

# The Week That Was: 2023-08-19 (August 19, 2023)

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### The Science and Environmental Policy Project

**Quote of the Week:** *“Mathematics may be defined as the subject where we never know what we are talking about, nor whether what we are saying is true.”* – Bertrand Russell [McMaster University]

**Number of the Week:** 87.6 hours per year

#### **THIS WEEK:**

*By Ken Haapala, President, Science and Environmental Policy Project (SEPP)*

**Scope:** This TWTW discusses a comparison of carbon dioxide and Earth’s albedo on how they influence Earth’s temperatures. Government failure to address conditions resulting in the fatal fires in Maui is discussed. Judith Curry’s *State of the climate for summer 2023* is presented. And announcements of green jobs are compared with estimates of the US government deficit.

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**CO2 v. Albedo:** Atomic, Molecular, and Optical (AMO) physicist Howard Hayden had an essay in his newsletter, “The Energy Advocate,” in which he describes the small influence of adding carbon dioxide (CO<sub>2</sub>) to today’s atmosphere as compared with the changing Albedo (reflective cloudiness) of Earth. This goes to the absurdity in the assumption by global climate modelers that an increase in surface temperatures, whatever the cause, will cause an increase in atmospheric water vapor, amplifying the increase in temperatures, particularly over the tropics. However, generally, an increase in atmospheric water vapor will cause an increase in cloudiness, increasing Albedo, thereby reducing temperatures of the surface. The citations and graphs are not given below but the entire essay is posted on the SEPP website. Hayden writes:

#### **CO<sub>2</sub>**

*“In IPCC jargon, radiative forcing refers to changes in the radiative flux of the earth, compared to the “pre-industrial” period of 1850-1900. In the more rational jargon of van Wijngaarden and Happer, the term refers to the totality of the radiative flux. The nearby graph [not shown here] of the forcing due to CO<sub>2</sub> shows that at very low concentrations, the forcing due to CO<sub>2</sub> rises very rapidly, but after about 100 ppmv [parts per million volume], the effect begins to level off. The first 100 parts per million (ppmv) increase the forcing from 0 to about 24 watts per square meter (W/m<sup>2</sup>) but the next 700 ppmv increases the forcing by only 9 W/m<sup>2</sup>. A further increase from 800 ppmv to 1,600 ppmv would add less than 3 W/m<sup>2</sup>.*

*At present (using IPCC figures), the amount of IR [infrared radiation] emitted by the surface is 398 W/m<sup>2</sup>, and the amount emitted to space is 239 W/m<sup>2</sup>. The difference—159 W/m<sup>2</sup>—is called the greenhouse effect, G. CO<sub>2</sub> is responsible for 30 W/m<sup>2</sup>, a bit less than 20% of the greenhouse effect.*

#### **Albedo**

*The solar flux at our orbit is close to 1360 watts per square meter (W/m<sup>2</sup>). At present, 30%—the albedo—of that is reflected, and 70% is absorbed. Averaged over the spherical shape of the*

*planet, the absorbed sunlight is 239 W/m<sup>2</sup>. What would happen if the albedo were somehow different?*

*Let us begin with a hypothetical ball that is small enough so that it is all at one temperature, and that travels in the same orbit as we do. The nearby graph [not shown here] shows what the temperature would be for albedo values between its possible values of zero and one. For example, if the albedo were 0.3 (=30%), the temperature would be 255 K, which the IPCC has long regarded as the would-be temperature of the Earth if we had no greenhouse gases, and the “blackbody equivalent” temperature of the earth as seen from outer space.*

*If the little ball reflected no light whatsoever, the temperature would be only 23°C higher, at 278 K, fully 11°C lower than the surface temperature (289 K) of the earth.*

*However, an increase in albedo could drop the temperature drastically, even toward absolute zero at an albedo of 1.0. In other words, a decrease in albedo can warm the planet a little, but an increase in albedo can cool the planet a lot.*

*A recent one-page summary in Science [2] of papers in other journals refers to the Sturtian glaciation that occurred from 717 million years ago (717 Ma) until 660 Ma. Here is the explanation of how things happened [2]:*

*“Now, more precise dates, reported last month in Earth and Planetary Science Letters (EPSL) and in November 2022 in Science Advances, show the eruptions preceded the Snowball Earth event by 1 million to 2 million years. The lag points to a particular way the fire could have triggered the ice: through a chemical alteration of the fresh volcanic rocks known as weathering, which sucks carbon dioxide (CO<sub>2</sub>) from the atmosphere, turning down the planetary thermostat.”*

*We immediately see a problem with this analysis. Most of the original atmospheric CO<sub>2</sub> became locked up in calcium carbonates (and related solids) long ago as stromatolites and other single-celled life forms drew in very abundant CO<sub>2</sub> and expelled O<sub>2</sub>. At the time of the Sturtian glaciation, CO<sub>2</sub> levels were certainly higher than they are now, and probably much higher. A reduction to anything below 150 ppmv would end all life on earth. Only reductions to well below about 50 ppmv would have much effect on the radiative forcing. Depending on what the authors think was the reduction of CO<sub>2</sub> concentration, the reduction in radiative forcing would be in the range of 5-to-10 W/m<sup>2</sup>.*

*By way of contrast, doubling albedo from 30% to 60%, given present solar intensity, would drop by 35 W/m<sup>2</sup>. What could cause the albedo to change?”*

Hayden’s findings are consistent with the findings of Geoscientist Tom Gallagher who used 67 million years of marine deposits from the deep ocean floor formed by organisms living at or near the surface and forming shells, only to die and fall as marine snow. These reveal four stages of earth’s climate ranging from Hothouse to Icehouse.

The current stage, Icehouse Earth came with the formation of the Isthmus of Panama, which closed the seaway connecting the Atlantic to the Pacific, shutting off the last equatorial current in the oceans. This led to the formation of the icecap at the North Pole and periods of glaciation corresponding to the changing orbit of the earth. The previous stages showed significant changes

in CO2 concentrations, including periods with CO2 concentration many times the present concentration, with little corresponding change in sea surface temperatures.

See links under Challenging the Orthodoxy and in viewing the differences in the graph pay close attention to the scale on the left, temperature (K).

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**Maui Fires:** A great deal has been written on the Maui Fires, including claims that they were the results of climate change. Perhaps one of the most rational explanations is the one highlighted by Paul Homewood that was written by Connor O’Keefe of the Austrian Mises Institute. O’Keefe writes:

*“The most destructive natural disasters are never 100 percent natural. Human choices, land use, and government policies play a big role in how harmful hurricanes, tornadoes, earthquakes, flash floods, and wildfires are to the affected communities.*

*And after catastrophes like the wildfire that destroyed much of the historic Hawaiian city of Lahaina last week, it’s worth taking stock of how much of the disaster was the result not of natural or accidental factors, but of policies and institutions that can be changed.*

*Though details are still emerging, it’s becoming clear that government failure did much to make this disaster worse—and possibly even started it. While the so-called experts are blaming climate change—and in the process demanding that government grab even more power and authority ostensibly to someday give us better weather—the destructiveness of this fire was the product of an all-powerful and all-incompetent régime.*

*The specific origins of the fire are still being investigated, but there is much we already know. The city of Lahaina sits on the west coast of Maui, Hawaii’s second-largest island. It is surrounded by grassland, much of which the state owns.*

*Nearly a decade ago the Hawaii Wildfire Management Organization, a research nonprofit, warned the Hawaiian government that the area around Lahaina was extremely fire-prone due to frequent downslope winds, steep terrain, and dry grass. Little was done to address these risks. A subsequent report in 2020 added that an invasive species of exceptionally flammable grass was prevalent in the surrounding fields and that passing hurricanes created strong winds known to fuel wildfires on the islands.*

*Early last week, Hurricane Dora crossed the ocean south of Hawaii. By early Tuesday morning, August 8, winds as fast as sixty miles per hour were blowing down the slopes of the West Maui Mountains into Lahaina. Around sunrise, a large fault was detected in the power grid, indicating a downed power line. Twenty minutes later, the first reports of fire came in from the area around Lahainaluna Road, uphill and upwind from the city.*

*The area where flames were first spotted is full of electrical infrastructure, mostly operated by Hawaiian Electric, the state’s monopoly electricity supplier. This included a substation and a multitude of power lines. Most of the land in the area is owned by the State of Hawaii except for a parcel belonging to the estate of one of Hawaii’s last princesses. This parcel housed a solar farm supplying electricity to the Hawaiian Electric substation. Early last year, NPR published a glowing article about the solar project, praising it as the direct result of government regulation crafted to help transition Hawaii to 100 percent renewable power by 2045.*

*But on the morning of August 8, as winds hammered the old wooden utility poles, this highly electrified area in the dry grasses above Lahaina was quickly becoming dangerous. Yet no formal procedure was in place to shut off sections of the grid in the face of severe fire risks. As a result, twenty-nine fully energized poles fell across West Maui that day.*

*But even with downed poles in the way, the first firefighters on the scene met with some early success. Around 9 a.m., the county fire department declared the fire '100 percent contained.' But the message to residents included an ominous request. The county's water pumps were powered by electricity, much of which was frantically being turned off to deactivate the downed lines. Officials asked the public to conserve water to preserve water pressure.*

*But by midafternoon, a flare-up brought the fire back to life on the Lahaina Bypass, a major road that heads straight into town. The flames moved swiftly into Lahaina at 4:46 p.m., one minute after the county government finally sent out an alert to warn the city's population, largely without power, about the flare-up that had occurred over an hour before.*

*To make matters worse, county officials failed to activate emergency sirens, leaving residents unaware of the danger bearing down on them. And as firefighters heroically rushed toward the flames to try and save their community, they found that there was little to no water pressure in the fire hydrants, which quickly ran dry.*

