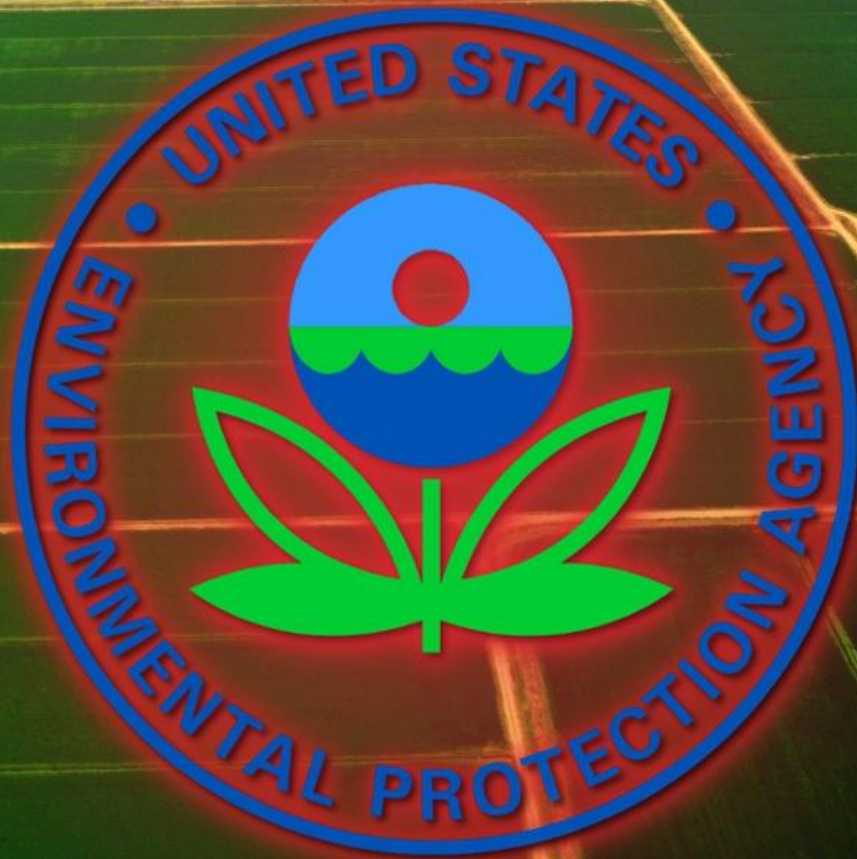


The EPA's Unrelenting Power Grab

*Using pseudo-science to seize control of your energy, lives and livelihoods.
Imposing policies and rules that Congress and the American people rejected.*

A Special Report for the Committee For A Constructive Tomorrow

By Paul Driessen



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ABOUT THE AUTHOR

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ABOUT CFACT

Prospering Lives. Promoting Progress. Protecting the Earth.

In 1985, the Committee For A Constructive Tomorrow (CFACT) was founded to promote a positive voice on environment and development issues. Its co-founders, David Rothbard and Craig Rucker, believed very strongly that the power of the market combined with the applications of safe technologies could offer humanity practical solutions to many of the world's pressing concerns. A number of leading scientists, academics and policy leaders also agreed with them and soon joined their effort, along with thousands of citizens from around the country.

Today, this Washington, DC-based group is a highly respected organization, who's voice can be heard relentlessly infusing the environmental debate with a balanced perspective on environmental stewardship. With an influential and impressive scientific advisory board, aggressive collegiate program, CFACT Europe, United Nations representation, Adopt-A-Village project, Global Social Responsibility program, and "Just the Facts" national radio commentary, CFACT continues to offer genuine positive solutions to today's global challenges.

CFACT is recognized as an exempt 501(c)(3) organization under the Internal Revenue Service Act of 1954.



EXECUTIVE SUMMARY

Abundant, reliable, affordable energy is America's lifeblood. Everything we make, ship, eat, drive, enjoy and do requires energy – 85% of it hydrocarbon-based. Nearly half of our electricity is generated with coal; in 26 states, 48-98% of the electricity comes from coal. Another 23% of U.S. electricity is generated with natural gas. Our cars, trucks, trains and airplanes would go nowhere without oil.

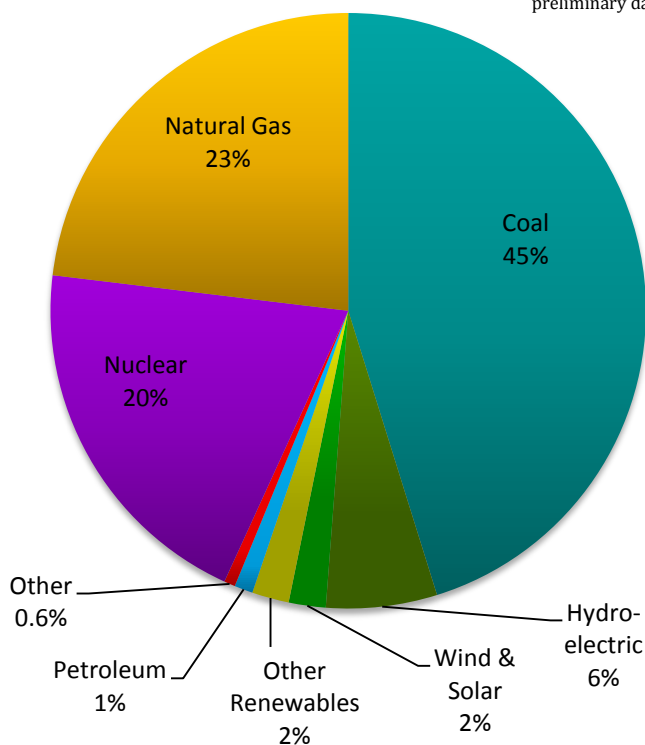
Americans began decades ago to reduce pollution and protect the environment. We enacted laws and established regulatory bodies like the Environmental Protection Agency to enforce them. Since 1970, the United States has reduced emissions from factories, power plants, automobiles and other sources by as much as 95% – while continuing to improve economic opportunities and living standards. But for environmental activists and hardline EPA bureaucrats, this is not nearly enough.

Instead of protecting us from actual pollutants and polluters, they are attempting to regulate against purely speculative or even imaginary health risks. They are pursuing anti-energy agendas that threaten our industrial base, jobs, prosperity, civil rights progress, health and environmental quality.

Under the Obama Administration, EPA has become increasingly politicized and agenda-driven, increasingly determined to use its regulatory powers to “fundamentally transform” America's energy system, economy, industry and society. It has created “environmental justice” programs to promote claims that industrial pollution unfairly and disproportionately impacts minority communities – while ignoring the ways skyrocketing energy costs severely and disproportionately affect those communities.

U.S. Net Electricity Generation, 2010

Source: U.S. Energy Information Administration, *Electric Power Monthly*, Table 1.1 (March 2011), preliminary data.



Simply put, ***EPA wants power over the power that makes our lives and blessings possible*** – with at best minimal regard for the likely consequences for jobs, living standards, and human health and welfare.

To accomplish this, EPA ruled that carbon dioxide is a dangerous pollutant that must be severely curtailed by regulating emissions from factories, power plants, cement kilns and dozens of other



major energy users. In so doing, the agency ignored the fact that CO₂ is not a “pollutant” and does not contaminate the air or harm human health. Indeed, it is “the gas of life,” without which all life on Earth would cease to exist. Moreover, even eliminating every source of carbon dioxide in the USA would do nothing to reduce emission sources worldwide, including coal-fired power plants that China and India are building at a rapid pace.

EPA also issued thousands of pages of new rules for other pollutants from automobiles, power plants, factories and other sources. If implemented, they will significantly increase energy costs and severely restrict economic growth and job creation nationwide, in a time of economic hardship, high unemployment and declining government revenues.

EPA claims the rules will improve environmental quality and human health, save lives, create jobs and generate benefits far in excess of their costs. There is no factual basis for these assertions. In each case, EPA conducted highly selective “literature searches,” trolling for research that would support its agenda, interpreting marginal data to generate serious risks and major regulatory benefits, and systematically ignoring evidence, studies and experts that contradicted its predetermined outcome.

There is nothing to replace the electricity and motor fuels that EPA wants to shut down. Wind and solar power cannot possibly replace coal-based electricity generation, no “carbon capture and storage” technology exists, and biofuels cannot replace the oil and natural gas production the agency is obstructing. Moreover, in today’s regulatory and litigious environment, replacing shuttered power plants will be extremely difficult – even with natural gas generators, nuclear power, or wind and solar installations.

As a result, EPA’s rules will severely reduce access to reliable, affordable electricity. Experts say they could cost the United States up to 60,000 megawatts in lost electricity generation capacity by 2017 – enough to power 60,000,000 homes and small businesses – and send electricity prices skyrocketing 12 to 60 percent, hammering business and family budgets. Especially in the 26 states relying on coal for 48 to 98 percent of their electricity, EPA’s regulations will raise factory, hospital, office, hotel, school and other business electricity costs by thousands to millions of dollars a year. Analysts predict these EPA mandates will cost 3.5 million jobs and up to \$82 billion in lost annual economic production in just six Midwestern manufacturing states.

EPA’s crusade also means further impaired electricity availability and reliability during peak use periods. It will result in brownouts and blackouts, further harming businesses, schools, families, jobs and health.

EPA’s plans will worsen America’s already intolerable jobless rates – 9.1 percent officially, higher still in many states and 16 percent in black communities. They will raise household energy costs – making poor and minority families even less able to afford gasoline, food, clothing and health care.

• • •

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• • •

Families will suffer increased stress, drug and alcohol abuse, domestic violence and crime. Millions will face heat prostration in summer heat waves because they won't be able to pay for air conditioning. Millions will face hypothermia during frigid winter months. Many will likely die, not from global warming or global cooling, but as a direct result of policies imposed in the name of preventing pollution and climate change.

Dreams for a better tomorrow will be shattered. Economic, health, civil rights and environmental progress will be rolled back. The simple truth is:

Neither carbon dioxide nor the other air pollutants on EPA's list endanger our health and welfare. It is EPA and its politicized, agenda-driven policies that endanger our health and welfare.

