson, a senior policy analyst at The Heartland Institute, which co-publishes Environment & Climate News.

“A clean-fuel mandate would disproportionately impact lower-income New Mexican households by raising the price of motor fuels, which increases the price of goods and services across the economy.”

TIM BENSON
SENIOR POLICY ANALYST
THE HEARTLAND INSTITUTE

Kenneth Artz (KApublishing@gmx.com) writes from Dallas, Texas.
Biden Appointees Rescind License Extension for Florida Nuclear Plant

By Kevin Stone

The U.S. Nuclear Regulatory Commission (NRC) reversed its 2019 decision to extend Florida Power & Light’s (FPL) operating license for two reactors at the Turkey Point nuclear power plant until 2052 and 2053, respectively.

The reactors have been in operation since 1972 and 1973. President Joe Biden replaced the NRC’s Republican leadership with a new, Democrat majority, and the newly constituted NRC rescinded the license renewal on February 24.

The move will not affect current operations at the Turkey Point site south of Miami along Biscayne Bay. The reactors are currently operating under a 20-year extension allowing their continued operation until 2032 and 2033.

Climate Concerns Aired

The NRC cited climate change concerns as a justification for canceling the license extensions, even though nuclear power plants emit no carbon dioxide.

The NRC reversed course in response to a challenge by the environmental group Beyond Nuclear which claimed the generic environmental impact statement (EIS) the NRC had previously relied on for the license extensions, evaluations prepared in 1996 and revised in 2013, was outdated in failing to account for sea level rise and other conditions climate change might cause. Beyond Nuclear also argued the previous EIS addressed only the impact of extending the reactor license terms from 40 years out to 60 years, instead of the 80 years the NRC approved in 2019.

The NRC’s action means FPL will have to undertake a new environmental review as specified under the 1970 National Environmental Policy Act (NEPA), in order to get its current operation license extended.

The NEPA requires all major federal actions, in this case the “Subsequent License Renewal” of U.S. nuclear power stations, to go through an extensive review of the associated risks and costs compared to reasonable alternatives.

‘Arbitrary and Inconsistent’

No relevant new information was presented to justify the NRC’s decision to rescind the 2019 license extension, said Commissioner David Wright in a dissent from the two-to-one decision to withdraw the extension.

“I view the majority’s decision to reverse direction now as arbitrary and inconsistent with the NRC’s principles of good regulation,” said Wright. “The majority’s decision is arbitrary because my colleagues do not base the reversal on any new information or arguments beyond what we previously considered and rejected in issuing CLI-20-3.

“The reversal is also contrary to the NRC’s principles of good regulation, particularly the principles of openness, clarity, and reliability,” said Wright. “For the NRC to function as an effective and credible regulator, our stakeholders must be able to rely on our statements and positions [but] such reliance is impossible when we may change our position at any time, based on nothing other than the information and arguments previously considered and rejected.”

‘No Fatalities’

The NRC did, in fact, evaluate the potential for problems to arise from the possibility of rising sea levels and determined the reactors face no threats from such changes within their planned lives, says Ronald Stein, founder of PTS Advance and author of the new book Energy Made Easy.

“The world is looking at the safety of nuclear power reactors,” said Stein. “The worldwide total of nuclear deaths—not annually, but from inception of nuclear, including Three Mile Island in 1979, Chernobyl in 1986, and Fukushima in 2011—is less than 200 over four decades.

“In America, there have been no fatalities over [the] four decades,” said Stein.

Other Nations Unafraid

Other countries realize nuclear reactors provide safe, clean, reliable power, says Stein.

“Worldwide, as a result of nuclear generation’s ability to provide continuous, uninterruptable, zero-emission electricity and its track record of safety, today there are about 440 nuclear reactors operating in 32 countries around the world, with 50 more new ones under construction,” said Stein. “Significant further capacity is being created by plant upgrading of existing reactors.

“China is spending as much as $440 billion on new nuclear plants, with Bloomberg recently reporting China is planning at least 150 new reactors in the next 15 years, more than the rest of the world has built in the past 35.”

RONALD STEIN
FOUNDER, PTS ADVANCE

Kevin Stone (kevin.s.stone@gmail.com) writes from Arlington, Texas.
Federal Judge Blocks Five Previously Granted Oil and Gas Lease Sales

By Duggan Flanakin

The chief judge of the U.S. District Court for the District of Montana invalidated Trump-era oil and gas lease sales, citing a failure to comply with Obama-era regulations for the greater sage grouse.

The decision applies to leases in Nevada and Wyoming and follows that judge’s earlier cancellation of Trump-era oil and gas lease sales in Montana and Wyoming.

On appeal, Chief Judge Brian Morris’ action is likely to be combined with a case currently pending before the Ninth Circuit Court of Appeals challenging his earlier lease sale cancellations.

Green, Green Grouse of Home

As in the previous case, Morris, a President Barack Obama appointee, ruled the leases failed to comply with Obama-era sage grouse protections ostensibly aimed at preserving habitats.

Although the greater sage grouse is not listed as threatened or endangered under the Endangered Species Act, a subspecies, the Gunnison sage grouse, was listed as “threatened” in 2014 by the U.S. Fish and Wildlife Service during the Obama administration.

Morris had earlier invalidated the Interior Department’s 2018 instruction memorandum on sage grouse conservation, which prioritized leasing outside of sage grouse habitat only when there was a backlog of leasing requests and told agency officials to ignore a 2015 regulatory resource management plan regarding the bird.

In his new ruling, Morris said a proper reading of the Obama-era plan requires the Bureau of Land Management (BLM) to exclude any parcels with greater sage grouse habitat and thus vacated all the leases in their entirety. Morris froze his order pending a Ninth Circuit ruling on the appeal of his prior lease cancellations.