*With a single backed-up highway leading out of the city, many residents of Lahaina had nowhere to go. Some scrambled into the ocean to escape the smoke and flames. But in the end, many couldn't get out. At least ninety-nine people have been confirmed dead at this writing, making this the deadliest American wildfire in over a century. In addition, 2,207 buildings were destroyed, with property damages expected to reach \$5.5 billion.*

*To review, a power company shielded from competition by the state placed electrical infrastructure among highly flammable state-owned grass fields above the historic city of Lahaina, which the government was twice warned were highly susceptible to fire. And once a fire broke out, a combination of defective water infrastructure, terrible communication by government officials, and only one escape route doomed the people of Lahaina to the worst wildfire experienced in this country in over a hundred years.*

*This was government failure through and through. In Human Action, Ludwig von Mises explains that in the market, the ultimate source of profits is foresight—the ability to anticipate future conditions. And economic loss occurs when market actors fail to anticipate the future. This possibility of riches if one succeeds, and the guarantee of painful failures if one doesn't, forces producers and service providers on the market to constantly weigh risks and opportunities.*

*Government immunizes itself from the profit and loss system, and therefore from much of the need to weigh risk. Sure, some county officials may resign because of this. And the share price of Hawaiian Electric may dip. But the people of Maui will be forced to keep compensating the very organizations that have failed them. And there's nothing natural about that disaster."*

In his Weather Blog, Cliff Mass provides physical evidence supporting this opinion. The grasslands that burned despite years of warnings are largely owned or controlled by the government. The electricity company that failed to properly replace electric poles is controlled by

the government. The water supply system to fight fires is controlled by the government. Yet, it appears that the government is more interested in addressing the vague and largely imaginary threat of global warming than addressing a clear and present danger. See links under Changing Weather – Maui Fires.

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**Summer 2023:** Judith Curry, Jim Johnstone, and Mark Jelinek have a challenging post on “State of the climate – summer 2023.” They begin with:

*A deep dive into the causes of the unusual weather/climate during 2023. People are blaming fossil-fueled warming and El Nino, and now the Hunga-Tonga eruption and the change in ship fuels. But the real story is more complicated.*

They go through numerous observations such as surface-air temperatures (which TWTW discounts), UAH atmospheric temperatures, reanalysis of July temperatures by the Japan Metrological Agency (JMA) and many other reports. Curry writes after the post:

*“Well, this post should keep you busy and entertained for a while! Crazy busy with hurricane season and interviews. Will post new material when I can.”*

TWTW can only comment that the weather is changing, and we don’t fully understand why. See link under Seeking a Common Ground.

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**Absurd Judicial Opinion:** *“Under a provision of the Montana Environmental Policy Act (MEPA), state agencies were restricted from factoring in greenhouse gas emissions or climate change when issuing permits for energy projects that required environmental reviews.”* Kathy Seeley a district judge for the 1<sup>st</sup> District Court in Montana found in favor of a group of children claiming emotional harm from climate change and ruled that:

*“Montana's emissions and climate change have been proven to be a substantial factor in causing climate impacts to Montana's environment and harm and injury.”*

The judge also said the children:

*“have a fundamental constitutional right to a clean and healthful environment, which includes climate as part of the environmental-support system.”*

This absurd ruling was greeted with enthusiasm by news services such as AP, and ridicule by other groups. Apparently, the judge is totally ignorant of climate history and greenhouse gas (CO<sub>2</sub>) emissions. For example, the 1888 Schoolhouse Blizzard in the northern Great Plains caused an estimated 235 deaths, many of them children returning from school but freezing to death. Three such storms in the 1880s killed cattle as far south as Texas. This was long before major emissions of CO<sub>2</sub>. The last major livestock-killing winter storm occurred in January 2016 with tens of thousands of cattle killed. Is that a healthful environment?

CO<sub>2</sub> is a well-mixed greenhouse gas. In 2022 Montana produced about 0.6% of total US emissions. In 2020 the US produced 4535 million metric tons, or about 12.6% of world emissions. China produced more than twice as the US with 11,680 million metric tons, or about 32% of world emissions. Montana’s emissions – 0.0076% of world emissions – are miniscule. Not only

does the judge appear to be ignorant of history, but numerically illiterate as well. Furthermore, does the judge expect China to act on her decision?

Francis Menton has an amusing suggestion on what the Montana government should do if they are not successful in having this absurd judgement overturned. See links under Litigation Issues, [https://ballotpedia.org/Kathy\\_Seeley](https://ballotpedia.org/Kathy_Seeley) for the quotes above, [https://en.wikipedia.org/wiki/List\\_of\\_U.S.\\_states\\_and\\_territories\\_by\\_carbon\\_dioxide\\_emissions](https://en.wikipedia.org/wiki/List_of_U.S._states_and_territories_by_carbon_dioxide_emissions) for Montana's emissions, <https://worldpopulationreview.com/country-rankings/carbon-footprint-by-country> for total emissions.

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**Green Jobs:** The deliberately misnamed Inflation Reduction Act has led to enormous subsidies for unreliable electricity generation by wind and solar and for manufacturing electric vehicles and components. According to the executive director of an advocacy group, Clean Energy for America, these subsidies have resulted in announcements of 170,606 “new clean energy jobs.” Announcements are not jobs, but any hard data are not available. According to the report he cites:

*“Plans include 91 new battery manufacturing sites in places like Tucson, Arizona; Rochester, New York; and Florence County, South Carolina. So far, companies have announced plans for 65 new or expanded electric vehicle manufacturing facilities in Savannah, Georgia; Montgomery, Alabama; Auburn Hills, Michigan — and more. A further 84 plans were announced to develop wind and solar manufacturing in cities including Cochranton, Pennsylvania; Pensacola, Florida; and Georgetown, Texas. The majority of projects are in five states — Michigan, Georgia, South Carolina, California, and Texas.”*

It is doubtful that many of the battery and vehicle manufacturing facilities will survive, but one can make rough calculations from the scanty data.

*“The Congressional Budget Office [CBO] regularly publishes reports presenting its baseline projections of what the federal budget and the economy would look like in the current year and over the next 10 years if current laws governing taxes and spending generally remained unchanged. This report is the latest in that series.”*

The last such CBO report is: “The Budget and Economic Outlook: 2023 to 2033” dated February 2023. It states:

*“**The Budget.** CBO projects a federal budget deficit of \$1.4 trillion for 2023. (Deficits and spending have been adjusted to exclude the effects of shifts that occur in the timing of certain payments when October 1 falls on a weekend.) In the agency’s projections, deficits generally increase over the coming years; the shortfall in 2033 is \$2.7 trillion. The deficit amounts to 5.3 percent of gross domestic product (GDP) in 2023, swells to 6.1 percent of GDP in 2024 and 2025, and then declines in the two years that follow. After 2027, deficits increase again, reaching 6.9 percent of GDP in 2033—a level exceeded only five times since 1946.*

*In CBO’s projections, outlays and revenues measured as a percentage of GDP equal or exceed their 50-year averages through 2033. Outlays increase from 23.7 percent of GDP in 2023 (a high level by historical standards) to 24.9 percent in 2033, largely because of rising interest costs and greater spending on programs that provide benefits to elderly people. Revenues amount to 18.3 percent of GDP in 2023. They then decline over the next two years before increasing after 2025,*

*when certain provisions of the 2017 tax act expire. Revenues are roughly stable after 2027; they total 18.1 percent of GDP in 2033.*

*Debt held by the public is projected to rise in relation to the size of the economy each year, reaching 118 percent of GDP by 2033—which would be the highest level ever recorded. Debt would continue to grow beyond 2033 if current laws generally remained unchanged.*

***Changes in CBO’s Budget Projections.*** *CBO’s projection of the deficit for 2023 is now \$0.4 trillion more than it was in May 2022; the projection of the cumulative deficit over the 2023–2032 period is now \$3.1 trillion (or about 20 percent) more, largely because of newly enacted legislation and changes in CBO’s economic forecast, including higher projected inflation and interest rates.”*

If one uses only the increase in the projected 2023 deficit since May 2022 (\$400 billion) for an estimate of the costs of the increase in subsidies by the government, then the estimated costs for these 170,000 announced new jobs to the taxpayers in Fiscal Year (FY) 2023 is \$2,353 per job. If one uses the estimated budget deficit for 2023 (\$1.4 trillion), the costs to the taxpayer for these announced new jobs in FY 2023 is \$8,235 per job. It is clear that the subsidies will have to continue for years. See links under Green Jobs and Articles # 1 & # 2.

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**Number of the Week: 87.6 hours per year.** Modern civilization runs on reliable electricity, a reliable electric grid. Sewer and water purification systems, air handling systems, elevators, heat pumps, air conditioners, traffic lights, etc. all fail without reliable electricity. A grid that is not 100% reliable creates failure, resulting in chaos. Even a grid that is 99% reliable will fail 87.6 hours a year (3.65 days). No grid is 100% reliable, but failure only 1% of the time, 87.6 hours a year is outrageous.

Yet, the Federal government is massively subsidizing electrical generation systems that fail more than 50% of the time, often randomly. Sunny southern California has the largest renewable system in the country. As of 6:30 am Aug 20, solar is producing nothing, total renewables are producing about 3,000 MW, imports account for about 6,000 MW and natural gas about 11,000 MW.