Americans need to demand a halt to EPA's runaway rulemaking on carbon dioxide "endangerment," ozone and other regulatory power grabs.

Congress, courts, state legislators and We the People need to determine how severely and cumulatively EPA's rules will affect employment and economic growth; to assess whether the asserted benefits of these rules really exceed their costs; and to determine the extent to which the rules adversely affect components of "human health and welfare" that EPA has refused to address.

EPA's rules will actually harm human health and welfare – by raising energy costs, killing jobs, making it harder for families to afford heating, air conditioning, medical care and nutritious food, and increasing stress, alcohol abuse, domestic violence and divorce rates.

We need to challenge the rules in courts of law and courts of public opinion, and demand that Congress give the agency clearly delineated mandates and directives; that EPA no longer have *carte blanche* to regulate wherever and however it wishes; and that Congressional committees carry out their constitutional duties and hold investigatory and budgetary hearings to examine and curb EPA excesses.

We need to insist that EPA's actions address actual (not speculative or computer-modeled) health and environmental risks. We need to insist that its actions are based on peer-reviewed science, the full scope of relevant scientific research and literature, open hearings and debates, and ample time for public analysis and comment.

We need to demand that EPA's budget be limited to what is needed to carry out its new, more narrowly defined mission. That it spend no money orchestrating, hiring and funding public relations, propaganda and scare campaigns by outside activist groups and contractors. And that the agency's expenditures are henceforth open, transparent and readily accessible online by any citizen or watchdog group.

Only by doing this will We the People be able to ensure that the U.S. Environmental Protection Agency serves and is accountable to the citizens of the United States – and that it truly safeguards the health, welfare, economic well-being, environmental values and Constitutional principles that all Americans cherish.



INTRODUCTION

Millions of Americans watched their 2009 nightly newscasts in shocked disbelief, as anguished San Joaquin River Valley farmers and families told how their orchards and fields were shriveling and dying, after Interior Department agents closed the spigots that supplied their irrigation and residential water. The actions cost the valley \$1 billion in lost wages and some 40,000 jobs in agriculture-related industries.

All to protect the delta smelt, a three-inch California fish whose existence is allegedly threatened by a myriad of human and natural factors, not limited to insufficient water flow. Interior Secretary Ken Salazar refused to intervene, but growing public and congressional outrage eventually persuaded the warring parties to discuss compromises that might begin to address both human and fish needs.

***“HUMANS ARE PART OF THE
ECOLOGY, TOO.”
– U.S. DISTRICT COURT
JUDGE OLIVER WANGER***

Then, in December 2010, after many farmers had gone bankrupt and entire orchards had died or been cut down, U.S. District Court Judge Oliver Wanger ordered that the water be turned back on. The U.S. Fish and Wildlife Service, he ruled, had acted “arbitrarily, capriciously and unlawfully.” The FWS had “shown no inclination to fully and honestly address water supply needs beyond the

fish species, despite the fact that its own regulation requires such consideration,” Judge Wanger continued, adding: “The public cannot afford sloppy science and uni-directional prescriptions that ignore California’s water needs.”¹

The law, he said, requires officials to protect the quality of the “human environment,” not just the natural environment. “Humans are part of the ecology, too.”

The ruling upset environmental pressure groups that had been using the Endangered Species Act to control development and close down farming operations. They played their trump card, calling on the U.S. Environmental Protection Agency to intervene, which it did, two months after Judge Wanger’s ruling.

Thus, humans may have won the latest round on water flow. But now EPA has officially served notice that it will further muddy the waters – by adding industrial pollution, habitat destruction, farm and urban fertilizer runoff, and other issues to the controversy.² The fish may yet shut down the humans. EPA may yet ensure that fish and environmental considerations again prevail over human needs.



Chopping down avocado trees in San Joaquin Valley because of government imposed drought in this heavily Hispanic agricultural area.

Native American humans haven't fared much better under EPA. Also in 2009, the same Obama EPA rescinded air quality permits that the Bush EPA had issued for the proposed Desert Rock electricity generating facility in New Mexico, ensuring it would not be built. The plant would have been fueled with Navajo coal, creating jobs and generating revenue for an area where up to 85% of the people are unemployed and average family incomes are under \$15,000. The agency's global warming and pristine air quality agenda trumped those considerations, even though 50 new Chinese power plants per year emit infinitely more pollutants than the rejected plant would ever have discharged.³

Nor have African children been treated kindly by EPA. One of the agency's first decisions was to ban DDT – even though its own scientific review panel had ruled that the insecticide was not carcinogenic or otherwise harmful to people or most animals. Then-EPA director William Ruckelshaus issued his decree without having read a single page of the panel's report, and without attending even one hour of its hearings and deliberations. Since the 1972 U.S. ban went into effect, anti-DDT hysteria has swept the planet, and millions of African children have needlessly died from malaria – a disease that could be greatly reduced by spraying DDT on the walls of houses to keep infected mosquitoes out.⁴



Unfortunately, EPA's actions continue to impose unnecessary costs on people ... and the environment.

Even worse, under Administrator Lisa Jackson and President Obama, EPA has become increasingly politicized – and increasingly determined to use environmental regulations and manipulated science to impose centralized government planning, renewable energy, higher prices and reduced living standards on all Americans.

AMERICA'S PROGRESS AND PROSPERITY AT RISK

Fueled by abundant, reliable, affordable energy, industrial and technological prowess enabled the United States to build an economic system that is the envy of the world. It has brought greater progress, better health and improved prosperity and opportunity to more people than any other system in world history.

In 1800, 90% of Americans were farmers; 38% still were in 1900. Today less than 3% farm full time – using improved seeds, practices and mechanized equipment that raised average corn yields six times higher than what prevailed 1900 to 1930. In 100 years, we went from burning wood and coal in inefficient polluting furnaces, to using oil, natural gas, coal, hydro and nuclear power in highly advanced facilities. Today, our living standards, health, sanitation, longevity, housing, transportation, nutrition and leisure opportunities are better than what even kings and queens enjoyed a century ago.⁵

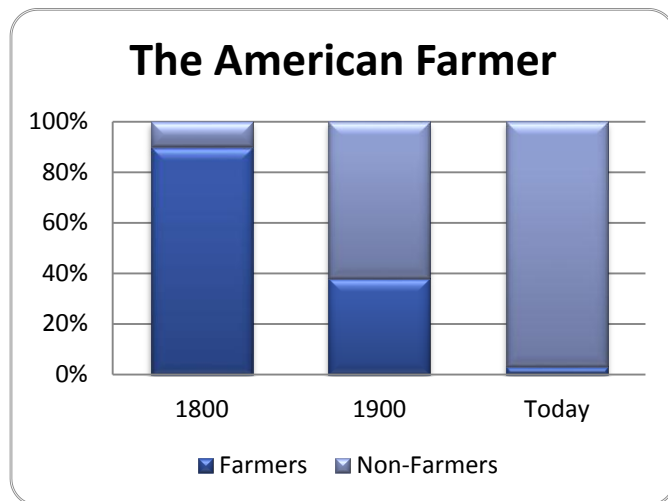
This energy-driven industry, technology, agriculture and housing gave rise to a huge middle class, and a nation where even poor families own cars, televisions and microwaves, and enjoy clean running water, heating and air conditioning, and ready access to the lowest cost, most nutritious food on Earth. The same open secrets are now improving health and living standards for billions of people all over the planet.

But of course all these bounties and blessings require lands, minerals, energy and industrial processes. And extracting and processing those raw materials can bring unwanted and undesirable side effects: industrial accidents, air and water pollution and harm to wildlife species and human health.

As Americans recognized these facts and became more committed to reducing pollution and protecting the environment, Congress and state legislatures enacted laws and established government agencies to enforce them. In 1970, President Nixon created the Environmental Protection Agency (EPA) and charged it with regulating activities that can impair air and water quality and human health and welfare.

Since then, we have reduced emissions from factories, power plants, automobiles and other sources by as much as 95 percent – while continuing to improve our economic opportunities and living standards.

Now, however, our industrial base and our future progress and prosperity are threatened. Now, instead of protecting us against pollutants and polluters, EPA regulators are pursuing a pseudo-science, anti-energy agenda that is inimical to our jobs, health, prosperity and dreams.



EPA regulators now demand that we reduce air and water emissions much more drastically – and slash emissions of plant-fertilizing carbon dioxide. They claim even today’s dramatically lower pollution levels endanger human health, and say CO₂ is a primary factor in global climate change. They insist that we stop using hydrocarbon fuels and switch to wind, solar and other “renewable” energy sources.

Many climatologists, health experts and other scientists disagree.⁶ They say the tougher standards will bring few or no health or environmental benefits. They stress that achieving the new standards will require billions of dollars, force electrical generating plants to retrofit or close, cost numerous manufacturing and other jobs, harm human health by reducing incomes and

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living standards, and necessitate switching to unproven, unreliable energy systems that will cause significant new health and environmental impacts.

Others emphasize that the proposed regulations ignore decisions by Congress and the American people *rejecting* cap-tax-and-trade schemes and *opposing* needless regulatory actions that would further impair economic recovery. These unilateral EPA rulemakings, they note, would shackle our individual liberties and give unelected, unaccountable government bureaucrats, judges and environmental activists unprecedented power over our energy, economy, industrial sectors, living standards, lives and liberties.

EPA’s actions cannot be viewed in a vacuum. Congress has designated hundreds of millions of acres of public land as “wilderness” and other “protected” areas, rendering them inaccessible for timber, oil, natural gas and mineral development. The Agriculture and Interior Departments have made tens of millions of additional acres off limits, and dragged their feet on energy and other leases and permits.⁷

However, no federal agency has more actual and potential authority, over more lands and activities, on public and private lands alike, and thus on industries, families, lives and livelihoods, than the Environmental Protection Agency. Under the Obama Administration, the agency has become more politicized and agenda-driven, more controlled by environmental activists, and more determined to use its vast regulatory power to determine America’s energy, industrial, technological and economic future. As a result, threats to our liberty, prosperity, health, welfare and free enterprise economy have grown exponentially.