Adding Climate Change Concerns

While these legal disputes over past leases continue, the BLM is considering regulations to intensify its sage grouse management plans by incorporating climate change, drought, and wildfires as further considerations.

These decisions are being made in accordance with President Joe Biden’s executive order directing all agencies to consider the potential impact of their actions on climate change.

Such changes would impose new limits on the use of federal land across 10 Western states.

Says Judge Ignored Facts, Law

The government’s case is based solely on the Biden administration’s desire to control land use in the West, guided by its radical environmental activist allies, not science or the law, said Kathleen Sgamma, president of the Western Energy Alliance, which has intervened in the case on the BLM’s behalf.

“Brian Morris is an activist appointee who wants to set policy rather than reach decisions based on the law,” said Sgamma. “There are multiple instances where Judge Morris has ignored the facts of the cases or the basics of law in his rulings.

“He based his order on a policy decided at the whim of the Obama administration, finding that the Trump administration failed to follow an Obama policy, even though administrations are allowed to set their own policies,” said Sgamma. “Morris didn’t even rule on the questions related to the National Environmental Policy Act, the law at issue in the case.”

Calls Grouse Threat Phony

The sage grouse protection plan imposed by Obama was based on heavily flawed science, says Sgamma, as the best evidence suggests oil and gas operations have little effect on the health of the birds’ populations.

“The threat from oil and natural gas has been greatly exaggerated for many years,” said Sgamma. “We documented in our challenge that the Obama-era studies used by federal agencies were based on old industry practices that are rarely, if ever, used any more.

“Conversely, the agencies ignored studies showing sage grouse indeed can coexist with state-of-the-art industry practices and state plans that protect the species,” said Sgamma. “In fact, predation is a much larger threat than oil and natural gas, and sage grouse often prefer our well pads to their traditional leks because they can better see and avoid the predators that shy away from our activity.”

Unsurprised by Judicial Activism

Morris’ decision is consistent with his past actions and so was not unexpected, says Bonner Cohen, a senior fellow with the National Center for Public Policy Research.

“The ruling should surprise no one: it is completely in line with his earlier decisions on the Keystone XL pipeline and Trump-era approvals of oil and gas leases. He makes repeated references to Obama-era BLM guidelines to ‘protect’ the sage grouse, putting these policies on a pedestal and disallowing any alternative approaches.”

In fact, Morris and the plaintiffs know there is no science behind these rules and the sage grouse is merely a means to a political end, says Cohen.

“At no point does he cite any data or studies rooted in wildlife biology showing that oil and gas leases or production activities pose a threat to the sage grouse,” said Cohen.

Sees Favoritism, Inconsistency

The Obama and Biden administrations have consistently provided blanket exclusions for politically favored wind turbine operations to produce massive bird kills while using the sage grouse and other non-problems to block oil and gas development, says Dan Kish, senior vice president for policy at the American Energy Alliance.

“Whether it is deer in suburban neighborhoods or caribou in the oil fields of the North Slope of Alaska, animals adapt and sometimes flourish throughout the United States,” said Kish. “The term ‘taken’ is misleading; sometimes it can mean nothing more than a bird was sighted flying from an area where activity is ongoing.

“This isn’t about wildlife,” said Kish. “It’s about groups wanting to stop affordable U.S. energy development.”

Duggan Flanakin (dflanakin@gmail.com) writes from San Marcos, Texas.
Alaskan Emergency Road Through Wildlife Refuge OK’d by Appeals Court

By Duggan Flanakin

A three-judge panel of the U.S. Court of Appeals for the Ninth Circuit overruled a lower court’s rejection of a land exchange agreement on a remote Aleutian island.

The appeals court rejected a district court’s 2020 ruling that blocked the Trump-era Department of Interior’s (DOI) approval of a long-desired one-lane gravel roadway for transporting medical emergency patients on land from the tiny village of King Cove, currently accessible only by air and water, to a medical facility in Cold Bay.

The area is known for heavy storms and high winds that often make air and water transport impossible.

Authorized Under Obama

In 2009, Congress authorized the U.S. Secretary of the Interior to conduct a land exchange with the King Cove Corporation for an access road.

King Cove was to transfer an agreed-upon area of land to the United States in exchange for the federal government transferring “all right, title, and interest of the United States” across a portion of the Izembek National Wildlife Refuge for construction of an all-terrain vehicle gravel pathway across the tundra to provide access to and from the Cold Bay Airport primarily for noncommercial health and safety purposes.

Four years later, under President Barack Obama, Interior Secretary Sally Jewell opted not to proceed with the exchange, citing “difficult and controversial issues of public policy.”

In 2018, the DOI reversed course, approving the congressionally authorized land-exchange agreement for a corridor encompassing fewer than 500 acres. In approving the exchange, DOI Secretary Ryan Zinke relied on a provision of the 1980 Alaska National Interest Lands Conservation Act (ANILCA) that allows land exchanges with Alaska Native village corporations.

For the Birds

Led by Trustees for Alaska, nine environmental groups sued to block the exchange, arguing it would disturb migratory birds’ habitat. The groups included the Defenders of Wildlife, the Center for Biological Diversity, the National Audubon Society, and the Sierra Club.

The U.S. District Court for the District of Alaska agreed and vacated the 2018 agreement.

A year later, new Interior Secretary David Bernhardt approved King Cove Corporation’s request for a similar land swap, on the grounds it could save human lives.

Bernhardt said the land swap struck a proper balance between protecting scenic, natural, cultural, and environmental values and providing for the long-term social and physical wellbeing of the Alaska Native people.

In its record of decision, the DOI noted more than 70 people had been airlifted from King Cove to hospital facilities in Cold Bay, Anchorage, or Seattle since 2013, and that more than 20 of those trips were handled by the U.S. Coast Guard at a cost of $50,000 per mission.