On Aug 18, total renewables, including wind and solar, exceeded natural gas at 8 am, and fell below natural gas at 5:10 pm as families were arriving home. The largest battery system in the country contributed a maximum of 3,320 MW at 7:20 pm. In short, renewables failed throughout the day, particularly for 15 hours (62.5% of the day). Yet, the Federal government is heavily pushing such failure? See links under Energy Issues – US, Articles # 1 & #2, and <http://www.caiso.com/todaysoutlook/pages/supply.aspx>

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## NEWS YOU CAN USE:

### ***Climategate Continued***

**Team Climate Crisis Resorts to Bullying, Again**

By Kip Hansen, WUWT, Aug 16, 2023

<https://wattsupwiththat.com/2023/08/16/team-climate-crisis-resorts-to-bullying-again/>

### ***Censorship***

**The ACMA Ministry of Misinformation will fine Australians \$6m for publishing the truth**

By Jo Nova, Her Blog, Aug 17, 2023

<https://joannenova.com.au/2023/08/the-acma-ministry-of-misinformation-will-fine-australians-6m-for-publishing-the-truth/>

“The proposed Australian Communications and Media Authority (ACMA) misinformation bill is truly the draft that Mao or the Politburo would have admired. Effectively if you are government ‘approved’ (institutional, academic or official news) you are free to say whatever you like, but if you are the untermenschen, you are not — even if you ultimately speak the truth.”

“The bill, the Communications Legislation Amendment (Combating Misinformation and Disinformation) Act 2023.”

### **Scientific Censorship Reaches New Heights**

By Guy K. Mitchell, Jr., American Thinker, Aug 12, 2023 [H/t John Dale Dunn]

[https://www.americanthinker.com/articles/2023/08/scientific\\_censorship\\_reaches\\_new\\_heights.html](https://www.americanthinker.com/articles/2023/08/scientific_censorship_reaches_new_heights.html)

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On February 15, 2023, David Malpass, the president of the World Bank, announced that he would retire one year early on June 1, 2023. On July 21, 2023, Pablo Moreno, the director of the Independent Evaluation Office of the International Monetary Fund, read the flyer that described the address that Dr. John F. Clauser was scheduled to give to the IMF on July 27, 2023. As a result, he summarily canceled Dr. Clauser's planned address.”

“What do Malpass and Clauser have in common?”

### **Twitter Climate Alarmists Alarmed at the Rise of Free Speech**

By Eric Worrall, WUWT, Aug 16, 2023

<https://wattsupwiththat.com/2023/08/16/twitter-climate-alarmists-alarmed-at-the-rise-of-free-speech/>

### ***Challenging the Orthodoxy -- NIPCC***

#### **Climate Change Reconsidered II: Physical Science**

Idso, Carter, and Singer, Lead Authors/Editors, Nongovernmental International Panel on Climate Change (NIPCC), 2013

<https://www.heartland.org/media-library/pdfs/CCR-II/CCR-II-Full.pdf>

Summary: <https://www.heartland.org/template-assets/documents/CCR/CCR-II/Summary-for-Policymakers.pdf>

#### **Climate Change Reconsidered II: Biological Impacts**

Idso, Idso, Carter, and Singer, Lead Authors/Editors, Nongovernmental International Panel on Climate Change (NIPCC), 2014

<http://climatechangereconsidered.org/climate-change-reconsidered-ii-biological-impacts/>

Summary: <https://www.heartland.org/media-library/pdfs/CCR-IIb/Summary-for-Policymakers.pdf>

#### **Climate Change Reconsidered II: Fossil Fuels**

By Multiple Authors, Bezdek, Idso, Legates, and Singer eds., Nongovernmental International Panel on Climate Change, April 2019

<http://store.heartland.org/shop/ccr-ii-fossil-fuels/>

Download with no charge:

<http://climatechangereconsidered.org/wp-content/uploads/2019/01/Climate-Change-Reconsidered-II-Fossil-Fuels-FULL-Volume-with-covers.pdf>



## **Why Scientists Disagree About Global Warming**

The NIPCC Report on the Scientific Consensus

By Craig D. Idso, Robert M. Carter, and S. Fred Singer, Nongovernmental International Panel on Climate Change (NIPCC), Nov 23, 2015

<http://climatechangereconsidered.org/>

Download with no charge:

<https://www.heartland.org/policy-documents/why-scientists-disagree-about-global-warming>

## **Nature, Not Human Activity, Rules the Climate**

S. Fred Singer, Editor, NIPCC, 2008

[http://www.sepp.org/publications/nipcc\\_final.pdf](http://www.sepp.org/publications/nipcc_final.pdf)

## **Global Sea-Level Rise: An Evaluation of the Data**

By Craig D. Idso, David Legates, and S. Fred Singer, Heartland Policy Brief, May 20, 2019

[https://www.heartland.org/\\_template-assets/documents/publications/SeaLevelRiseCCRII.pdf](https://www.heartland.org/_template-assets/documents/publications/SeaLevelRiseCCRII.pdf)

## ***Challenging the Orthodoxy***

### **CO<sub>2</sub> vs. Albedo**

By Howard Hayden, The Energy Advocate, Via SEPP, August 2023

[http://www.sepp.org/science\\_papers/CO2vsAlbedo.docx](http://www.sepp.org/science_papers/CO2vsAlbedo.docx)

## **“There Is No Climate Crisis” ...1600 Scientists Worldwide, Nobel Prize Laureate Sign Declaration**

By P Gosselin, No Tricks Zone, Aug 15, 2023

<https://notrickszone.com/2023/08/15/there-is-no-climate-crisis-1600-scientists-worldwide-nobel-prize-laureate-sign-declaration/>

## **Two Princeton, MIT Scientists Say EPA Climate Regulations Based on a ‘Hoax’**

Physicist, meteorologist testify that the climate agenda is ‘disastrous’ for America

By Kevin Stocklin, The Epoch Times, Updated Aug 14, 2023 [H/t Bernie Kepshire]

[https://www.theepochtimes.com/mkt\\_app/article/two-princeton-mit-scientists-say-epa-climate-regulations-based-on-a-hoax-](https://www.theepochtimes.com/mkt_app/article/two-princeton-mit-scientists-say-epa-climate-regulations-based-on-a-hoax-5460699?utm_source=Morningbrief&src_src=Morningbrief&utm_campaign=mb-2023-08-14&src_cmp=mb-2023-08-14&utm_medium=email&est=i3VzQoXVDPXCQhaHLef8SdkOV%2BsP7dXdIk0caw7RHCUvM3pvjCCQYbIHrA%3D%3D)

[5460699?utm\\_source=Morningbrief&src\\_src=Morningbrief&utm\\_campaign=mb-2023-08-14&src\\_cmp=mb-2023-08-](https://www.theepochtimes.com/mkt_app/article/two-princeton-mit-scientists-say-epa-climate-regulations-based-on-a-hoax-5460699?utm_source=Morningbrief&src_src=Morningbrief&utm_campaign=mb-2023-08-14&src_cmp=mb-2023-08-14&utm_medium=email&est=i3VzQoXVDPXCQhaHLef8SdkOV%2BsP7dXdIk0caw7RHCUvM3pvjCCQYbIHrA%3D%3D)

[14&utm\\_medium=email&est=i3VzQoXVDPXCQhaHLef8SdkOV%2BsP7dXdIk0caw7RHCUvM3pvjCCQYbIHrA%3D%3D](https://www.theepochtimes.com/mkt_app/article/two-princeton-mit-scientists-say-epa-climate-regulations-based-on-a-hoax-5460699?utm_source=Morningbrief&src_src=Morningbrief&utm_campaign=mb-2023-08-14&src_cmp=mb-2023-08-14&utm_medium=email&est=i3VzQoXVDPXCQhaHLef8SdkOV%2BsP7dXdIk0caw7RHCUvM3pvjCCQYbIHrA%3D%3D)

“Asked to respond to the professors’ comments, an EPA spokesperson stated: ‘The Agency will review all comments we received as we work to finalize the proposed standards.’”

*[SEPP Comment: Good summary of the Happer and Lindzen comments to EPA.]*

## **Battle for Climate Earth**

By John Shewchuk, ClimateCraze, 2021 [H/t Donn Dears]

<https://www.youtube.com/watch?v=DNeujL1IoCA>

*[SEPP Comment: Video that applies even more today than when it was made in 2021.]*

## **Atmosphere and Greenhouse Gas Primer**

By W. A. van Wijngaarden and W. Happer, March 3, 2023

<https://wvanwijngaarden.info.yorku.ca/files/2023/03/GreenhousePrimerArxiv.pdf?x45936>

### ***Defending the Orthodoxy***

#### **The great climate change science bottleneck**

And the powerful few that control it

By Jessica Weinkle, Her Blog, Aug 16, 2023 [H/t WUWT]

<https://jessicaweinkle.substack.com/p/the-great-climate-change-science>

[New IPCC Chair, Jim] “Skea replies by agreeing that the COI [Conflict of Interest in scenario choice] problem is substantial and known. He recommended solving the problem by developing a science of assessing scenarios which would make sure the processes for vetting and looking at scenarios would be fully out there in the peer reviewed literature rather than being part of the assessment process.”

### ***Defending the Orthodoxy – Bandwagon Science***

#### **Climate change is driving higher temperatures. Not a volcanic eruption**

By Rachel Frazin, The Hill, Aug 12, 2023

<https://thehill.com/policy/energy-environment/4149620-climate-change-is-driving-higher-temperatures-not-a-volcanic-eruption/>

Link to paper: **Tonga eruption increases chance of temporary surface temperature anomaly above 1.5 °C**

By Stuart Jenkins, et al, Nature Climate Change, Jan 12, 2023

<https://www.nature.com/articles/s41558-022-01568-2>

“The simple fact is that humans are responsible for the warming we’ve caused over the last 150 years and a volcano or an El Niño, or a cold winter or a stiff breeze — none of that changes the fact that humans are reshaping the climate,” said Willis, with NASA.”