“Transforming” America

Presidential candidate Barack Obama promised to implement laws, policies and regulations that would “bankrupt” coal companies and coal-fired power plants. Under his climate change programs, he promised, energy prices would “necessarily skyrocket,” causing a “fundamental transformation” of America’s energy systems, economy, industry and society. After his election, President Obama appointed government officials who are equally committed to implementing his vision.⁸

When Congress rejected cap-tax-and-trade legislation in November 2010 (the House very narrowly passed a bill and Senate Democrats lacked the votes to enact their own measure), the President simply noted: “Cap-and-trade was just one way of skinning the cat. It was a means, not an end. I’m going to be looking for other means to address this problem.”⁹ He has kept his promise.

Secretary of Energy Steven Chu says U.S. gasoline prices need to increase to European levels – \$8 to \$9 per gallon – and is steering billions of taxpayer dollars into alternative energy projects.¹⁰ Secretary of the Interior Ken Salazar is making more oil, natural gas and coal resources off limits to exploration and development via executive decree, rejecting dozens of mining permit applications, issuing offshore drilling permits at a snail’s pace, and using wildlife and endangered species laws selectively to thwart traditional energy operations, while fast-tracking major wind and solar energy projects.¹¹

These actions have severely impaired energy production, tax revenue generation, economic recovery and job creation. However, they pale by comparison to what EPA has done ... and is capable of doing.

“Somehow we have to figure out how to boost the price of gasoline to the levels in Europe.” – Energy Secretary Steven Chu

Because it has (or imperiously asserts) authority to regulate almost every facet of energy production and use, and any emissions associated with those activities, the Environmental Protection Agency is uniquely positioned to regulate virtually every aspect of our energy-dependent economy. Under the aggressive, activist EPA Administrator Lisa P. Jackson, the agency is doing precisely that – with a budget that skyrocketed 36% between FY-2008 and FY-2009, and reached a whopping \$10.3 billion in FY-2010!¹²

Under Jackson, EPA expanded its “environmental justice” programs to promote claims that industrial pollution unfairly and disproportionately impacts minority communities – while ignoring the ways skyrocketing energy costs severely and disproportionately affect minorities and poor families.

EPA’s “environmental justice” mantra likewise ignores impoverished Navajo families who need coal mining, power plant and support jobs ... and thousands of poor Hispanics whose farms and jobs



A Navajo house in the New Mexico area impacted by the EPA ruling

could be closed down by the agency’s last-minute intervention in the delta smelt controversy. Ms. Jackson’s perverse notions of “environmental justice” also slammed poor mining families in West Virginia, where she used common mayflies and global warming claims to “revisit” and revoke previously issued permits for surface mining and “mountaintop removal” operations. Those actions cost hundreds of coal mining jobs and greatly increased dangers to miners who will now have to work underground, if at all.¹³

In other actions that are the tip of the proverbial iceberg and often defy belief, EPA:

- Revoked a just-issued air quality permit for an Indiana refinery that wanted to process heavy crude oil, to replace light crude that is inaccessible due to onshore and offshore resource withdrawals. Once again, a near-religious belief in catastrophic global warming dictated the agency's decision.¹⁴
- Denied Shell Oil's drilling permit applications, after the company had spent \$5 billion acquiring and exploring leases in Alaska's Chukchi and Beaufort Seas. EPA claimed drilling rig emissions would pollute the ocean air and contribute to global warming. The action came as gasoline prices hit \$4 a gallon (halfway to DOE Secretary Chu's goal), and after repeated demands that oil companies "get no new leases until they drill the leases they already have." It could help force the premature shutdown of the Trans-Alaska Pipeline, leaving billions of barrels of otherwise recoverable oil in the ground at Prudhoe Bay and elsewhere, and sending U.S. oil imports even higher.¹⁵
- Gave notice that it intends to ban consumer sales of rat poisons – thereby forcing poor families to pay hundreds of dollars to hire professional pest exterminators; rely on minimally effective traps; or be threatened by disease-infested rodents that bite 45,000 American children and adults annually.¹⁶
- Proposed to classify dairy farm milk spills as toxic, akin to BP or ExxonMobil crude oil spills, because milk contains animal fats, which EPA declared are oils!¹⁷
- Demanded, and then rejected, yet another State Department study of the Keystone XL pipeline from Alberta, Canada to Port Arthur, Texas refineries – despite 33 months of previous studies and 208,000 public comments. The pipeline would generate 131,000 direct and indirect jobs, plus billions in federal, state and local tax revenues. But EPA does not want to support Canadian tar sands development, because it could hurt birds and increase greenhouse gas emissions.¹⁸

EPA also issued ponderous new rules covering industrial boilers, cooling water at electrical generating plants, coal ash disposal, and even power plant phosphate discharges into Florida waterways that pass through natural phosphate rock formations.

In May 2011, the agency declared that it would assert expanded authority under the Clean Water Act and effectively seize control over virtually all waters in the United States. Its power grab covers any waters that have a "significant nexus" to traditional "navigable" and "interstate" waters – including tiny creeks and even mostly dry storm drainages that eventually feed into such waters. Even before expanding its land use controls, EPA had threatened Mike and Chantell Sackett with ruinous fines for attempting to build a home in a

"designated wetland," land that was actually a property sandwiched between two existing houses in a residentially zoned arid neighborhood near Priest Lake in Idaho.¹⁹

*Control over water
effectively ensures EPA
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and activities on it.*



Since control over water effectively ensures EPA control over the land and activities on it, this action – this usurpation of authority – effectively gives the Environmental Protection Agency authority to dictate land use decisions throughout America, on private as well as public lands.

But all of that is just a warm-up act. The real control rests in another dictum:

THOSE WHO CONTROL ENERGY CONTROL THE ECONOMY AND THE NATION.

That means the real battle to come is over two EPA initiatives that will give unelected, unregulated, unaccountable EPA bureaucrats effective control over the hydrocarbons that provide 85% of the energy that electrifies, moves, heats, cools, industrializes and prospers America.

EPA bureaucrats particularly want total control over the coal that generates nearly half of all the electricity in the United States, and 48-98% of the electricity in 26 states that currently enjoy some of the lowest rates in the USA ... and account for the vast majority of manufacturing jobs in the country.

In other words, EPA seeks power over the power that makes our lives and countless blessings possible.

The agency is moving rapidly to seize that power, with at best minimal regard for the likely consequences – to our nation's economy, employment, living standards, health and even the environment.

SEIZING AMERICA'S ENERGY AND FUTURE

Strategy One: Controlling CO₂ emissions

In its contentious 5-4 ruling in *Massachusetts v. EPA*, the U.S. Supreme Court gave EPA the authority to regulate carbon dioxide as a pollutant. The 2007 decision was rendered before Climategate emails and other scandals revealed how questionable global warming “science” actually is. Moreover, the decision did not obligate EPA to regulate CO₂ as a pollutant; it merely held that carbon dioxide and other greenhouse gases (GHG) “fit well within the Clean Air Act’s capacious definition of air pollutant.”²⁰

Therefore, even though the EPA administrator is required to regulate pollutants that “in his judgment” cause or contribute to air pollution that “may reasonably be anticipated to endanger public health or welfare,” his *opinion* alone was not enough. The agency must conduct a scientific study and find a convincing scientific basis for regulating or not regulating carbon dioxide and other greenhouse gases, based on whether or not they “contribute to climate change” and “endanger health or welfare.”²¹

With scientific opinion sharply divided on the extent to which these gases might contribute to climate change – and even avowed climate alarmists like Britain’s Dr. Phil Jones admitting that there has been no statistically significant warming since 1995 – the agency could have ruled either way. However, despite growing evidence that the UN Intergovernmental Panel on Climate Change and numerous scientists had “cooked the books,” the Obama-Jackson EPA chose to rule that the gases are dangerous pollutants – and therefore must be regulated under the act. For maximum public relations value, it announced its decision just days before the 2009 international climate conference in Copenhagen, Denmark.²²

CO₂ is a natural, essential component of Earth’s atmosphere and a key component of plant and algal photosynthesis. It truly is “the gas of life,” without which all life on Earth would cease to exist.

In so doing, the agency conducted no original research of its own. It merely sorted through and cherry-picked existing studies and reports, relying primarily on the IPCC’s biased, often fraudulent findings. The latest IPCC report included a number of headline-grabbing but completely spurious claims by alarmist scientists and even environmental activists that CO₂ emissions are causing sea level rise, melting glaciers, rainforest devastation and other crises. EPA ignored numerous studies that contradicted its decision, including a thorough compendium of contrary findings by one of its own analysts, Dr. Alan Carlin.²³

The agency also ignored the fact that carbon dioxide simply is not a “pollutant” in the sense always understood by Congress and the Clean Air Act. CO₂ is clearly not an agent that fouls or contaminates the air, making it harmful to human health.

Indeed, CO₂ is a natural, essential component of Earth’s atmosphere (0.039% of the atmosphere, or 390 parts per million or ppm) and a key component of plant and algal photosynthesis. It truly is “the gas of life,” without which all life on Earth would cease to exist.

Carbon dioxide is also an unavoidable byproduct of breathing – and combustion. It is produced in large quantities anytime anything is burned: grass, wood, dung, forests, ethanol, oil, gas and coal. With human populations growing – and using more fuels in more ways to enhance and safeguard their lives – the amount of carbon dioxide in our atmosphere continues to rise.²⁴

Thus, even eliminating every source of carbon dioxide in the USA – electricity generation, vehicles, industries, humans and animals – would do nothing to reduce other emission sources worldwide, including coal-fired power plants that China is building at the rate of one per week. It is those sources that are now helping to raise atmospheric CO₂ concentrations to levels that climate alarmists claim are threatening coastal communities, species and even planetary survival. EPA ignored this reality, as well.