Bernhardt’s review also cited a 2015 study of transportation alternatives prepared by the U.S. Army Corps of Engineers that determined non-road alternatives were prohibitively costly and insufficiently dependable.

Back to Court

The same coalition of environmental groups sued once again to block the land exchange and once again received a favorable opinion from the federal district court vacating the land swap agreement.

Now led by Interior Secretary Deb Haaland, the DOI appealed the decision. The appeal had the support of the King Cove Corporation, the Agdaagux Tribe of King Cove, the Native Village of Belkofski, and the state of Alaska.

In a majority opinion, a three-judge panel of the Ninth Circuit Court of Appeals reversed the district court’s ruling, finding the land swap decision violated neither ANILCA nor the 1946 Administrative Procedure Act.

The appeals court ruled it was within Bernhardt’s discretion to grant the land exchange.

“Congress gave the Secretary discretion to strike an appropriate balance between environmental interests and economic and social needs,” wrote Judge Eric Miller for the majority. “Secretary Bernhardt exercised that discretion when he found that, without a road, the economic and social needs of the people of King Cove would not be adequately met.”

Completion of the road could be a long way off even if the current decision stands. Numerous agencies will have to sign off on road construction permits, requiring detailed environmental reviews, before a road can be constructed on the land that was exchanged.

Activists vs. Residents

The groups fighting against construction of this one-lane road are ignoring the health and safety needs of an isolated Alaskan community, says Bethany Marcum, chief executive officer of the Alaska Policy Forum.

“The thousand people living in King Cove lack access to medical facilities in periods of what has been called the world’s worst weather, when boats and helicopters often cannot travel even the short distance between King Cove and Cold Bay,” said Marcum. “Meanwhile, people are allowed to walk on the tundra and traverse it without bothering the swans, and the brant geese do not come inland. Alaska has a very poorly developed infrastructure, and this roadway would enable off-road vehicles to transport people for emergency medical care.

“It would have been far easier to use the old military roads and trails, but they are now overgrown thanks to federal policies,” said Marcum. “Not allowing the roadway constitutes disproportionate punishment of King Cove residents and visitors who cannot navigate the bay in the frequent bad weather.”

BETHANY MARCUM
CHIEF EXECUTIVE OFFICER
ALASKA POLICY FORUM

Duggan Flanakin (dflanakin@gmail.com) writes from San Marcos, Texas.
North Dakota Fracking of Existing Wells Increases as Production Falls

By Kevin Stone

Despite soaring oil prices, increased fracking in western North Dakota has not been matched by a rise in new well drilling, reports Lynne Helms, director of the state’s Department of Mineral Resources (DMR).

The industry is “aggressively” pursuing fracking of 449 wells drilled previously but not completed, says Helms. Ten more wells in North Dakota’s Bakken region inventory were fracked in December 2021, 15 more in January, and 90 in February.

Even with the increased activity, North Dakota’s January production of 1.09 million barrels of oil per day was 5 percent less than December’s, according to the latest figures available from the DMR. Frigid weather was blamed for some of the falloff.

Producers are likely exploiting existing holdings rather than investing long-term in an uncertain regulatory climate, says the DMR.

Biden’s ‘Harshly Negative Regulations’

Volatile markets, the threat of steeply reduced demand under the Biden administration’s fuel economy standards and emissions guidelines, regulatory uncertainty, and the burden of environmental, social, and governance (ESG) criteria are weighing heavily on oil production in North Dakota, says Bette Grande, president of the Roughrider Policy Center.

“The short term does not look great for the Bakken despite oil prices being double what was forecast 18 months ago,” said Grande. “Harshly negative regulations, the lack of capital due to ESG factors, supply chain issues for everything from pipe to parts, and the lack of experienced and willing workers are much larger considerations than the steep rise in oil prices resulting from Russia’s invasion of Ukraine on the prospects for expanded production.”

BETTE GRANDE, PRESIDENT
ROUGHRIKER POLICY CENTER

Activists ‘Scaring Off Investment’

Those considering drilling new wells are indeed taking huge risks, says Timothy Benson, senior policy analyst at The Heartland Institute, which co-publishes Environment & Climate News.

“Overly burdensome regulatory processes are definitely hurting new production by scaring off investment through fear of future red tape,” said Benson. “It also doesn’t help that lending to and capital investment in oil and natural gas firms for new production is being choked off by bureaucrats and radical activist investors driven by an irrational fear of climate change.

“Without these roadblocks, production would certainly be even higher in North Dakota and elsewhere,” said Benson. “Many firms simply don’t think it’s a safe time to try to open up new wells, and many investors don’t think it’s a safe time to capitalize these firms. It’s a double whammy.”

Kevin Stone (kevin.s.stone@gmail.com) writes from Arlington, Texas.
States, Fuel Producers Challenge EPA Vehicle Emissions Rule

By Kevin Stone

A n unlikely coalition is challenging the U.S. Environmental Protection Agency’s (EPA) revised vehicle emissions standards.

The EPA’s revised regulations require reductions in carbon dioxide emissions equivalent to a fleetwide average fuel economy of 55 miles per gallon in model year 2026. The shortened timeline for achieving the EPA’s goal forces automakers to reduce their fleets’ carbon dioxide emissions by 22.6 percent more than previous rules required.

Sixteen states, plus groups representing the fossil fuel and ethanol industries in 15 states, are challenging the Biden EPA’s emissions rules. They argue the EPA’s new standards effectively mandate a national transition from internal combustion powered vehicles to electric vehicles starting in 2026.

Farmers, Drillers, Attorneys General

A mix of corn and soybean growers associations from the states of Illinois, Indiana, Iowa, Michigan, Minnesota, North Dakota, Ohio, and South Dakota joined with Diamond Alternative Energy in one of the lawsuits filed to block the EPA’s new rules.