*[SEPP Comment: Human activity took the world out of the Little Ice Age when famine was frequent?]*

#### **40 percent of US climate emissions attributed to richest households: study**

By Zack Budryk, The Hill, Aug 17, 2023

<https://thehill.com/policy/energy-environment/4157562-us-climate-emissions-attributed-richest-households-study/>

Link to paper: **Income-based U.S. household carbon footprints (1990–2019) offer new insights on emissions inequality and climate finance**

By Jared Starr, et al. PLOS Climate, Aug 17, 2023

<https://journals.plos.org/climate/article?id=10.1371/journal.pclm.0000190#sec015>

From the abstract: “In 2019, fully 40% of total U.S. emissions were associated with income flows to the highest earning 10% of households. Among the highest earning 1% of households (whose income is linked to 15–17% of national emissions) investment holdings account for 38–43% of their emissions.”

*[SEPP Comment: Save the planet, ban prosperity! Will that sell in China?]*

### ***Questioning the Orthodoxy***

#### **“Global Boiling”: An Assault On Reason and Science**

By Christopher Lingle, American Institute for Economic Research (AIER), Aug 13, 2023 [H/t Ron Clutz]

<https://www.aier.org/article/global-boiling-an-assault-on-reason-and-science/>

“According to United Nations Secretary-General António Guterres, ‘the era of global warming has ended’ and ‘the era of global boiling has arrived.’ Of course, this statement was made with

little or no sense of perspective or the possibility that any sensible human would challenge or refute it.”

### **Winter Cold, Darkness Kill, While Summer Heat And Sun Save Lives Data Clearly Show**

By P Gosselin, NO Tricks Zone, Aug 11, 2023

<https://notrickszone.com/2023/08/11/winter-cold-darkness-kill-while-summer-heat-and-sun-save-lives-data-clearly-show/>

### **Energy and Environmental Review: August 14, 2023**

By John Droz, Jr., Master Resource, Aug 14, 2023

<https://www.masterresource.org/alliance-for-wise-energy-decisions/energy-and-environmental-review-08-14-2023/>

### ***Change in US Administrations***

#### **Progressive calls for climate emergency swell after Biden says he ‘practically’ declared one**

By Rachel Frazin, The Hill, Aug 16, 2023

<https://thehill.com/policy/energy-environment/4154387-progressive-calls-for-climate-emergency-swell-after-biden-says-he-practically-declared-one/>

“She [White House press secretary Karine Jean-Pierre] also noted that the White House had invoked the Defense Production Act to set aside funds for solar manufacturing, sourcing electric vehicle materials, making heat pumps and bolstering the electric grid.”

### ***Seeking a Common Ground***

#### **State of the climate – summer 2023**

By Judith Curry, Jim Johnstone, Mark Jelinek, Climate Etc. Aug 14, 2023

<https://judithcurry.com/2023/08/14/state-of-the-climate-summer-2023/>

### ***Models v. Observations***

#### **The Virtual Worlds of Climate and Energy**

By Iddo K. Wernick, Real Clear Energy, Aug 16, 2023

[https://www.realclearenergy.org/articles/2023/08/16/the\\_virtual\\_worlds\\_of\\_climate\\_and\\_energy\\_973375.html](https://www.realclearenergy.org/articles/2023/08/16/the_virtual_worlds_of_climate_and_energy_973375.html)

“Similarly, because we can measure and regulate human-generated CO<sub>2</sub>, models place great emphasis on carbon’s role in influencing climate change.

“As we become more certain about model results, we become more confident that society can exercise control over those systems being modeled. With unwavering confidence about the effects of CO<sub>2</sub> on the climate, advocates propose to regulate anthropogenic carbon emissions using models that trivialize the dynamics of an elaborate, centuries-old global system for generating and distributing useful energy in human societies. Our certainty about model results is such that governments around the world feel able to compel citizens to adopt less efficient and less reliable energy technologies to avoid hydrocarbon fuels at all costs.”

*[SEPP Comment: As the divergence between measured and model calculated atmospheric temperature trends increases.]*

### ***Model Issues***

#### **Climate Modelling in Australia**

By Rick Willoughby, WUWT, Aug 14, 2023

<https://wattsupwiththat.com/2023/08/14/climate-modelling-in-australia/>

“Australia’s mostly government funded scientific research organization, CSIRO, has participated in the United Nations IPCC program to identify human impacts on climate.”

“This article examines how well the CSIRO climate models serve the Australian community that fund their work.”

### ***Measurement Issues -- Surface***

#### **No Significant Precipitation Trend Change In Germany Since Recordings Began In 1881**

By P Gosselin, No Tricks Zone, Aug 18, 2023

<https://notrickszone.com/2023/08/18/no-significant-precipitation-trend-change-in-germany-since-recordings-began-in-1881/>

### ***Changing Weather***

#### **New Studies Find No Global Drought Trend Since 1902...Global Flood Magnitudes Decline With Warming**

By Kenneth Richard, No Tricks Zone, Aug 14, 2023

<https://notrickszone.com/2023/08/14/new-studies-find-no-global-drought-trend-since-1902-global-flood-magnitudes-decline-with-warming/>

Link to one paper: **A global perspective on propagation from meteorological drought to hydrological drought during 1902–2014**

By Haiyun Shi, et al, Atmospheric Research, Dec 15, 2023

<https://www.sciencedirect.com/science/article/abs/pii/S0169809522004276>

*[SEPP Comment: Authors are from China or Republic of Korea]*

#### **Doubts About Droughts**

By Kip Hansen, WUWT, Aug 18, 2023

<https://wattsupwiththat.com/2023/08/18/doubts-about-droughts/>

*[SEPP Comment: Earlier the term “flash drought” was called a dry spell.]*

#### **Tropical Storm Hilary Will Hit Southern California--- the Pacific Northwest Will Get a Sample of It**

By Cliff Mass, Weather Blog, Aug 17, 2023

<https://cliffmass.blogspot.com/2023/08/tropical-storm-hilary-will-hit-southern.html>

“This rain is quite welcome and is very well-timed to reduce the wildfire threat over much of the western U.S.”

#### **Smoke Reaches Western Washington With a Significant Northwest Wildfire Threat and Willamette Heatwave**

By Cliff Mass, Weather Blog, Aug 13, 2023

<https://cliffmass.blogspot.com/2023/08/smoke-reaches-western-washington-with.html>

### ***Changing Weather – Maui Fires***

#### **Thanks to Government, Maui’s Lahaina Fire Became a Deadly Conflagration**

By Paul Homewood, Not a Lot of People Know That, Aug 17, 2023

<https://notalotofpeopleknowthat.wordpress.com/2023/08/17/thanks-to-government-mauis-lahaina-fire-became-a-deadly-conflagration/>

Link to critique: **Thanks to Government, Maui's Lahaina Fire Became a Deadly Conflagration**

By Connor O’Keeffe, Mises Institute, Aug 16, 2023

[https://mises.org/wire/thanks-government-mauis-lahaina-fire-became-deadly-conflagration?mc\\_cid=5f1d0e418e&mc\\_eid=4961da7cb1](https://mises.org/wire/thanks-government-mauis-lahaina-fire-became-deadly-conflagration?mc_cid=5f1d0e418e&mc_eid=4961da7cb1)

### **The Real Cause of the Maui Wildfire Disaster**

By Cliff Mass, Weather Blog, Aug 15, 2023

<https://cliffmass.blogspot.com/2023/08/the-real-cause-of-maui-wildfire-disaster.html>

### **The Maui Wildfires**

By Paul Homewood, Not a Lot of People Know That, Aug 15, 2023

<https://notalotofpeopleknowthat.wordpress.com/2023/08/15/the-maui-wildfires/>

### **Renewables Mania And Woke Dogma Behind Hawaii Fire, Not Climate Change!**

By Michael Schellenberger, Via ICECAP, Aug 17, 2023

[http://icecap.us/index.php/go/new-and-cool/renewables\\_mania\\_and\\_woke\\_dogma\\_behind\\_hawaii\\_fire\\_not\\_climate\\_change/](http://icecap.us/index.php/go/new-and-cool/renewables_mania_and_woke_dogma_behind_hawaii_fire_not_climate_change/)

### **Whither the Weather**

By Steven Hayward, Power Line, Aug 13, 2023 [H/t WUWT]

<https://www.powerlineblog.com/archives/2023/08/whither-the-weather.php>

### **Agency Headed By ‘Indigenous Knowledge’ Advocate Delayed Water Supplies That Would Have Fought Hawaii Fires, Letter Says**

By Nick Pope, Daily Caller, Via WUWT, Aug 17, 2023

<https://wattsupwiththat.com/2023/08/17/agency-headed-by-indigenous-knowledge-advocate-delayed-water-supplies-that-would-have-fought-hawaii-fires-letter-says/>

### ***Changing Climate – Cultures & Civilizations***

#### **The Untold Story of Climate’s Holocene Gift to Humanity**

By Vijay Jayaraj, Cornwall Alliance, Aug 11, 2023

<https://cornwallalliance.org/2023/08/untold-story-of-climates-holocene-gift-to-humanity/>

### ***Changing Cryosphere – Land / Sea Ice***

#### **Climate Hysteria Ramps Up in Antarctica but Recent Data Shows Sea Ice Levels Similar to 1966**

By Chris Morrison, The Daily Sceptic, Aug 13, 2023 [H/t WUWT]

<https://dailysceptic.org/2023/08/13/climate-hysteria-ramps-up-in-antarctica-but-recent-data-shows-sea-ice-levels-similar-to-1966/>

### ***Changing Earth***

#### **A tropical volcano eruption may have caused the hottest July ever**

By Anthony Watts, American Thinker, Aug 11, 2023 [H/t William Readdy]