Finally, by ruling that carbon dioxide “endangers human health and welfare,” EPA obligated itself to regulate virtually all “significant” CO₂ sources, which the Clean Air Act defines as facilities that emit more than 250 tons. That is a high threshold for true pollutants. It is a very low threshold for plant-fertilizing carbon dioxide from the nation’s vehicle fleets, power plants, factories, cement kilns, refineries, and even large farms, churches, hospitals, schools, and office and apartment buildings.

By rendering its “endangerment” finding, EPA obligated itself to regulating millions of these sources nationwide. It obligated itself to force automobile and other manufacturers and countless industrial and non-industrial facilities to go through lengthy construction and operating permit procedures, which will require millions of hours, cost billions of dollars and wipe out millions of jobs, year after year.

The impact on America’s economy – and on health and welfare defined by having jobs and affordable energy and food – would be monumental. Public outrage would be swift and merciless.

So EPA simply, unilaterally and arbitrarily *rewrote the Clean Air Act*. Instead of following the act’s clear requirement that it regulate every facility emitting more than 250 tons of carbon dioxide per year, EPA decreed that it would regulate only facilities that emit more than 25,000 tons per year.²⁵

The EPA unilaterally and arbitrarily rewrote the Clean Air Act. Instead of following the act’s clear requirement that it regulate every facility emitting more than 250 tons of carbon dioxide per year, EPA decreed that it would regulate only facilities that emit more than 25,000 tons per year.

EPA knows environmentalists will eventually file yet another lawsuit, enabling it to cut yet another sweetheart courtroom deal and regulate all these other emission sources. EPA knows doing so will bring no benefits, even if carbon dioxide does “contribute to” global warming, because even shutting down all of America’s industrial, transportation, housing and other activities will do nothing about the rest of the world’s infinitely larger contributions.

But in the meantime, EPA wants to avoid outraging voters in the 2012 presidential, congressional and gubernatorial elections. It doesn’t want to anger people ... and have a repeat of the 2010 elections. The agency will thus start with 25,000-ton emitters, beginning with electrical generating plants and refineries.²⁶

But even that could backfire, because it would force dozens of coal-fired power plants to close down, along with some refineries. Even ignoring the massive impacts these CO₂ and GHG emission rules will have on electricity and gasoline prices, reliability and availability – and on employment in those sectors and any industrial sector that uses electricity and/or transportation fuels – a critical question remains:

How will any of these facilities comply with the new CO₂ rules – aside from simply shutting down and moving their previously U.S.-based operations to China, India, Malaysia or Brazil, which have far looser environmental standards than does the United States?

Contrary to assertions that industry will simply employ “carbon capture and storage” or CCS, the hard reality is that no such technology exists. “There’s no catalytic converter. There’s no scrubber. There’s nothing,” says Jeffrey Holmstead, former head of EPA air pollution programs under President George W. Bush.²⁷ Except for small-scale demonstration projects, there is no technology to capture CO₂ and bury it in reservoirs deep beneath the Earth’s surface.

And if the so far nonexistent technology does someday materialize, the billion-dollar gadgetry will likely require a third of the power produced by a generating unit, and thus a third more fuel to maintain the same *net electricity output* to the grid. Electricity prices will rise by 50% or more, analysts estimate – just to pull carbon dioxide out of the emission stream ... and put it in still nonexistent pipelines ... and send it under enormous pressure to numerous still nonexistent caverns deep beneath ... someone else’s backyard. There, everyone hopes, it will remain, and never leak out to kill farm animals, wildlife and people, as a natural CO₂ leak did at Lake Nyos in Cameroon, Central Africa.²⁸

The presumption is that CCS technology will usher in a “clean coal” era that even the EPA and Sierra Club would support. However, Lisa Jackson, EPA and many (other) environmental activists subscribe to the Robert F. Kennedy, Jr. view, that “there is no such thing as clean coal.” Their ultimate objective is to shut down most of America’s coal-fired power plants, and replace them with:

Nuclear power? In the wake of the Fukushima nuclear disaster, and confronted with longstanding, implacable environmentalist opposition to new nuclear plants and nuclear waste repositories, the odds are very low that more than a few new nuclear plants will be built in the USA during the next decade.

Natural gas? Switching from coal to gas may be the best or only alternative for many utility companies, if their customers aren’t going to freeze jobless in the dark. However, as EPA’s anti-coal regulations force power plant conversions to natural gas, thereby driving up demand, Ms. Jackson and other agency regulators are further restricting gas supplies, by joining with the Interior Department, environmentalists, and state and local regulators, to make drilling for and producing natural gas even more difficult. They want to place more lands off limits to drilling, and “carefully study” every aspect of hydraulic fracturing or “fracking” operations and fluids, on the ground that they must prevent any conceivable adverse effects on groundwater, other natural values or human health.²⁹

Wind and solar? Although President Obama and the IPCC constantly promote renewable energy as a viable substitute for natural gas and coal-based electricity, there is no way subsidized, intermittent wind and solar power can replace existing baseload power. Most of the UK's 2,560 gigantic wind turbines generated electricity at only 7-35% of their "rated capacity" in 2008. Providing (intermittent) electricity to meet New York City's needs would require



blanketing the State of Connecticut with wind turbines. And replacing all U.S. coal-fired generating units with offshore wind turbines (as Interior Secretary Ken Salazar has proposed) would require some 334,462 monstrous turbines, lining the entire Atlantic Coast, 30 miles wide. Imagine getting any of that permitted in the face of local, environmentalist and EPA opposition.³⁰

In the end, of course, none of this really matters. We the People want affordable, reliable electricity – and the jobs, consumer products, internet service, heating, air conditioning and other components of modern living standards and pursuit of happiness that come with it. We clearly do not want the unemployment, impaired health, collapsing economies and family crises that result from closing down baseload electricity generation and increasing electricity prices by 20-50% or more.

EPA and radical Greens, however, detest hydrocarbon energy, especially coal, and want to close as many power plants as possible. Many of them want to make the United States less rich, less middle class, less consumerist, and more like "middle class" families in India. *Most* of the United States, that is – though not themselves, and certainly not "green" leaders like Al Gore, Ted Turner and George Soros, who prefer limousines, mansions and private jets, while telling the rest of us to live a more "sustainable" lifestyle.

Whether they use cap-tax-and-trade laws, carbon dioxide "endangerment" regulations, or new "mercury and air toxics," ozone and "cross-state air pollution" rules as their vehicle – and whether they have nothing but assertions, unproven assumptions, computer models and cherry-picked studies to "back up" their claims of imminent planetary Armageddon – they intend to implement ... and impose ... their vision of "environmental utopia."

Strategy Two: Controlling power plant emissions

Growing industry, public and congressional concern about the adverse effects of even the 25,000-tons-per-year invention eventually persuaded EPA to hold off on implementing its CO₂ "endangerment" rules for a time. Meanwhile, however, it pulled other regulatory aces out of its sleeve.

In March 2011, EPA issued 946 pages of proposed "air toxics" rules, requiring that U.S. power plants slash (already low) emissions of mercury and 83 other air pollutants. EPA intends to finalize the regulations by December 2011, claiming the rules will greatly improve environmental quality and human health, save thousands of lives, create thousands of jobs, and generate benefits far in excess of their costs.

Few would be surprised that there is no factual basis for any of these assertions – for the “air toxics” rules or for EPA’s burdensome ozone and “cross-state” air pollution rules, either.³¹

As with climate change and IPCC “findings,” EPA did no original research of its own to build its case. Instead, it conducted a highly selective “literature search,” trolling for research that supported its agenda, interpreting marginal data to concoct serious risks and major regulatory benefits, and systematically ignoring evidence, studies and expert comments that contradicted its predetermined outcome.

Even though 84 pollutants are covered by the proposed rulemaking, the agency focused attention on two: *mercury and soot*. The way it handled these “toxic pollutants” raises enormous troubling questions about EPA’s integrity, the alleged need for these job-killing rules, asserted health benefits, “threats” from the other 82 pollutants and claims that regulatory costs will pale in comparison to their benefits to society.

EPA insists that mercury poses a dire health threat, especially to fetuses, babies and children. It claims the vast majority of mercury in our environment comes from coal-fired power plants. Neither claim is true.

Mercury (Hg) is found in the Earth’s crust in roughly the same extent as silver and selenium. Because volcanoes, erosion and other natural forces constantly release it into the environment, mercury is found in air, freshwater and soils. Thus, trees and other vegetation absorb it as they grow, and release it when they burn – in forest fires, fireplaces or coal-fired power plants (which burn fossilized plants containing Hg).

According to the latest government, university and independent studies, U.S. coal-burning power plants emit 41-48 tons of mercury per year. However,

- U.S. forest fires emit at least 44 tons per year;
- cremation of human remains discharges 26 tpy;
- Chinese power plants eject 400 tpy; and
- volcanoes, subsea vents, geysers and other sources emit 9,000-10,000 additional tons per year!³²

All these emissions enter the global atmospheric system and become part of the U.S. air mass. Thus,

U.S. power plants account for less than 0.5% of all the mercury in America’s air. Even eliminating every milligram of this mercury will do nothing about the other 99.5% in America’s atmosphere.

Power plant mercury could still theoretically pose a health risk, especially to unborn babies and young children. Indeed, EPA bureaucrats and various health and environmental activists constantly say mercury is now found in fish and people, at levels above the agency’s recommended “safe” levels.

However, modern technologies enable us to detect mercury in air, water, blood and tissue in parts per trillion, the equivalent to a few seconds in 32,000 years. But detection does not equal toxicity, whether for mercury, aspirin, alcohol or estrogen from birth control pills. Moreover, most of these small (and steadily declining) power plant mercury emissions are never converted into methylmercury (MeHg), its biologically active and more toxic form. Our bodies contain proteins and

antioxidants that help protect us from this and other potential contaminants. Perhaps most importantly, selenium in fish and human tissue is strongly attracted to mercury molecules, preventing buildups of MeHg and protecting our bodies.³³



Even though modern coal plants emit mostly steam, many Greens subscribe to Robert F. Kennedy, Jr.'s view that "there is no such thing as clean coal."