In addition, Texas Attorney General Ken Paxton filed a lawsuit on behalf of Texas, joined by the states of Alabama, Alaska, Arkansas, Indiana, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Ohio, Oklahoma, South Carolina, and Utah. Arizona filed a separate lawsuit to block the rules.

The Competitive Enterprise Institute (CEI), along with additional petitioners such as the Domestic Energy Producers Alliance, a nationwide coalition of 39 associations representing the oil and gas industry, also filed a lawsuit to block the new standards.

Essentially an EV Mandate

The lawsuit filed by representatives of various states’ biofuel associations argues the new standard is an unauthorized de facto mandate forcing people to use electric vehicles.

“Through the final rule, EPA seeks to unilaterally alter the transportation mix in the United States, without congressional authorization and without adequately considering the vast greenhouse gas reduction benefits provided by renewable fuels,” the complaint states. CEI and its co-petitioners make a similar argument in their filing by lead attorney Devin Watkins, saying the rules exceed the agency’s authority.

“EPA is trying to transform the motor vehicle market from gas-powered to electric vehicles by making gas-powered cars more expensive,” Watkins’ petition states.

Ambitious or Unworkable?

The EPA’s new standard and timeline are unrealistic because the mass adoption of electric vehicles and construction of the infrastructure needed to support and power them won’t magically appear overnight, says Paul Driessen, a senior policy advisor with the Committee For A Constructive Tomorrow, which co-publishes Environment & Climate News.

“It’s vital to remember that President Joe Biden, Rep. Alexandria Ocasio-Cortez (D-NY), and other climate-focused activists aren’t talking about just replacing current fossil fuel vehicle use or electricity generation,” said Driessen. “They also want to convert home and office heating, cooking, and water heating to electricity; convert factories from coal and gas to running on wind and solar-generated electricity; and have massive battery modules as backup power for windless, sunless days.

“That means nearly doubling existing U.S. electricity generation, and doing all of it with intermittent, unreliable, weather-dependent power generation systems,” said Driessen. “It means millions of onshore and offshore wind turbines, billions of solar panels, billions of 1,000-pound battery modules, and thousands of new transformers, covering tens of millions of acres, all powered by wind and sunshine, and all connected via thousands of miles of new transmission lines to power users all across America.”

‘It Is a Pipedream’

Electrifying the transportation system and in fact the entire U.S. economy is a fool’s errand, doomed to fail while placing an unnecessary burden on the public, says Driessen.

“They expect, hope, and fantasize this will somehow work, that a massively stressed power grid never built or tested before will be able to handle huge, sudden electricity surges and cutoffs due to wind and sunlight cooperating with demand only incidentally, failing minutes, hours, or days at a time and crashing repeatedly and catastrophically.”

Paul Driessen
Senior Policy Advisor, Committee For A Constructive Tomorrow

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States, Fuel Producers Challenge EPA Vehicle Emissions Rule

“I am the only person who has ever thought of using solar power in this country,” said Driessen. “I’ve been talking about it for 20 years, and nothing has happened. It’s a pipedream that has failed everywhere it’s been tried on much tinier scales than what they intend to impose on us,” said Driessen. “Think of Texas two winters ago, and South Australia a few years ago, multiplied a thousand times over. We’re going to be asked to accept having electricity for every aspect of our industry, hospitals, and lives, when it’s available instead of when we need it.”

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Paul Driessen
Senior Policy Advisor, Committee For A Constructive Tomorrow

“There is no way the United States can get the needed raw materials and do the infrastructure transformation required by the EPA’s and other agencies’ new rules implementing Biden’s “whole of government approach” to fighting climate change, says Driessen.

“Just getting the metals, minerals, plastics, concrete, and other raw materials to create this system will take mining at scales unprecedented in human history,” said Driessen. “Team Biden seems to think this will just happen, under a government-mandated program you could call Materials Acquisition for Global Industrial Change, abbreviated MAGIC.

“This new, unworkable system would totally bankrupt America,” said Driessen. “Energy analyst David Wojick, Ph.D., calculates that building a battery system to back up just New York City’s current peak electricity needs, not counting new electric cars or future growth, for one week of no wind or sunshine would cost $3 trillion! For all of New York State, it would cost $8 trillion. And that’s just New York.”

Kevin Stone (kevin.s.stone@gmail.com) writes from Arlington, Texas.
Biden Rule Against LNG by Rail Opposed by 25 State Attorneys General

By Linnea Lueken

The attorneys general (AGs) of 25 states sent a letter requesting the U.S. Department of Transportation’s Pipeline and Hazardous Materials Safety Administration (PHMSA) reconsider its new rule banning the transport of liquified natural gas (LNG) via rail tank car.

The new rule reverses a 2020 Trump administration amendment to federal hazardous materials regulations that allowed the transport of LNG by a special class of rail tank car.

The Trump rule was designed to speed and ease delivery of LNG to communities without suitable pipeline infrastructure in place.

Proven Safety Record Cited

When the early-2020 amendment was adopted, the PHMSA stated the transport of LNG is safe in tank cars with enhanced puncture resistance.

The agency noted DOT-113 tank cars have been shown to be safe for carrying cryogenic materials.

“We have determined that bulk rail transport is a safe alternative for this energy product,” the PHMSA wrote in the amended rule.

Biden Reversed Course

To comply with President Joe Biden’s Executive Order 13990, “Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis,” the PHMSA reversed course, citing concerns about safety and climate change.

In the letter to PHMSA Acting Administrator Tristan Brown, Louisiana Attorney General Jeff Landry noted worries about natural gas’ contribution to climate change or its effects are outside the scope of the PHMSA’s charter.

“Moreover, the general concern that transporting LNG by rail might result in an increase in production of natural gas which might result in an increase in greenhouse gases ... is an attenuated and speculative concern unaddressed to the scope of PHMSA’s regulatory purpose,” said Landry. “Current geopolitical events involving Russia’s unprovoked attack on Ukraine show with painful clarity the need for the United States to maintain its energy independence through multiple distribution points throughout our country.