[https://www.americanthinker.com/blog/2023/08/a\\_tropical\\_volcano\\_eruption\\_may\\_have\\_caused\\_the\\_hottest\\_july\\_ever.html](https://www.americanthinker.com/blog/2023/08/a_tropical_volcano_eruption_may_have_caused_the_hottest_july_ever.html)

### **Hunga Tonga & Its Role In Rising Global Temperatures**

By Paul Homewood, Not a Lot of People Know That, Aug 17, 2023

<https://notalotofpeopleknowthat.wordpress.com/2023/08/17/hunga-tonga-its-role-in-rising-global-temperatures/>

## ***Lowering Standards***

### **21st Century Global Disasters**

By Paul Homewood, Not a Lot of People Know That, Aug 12, 2023

<https://notalotofpeopleknowthat.wordpress.com/2023/08/13/21st-century-global-disasters/>

Link to: **21st Century Global Disasters**

A fresh update on global disasters counts since 2000

By Roger Pielke Jr. The Honest Broker, Aug 10, 2023

[https://rogerpielkejr.substack.com/p/21st-century-global-disasters?utm\\_source=post-email-title&publication\\_id=119454&post\\_id=135907303&isFreemail=true&utm\\_medium=email](https://rogerpielkejr.substack.com/p/21st-century-global-disasters?utm_source=post-email-title&publication_id=119454&post_id=135907303&isFreemail=true&utm_medium=email)

Link to paper: **Is the number of global natural disasters increasing?**

By Gianluca Alimonti & Luigi Mariani, Environmental Hazards, Aug 7, 2023

<https://www.tandfonline.com/doi/abs/10.1080/17477891.2023.2239807?journalCode=tenh20>

“EM-DAT has been funded since the late 1990s by the U.S. Agency for International Development.”

*[SEPP Comment: It appears that the UN and US AID are fiddling with the data.]*

### **EM-DAT: The International Disaster Database**

By Kip Hansen, WUWT, Aug 12, 2023

<https://wattsupwiththat.com/2023/08/12/em-dat-the-international-disaster-database/>

### **The Big Federal Government Lie**

By Bill Kovacs, Townhall, Aug 15, 2023

[https://townhall.com/columnists/billkovacs/2023/08/15/the-big-federal-government-lie-n2627024?utm\\_medium=widget&utm\\_source=slider](https://townhall.com/columnists/billkovacs/2023/08/15/the-big-federal-government-lie-n2627024?utm_medium=widget&utm_source=slider)

### **Yet Another Heat Alert!**

By Paul Homewood, Not a Lot of People Know That, Aug 17, 2023

<https://notalotofpeopleknowthat.wordpress.com/2023/08/17/yet-another-heat-alert/>

“The Met Office panic as temperatures forecast to hit 28C (82F)!!”

### **Conservation officers misleading the public about polar bear problems in Churchill**

By Susan Crockford, Polar Bear Science, Aug 16, 2023

<https://polarbearscience.com/2023/08/16/conservation-officers-misleading-the-public-about-polar-bear-problems-in-churchill/>

“Canadian government-funded media outlet CBC ran a story this morning about problem polar bears in the town of Churchill, Manitoba, the self-described “Polar Bear Capital of the World” that contains some very misleading statements from Manitoba Conservation officers.”

## ***Communicating Better to the Public – Use Yellow (Green) Journalism?***

### **Climate Hysteria Ramps Up in Antarctica but Recent Data Shows Sea Ice Levels Similar to 1966**

By Chris Morrison, The Daily Sceptic, Aug 13, 2023 [H/t WUWT]

<https://dailysceptic.org/2023/08/13/climate-hysteria-ramps-up-in-antarctica-but-recent-data-shows-sea-ice-levels-similar-to-1966/>

### **Tiny "ice mouse" survived Arctic cold in the age of dinosaurs**

By Staff Writers. Boulder CO (SPX), Aug 11, 2023

[https://www.terradyaily.com/reports/Tiny\\_ice\\_mouse\\_survived\\_Arctic\\_cold\\_in\\_the\\_age\\_of\\_dinosaurs\\_999.html](https://www.terradyaily.com/reports/Tiny_ice_mouse_survived_Arctic_cold_in_the_age_of_dinosaurs_999.html)

### **Link to paper: A new tiny eutherian from the Late Cretaceous of Alaska**

By Jaelyn J. Eberle, et al., Aug 5, 2023

<https://www.tandfonline.com/doi/abs/10.1080/14772019.2023.2232359?journalCode=tjsp20>

*[SEPP Comment: Doubt the North Pole was freezing 76 million years ago. Unlike the report, the abstract says nothing about temperatures.]*

### **The Rise and Rhetoric Of The Climate Chicken Littles**

By Tyler Durden, Authored by Roger Koops via the Brownstone Institute, Zero Hedge, Aug 12, 2023 [H/t Bernie Kepshire]

<https://www.zerohedge.com/markets/rise-and-rhetoric-climate-chicken-littles>

### **First tropical storm watch in history issued for California over Hilary**

By Nick Robertson, The Hill, Aug 18, 2023

<https://thehill.com/homenews/state-watch/4158610-first-tropical-storm-watch-in-history-issued-for-california-over-hilary/>

*[SEPP Comment: A day earlier, The Hill had the headline: “Hurricane Hilary could be first tropical storm to hit California in 84 years.” Perhaps 84 years ago California did not watch storms?]*

### **LA Times Exposes the LA Times Maui Wildfire Climate Alarmist Propaganda Incompetence**

By Larry Hamlin, WUWT, Aug 16, 2023

<https://wattsupwiththat.com/2023/08/16/l-a-times-exposes-the-l-a-times-maui-wildfire-climate-alarmist-propaganda-incompetence/>

### **Response To Roger Harrabin**

By Paul Homewood, Not a Lot of People Know That, Aug 16, 2023

<https://notalotofpeopleknowthat.wordpress.com/2023/08/16/response-to-roger-harrabin/>

### ***Communicating Better to the Public – Make things up.***

#### **Science fiction: the crisis in research**

By Matt Ridley, The Spectator, Aug 12, 2023 [H/t Bernie Kepshire]

<https://www.spectator.co.uk/article/science-fiction-the-crisis-in-research/>

“The president of Stanford University, the neuroscientist Marc Tessier-Lavigne, has announced his resignation following an investigation into allegations of fraud and fabrication in three of his lab’s scientific papers, including one cited as the most important result on Alzheimer’s disease in 20 years. The report exonerated him of committing the fraud but found he had failed to correct the errors once they were brought to his attention.”

### **CNN Credits Biden for Record High US Oil Production**

By David Middleton, WUWT, Aug 13, 2023

<https://wattsupwiththat.com/2023/08/13/cnn-credits-biden-for-record-high-us-oil-production/>

### ***Communicating Better to the Public – Use Propaganda***

#### **New Study: People Distressed, Anxious About Climate Have Less ‘Climate-Specific Knowledge’**

By Kenneth Richard, NO Tricks Zone, Aug 17, 2023

<https://notrickszone.com/2023/08/17/new-study-people-distressed-anxious-about-climate-have-less-climate-specific-knowledge/>

Link to paper: **Environmental knowledge is inversely associated with climate change anxiety**  
By Hannes Zacher & Cort Rudolph, Climate Change, Mar 23, 2023  
<https://link.springer.com/article/10.1007/s10584-023-03518-z>

### ***Questioning European Green***

#### **Europe's Self-Imposed Energy Crisis: Paying Homage to Gaia**

By Charles Rotter, WUWT, Aug 13, 2023

<https://wattsupwiththat.com/2023/08/13/europes-self-imposed-energy-crisis-paying-homage-to-gaia/>

#### **Great Reset U-Turn: British Mainstream Political Parties are Road Testing Anti-Green Policies**

By Eric Worrall, WUWT, Aug 14, 2023

<https://wattsupwiththat.com/2023/08/14/great-reset-u-turn-british-mainstream-political-parties-are-road-testing-anti-green-policies/>

### ***Questioning Green Elsewhere***

#### **Offshore Wind Power Isn't 'Clean and Green,' and It Doesn't Cut CO2 Emissions**

By Craig Rucker, Real Clear Energy, August 14, 2023

[https://www.realclearenergy.org/articles/2023/08/14/offshore\\_wind\\_power\\_isnt\\_clean\\_and\\_green\\_and\\_it\\_doesnt\\_cut\\_co2\\_emissions\\_972920.html](https://www.realclearenergy.org/articles/2023/08/14/offshore_wind_power_isnt_clean_and_green_and_it_doesnt_cut_co2_emissions_972920.html)

#### **EPA Carbon Rule Will Lead to 'Significant Power Shortages'**

By David Middleton, WUWT, Aug 16, 2023

<https://wattsupwiththat.com/2023/08/16/epa-carbon-rule-will-lead-to-significant-power-shortages/>

### **Issues Integrating Renewables**

Video by Andrew Dodson, Via WUWT, Aug 13, 2023

<https://wattsupwiththat.com/2023/08/13/issues-integrating-renewables/>

### ***Green Jobs***

#### **What Now, After This Historic First Year of the Inflation Reduction Act?**

By Andrew Reagan, Real Clear Energy, Aug 16, 2023

[https://www.realclearenergy.org/articles/2023/08/16/what\\_now\\_after\\_this\\_historic\\_first\\_year\\_of\\_the\\_inflation\\_reduction\\_act\\_973259.html](https://www.realclearenergy.org/articles/2023/08/16/what_now_after_this_historic_first_year_of_the_inflation_reduction_act_973259.html)

#### **Link to report: One Year of Our Clean Energy Boom**

The 170,606 (and Counting) New Clean Energy Jobs Across the United States, July 25, 2023

<https://climatepower.us/wp-content/uploads/sites/23/2023/07/Clean-Energy-Boom-Anniversary-Report-1.pdf>

#### **Link to: The Budget and Economic Outlook: 2023 to 2033**

Congressional Budget Office, February 2023

<https://www.cbo.gov/publication/58946>

### ***Non-Green Jobs***

#### **Germany's Economic Woes Intensify As Production Slumps "Much More Than Expected"**

By P Gosselin, No Tricks Zone, Aug 13, 2023

<https://notrickszone.com/2023/08/13/germanys-economic-woes-intensify-as-production-slumps-much-more-than-expected/>



### ***Funding Issues***

#### **Dismantle the Inflation Reduction Act! (CEI letter to Congress)**

By Robert Bradley Jr, Master Resource, Aug 17, 2023

<https://www.masterresource.org/competitive-enterprise-institute/78504/>

[SEPP Comment: The full list can be found on the CEI link. It includes former member of Congress Bob Barr, Donna Jackson of Project 21, Gregg Goodnight of The Right Climate Stuff, Bett Grande of Roughrider Policy Center, Tom Sheahan and Ken Haapala of SEPP.]