That helps explain why U.S. health agencies have never documented a single U.S. case of unborn babies or young children suffering mental impairment owing to power plant emissions or their mothers' eating fish – even fish with mercury levels well above the ultra-safe levels established by EPA, through its use of cherry-picked research and doctored data.

EPA ignored all of this. Instead, the agency based its mercury rules on a study of Faroe Islanders, who eat few fruits and vegetables, but feast on pilot whale meat and blubber that is high in mercury and PCBs – but very low in selenium. The study is obviously irrelevant to Americans.

EPA also ignored research and health standards that contradicted its agenda. A 17-year evaluation found “no measurable cognitive or behavioral effects” in Seychelles Islands children who eat several servings of ocean fish every week, far more than most Americans do. The Centers for Disease Control found that blood mercury counts for U.S. women and children decreased steadily 1999-2008, and today are well below even EPA’s “safe” levels. That’s why the World Health Organization and U.S. Agency for Toxic Substances and Disease Registry established risk standards that are 2-3 times less restrictive than EPA’s.³⁴

EPA was equally fast and loose in concocting its alleged health benefits from forcing power companies to slash **soot** levels. U.S. air quality has improved steadily since the 1970 Clean Air Act was enacted – and **power plant particulate (soot) emissions declined 70% even as coal-fueled electricity generation increased by 214% since 1970.**³⁵

That’s still not good enough, says EPA – even though its own data demonstrate that air quality all across America already meets its national standard: equivalent to scattering soot from one and a quarter super-pulverized charcoal briquettes across a volume of air one-half mile long, one-half mile wide and one story high. That’s less than you’re likely to get from sitting in front of a campfire, fireplace or wood-burning stove, inhaling airborne particulates, hydrocarbon gases and mercury from the “organic” bio-fuel.³⁶

In fact, one of the power plants cited by EPA as the most criminal offender of soot regulations actually violated those standards an intolerable *three minutes a day*, on average. That’s measured at the smokestack, not miles away, where people actually live.³⁷

Regardless – EPA and the Natural Resources Defense Council now claim the real risks, and most health benefits from the new regulations, are from soot. After spending months scaring parents half

to death about wildly inflated risks to babies and little kids from mercury, orchestrating kangaroo court “public hearings,” and using claims of “mercury toxins” and “unjust impacts” on minority neighborhoods to rally student activists on college campuses – now EPA says we’re really supposed to worry about soot.³⁸

Power plant soot is also a major reason asthma rates are increasing, EPA and NRDC say. Soot (and other) emissions have been *declining* steadily since 1970, and even more since 1990 – and yet now they are the reason asthma rates are *increasing*? Does this mean if we want asthma rates to go down, we have to make pollution rates go *up*? Or might there be other reasons asthma is on the upswing – which EPA and the American Lung Association don’t want to discuss, because they don’t fit The Agenda?

Only EPA bureaucrats and environmental ideologues could engage in such tortured logic – and then insist that the only way to eliminate these “unacceptable risks” is to shut down much of our nation’s power generation industry. Unfortunately, such flights of fantasy and nonsense are par for the course for activists who have insisted for decades that carbon dioxide causes dangerous global warming (aka, catastrophic climate change, cataclysmic “climate disruption” and unprecedented climate “weirding”).³⁹

As the White Queen told Alice, “Sometimes I’ve believed as many as six impossible things before breakfast.” EPA, NRDC and Greenpeace activists make the queen look like a piker.⁴⁰

ECONOMY-KILLING FALLOUT FROM EPA'S RADIOACTIVE REGULATIONS

This is hardly what we should expect, and demand, from an agency that is supposedly dedicated to public service, sound science, environmental quality and human health and welfare. It is what we have come to expect from environmental pressure groups that are dedicated to ending the use of hydrocarbons that have fueled the most phenomenal and universal health, economic and environmental progress in human history. It speaks volumes about what the Environmental Protection Agency has become.

And yet, on the basis of this fraudulent pseudo-science, EPA demands that utilities spend tens of billions retrofitting or replacing coal-fired power plants that produce half of all U.S. electricity, and 48-98% of electricity in 26 states. Its actions will do nothing to improve America's health and environmental quality.

They will, however, advance the Obama administration's goal of penalizing hydrocarbon use, making coal-based electricity prices "skyrocket," and driving a transition to expensive, subsidized, unreliable wind and solar energy. They will also kill millions of jobs, further erode family budgets and delay economic recovery for many more years.

EPA, its paid advocates and other activists nevertheless stubbornly insist that the "combined annual benefits" from the "air toxics" rules and other major EPA regulations "so far under the Obama administration" will "exceed their costs" by tens of billions of dollars annually.⁴¹

Only environmental ideologues and community organizers could believe such assertions.

It is far more likely that complying with EPA's new rules will cost utilities upwards of \$130 billion to retrofit or demolish existing plants and build replacements (mostly gas-fired) – plus some \$30 billion a year for operations, maintenance, extra fuel for energy-intensive new equipment on retrofitted plants, new backup units for wind turbines, and new transmission lines to connect wind farms to the existing power grid. Many companies simply cannot justify those costs for older power plants.⁴²

Thus Dominion Power, American Electric Power (AEP) and other utilities will simply *close dozens of generating units, representing tens of thousands of megawatts* – enough to electrify tens of millions of homes and businesses. *Illinois alone will lose nearly 3,500 MW of reliable, affordable, baseload electricity* – with little but promises that intermittent wind turbine electricity will somehow replace it. The United States as a whole will lose *17,000 to 60,000 MW* by 2017, analysts predict.⁴³

Permitting delays, lawsuits and pressure campaigns against new coal, gas and nuclear power plants, transmission lines, natural gas

Consumers in many states will pay 20% more for electricity by 2014 or shortly thereafter. In Illinois, electricity rates are expected to skyrocket 40-60%. For businesses, these price hikes will be major disincentives to hiring new workers. Struggling families will have even less for basic necessities.

fracking and pipelines, and even politically correct wind farms will all but ensure that there will not be enough electricity to meet America's growing needs, as these plants close. That means brownouts and blackouts could soon impact every aspect of family, corporate and community life. It means electricity costs will skyrocket.

Even the International Brotherhood of Electrical Workers says within a few years EPA's new rules will cost up to 50,000 jobs in the utility, coal mining and railroad industries alone – and 200,000 jobs overall.

Consumers will pay 20% more in many states by 2014 or shortly thereafter. The *Chicago Tribune* reports that already hard-pressed Illinois families and businesses will be forced to pay 40-60% more for electricity. These price hikes will be major disincentives to ramping up production or hiring more workers. They will take a huge bite out of family budgets for nutritious food, mortgage or rent payments, clothing, car repairs, college savings, retirement, vacation, and medical treatments or surgeries. Crime, depression and family violence will increase, while civil rights progress will be rolled back.⁴⁴

For a mid-sized hospital or factory that currently pays \$500,000 annually for electricity (including peak-demand charges), those rate hikes could add \$300,000 a year to its electricity bill. That's equivalent to ten full-time entry-level employees ... who now will not get hired, or will get laid off.

To keep the lights on and computers running, by 2014 the Chicago public school system will have to find an extra \$2.7 million a year, to pay for skyrocketing electricity costs. Paying for that will likely necessitate teacher layoffs, reduced sports and music programs, and/or even higher taxes. The city's water and sanitation department will need an extra \$3.3 million annually.⁴⁵

The International Brotherhood of Electrical Workers says within a few years EPA's new rules will cost up to 50,000 jobs in the utility, coal mining and railroad industries alone – and 200,000 jobs overall.⁴⁶

As those soaring electricity costs ripple throughout the U.S. economy, we will experience a truly "fundamental transformation" of our economy, living standards and culture. Millions will be laid off, millions more won't be hired, millions of jobs will be shipped overseas, billions in tax revenues will not be collected, and local, state and federal government budgets will be decimated.

Energy analysts say the rules will be felt most severely in six Midwestern states that together account for a quarter of all U.S. manufacturing and rely on coal for 65-92% of their electricity. By 2015, they estimate, each state will lose 8-23% of its electricity and \$42-82 billion in annual GDP. They will also lose a combined 3.5 million jobs – versus 1.1 million created nationwide throughout all of 2010.⁴⁷

Moreover, all this misery will be on top of the persistent unemployment we have already: 9.1% officially as of July 2011 (14 million people jobless) – but not including the millions more who are chronically unemployed, underemployed and taking any jobs they can get, or have just given up on ever finding a job.

Nor will jobs lost due to skyrocketing energy prices be replaced with so called "green" jobs – despite President Obama's and EPA Administrator Jackson's claims to the contrary.

Spain's multi-billion-dollar wind energy program supposedly "created or saved" 50,000 jobs. However, most involved installing wind turbines, and each "green" job cost \$754,000 in subsidies. Moreover, because the pricey "renewable" electricity forced manufacturers and other companies to lay off workers, the wind energy subsidies *destroyed* 2.2 regular jobs for each green job they created.⁴⁸

In Scotland, government mandates and subsidies for wind power projects cost Great Britain's economy 3.7 jobs for every renewable job they created, as soaring energy prices forced companies to lay off workers or "outsource" jobs to China, India and other developing countries.⁴⁹

Here in the States, the U.S. Renewable Energy Group used \$1.5 billion in federal stimulus funds to erect 240 gargantuan 3-megawatt wind turbines on a Washington, DC-sized area in West Texas. The project created 2,800 jobs. But 2,400 of them were in China; *only 400* were American workers – mostly truckers, installers, supervisors, lawyers, accountants and regulators.⁵⁰

Especially for a wind energy system that generates electricity only six to eight hours a day, on average – and not at all on the coldest and hottest days of the year – these costs are unsustainable, and unacceptable.

Has the Obama-Jackson EPA factored any of these cold realities into its bald assertions that the benefits of its draconian regulations will "exceed their costs by tens of billions of dollars" and countless illnesses prevented and lives saved annually? It has not – and it does not intend to.