“The agency should not move forward with suspension of a rule that serves that important objective,” the AGs’ letter said.

‘Nothing Short of Detrimental’

The Biden administration has been hostile toward American production of oil and gas from the beginning, and its policies are harming average Americans, says Mike Moncla, president of the Louisiana Oil and Gas Association.

“The Biden administration has been nothing short of detrimental to our industry in every way possible,” said Moncla. “Not only does this administration not want oil or natural gas delivered by pipeline, they don’t want it by rail, either. The administration is doing everything it can to hurt the oil and gas industry.

“There are parts of this country in need of affordable, abundant, and reliable energy, and there is a way to get it to places where pipelines aren’t accessible, so why would this administration want to hinder American citizens with higher energy prices?” said Moncla.

‘Next Best Way’

Transporting LNG by rail is the safest method after pipelines, which the environmental Left is also trying to eliminate, says Tim Benson, a senior policy analyst with The Heartland Institute, which co-publishes Environment & Climate News.

“Natural gas is the largest source of electricity generation in the country,” said Benson. “It does not just magically arrive at power plants after being drilled out of the ground. It has to be transported there somehow. The best, safest, easiest, and cheapest way to get it from well to plant is via pipelines, but since the word ‘pipeline’ sends Democrats and radical environmentalists into a hysterical fit and they seek to block any new pipeline infrastructure project, the next best way to transport it is by rail.”

Trains are not as safe as pipelines for transporting LNG, and they are probably more expensive, but the current pipeline system cannot serve all customers as needed, says Benson.

“Trains don’t have the safety record pipelines do, and rising transportation fuel prices mean it will cost more to ship LNG across the country, making other goods and services more expensive for families, but our current pipeline network is inadequate to meet demand, so trains will have to do for now,” said Benson.

‘Thumb on the Scale’

The Biden administration’s actions represent intentional efforts to destroy the economic viability of natural gas as an energy source, says Benson.

“The Biden administration is trying to make it impossible, on environmental grounds, to transport LNG via rail,” said Benson. “It sure seems like the Biden administration is putting its thumb on the scale to encumber the natural gas industry and make LNG as unviable as possible as a means of generation in the future.

“As altruistic and forward-thinking as this administration tries to pretend it is, Louisiana AG Landry is correct when he says the Biden war on fossil fuels is a war on America’s poor and working classes,” said Benson.

“There is no other way to interpret this decision.”

In addition to Landry, the AGs of Alabama, Alaska, Arizona, Arkansas, Florida, Georgia, Louisiana, Indiana, Kansas, Kentucky, Mississippi, Missouri, Montana, Nebraska, New Hampshire, Ohio, Oklahoma, South Carolina, South Dakota, Texas, Utah, Virginia, West Virginia, and Wyoming signed the February 28 letter requesting the PHMSA not adopt a final rule suspending LNG transport by rail.

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

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West Virginia Passes Bills to Boost Oil, Gas Development

By Bonner R. Cohen

The West Virginia Legislature approved two bills to facilitate the development of oil and natural gas in the state by expanding mineral owners’ abilities to develop jointly owned, pooled resources.

In most countries, even many with long histories of secured private property rights to surface areas and natural features above the surface, mineral rights are owned by the government. In most of the United States, mineral rights have been retained by those who own the surface rights. That system enables landowners to profit from oil and gas development in hydrocarbon-rich states, giving them incentives to develop resources fully and carefully.

The legislation was awaiting the governor’s signature at press time.

Abutting or Mixed Properties
The proposed two new statutes, passed in early March, would expand the power of West Virginia's Oil and Gas Conservation Commission (OGCC) to issue permits for oil and gas development when mineral rights are mixed because properties are close to one another.

SB 694 would authorize the OGCC to issue horizontal well unit orders and permits to drill when owners of mineral rights cannot be located, refuse to lease, or do not consent to amend existing permits to permit horizontal drilling, under specific circumstances.

Upon the issuance of a unit order, the unitization of tracts for both shallow and deep horizontal wells is authorized by law.

“SB 694 allows unitization of interests if a producer demonstrates that executive interest royalty owners in the target formation owning 75 percent of the net acreage in the prospective unit have to pool or utilize their acreage and, with respect to the operator interest, that it controls 55 percent or more of the net acreage in the prospective unit,” says the National Law Review analysis of the legislation.

The proposal also provides options for nonconsenting owners to have input on permitting.

Majority Rule, Sort Of
The second bill, SB 650, builds on the 2018 Cotenancy Modernization and Majority Protection Act.

The 2018 bill permits oil and gas development within a mineral tract owned by seven or more cotenants if the royalty owners vested with at least 75 percent of the mineral rights consent to the development of the oil and gas.

SB 650 would eliminate the requirement that the tract be owned by seven or more cotenants, making it applicable to all tracts in the state if the other conditions of the statute are met by those who want to begin oil or gas production.

Rising Producer of Natural Gas
Natural gas is becoming increasingly important to West Virginia’s economy, according to the U.S. Energy Information Administration (EIA).

“West Virginia is a net energy supplier to other states and provides about 5 percent of the nation’s total energy, more than half of it from coal production,” states an EIA report. “However, because of increases in natural gas and natural gas liquids production from the Marcellus and Utica shales in northern West Virginia, natural gas surpassed coal for the first time in 2019 and became the largest contributor to the state’s energy economy.”

These bills represented a practical step taken by West Virginia lawmakers to secure the state’s economic future, says David Wojick, Ph.D., an independent energy analyst.

“Laws like this make it harder for Greens to block horizontal area natural gas production by getting one landowner on their side,” said Wojick. “It is great to see a leading energy producer like West Virginia taking the initiative at this critical time.”