[https://cei.org/coalition\\_letters/dismantling-the-inflation-reduction-act-green-subsidies-coalition-letter/](https://cei.org/coalition_letters/dismantling-the-inflation-reduction-act-green-subsidies-coalition-letter/)

### ***The Political Games Continue***

#### **Markey, Cohen call on Tennessee Valley Authority to phase out fossil fuels**

By Zack Budryk, The Hill, Aug 17, 2023

<https://thehill.com/policy/energy-environment/4157365-markey-cohen-call-on-tennessee-valley-authority-to-phase-out-fossil-fuels/>

[SEPP Comment: Replace it with what?]

### ***Litigation Issues***

#### **Is This The Most Asinine Sentence Ever Written About ‘Climate Change’?**

I & I Editorial Board, Aug 16, 2023

<https://issuesinsights.com/2023/08/16/is-this-the-dumbest-sentence-ever-written-about-climate-change/>

#### **Annals Of Crazy Climate Litigation: Held v. Montana**

By Francis Menton, Manhattan Contrarian, Aug 16, 2023

<https://www.manhattancontrarian.com/blog/2023-8-16-annals-of-crazy-climate-litigation-held-v-montana>

#### **Climate Change Misinformation Wins in Montana**

By Gregory Wrightstone, CO2 Coalition, Aug 17, 2023

<https://co2coalition.org/2023/08/17/climate-change-misinformation-wins-in-montana/>

Link to decision: Montana First Judicial District Court Lewis and Clark County

Finding of facts and conclusions of law and order, Aug 14, 2023

<https://westernlaw.org/wp-content/uploads/2023/08/2023.08.14-Held-v.-Montana-victory-order.pdf>

“Conclusions of Law include Plaintiffs have proven injury, including injuries to their physical and mental health, homes and property recreational, spiritual, and aesthetic interests, tribal and cultural traditions, economic security and happiness.”

#### **Montana Climate Decision No Big Deal**

By David Wojick, WUWT, Aug 18, 2023

<https://wattsupwiththat.com/2023/08/18/montana-climate-decision-no-big-deal/>

#### **Montana Judge Answers Kids’ Climate Prayer**

By Ron Clutz, Science Matters, Aug 17, 2023

<https://rclutz.com/2023/08/17/montana-judge-answers-kids-climate-prayer/>

#### **Kids Win Montana Climate Change Lawsuit**

By Eric Worrall, WUWT, Aug 15, 2023

<https://wattsupwiththat.com/2023/08/15/kids-win-montana-climate-change-lawsuit/>

### **Court sides with kids who sued Montana over climate change**

By Rachel Frazin, The Hill, Aug 14, 2023

<https://thehill.com/policy/energy-environment/4152016-court-sides-with-kids-who-sued-montana-over-climate-change/>

### **Judge rules in favor of youth plaintiffs in Montana climate case**

By Sam Wilson, Corvallis Gazette-Times, Aug 14, 2023 [H/t Bernie Kepshire]

[https://gazettetimes.com/news/nation-world/crime-courts/montana-climate-trial-youth/article\\_f691fb18-4c21-54cf-955e-f235d6bfc443.html?utm\\_source=gazettetimes.com&utm\\_campaign=%2Fnewsletter-templates%2Fnews-alert&utm\\_medium=PostUp&lctg=988234&tn\\_email\\_eh1=0a439dd0d810360fbb380bbbfac130101741d795](https://gazettetimes.com/news/nation-world/crime-courts/montana-climate-trial-youth/article_f691fb18-4c21-54cf-955e-f235d6bfc443.html?utm_source=gazettetimes.com&utm_campaign=%2Fnewsletter-templates%2Fnews-alert&utm_medium=PostUp&lctg=988234&tn_email_eh1=0a439dd0d810360fbb380bbbfac130101741d795)

### ***Cap-and-Trade and Carbon Taxes***

#### **More Fuel...For Inflation! German Government Doubles Planned CO2 Price Increase**

By P Gosselin, No Tricks Zone, Aug 16, 2023

<https://notrickszone.com/2023/08/16/more-fuel-for-inflation-german-government-doubles-planned-co2-price-increase/>

### ***Subsidies and Mandates Forever***

#### **Putting the ‘S’ in ‘SAF:’ Innovation Takes Farmers and Ethanol to New Heights**

By Geoff Cooper, Real Clear Energy, Aug 17, 2023

[https://www.realclearenergy.org/articles/2023/08/17/putting\\_the\\_s\\_in\\_saf\\_innovation\\_takes\\_farmers\\_and\\_ethanol\\_to\\_new\\_heights\\_973532.html](https://www.realclearenergy.org/articles/2023/08/17/putting_the_s_in_saf_innovation_takes_farmers_and_ethanol_to_new_heights_973532.html)

“Only a tiny amount of SAF [Sustainable Aviation Fuel] is being produced today. But the sector is well positioned for takeoff.”

*[SEPP Comment: The CEO of the Renewable Fuels Association defending subsidies and mandates forever.]*

### ***EPA and other Regulators on the March***

#### **Comments On The Insanity Of EPA's New Power Plant Rule**

By Francis Menton, Manhattan Contrarian, Aug 11, 2023

<https://www.manhattancontrarian.com/blog/2023-8-11-q46sty6ag7s42khtoh65ifs48t17tz>

‘In all those 672 pages, EPA has only two ideas for how to eliminate the carbon emissions from combustion power plants: carbon capture and storage (CCS), and ‘green’ hydrogen. Either you must implement one of those two ideas to meet EPA’s standards by the deadline, or you must close your power plant. But here’s the problem: both of those ideas are, frankly, absurd.’

#### **Comments From Supporters Of EPA's New Power Plant Rule**

By Francis Menton, Manhattan Contrarian, Aug 14, 2023

<https://www.manhattancontrarian.com/blog/2023-8-14-comments-from-supporters-of-epas-new-power-plant-rule>

“EPA has somehow ginned up a number of 1300 premature deaths per year that it thinks it can prevent by shutting down an electricity generation system that works and replacing it with something that has not been demonstrated to work or even been subject to a feasibility study. Last year there were 3,274,000 deaths in the U.S., so 1300 would be 0.04%, and they would appear to

be counted by EPA even if the death is premature by only one day. How EPA knows that an imperceptible change in temperature could cause these deaths is an excellent question.”

### **Why a Tesla costs more than a Model T**

By Greg Walcher, The Daily Sentinel, Aug 4, 2023

[https://www.gjsentinel.com/opinion/columns/why-a-tesla-costs-more-than-a-model-t/article\\_27d6c564-321a-11ee-b91a-43f5316881d1.html](https://www.gjsentinel.com/opinion/columns/why-a-tesla-costs-more-than-a-model-t/article_27d6c564-321a-11ee-b91a-43f5316881d1.html)

### ***Energy Issues – Non-US***

#### **Heat Pumps Not Good Enough For Chris Stark!**

By Paul Homewood, Not a Lot of People Know That, Aug 14, 2023

<https://notalotofpeopleknowthat.wordpress.com/2023/08/14/heat-pumps-not-good-enough-for-chris-stark/>

“Chris Stark, the chief executive of the Climate Change Committee, said he still has a gas boiler.”  
[Water heater]

### ***Energy Issues – Australia***

#### **Australians: Look Hard Before Leaping**

Video by Peta Credlin, Sky News, Accessed Aug 18, 2023

<https://www.youtube.com/watch?v=xbQ2bgu1QVA>

Transcript by Ron Clutz, Science Matters, Aug 13, 2023

<https://rclutz.com/2023/08/13/australians-look-hard-before-leaping/>

#### **Your EV shall be the backup battery for the grid to make wind and solar profits possible**

By Jo Nova, Her Blog, Aug 15, 2023

<https://joannenova.com.au/2023/08/your-ev-shall-be-the-backup-battery-for-the-grid-to-make-wind-and-solar-profits-possible/>

### ***Energy Issues -- US***

#### **The March 1940 Superstorm: Geoelectromagnetic Hazards and Impacts on American Communication and Power Systems**

By Jeffrey Love, et al., Space Weather, June 22, 2023 [H/t WUWT]

<https://agupubs.onlinelibrary.wiley.com/doi/10.1029/2022SW003379>

#### **Voters will need to decide if our energy system remains affordable and reliable, or descends into chaos**

By Terry Etam, BOE Report, Aug 15, 2023 [H/t WUWT]

<https://boereport.com/2023/08/15/voters-will-need-to-decide-if-our-energy-system-remains-affordable-and-reliable-or-descends-into-chaos/>

#### **FERC Adopts ‘Historic’ Reforms to Ease Nationwide Generation Interconnection Backlog**

By Sonal Patel, Power Mag, Aug 1, 2023

<https://www.powermag.com/ferc-adopts-historic-reforms-to-ease-nationwide-generation-interconnection-backlog/#:~:text=Order%202023%2C%20a%20final%20rule,prevent%20%E2%80%9Cundue%20discrimination%E2%80%9D%20for%20new>

[0discrimination%E2%80%9D%20for%20new](https://www.powermag.com/ferc-adopts-historic-reforms-to-ease-nationwide-generation-interconnection-backlog/#:~:text=Order%202023%2C%20a%20final%20rule,prevent%20%E2%80%9Cundue%20discrimination%E2%80%9D%20for%20new)

[SEPP Comment; Get unreliable energy on the grid faster.]