CONCLUSION: DRAINING OUR NATION'S LIFELOOD

Abundant, reliable, affordable energy is America's lifeblood. Everything we make, ship, eat, drive, enjoy and do requires energy – 85% of which is still hydrocarbon-based. Nearly half of all our electricity is generated with coal; for 26 states, 48-98% of their electricity comes from coal. Another 25% of U.S. electricity is generated with natural gas. Cars, trucks, trains and airplanes would go nowhere without oil, nor would we have plastics, paints, synthetic fabrics or countless other products without hydrocarbons.

From the lights, televisions, streaming movies, heating and air conditioning, refrigerators, vacuum cleaners, computers and Internet service in our homes; to the lights and equipment in our factories, schools, hospitals, offices and houses of worship; to our water purification and sewage treatment plants; and increasingly our vehicles – electricity brings America to life ... 24/7/365.

Drive up the price of electricity, shackle its reliability, and the cost of goods and services will skyrocket. Millions of jobs will disappear. The American dream will be rudely interrupted, and economic, health, civil rights and environmental progress will be rolled back.

And yet, like the misguided doctors who used leaches to bleed a sick and weakened George Washington, hastening his death in 1799, EPA bureaucrats are using regulatory leaches to drain our nation's energy lifeblood, in the midst of a prolonged recession and near-record chronic joblessness.

They seek to justify their actions and anti-hydrocarbon agenda by citing cherry-picked research and data; planetary cataclysms from carbon dioxide emissions; "dire health risks" from pulverized charcoal briquettes and exaggerated mercury emissions; absurdly low cost estimates for families and businesses; and fabricated health benefits based on whale-eating Faroe Islanders and fraudulent IPCC and Greenpeace pseudo-science.

Instead of ensuring that honest research, the scientific method and open, robust hearings and debates guide their decisions, EPA bureaucrats are spending millions of taxpayer dollars on propaganda campaigns to frighten Americans into accepting their regulations – and rush dozens of major new rules into law, before the truth gets out and voters have an opportunity to evaluate the rules and rationales.

The Environmental Protection Agency has a long history of basing regulatory decisions on pressure-group politics, rather than sound, peer-reviewed science. DDT, dioxin, Alar and drilling permits are just a few examples. But now EPA has asserted even more power and control, over even more lands and resources. Now the agency has been taken over by anti-energy, anti-industry, anti-growth zealots, who are determined to engineer an unprecedented power grab, without regard to actual, documented health and environmental risks or benefits.

The result will truly be intense pain, for no health or environmental gain.

Instead of economic growth and increasing opportunities, Americans will be asked to embrace and enjoy greater scarcity "more equitably." As large segments of our nation's electricity generating capacity are closed down, there will be nothing to replace them – nothing that actually works, nothing that people can afford, nothing that is there when we need it.

Our founding principle of “life, liberty and the pursuit of happiness” will be turned on its head.

The hard reality is that neither carbon dioxide nor the ozone and other air pollutants on EPA’s hit list endanger our health and welfare. It is EPA and its politicized, junk-science policies that endanger our health and welfare.

It is time to halt EPA’s rulemaking process on carbon dioxide “endangerment,” mercury and other “air toxics,” ozone, cross-state air transport, interstate waters, and a host of other regulatory power grabs.

Congress, the courts, state governors, legislators and attorneys-general, and We the People need to determine the full, cumulative impact of EPA’s recent rules on employment and economic growth. Assess whether the asserted benefits of these rules really do surpass their costs. And determine the extent to which the rules adversely affect components of environmental quality and “human health and welfare” that EPA has chosen not to address.

We need to send EPA bureaucrats and environmental activists back to the drawing board on all these rules. Challenge the rules in courts of law and courts of public opinion. And demand that Congress give the agency clearly delineated mandates and directives; that EPA no longer have *carte blanche* to regulate wherever and however it wishes; and that congressional committees carry out their constitutional duties and hold investigatory and budgetary hearings to examine and curb EPA excesses.

We need to insist that EPA’s actions address actual (not speculative or computer-modeled) health and environmental risks. We need to insist that its actions are based on peer-reviewed science, the full scope of relevant scientific research and literature, open hearings and debates, and ample time for public analysis and comment.

We need to demand that EPA’s budget be limited to what is needed to carry out its new, more narrowly defined mission. That it spend no money orchestrating, hiring and funding public relations, propaganda and scare campaigns by outside activist groups and contractors. And that the agency’s expenditures are henceforth open, transparent and readily accessible online by any citizen or watchdog group.

Only by doing this will We the People be able to ensure that the Environmental Protection Agency serves and is accountable to the citizens of the United States – and that it truly safeguards the health, welfare, economic well-being, environmental values and Constitutional principles that all Americans cherish.

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The hard reality is that neither carbon dioxide nor the ozone and other air pollutants on EPA’s hit list endanger our health and welfare. It is EPA and its politicized, junk-science policies that endanger our health and welfare.

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NOTES

¹ See “California’s man-made drought: The green war against San Joaquin Valley farmers,” *Wall Street Journal* editorial, September 2, 2009; Colin Sullivan, “Judge discards ‘sloppy science’ by FWS on delta smelt,” *New York Times*, December 15, 2010; Damien M. Schiff, “The people win, junk science loses,” PLF Liberty Blog, Pacific Legal Foundation (attorneys for farmers who were seeking to have the FWS decision reversed), December 14, 2010.

² EPA Region 9 news release, “EPA launches investigation into toxins impacting fish in the Bay-Delta,” February 10, 2011; “Why is EPA in the Delta?” Families Protecting the Valley Newsletter, February 15, 2011.

³ Dennis Wagner, “Tribe’s environmental fight,” *Arizona Republic*, November 2, 2009; “Air permit for coal power plant on Navajo land sent back to EPA,” Environment News Service, September 25, 2009.” The permit revocation came after environmentalists, EPA and the Bureau of Land Management had closed down a tribal sawmill and another generating station that also burned Navajo coal, causing additional Navajo job losses.

⁴ See Steven Milloy, “Environmentalists launch campaign against Bush record,” *Environment & Climate News*, May 2004; Paul Driessen, “Bites that bother, and bites that kill,” *Washington Times*, August 13, 2010; Donald Roberts, Richard Tren and Jennifer Zambone, *The Excellent Powder: DDT’s political and scientific history*, Indianapolis, IN: Dog Ear Publishing (2010). DDT is the most powerful insect repellent known to man. Just spraying small quantities on the walls of houses keeps the vast majority of mosquitoes out for six months or more, irritates those that do enter, so they don’t bite, and kills any that land, thus saving countless lives. No other chemical can do that.

⁵ “Growing a Nation: The story of American agriculture,” <http://www.AgClassroom.org>.

⁶ See Marc Morano, Special Report: More than 1,000 international scientists dissent over manmade global warming claims, Climate Depot (2010); Oregon Institute of Science and Medicine, Petition Project, listing 32,000 American natural scientists who say there is no convincing evidence that humans are causing dangerous climate change.

⁷ See L. Courtland Lee, “Lack of access makes Mining Law reform irrelevant,” *American Mining Congress Journal*, August 1994; Paul Driessen, “Greens shackle national security – and renewable energy,” Canada Free Press, October 3, 2010. As of 1994, over 410 million acres (62% of America’s public lands) were off limits to energy and mineral exploration. That’s an area nearly equal to Arizona, Colorado, Montana, New Mexico, Utah and Wyoming combined. Today, the situation is much worse – with millions more acres locked up in restrictive land use categories, or simply made unavailable by bureaucratic fiat or foot-dragging

⁸ Kerry Pickett, “Obama: Energy prices will skyrocket under my cap-and-trade plan,” NewsBusters, November 3, 2008; Aaron Klein, “Obama: ‘In five days we will fundamentally transform America,’” *Arizona Sentinel*, August 31, 2009. See also Mark Tapscott, “Here’s what Obama’s ‘necessarily skyrocket’ plan looks like for LA electricity rates,” *Washington Examiner*, March 26, 2010.

⁹ “Skinning the carbon cat with EPA,” *Investor’s Business Daily* editorial, November 4, 2010. Terrence Murray, “The week in green energy: The many ways to skin a cat,” *Green Energy Reporter*, November 5, 2010.

¹⁰ Neil King, Jr. and Stephen Power, “Tough times for energy overhaul,” *Wall Street Journal*, December 12, 2008.



¹¹ See Christopher Horner, *Power Grab: How Obama's green policies will steal your freedom and bankrupt America*, Washington, DC: Regnery Publishing (2010), pages 229, 232, 242-243; Ted Sickinger, "Shepherds Flat wind farm: What's the cost to taxpayers," *The Oregonian*, March 12, 2010; Todd Wynn, "Wind Power: The green myth," *OregonCatalyst.com*, December 1, 2008. On June 23, 2011, the Administration announced that it would release \$3 billion worth of oil from the Strategic Petroleum Reserve, to reduce upward pressure on prices and mounting criticism of its energy policies. However, it still refuses to broaden leasing and drilling programs, which means the stockpiled oil will have to be replaced with more imported oil, sending more money and jobs overseas.

¹² Robert Gordon, "EPA doles out taxpayer dollars to environmentalist activist organizations," Heritage Foundation, May 19, 2011.

¹³ Ken Ward, Jr., "EPA: All 79 mining permits need more review," *Charleston Gazette*, September 30, 2009; Jim Efstatiou, Jr., "Mayfly may thwart \$3 billion in coal mined in U.S. mountaintops," *Bloomberg BusinessWeek*, November 13, 2009; Christopher Horner, *Power Grab*, pages 283-287.

¹⁴ "BP Whiting Refinery permit sent back to the drawing board," *Environment News Service*, October 21, 2009.

¹⁵ Editorial, "As production slows, the North Slope pipeline could shut down," *Wall Street Journal*, June 7, 2011. It is increasingly obvious that the United States is not running out of oil. It is running out of oil that EPA, Democrats, environmental pressure groups and activist courts are allowing us to lease, drill for and develop.