Calls for Federal Reforms
West Virginia is showing the good that can happen when badly needed natural resources are properly used, says William Balgord, Ph.D., president of Environmental & Resources Technology, Inc.

“If the Biden administration would follow West Virginia’s example and relax some of its poorly thought-out green regulations imposed on the oil and natural gas industries, the price of energy would soon return to the levels when President Trump left office in January 2021.”

WILLIAM BALGORD, PH.D.
PRESIDENT, ENVIRONMENTAL & RESOURCES TECHNOLOGY, INC

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To Reverse Energy Inflation and Shortages, Adopt an America First Energy Policy

By Marc Morano and Adam Houser

Regardless of your views on man-made climate change, it is clear America’s current energy policies are not working.

Gas prices have surged, and dependence on foreign sources of energy is increasing. Russian oil imports reached an 11-year high before the ban, and President Joe Biden is being forced to beg OPEC for more oil.

Despite massive subsidies from federal, state, and local governments, wind and solar still provide only about 10 to 11 percent of our electricity. Places overly reliant on wind and solar, such as California and Texas, are increasingly experiencing disastrous blackouts.

Need for Change

America needs a new way forward.

Banning energy that powers America, especially fossil fuels and nuclear, while mandating the premature use of energy such as wind and solar that is clearly not ready to replace them is immoral and irrational. Energy advocates should unapologetically advance the moral case for cheap and abundant domestic fossil fuels.

We need an innovative, free-market approach to environmental policy.

Americans want environmental and energy policies focused on innovation, technology, and efficiency. Policies that encourage growth should be pursued because, despite what many environmentalists assert, when a society grows richer and has abundant energy it takes better care of its environment.

Support for Rational Energy Policies

In 2021, MIT climate scientist Richard Lindzen, Ph.D., said, “I think that most of these people realize that there is nothing that the U.S. and Europe can do that will have a discernible impact on climate, regardless of what one believes about climate.”

“Under the circumstances, the rational policy would be to do everything possible to increase the wealth of their societies in order to maximize resilience to whatever nature might do for whatever reason,” Lindzen continued.

Statistician Bjorn Lomborg, Ph.D., noted the benefits of economic development for environmental quality, saying, “For the most important environmental issues, economic growth has solved problems, not created them. The cleanest places are not the poorest countries, but the richer economies that have cleaned up their act.”

Legislators should seek all opportunities to expand U.S. energy production and infrastructure and safeguard domestic energy against stringent regulations that are based not on science but on lobbyists’ goals and climate activists’ claims.

Legislators should approve pipelines, support fracking expansion, keep coal plants running, and support oil drilling and all manner of energy production that would help make America less dependent on Russian, Chinese, Iranian, and Venezuelan energy. In short, stop outsourcing pollution to nations with lower environmental standards than ours and horrible human rights records.

Ethical Certification

Part of formulating a sound domestic energy policy would be for the United States to establish an “Ethical Energy Index.”

Under this policy, companies that obtain resources from nations with questionable human rights records, lax environmental standards or poor enforcement, and authoritarian regimes would be ineligible for ethical energy certification.

For example, companies deploying solar panels, batteries, or wind turbines that use minerals from the Congo and China (which produces radioactive sludge in lakes and mine runoffs) or importing oil or other energy from human-rights-denying OPEC countries such as Iran, Russia, Venezuela, and the like, would be ineligible for certification.

Most ethically certifiable companies would be either U.S. or Canadian, Mexican, or European producers of nuclear, coal, oil, and natural gas energy sources.

Large oil companies operating in countries with questionable records would also be ineligible. This would give consumers knowledge, empowering them to make ethical decisions about what energy sources they should or should not support with their purchases.

Mining Critical Minerals

Advancing American energy independence also means speeding up the mine approval process in the United States for rare earths and other vital minerals and metals critical to modern technologies.

America must challenge China’s near-monopoly on rare-earth production, both in China and Africa, and not just for solar and wind but also for lithium batteries, cell phones, and other electronics and military equipment.

To the extent possible, mine it here, where environmental standards are stricter.

Solar Fairness

In many states, wealthy homeowners install solar panels because they receive a tax credit, and then the utility company is forced to buy the electricity they generate, usually at retail rates.

The cost of this less-efficient electricity is then shouldered by ratepayers, with lower-income households bearing the heaviest burden.

This “welfare for the wealthy” should end. Utilities should no longer be required to purchase electricity generated on the roofs of the wealthy.

Other Valuable Reforms

Congress, state legislatures, or both must implement tort reform to stop frivolous lawsuits intended to delay infrastructure projects, including the very mining enterprises that make wind and solar possible. Environmental groups often advocate for “renewable” energy only to oppose the mining needed to make it possible.

In addition, the Nuclear Regulatory Commission should be reformed to facilitate the timely and cost-effective construction of the next generation of nuclear power plants.

Congress must also reformat the permitting process at the Federal Energy Regulatory Commission so it permits construction of more dams instead of mandating the removal of existing ones.

Congress should also embrace Endangered Species Act reform to enable private property owners to develop or protect their land without fear of federal sanctions. The history of energy development across the nation proves beyond a shadow of a doubt that oil and gas production and beloved species can coexist.

With our national security at stake, the time for a rational and ethical energy policy has arrived. Let’s move forward.

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Biden’s Sanctions, Climate Policy, and ESG Increase U.S. Energy Dependence

By Jack McPherrin

President Joe Biden’s latest effort to cordon off the Russian economy and place pressure on the Putin regime is Executive Order 14066, blocking the import of all Russian crude oil, petroleum, and other types of fossil fuels. In 2021, the United States purchased approximately 670,000 barrels of petroleum per day from the Russian Federation, representing 8 percent of our total petroleum imports.

Misguided, Counterproductive Responses

The White House’s short-term response to this impending shortfall and the highest gas prices in American history is two-pronged.