#### **Texans Asked To Cut Electricity Use, As Wind Power Drops Off**

By Paul Homewood, Not a Lot of People Know That, Aug 18, 2023

<https://notalotofpeopleknowthat.wordpress.com/2023/08/18/texans-asked-to-cut-electricity-use-as-wind-power-drops-off/>

Link to Notice: “ERCOT has issued a Voluntary Conservation Notice for 3 – 8 p.m. today, Aug. 17, due to extreme temperatures, forecasted high demand, & lower reserves due to low wind generation.”

[https://twitter.com/ERCOT\\_ISO/status/1692212135005237465](https://twitter.com/ERCOT_ISO/status/1692212135005237465)

### **Exclusive: Federal analysis says IRA, infrastructure law could save customers billions on energy bills**

By Zack Budryk, The Hill, Aug 16, 2023

<https://thehill.com/policy/energy-environment/4154516-exclusive-federal-analysis-says-ira-infrastructure-law-could-save-customers-billions-on-energy-bills/>

No clear identification of the report, it may be: **Reported Energy and Cost Savings from the DOE ESPC IDIQ Program: FY 2020**

By Christine Walker, Oak Ridge National Lab., May 2022

<https://info.ornl.gov/sites/publications/Files/Pub174903.pdf>

### **New York Climate Change Congestion Charging Scheme Blocked by Federal Environment Law**

By Eric Worrall WUWT, Aug 13, 2023

<https://wattsupwiththat.com/2023/08/13/new-york-climate-change-congestion-charging-scheme-blocked-by-federal-environment-law/>

“How liberals unintentionally made it harder to fight climate change.”

### **Data Confirms: Building a Cleaner Grid Is Going to Be Harder Than Expected**

By Todd Snitchler, Real Clear Energy, August 11, 2023

[https://www.realclearenergy.org/articles/2023/08/11/data\\_confirms\\_building\\_a\\_cleaner\\_grid\\_is\\_going\\_to\\_be\\_harder\\_than\\_expected\\_972446.html](https://www.realclearenergy.org/articles/2023/08/11/data_confirms_building_a_cleaner_grid_is_going_to_be_harder_than_expected_972446.html)

### **Pragmatic Policies Can Foster a Clean Energy Future**

By Dave Schryver, Real Clean Energy, August 14, 2023

[https://www.realclearenergy.org/articles/2023/08/14/pragmatic\\_policies\\_can\\_foster\\_a\\_clean\\_energy\\_future\\_972884.html](https://www.realclearenergy.org/articles/2023/08/14/pragmatic_policies_can_foster_a_clean_energy_future_972884.html)

*[SEPP Comment: Spend more money anyway!]*

### ***Washington's Control of Energy***

#### **Regulatory Certainty Is Essential to a Reliable and Clean Energy Future in Connecticut**

By Ron Brisé, Real Clear Energy, Aug 14, 2023

[https://www.realclearenergy.org/articles/2023/08/14/regulatory\\_certainty\\_is\\_essential\\_to\\_a\\_reliable\\_and\\_clean\\_energy\\_future\\_in\\_connecticut\\_972870.html](https://www.realclearenergy.org/articles/2023/08/14/regulatory_certainty_is_essential_to_a_reliable_and_clean_energy_future_in_connecticut_972870.html)

*[SEPP Comment: What about wind and solar certainty?]*

### ***Oil and Natural Gas – the Future or the Past?***

#### **The Payback - Canadians 'Avenge' Keystone XL Loss With Takeover Of Top U.S. Crude Export Terminals**

By Housley Carr, RBN Energy, Aug 14, 2023

<https://rbnenergy.com/the-payback-canadian-avenge-keystone-xl-loss-with-takeover-of-top-us-crude-export-terminals>

### ***Return of King Coal?***

#### **King Coal Outdistancing Wind/Solar/Hydro/Other Renewables**

By Kennedy Maize, Master Resource, Aug 15, 2023

<https://www.masterresource.org/coal-international/king-coal-maize/>

### ***Nuclear Energy and Fears***

#### **Plant Vogtle (Georgia Power): What Now?**

By Jim Clarkson, Master Resource, Aug 16, 2023

<https://www.masterresource.org/southern-nuclear/plant-vogtle-georgia-power-what-now/>

#### **Vogtle Unit 3 Enters Commercial Operation: First ‘Newly Constructed’ U.S. Nuclear Power Plant in Decades**

By Aaron Larson, Power Mag, July 31, 2023

<https://www.powermag.com/vogtle-unit-3-enters-commercial-operation-first-newly-constructed-u-s-nuclear-power-plant-in-decades/>

#### **Two Big Nuclear Regulatory Milestones for Idaho NuScale SMR Project**

By Sonal Patel, Power Mag, Aug 3, 2023

<https://www.powermag.com/two-big-nuclear-regulatory-milestones-for-idaho-nuscale-smr-project/>

### ***Alternative, Green (“Clean”) Vehicles***

#### **Biden-backed electric vehicle company files for bankruptcy**

By Paul Homewood, Not a Lot of People Know That, Aug 12, 2023

<https://notalotofpeopleknowthat.wordpress.com/2023/08/12/biden-backed-electric-vehicle-company-files-for-bankruptcy/>

### ***California Dreaming***

#### **California’s Cap And Trade Experiment**

By Chuck Dinerstein, ACSH, Aug 9, 2023

<https://www.acsh.org/news/2023/08/09/california%E2%80%99s-cap-and-trade-experiment-17228>

“The good news – cap and trade did not alter local economic growth compared to counties bordering on California. The bad news – cap and trade made a “negligible” difference in the emission of GHGs at either the county or facility level.

“Overall, these findings reveal the ineffectiveness, at least in the short term, of the CATP in curbing GHG emissions.”

### ***Oh Mann!***

#### **Undeniable Proof that Alarmist Climate Scientist Michael Mann is Misinforming the Public About a Climate Crisis!**

By Jim Steele, WUWT, Aug 17, 2023

<https://wattsupwiththat.com/2023/08/17/undeniable-proof-that-alarmist-climate-scientist-michael-mann-is-misinforming-the-public-about-a-climate-crisis/>

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## **BELOW THE BOTTOM LINE**

**Climate change causes Earthquakes and Volcanoes again...**

By Jo Nova, Her Blog, Aug 12, 2023

<https://joannenova.com.au/2023/08/climate-change-causes-earthquakes-and-volcanoes-again/>  
Link to absurd article: **How climate change might trigger more earthquakes and volcanic eruptions**

By Matthew Blacken, The Conversation, Aug 8, 2023

<https://theconversation.com/how-climate-change-might-trigger-more-earthquakes-and-volcanic-eruptions-210841>

Jo Nova: “We need to know: Can We Stop Volcanoes with Solar Panels?”

### **Malcolm Turnbull: Fossil Fuel Derived Hydrogen Must be Restricted for Green Hydrogen to Flourish**

By Eric Worrall, WUWT, Aug 18, 2023

<https://wattsupwiththat.com/2023/08/18/malcolm-turnbull-fossil-fuel-derived-hydrogen-must-be-restricted-for-green-hydrogen-to-flourish/>

### **'Scientist' Wants To Catch An Asteroid And Block Out The Sun With It.**

The latest demented idea being pushed to stop the world ending from climate armageddon is to catch an asteroid, put an umbrella on it and use it to block out the Sun.

Authored by Steve Watson via Summit News., Zero Hedge, Aug 12, 2023 [H/t Bernie Kepshire]

<https://www.zerohedge.com/weather/scientist-wants-catch-asteroid-and-block-out-sun-it>

Link to paper: **Solar radiation management with a tethered sun shield**

By István Szapudi, PNAS, June 7, 2023

<https://www.pnas.org/doi/10.1073/pnas.2307434120>

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## **ARTICLES**

### **1. Regulators Gone Wild**

The White House is rewriting the rules for cost-benefit analysis to unleash its regulators.