¹⁶ Alan Caruba, "EPA is protecting you into an early grave," *Canada Free Press*, June 8, 2011. EPA says up to 15,000 children are "exposed to" rodenticides each year. Exposure means being near them or touching them – not being poisoned by the chemicals. Even the exposure numbers are far below the number of children bitten by rats.

¹⁷ Laurel Curran, "Spilled milk a threat," *Food Safety News*, August 2, 2010. EPA is also considering a ban on Triclosan, the active ingredient in insecticidal soaps used to prevent the spread of disease, because eco-activists say it may be an "endocrine disrupter" and may affect fish and shellfish in fresh and ocean waters near effluent discharge pipes. One has to wonder if the agency also intends to ban birth control pills, for the same reason.

¹⁸ "Jobs in the pipeline," *Wall Street Journal* editorial, July 7, 2011; Peter Foster, "Keystone versus green Keynesianism," *National Post*, July 27, 2011.

¹⁹ See Chuck Cushman, "EPA and Corps of Engineers bypassing Congress with new clean water regulations," American Land Rights Association email, May 26, 2011; Valerie Richardson, "Idahoans: EPA ruling all wet – couple appeals to court in bid to build home on dry lot," *Washington Times*, June 27, 2011.

²⁰ 127 S. Ct. 1437 (2007); see also "Massachusetts v. Environmental Protection Agency," Oyez Supreme Court Media, Illinois Institute of Technology Chicago-Kent College of Law, April 2, 2007. The unanimous June 2007 Supreme Court decision in *American Electric Power v. Connecticut et al.* suggests that the court is no longer convinced that manmade global warming is a dire threat to the planet. The majority opinion noted: "The Court endorses no particular view of the complicated issues related to carbon dioxide emissions and climate change."

That there is no "scientific consensus" on climate change is further underscored by S. Fred Singer and Craig Idso, *Global Warming Reconsidered: the Report of the Non-Governmental International Panel on Climate Change*, Chicago: Heartland Institute (2009); S. Fred Singer and Dennis Avery, *Unstoppable Global Warming Every 1,500 Years*, Rowman and Littlefield Publishers, Lanham, MD (2007); Marc Morano, Special Report:

More than 1,000 international scientists dissent over manmade global warming claims, Climate Depot (2010); and Oregon Institute of Science and Medicine, Global Warming Petition Project.

²¹ *Massachusetts v. Environmental Protection Agency*, 127 S. Ct. 1437 (2007).

²² See Jennifer Dlouhy and Matthew Tresaugue, "Gases called a hazard: EPA ruling opens door to regulation of carbon dioxide emissions," *Times Union*, December 8, 2009. Because it lacks any of the compromises and balancing that can often be expected in legislation, EPA's regulatory scheme is far removed from public, court or legislative input and oversight; indeed, it is far more onerous, extensive and potentially reckless than anything Congress might have enacted. Many believe unelected judges and bureaucrats should not be permitted to regulate the entire United States economy, through controls over energy and carbon dioxide, especially after the American people and Congress recognized the harmful consequences and rejected these controls.

Moreover, both cap-tax-and-trade and the EPA "endangerment" rules assume that carbon dioxide controls the climate, and hundreds of other natural forces are irrelevant – which is patently not the case. Even British global warming modeler, UN IPCC author and disgraced Climategate scientist Phil Jones openly admits that the tiny global temperature rise of 0.7 degrees C (1 degree F) during the last century came to an end in 1995. Jonathon Petre, "Climategate U-turn as scientist at centre of row admits: There has been no global warming since 1995," *London Daily Mail*, February 14, 2010; "An inconvenient cooling," *Washington Times* editorial, June 28, 2011.

²³ Carlin's report was suppressed by Ms. Jackson's EPA, and he was reassigned and told to do no further research on climate change. See Judson Berger, "Sen. Inhofe calls for inquiry into suppressed climate change report," FoxNews.com, June 29, 2009. While Carlin's paper was later published in the peer-reviewed *International Journal of Environmental Research and Public Health*, and discussed on Carlin's personal CarlinEconomics.com blog and Anthony Watts' "WattsUpWithThat" website (April 3, 2011), both the report and the numerous papers it reviews and cites continue to be ignored by EPA, as it proceeds to implement its burdensome global warming rules. See Paul Driessen, "Climategate and climate science scandals," in *Justice through Affordable Energy for Wisconsin*, a special CFACT report, available on the CFACT.org website.

²⁴ Cold seawaters contain vast storehouses of carbon dioxide from algae, subsea vents and other sources. When oceans warm, in response to natural (or manmade) planetary warming, they release more of their CO₂, which is then added to the atmosphere.

²⁵ See Ian Talley, "OMB memo: Serious economic impact likely from EPA CO₂ rules," Dow Jones Newswires, May 12, 2009; "Terms of endangerment," *Wall Street Journal* editorial, September 3, 2009; Committee For A Constructive Tomorrow, Official Comments to U.S. Environmental Protection Agency re "Regulating greenhouse gases under the Clean Air Act, Docket ID: EPA-HQ-OAR-2008-0318, November 25, 2008.

²⁶ See Monica Trauzzi, "Former EPA general counsel [Roger] Martella discusses agency's decision to delay boiler rules," E&ETV Special Report: Debating the future of coal, May 25, 2011. As Martella points out, these facilities are already regulated under very stringent emission controls. EPA simply wants even more stringent regulations and is trying to impose "a pretty aggressive schedule on a wide variety of emission sources."

²⁷ Steven Mufson and David A. Fahrenthold, "EPA is preparing to regulate emissions in Congress' stead," *Washington Post*, December 15, 2009.

²⁸ David Kreutzer and Karen Campbell, "CO₂ Emission Cuts: The economic costs of EPA's carbon dioxide regulations," Heritage Center for Data Analysis, October 2008; P. J. Baxter, M. Kapila and D. Mfonfu, "Lake Nyos disaster, Cameroon, 1986: The medical effects of large scale emission of carbon dioxide," *British Medical*

Journal, May 27, 1989; Ken Wells and Ben Elgin, "What's killing carbon capture?" *Bloomberg Businessweek*, July 25, 2011; Paul Driessen, "What's really killing carbon capture: *Bloomberg Businessweek* boss hastens its demise," July 2011. AEP and GE have both pulled the plug on CCS demonstration projects.

²⁹ See "The facts about fracking," *Wall Street Journal* editorial, June 25-26, 2011. Meanwhile, Congress also wants to boost natural gas use, by offering \$7,500 to \$64,000 to people who buy gas-fueled cars and trucks – while doing nothing to increase U.S. supplies. See Chris Chocola, "NAT GAS Act – another market-distorting tax credit" *Washington Examiner*, June 24, 2011. Another scare tactic voiced by environmentalists is that fracking might cause minor earth tremors, a topic they avoid when the subject is high pressure injection of billions of tons of carbon dioxide from power plants, factories, refineries and other facilities, under CCS programs.

³⁰ See Stephen Murgatroyd, "Forget peak oil. Think peak renewable," Troy Media, June 4, 2011; Richard Littlejohn, "The answer, my friend, ain't blowing in the wind," *Daily Mail* (London), June 10, 2011; Jesse H. Ausubel, "Nuclear and Renewable Heresies," *International Journal of Nuclear Governance, Economy and Ecology*, Vol. 1, No. 3, 2007; Robert Peltier, "Gone with the Wind," *Power Magazine*, June 1, 2009. Base load power is the cornerstone of any viable, reliable energy and economic system. Most U.S. base load electricity is provided by coal, nuclear and hydroelectric facilities, with increasing amounts generated with natural gas. "Peaking power," mostly provided by natural gas-fired generating units, kicks in during periods of peak electricity demand; these units operate 24/7, but at "idle" speed, firing up to full power to meet sudden surges in demand. They also serve as backup generators for wind and solar installations, running on "spinning reserve" at all times and kicking in at full power each time the wind stops blowing or sun stops shining. Like cars stuck in traffic, they thus operate very inefficiently – idling, surging, idling surging all day long – burning more fuel and emitting more pollution and carbon dioxide than they would if they were operating at full speed all the time.

³¹ EPA's ozone rule has been called "the single most expensive environmental regulation in U.S. history." It is being issued two years before the agency is scheduled to complete its own scientific study of ozone emissions, and could cause 85% of all U.S. counties to be out of compliance with EPA air quality standards. That would trigger numerous controls and penalties, impede or prevent new construction and economic development, and kill countless jobs. The cross-state air pollution rule (released in July 2011, with a compliance deadline of January 2012) will supposedly prevent activities in one state from impairing air quality and human health. But not even EPA computer models support its assertions that emissions from Texas could affect Illinois, and power plant pollutants from Alexandria, Virginia could harm residents in Washington, DC, just across the Potomac River. However, the rule will prematurely shut down nearly 25% of America's coal-based electricity generating capacity. John Engler, "The latest job killer from the EPA," *Wall Street Journal*, July 26, 2011; Bryan Shaw (chair man, Texas Commission on Environmental Quality), "Is EPA's true purpose protecting the environment or shutting down industry?" *Washington Examiner*, July 24, 2011; "Big Green wants to turn off our lights, AC," *Washington Examiner* editorial, July 14, 2011.

³² See Willie Soon, "A scientific critique of the Environmental Protection Agency's national emission standards for hazardous air pollutants from coal-fired and oil-fired electricity generating units," June 2011. This 85-page report analyzes EPA's proposed rules, research used by the agency to justify the rules, and numerous other studies that EPA chose to ignore in promulgating its proposed regulations. As the report notes, some 200,000,000 tons of mercury in seawater could theoretically be converted into methylmercury, but hasn't been – and most environmental MeHg accumulated by predatory fish and shellfish is bonded with selenium, making it inaccessible to people's metabolisms and thus harmless to expectant mothers, fetuses, children and adults.

³³ *Ibid.* See also Willie Soon and Paul Driessen, “The myth of killer mercury,” *Wall Street Journal*, May 25, 2011; Paul Driessen and Willie Soon, “EPA: Environmental Protection (or Propaganda?) Agency,” *Investor’s Business Daily*, June 6, 2011; Willie Soon and Robert Ferguson, “Eat more fish!” *Wall Street Journal*, August 15, 2005.