First, Biden is releasing 30 million barrels from the U.S. Strategic Petroleum Reserve. With American petroleum consumption topping approximately 20 million barrels per day in 2021, this release can sustain the demand for just one-and-a-half days.

To make up the remainder, Biden has begun negotiating with Venezuela, Iran, and Saudi Arabia. Iran and Venezuela are already under stringent U.S. sanctions, which would be partially lifted to enable an energy deal.

Putting aside these regimes’ sparkling track records of terrorism sponsorship and human rights atrocities, this deal would directly strengthen countries who oppose U.S. strategic interests. Moreover, Venezuela and Iran are longtime allies of Moscow and have expanded their ties to Russia and China in recent years.

What is to stop Venezuela and Iran from buying Russian oil once their sanctions have been lifted, and then selling that oil to the United States for higher prices? Nothing like profiting at the expense of Uncle Sam and funding Hezbollah with the proceeds.

Tyrants Win, America Loses

Everybody but the United States wins from that deal—including Russia.

As the Heritage Foundation’s Jim Carafano recently wrote, “If you’re doing business with the friends of Russia, you’re helping out Russians. It’s that simple.”

This counterproductive shift from Putin to Khamenei and Maduro is unlikely to reduce domestic energy costs substantially.

When Biden took office, gas cost approximately $2.48 per gallon. On his first day in office, Biden signed Executive Order 13990, canceling the Keystone XL pipeline. The project would have daily supplied Texas refineries with 800,000 barrels of crude oil from Canada.

Biden subsequently blocked oil and gas companies from leasing new property on federal lands and offshore, substantially increased regulations across the industry, and banned drilling for new oil on substantial swaths of federal property.

The current gas price of $4.33 represents a 74.6 percent increase in just 14 months, strongly correlating with the highest overall inflation rate since the 1970s. As with the 1970s stagflation, energy has been a primary driver of the current inflation.

Climate Pandering Continues

If Biden truly wants to reduce energy prices, he should begin by reversing his misguided policies.

Instead, Biden continues to pander to the international climate movement, carrying even more problematic long-term implications for our energy dependence.

Biden’s overarching climate goal is to cut U.S. greenhouse gas emissions in half by 2030 and achieve net-zero emissions by 2050. The aforementioned executive actions were the initial mechanisms to achieve these goals.

Environmental, social, and governance (ESG) scoring is the other mechanism. These scores are essentially a social credit framework for a company’s sustainability reporting. A company’s risk profile is subjectively determined by amalgamating both financial and nonfinancial aspects into an overall score, which determines whether that company is an attractive target for investment.

The Biden administration has worked with global financial elites, Wall Street titans, and international organizations to institutionalize ESG across the economy. Due to this network’s combined influence and leverage, 98 percent of U.S. companies now report ESG metrics.

Fossil Fuels, ESG, Trump

One of ESG’s main targets is the U.S. fossil fuel industry.

ESG metrics are inundated with green energy objectives. One prominently used system has 16 metrics related to climate themes, including Impact of Air Pollution, Land Use and Ecological Sensitivity, Paris-aligned GHG Emissions Targets, and Total Greenhouse Gas Emissions.

Traditional energy companies slapped with low ESG scores are considered unattractive investment risks. ESG scores are disincentivizing investment in energy companies, leaving them with less funding to finance research and development toward optimizing existing technologies, innovating, and updating refineries.

Under the Trump administration, the United States experienced an energy renaissance based on both increased drilling and loosened regulations, plus unprecedented innovations in drilling technology, especially hydraulic fracturing, which gave the country access to vast new crude oil deposits.

Refining and Independence

Crude oil is not a homogenous product: it is differentiated by density and sulfur content. Most newly accessible U.S. deposits yield “light” and “sweet” crude oil, whereas countries such as Canada, Venezuela, Russia, and Iran yield heavier varieties.

The problem is most U.S. oil refineries are designed to process heavy crude oil.

That makes it more economically efficient to import heavy crude and export the light crude produced in the United States.

A sensible way to boost long-term U.S. energy independence would be to repurpose some domestic refineries to process light crude. This would entail short-term costs and require government approval. However, the move could both sustain domestic demand and export surplus for a profit.

Biden’s policies, by contrast, restrict energy companies’ abilities to tap into our domestic resources, which also keeps companies from overhauling their refineries. Why change the refinery if there isn’t much surplus to refine?

If energy dominance, economic superiority, lower prices, higher standards of living, and enhanced national security are the goals, the solution is simple. Unshackle the fossil fuel industries and allow them to operate according to the laws of supply and demand instead of politicians’ whims.

Jack McPherrin (jmcperrin@heartland.org) is research editor at The Heartland Institute.

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ExxonMobil Loses Appeal in New York, Massachusetts Climate Lawsuits

By Kenneth Artz

ExxonMobil (Exxon) lost its appeal of two lawsuits brought against the company in 2016 by the New York and Massachusetts Attorneys General, when the U.S. Court of Appeals for the Second Circuit ruled against the energy company on March 15.

In the original cases, New York and Massachusetts sued Exxon for deceptive advertising practices.

The states argued Exxon systematically and intentionally misled investors about material risks to its business from climate change and deceived consumers about the role its fossil fuel products play in purportedly causing climate change.

In a federal countersuit against both states, Exxon alleged the investigations into the company’s statements about climate change were motivated by viewpoint discrimination and therefore violated Exxon’s constitutional right to freedom of speech.

Lower courts dismissed Exxon’s claims, and the company appealed.

Moot, No Jurisdiction

With the appeal pending, New York’s Attorney General closed the state’s investigation of Exxon and, in 2019, started an enforcement action against the company.

Exxon defeated the enforcement action in court, a result New York did not appeal.