³⁴ Willie Soon, “A scientific critique of the Environmental Protection Agency’s national emission standards for hazardous air pollutants,” and reports cited therein. Nearly 87% of Japanese men, women and children have blood mercury levels above EPA’s new “safe level.” If this level were truly health-based, numerous Japanese would be mentally defective – which is clearly not the case.

³⁵ *Ibid.* See also D M Murphy, J C Chow, *et al.*, “Decreases in elemental carbon and fine particle mass in the United States,” *Atmospheric Chemistry and Physics*, vol. 11, pp 4679-4686 (2011). Other pollutants have also decreased significantly since 1970: 58% for mercury, 67% for nitrogen oxides, 70% for particulates, 85% for sulfur dioxide, for example. See Roger H. Bezdek, “Affordable electricity is key to building and sustaining higher standard of living and a better quality of life,” Management Information Services, Inc., January 2011 (based on Energy Information Administration data, 1970-2005).

³⁶ Willie Soon, *Op. cit.* See also “Air pollutants from fireplaces and wood-burning stoves raise health concerns,” *Science Daily*, February 6, 2011; Paul Driessen and Willie Soon, “EPA: Environmental Protection (or Propaganda?) Agency,” *Investor’s Business Daily*, June 6, 2011; Steven Milloy, “EPA’s air quality overkill: Costly new air quality standards are based on suspect statistics,” *Washington Times*, July 28, 2011. .

³⁷ See “Federal pollution laws drive Chicago-area coal plant out of business,” *Reuters*, May 11, 2011.

³⁸ Over the past decade, EPA has given over \$3.8 billion to health and environmental pressure groups, various other “nonprofit” activist organizations, and public relations firms, to carry out “educational” campaigns and other programs. No one yet knows how many millions of taxpayer dollars it spent in 2011 to launch, orchestrate and help fund a national campaign to instill fears about mercury from power plants and in fish – before proclaiming that its rules would prevent countless asthma cases and “projected premature” deaths, due to reductions in soot and sulfur dioxide, not mercury. See Robert Gordon, “EPA doles out taxpayer dollars to environmentalist activist organizations,” *Heritage Foundation*, May 19, 2011; Steven Milloy, “Defund EPA’s enablers: American Lung Association gets big paycheck for backing agency’s agenda,” *Washington Times*, March 31, 2011.

Ferretting out these contributions is extremely difficult, because EPA grant records are vague and opaque and the agency has a history of obscuring and destroying its grant-making records. In fact, ExxonMobil is far more transparent: it actually posts all of its grants to nonprofits and other recipients online. Moreover, to date, some \$70 billion in U.S. tax receipts have been spent on global warming “research,” computer modeling and “education.”

³⁹ As Greenpeace activist Stephen Guilbeault once deadpanned: “Global warming can mean colder. It can mean wetter. It can mean drier. That’s what we’re talking about.” See also Paul Driessen and Willie Soon, “Desperately seeking Arctic warmth,” *Washington Times*, May 12, 2010.

⁴⁰ Charles Dodgson (Lewis Carroll), *Alice in Wonderland*. “But I don’t want to go among mad people,” Alice said. “Oh, you can’t help that,” said the Cat. “We’re all mad here. I’m mad, you’re mad.” “How do you know I’m mad?” Alice protested. “You must be,” said the Cat, “or you wouldn’t have come here.” *Ibid.* Similarly, as the NRDC said in a June 30, 2011 website posting: “Today’s hearing on EPA’s proposals to protect kids from dangerous air pollution exemplified that some people just don’t seem to think ... protecting the tens of thousands – including children – who suffer needlessly from air pollution is worthwhile.”

⁴¹ See for example, Isaac Shapiro, "Tallying up the impact of new EPA rules," Economic Policy Institute, May 31, 2011. "The dollar value of the benefits of the major rules finalized or proposed by the EPA so far during the Obama administration exceeds the rules costs by an exceptionally wide margin. Health benefits in terms of lives saved and illnesses avoided will be enormous," declares the report.

⁴² Roger H. Bezdek, "Impending EPA Coal Regulations: Disaster for the Midwest – detailed analysis," and "Affordable electricity is key to building and sustaining higher standard of living and a better quality of life," Management Information Services, Inc., January 2011; David Montgomery, "EPA is misleading the public about the economics of air regulations," National Economic Research Associates (NERA Consulting), June 28, 2011 (addressed in video interview and transcript on E&E News). NERA estimates that EPA's air toxics and cross-state transport rules will cost coal-based power generators \$184 billion through 2030, including \$72 billion in immediate capital costs. "Obama's coal tax: New EPA rules mean 1.4 million fewer jobs, higher electric bills," *Washington Times*, July 12, 2011.

⁴³ "Federal pollution laws drive Chicago-area coal plant out of business," Reuters, May 11, 2011; Matt Fair, "PSEG's Mercer Generating Plant cuts coal emissions with \$600 million in pollution-control Equipment," *Trenton Times*, May 15, 2011; AEP says it will be forced to close five coal-fired generating plants, spend \$8 billion refitting other plants, and lose 6,000 megawatts of coal-generated capacity – enough to recharge dead batteries on 2,000,000 Nissan Leaf electric cars or provide electricity for six million average homes and small businesses – if EPA insists on imposing its "air toxics" regulations.

⁴⁴ Julie Wernau, "Consumers' electric bills likely to spike as coal plants close," *Chicago Tribune*, June 11, 2011; "More Regulations: EPA's fantasy solution to unemployment," *Washington Examiner* editorial, June 16, 2011; "Dominion sets schedule to close Salem Harbor power station," PRNewswire, May 11, 2011; "Louisville Gas and Electric, Kentucky Utilities file for rate increases over next five years," LaneReport.com, May 25, 2011.

⁴⁵ Julie Wernau, *op. cit.*

⁴⁶ Gabriel Nelson, "Power plant union asks Congress to delay EPA's air pollution rules," *New York Times*, May 16, 2011.

⁴⁷ "U.S. foresees up to 73 gigawatts of coal plant retirements in next 25 years," SteelGuru.com, May 20, 2011; Paul Bedard, "Coal regs would kill jobs, boost energy bills," *U.S. News & World Report*, June 8, 2011.

⁴⁸ The impact of these EPA rules will be felt most severely in Illinois, Indiana, Michigan, Missouri, Ohio and Pennsylvania, which together account for more than a fourth of all U.S. manufacturing. These states rely on coal to generate 65-92% of their electricity, which keeps costs down for hundreds of companies that remain competitive nationally and internationally primarily because they can utilize energy-intensive industrial boilers, furnaces and electrical machinery, to boost their productivity per worker-hour: 6.9 to 9.4 cents per kilowatt-hour in those six states, versus 11 to 17 cents per kWh in states that generate 1-30% of their electricity with coal. Roger H. Bezdek, "Impending EPA Coal Regulations: Disaster for the Midwest – detailed analysis."

Gabriel Calzada Alvarez, Raquel Merino Jara, *et al.*, *Study of the effects on employment of public aid to renewable energy sources*, Universidad Rey Juan Carlos, March 2009. Dr. Calzada's subsidy and job loss numbers have been criticized as too high and based on faulty projections and outdated mandates and assumptions. However, it is clear that the subsidies are substantial, and that the turbines could not be operated without them. For discussion of how "green collar" jobs are defined and subsidized, see Paul Driessen, "Green-collar job promises and realities," Vermonters for Economic Health (vteh.org), December 10, 2008.

⁴⁹ “Study says green sector costs more jobs than it creates,” BBC News/Scotland, February 28, 2011; “Renewables supporters miss the point of Scotland study,” Institute for Energy Research, April 5, 2011. For information regarding the land use, raw materials, wildlife impacts, air emissions, transmission lines and other environmental effects of wind and solar installations, see Paul Driessen, “Unsustainable cow manure,” Townhall.com, September 21, 2010; Paul Driessen, “Oil subsidy and tax break nonsense,” *The Asheville Tribune*, June 2, 2011; Art Robinson, “Bricks without straw,” NewsWithViews.com, June 22, 2009.

For the latest on Britain’s wind turbine subsidy programs and their impacts on UK jobs and families, see Tom McGhie, “Power Grab: Energy giants want billions for back-up to wind farms,” *This Is Money*, June 26, 2011; Christopher Booker, “Government is tilting at windmills,” *Sunday Telegraph*, July 3, 2011. As Britain prepares to spend £100 billion [\$161 billion] to build thousands of wind turbines, Booker notes, it will also have to spend an additional £10 billion [\$16 billion] to construct 17 new gas-fired power stations simply to provide constant “spinning reserve” back-up for all those times when the wind drops and the windmills produce even less power than usual. Meanwhile some 4.5 million British families have been driven into “fuel poverty” by skyrocketing energy prices, due to the imposition of wind turbine energy and regulatory shutdown of coal-based power generators.

⁵⁰ Rebecca Smith, “Chinese-made turbines will fill Texas wind farm,” *Wall Street Journal*, October 30, 2010. China is fast becoming the world’s primary source of wind turbines and solar panels – a small part for its own use, partly for public relations, but principally to sell to Western countries whose wages, environmental restrictions and labor laws price their domestically manufactured turbines and panels out of the marketplace. Turbine maker Vestas has already left Britain, eliminating some 600 “green” jobs. Meanwhile, the Chinese are bringing a new coal-fired power plant online virtually every week. See “China races to invest in green energy,” Kit Gillet, *Washington Times*, December 11-12, 2009. Nevertheless, the successful new business model depends not on consumers who want to buy a product, but on government mandates that force them to buy it. Wealth will now be taken from taxpayers and consumers and transferred to rent-seeking companies and investors who lobby most effectively for mandate and subsidy schemes that appeal to regulators and politicians. See David Keene, “Pickpocketing with the Pickens Plan: Former free marketeer discovers the new road to wealth runs up Capitol Hill,” *Washington Times*, July 13, 2011; “Jacking up your electric bill,” *Washington Times* editorial, July 28, 2011.

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