Because of this defeat, the Second Circuit Court dismissed Exxon’s claims in the federal countersuit against New York’s Attorney General as moot.

Regarding Exxon’s countersuit against Massachusetts, the Court of Appeals ruled Exxon could not sue Massachusetts Attorney General Maura Healey in federal court because it was pursuing the same case, and making the same arguments, in a Massachusetts state court. Under the doctrine of res judicata, the legal principle that a case cannot be relitigated, the court ruled the case belongs in the state court.

Had the company prevailed in its free speech claims in federal court, it could have used the ruling to fight similar lawsuits in other jurisdictions.

‘It’s Not Our Job’

States should not be allowed to sue any company for producing a legal product which the states themselves rely on and use daily, says Gary Stone, vice-president of engineering at Five States Energy LLC in Dallas.

“The company’s first response to the original question about climate change should have been that ‘Exxon Mobil’s job is to find, produce, transport, refine, and sell oil and natural gas products; it’s not our job to debate science questions regarding the causes or effects of man-influenced changes to a climate that has been changing constantly since the formation of the Earth,’” said Stone. “Any other questions should have been referred back to that answer, but that ship sailed a long time ago.”

Efforts to ‘Destroy Capitalism’

The states’ lawsuits over whether ExxonMobil properly informed investors about what it knew about the company’s possible effect on climate change are entirely unjustified, says Jay Lehr, Ph.D., a senior policy advisor with the International Climate Science Coalition.

“Human-caused climate change is the biggest fraud ever perpetrated on society,” said Lehr. “Nothing Exxon Mobil does has any impact on our planet’s climate, so how could the company know what it did?

“This is just another effort by Marxists desperately trying to keep their monkey wrenches in the wheels of progress in order to destroy capitalism and institute communism by ensuring we can no longer support our standard of living with energy derived from fossil fuels,” said Lehr.
America Can’t Afford to ‘Win’ War on Fossil Fuels

By Andy Caldwell

The war on fossil fuels is now fully engaged, and casualties are abounding.

The first casualty is the affordability of fuel. Gas prices will soon be double what they were when Joe Biden became president, because he has done more than any other president in history to eliminate production, including shutting down the Keystone pipeline and drilling on federal lands.

Biden has shot America in the back by triggering the law of supply and demand: decreasing supplies while accomplishing nothing to abate prices.

Casualty Count Rising

Unfortunately, the reality is, you ain’t seen nothing yet.

The price of absolutely everything in America is about to skyrocket because of the rise in gas and diesel prices, on top of the inflation arising from trillions of dollars per year in government spending. Case in point: our farmers and truckers use fuel to bring food to your table, and virtually all consumer goods are trucked to markets.

The more ominous truth about the war on fossil fuels is that nearly half of every barrel of oil is used to make something other than fuel. For instance, food prices could very well quadruple, because fertilizers are made from fossil fuels. You can’t make fertilizer from electricity. Nor can you make plastic, asphalt, polyester, or the 6,000 other petroleum-based products from windmills and solar panels.

California Fuel Folly

Did you know that while California pretended to be going green, we were importing some 42,000 barrels of oil from Russia every day, and even more from the Middle East?

California imports 70 percent of the fuel the state uses, most of it from halfway around the world.

Why are we cutting off our domestic supplies only to import the same product? Now Joe Biden is looking to Iran and Venezuela for oil because we ceased to be energy-independent by his own fiat. Buying oil and gas from the despots in Russia, Iran, and Venezuela demonstrates a complete void of consciousness on the part of this administration.

“Letting no crisis go to waste,” the Biden administration would like to use this manmade disaster to force us to purchase expensive and unneeded electric vehicles, solar panels, and the like.

The phrase “let them eat cake” comes to mind. Most folks in America are one paycheck away from abject poverty. They can’t afford a new electric vehicle and a charging station, just like they can’t afford $6.00 to $7.00 per gallon gas. They can’t afford to see their food bill go up exponentially, either.

How many Americans are soon going to experience Third World living conditions because of these stark raving mad ideologues?

Other Countries Engaged, Winning

It is no secret we don’t have enough electricity generation or infrastructure to convert our entire economy to electricity in the next few decades.

Most electricity in the United States is still generated from fossil fuels, meaning nothing would be gained through such a transition anyway.

Moreover, the most-populous nations—such as China, India, and Pakistan—refuse to abandon reliance on fossil fuels, which expresses the futility of going alone to an economic grave.

Meanwhile, the United States has become completely dependent upon China for the raw materials for the batteries used in modern electronics and electric vehicles and in the production of solar panels.

This means we went from energy independence to dependence on China, setting us up for geopolitical blackmail and numerous other security risks.

The greening of America only works well for Red China.

Politically Inflicted Wounds

In my home state of California, County Supervisors Joan Hartmann, Das Williams, and Greg Hart denied a trucking permit for ExxonMobil to transport oil there temporarily, perfectly exemplifying the tone-deaf ideologues of this movement.

They seem to have determined that oil from Russia, Iran, and Venezuela beats California production, despite all the negative consequences to the environment, the economy, and world peace.

May our pain at the pump and the grocery store become their pain at the ballot box.

Andy Caldwell (andy@colabsbc.org) is executive director of The Coalition of Labor, Agriculture, and Business, a nonprofit organization that serves the families, heritage, and economy of California’s Central Coast region. Article originally published by the California Globe. Republished with permission.
Each month, Environment & Climate News updates the global averaged satellite measurements of the Earth’s temperature. These numbers are important because they are real—not projections, forecasts, or guesses. Global satellite measurements are made from a series of orbiting platforms that sense the average temperature in various atmospheric layers. Here, we present the lowest level, which climate models say should be warming. The satellite measurements are considered accurate to within 0.01°C. The data used to create these graphs can be found on the Internet at nsstc.uah.edu/climate. All past data were revised when the methodology was updated in April 2015.

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