By The Editorial Board, WSJ, Aug 14, 2023

[https://www.wsj.com/articles/white-house-office-of-management-and-budget-regulations-state-attorneys-general-980c0c2a?mod=hp\\_opin\\_pos\\_1](https://www.wsj.com/articles/white-house-office-of-management-and-budget-regulations-state-attorneys-general-980c0c2a?mod=hp_opin_pos_1)

TWTW Summary: The editorial begins:

*“The Supreme Court has reined in some of the Biden Administration’s regulatory excesses, but the federal bureaucracy is relentless. And now the White House is quietly changing its analytical methods to make it easier to impose new rules while disguising their cost. If you think regulation has been running amok in the last two years, buckle up.*

*That’s the meaning of the update to what Beltway wonks call the ‘circular,’ which is guidance from the White House Office of Management and Budget (OMB) that tells federal agencies how to calculate regulatory costs. The guidance is meant to protect taxpayers by requiring that any proposed regulation justify its cost, based on standard criteria. OMB’s regulatory shop was established to be a check on agencies that want to extend their power willy-nilly regardless of cost.*

*Now even that guardrail is coming off. In April President Biden issued an executive order instructing OMB to ‘modernize the regulatory process.’ By ‘modernize’ he means remove restraints.*

*Under Mr. Biden’s order, a ‘significant regulatory action’ is redefined as one expected to have a \$200 million annual economic cost, up from \$100 million currently. The cost side is then subjected to accounting gimmickry that reduces the apparent impact on the U.S. economy and society.*

*OMB also tips the benefit side of the cost-benefit ledger by allowing consideration of the ‘global effects of the regulation,’ not merely how new rules affect Americans. That’s right. A perceived benefit for the world can figure into the analysis of a new rule as much as the cost to the people of, say, East Palestine, Ohio. This is intended to be a particular green light for new climate regulation.*

*All of this doesn’t make headlines but it will have a bigger impact than nearly everything Congress does. One of the casualties will be the states that are the subject of rules, and the guidance rewrite is drawing fire from 26 state Attorneys General who say the revision ‘turns federalism on its head.’ In a letter to OMB, the AGs write that the new rule will ‘decrease the utility of cost-benefit analysis while increasing the power and flexibility of federal regulators.’*

*The letter says the revisions will also ‘encroach on traditional areas of State concern’ by claiming that State governments are not ‘effectively addressing the issues at hand.’ The Administration is ‘attempting to manipulate the regulatory process,’ the AGs add, by ‘adjusting the discount rate and adjusting the time horizon of regulatory analysis’ so the presumed benefits of progressive regulations seem to trump costs.*

*By lowering the discount rate, the Administration can make hoped-for benefits that might occur years in the future weigh more heavily against the present regulatory costs. The new draft would also grant the executive branch wider authority for regulations ‘promoting distributional fairness and advancing equity.’”*

TWTW notes that the UK passed the Climate Change Act 2008 after a noted economist played with the discount rate making future imagined costs appear to be greater than they realistically are. The editorial concludes:

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*“The Biden Administration has already unleashed more regulatory costs on the economy than any in recent memory—even the Obama Administration. Mr. Biden first repealed the Trump Administration rule that for every new regulation, two had to be repealed.*

*Then his regulators went wild. Casey Mulligan, a University of Chicago economist, recently looked at the Biden rules through 2022 and said the overall cost is \$5,019 per household. That’s 15% more than the \$4,353 cost per household during a comparable period in the Obama Administration. The Trump Administration had reduced regulatory costs by \$2,636.*

*According to the Competitive Enterprise Institute’s Clyde Wayne Crews, the Biden Administration has 297 ‘economically significant’ regulations in the pipeline, and his average has been 97 per year compared to an average of 69 a year for Mr. Obama and 49 for George W. Bush. That*

*number will appear to fall if Mr. Biden raises the bar for economically significant regulations to \$200 million, which is part of the point.*

*But don't be fooled. Mr. Biden is setting new records as the super regulator in chief, and all of us will pay for it."*

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## **2. Bidenomics and the New Political-Subsidy Economy**

Government is steering investment now through the Inflation Reduction Act, at the cost of future growth.

By The Editorial Board, WSJ, Aug. 16, 2023

[https://www.wsj.com/articles/inflation-reduction-act-biden-administration-subsidies-be193c96?mod=hp\\_opin\\_pos\\_5#cxrecs\\_s](https://www.wsj.com/articles/inflation-reduction-act-biden-administration-subsidies-be193c96?mod=hp_opin_pos_5#cxrecs_s)

TWTW Summary: The editorial begins:

*"The White House is celebrating the first anniversary of the Inflation Reduction Act like it's VE-Day, and you have to admire the political chutzpah. The Administration is spending literally trillions of dollars in taxpayer subsidies and calling the projects that result an economic miracle.*

*But government can always get more of what it subsidizes, and in this case it's a gusher on politically favored industries. No wonder construction spending on factories has soared nearly 80% in the last year, according to the Census Bureau. Public works spending increased (13.6%), especially on electric power projects (36.7%), conservation and development (30.1%), and highways and streets (20.4%).*

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*Wally Adeyemo, the deputy Treasury secretary, sent a memo to 'interested parties' (i.e., the press) on Wednesday touting 'nearly 200 new projects totalling over \$110 billion of investment in building America's clean energy economy.' That's hardly surprising given the magnitude of new subsidies for big business and bigger government.*

*The 2021 infrastructure bill increased spending by \$550 billion over five years, including \$65 billion for broadband, \$79 billion for the power grid, and \$15 billion for electric vehicles. The Chips Act ladled out \$280 billion over 10 years, which includes \$39 billion and a 25% investment tax credit for chip factories.*

*The really big hitter is the Inflation Reduction Act (IRA), which includes \$1.2 trillion in climate spending and tax credits over the next decade and another \$400 billion in government loans. Apart from wartime, we doubt there has ever been a bigger splurge of government subsidies. All of this inevitably produces a surge in investment, at least in the short term. GDP will see a boost, much as it did from the welfare payments during the pandemic.*

*But the test of all this spending isn't the number of new projects that break ground. It's whether those projects will be more productive than those that would otherwise have gone ahead if government hadn't directed the capital. The right public works can also increase productivity, but politicians invariably shower the money on projects that often don't. We're still waiting for the productivity bump from the 2009 stimulus's shovel-ready projects.*



*The IRA's \$1.2 trillion in climate subsidies will invariably cause investment distortions and unseen economic damage. As 19th-century French economist Frédéric Bastiat explained, economic meddling produces effects that can be immediately seen—such as new factories—as well as harm that isn't visible.*

*The IRA's climate subsidies are so large that companies almost have to grab them, lest competitors get an edge. And what a windfall it is for corporations. Panasonic expects to pocket \$2 billion in tax credits each year for its battery factories in Nevada and Kansas. First Solar will rake in \$710 million from the government this year for its solar panels—nearly 90% of its forecast operating profit.*

*Oil and gas companies are plowing more money into subsidized green technologies because they can yield a higher return on investment than hydrocarbons. Exxon Mobil plans to invest \$7 billion in hydrogen, carbon capture and biofuels through 2027. That's \$7 billion less that could be invested in oil and gas.*

*Most of these green-energy investments wouldn't be happening if not for subsidies. Banks in the Federal Reserve's lending survey reported tightening credit during the second quarter for commercial and industrial companies. Banks are asking for higher risk premiums and more collateral.*

*Yet green-energy businesses can borrow from the government at the Treasury rate. The IRA authorized the Energy Department to lend up to \$400 billion for climate projects. 'Everyone is getting on this action,' Energy loan office chief Jigar Shah recently noted.*

*After receiving a \$9.2 billion DOE loan for two battery factories, Ford announced last month it is throttling back its electric-vehicle production targets amid mounting losses."*

The editorial discusses how certain states, such as California, may force consumers to buy EVs by banning other vehicles then concludes:

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*"Money for these subsidies has to come from somewhere, and that means the private economy in higher taxes and more government borrowing. One early cost may be flagging private research and development. Since the first quarter of 2022, R&D's contribution to GDP has averaged about half what it did from 2018 and 2021. One reason is the expiration last year of the immediate tax amortization for R&D. But some companies may also be shifting investment from R&D to subsidized activities.*

*The IRA is the heart of Bidenomics, which is about creating a new political-subsidy economy. Perhaps all of this will effloresce into a brilliant green future. More likely hundreds of billions in misallocated investment will reduce future productivity gains and translate into slower economic and income growth. Let's hope President Biden's subsidies don't boomerang like pandemic transfer payments, leaving all Americans poorer."*

### **3. The EPA Defies the Supreme Court**

The agency imposes a 'suite' of climate policies and doesn't even try to hide its own lawlessness.  
By Chris Horner, WSJ, Aug. 17, 2023

[https://www.wsj.com/articles/epa-environmental-protection-supreme-court-regulation-unconstitutional-climate-change-administrative-state-biden-42f31ce3?mod=hp\\_opin\\_pos\\_4#cxrecs\\_s](https://www.wsj.com/articles/epa-environmental-protection-supreme-court-regulation-unconstitutional-climate-change-administrative-state-biden-42f31ce3?mod=hp_opin_pos_4#cxrecs_s)

TWTW Summary: The attorney in Washington begins:

*“In politics, inadvertently telling the truth is called a ‘gaffe.’ Last year Michael Regan, administrator of the Environmental Protection Agency, made a remark in passing that gave away the Biden administration’s plans for enforcing its climate agenda through a ‘suite of rules’ imposed under programs lacking any credible connection to climate. A few months later, a Supreme Court opinion transformed Mr. Regan’s indiscretion into justification for wholesale judicial repudiation of the Biden administration’s climate regulatory blitz.*

*Mr. Regan’s comment came on March 10, 2022, when he addressed the press following his keynote address to CERAWEEK, a climate conference in Houston. A reporter asked about vulnerabilities of the EPA’s approach to installing climate regulation through the Obama-Biden Clean Power Plan, which was then awaiting judgment by the court. Mr. Regan replied that the agency had abandoned the idea of relying on any specific grant of regulatory authority. Instead it was in the process of tightening rules under numerous and varied regulatory programs all at once, pressuring disfavored operations to close and compelling investment consistent with the EPA’s desires.*

*Mr. Regan went on to cite rules to tighten regulation of mercury, ozone, soot, hazardous air pollutants, water effluent and coal ash under acknowledged congressional grants of authority. But he also called the ‘expedited retirement’ of power plants ‘the best tool for reducing greenhouse-gas emissions’ and opined that the ‘industry gets to take a look at this suite of rules all at once and say, ‘Is it worth doubling down on investments in this current facility or operation, or should we look at the cost and say no, it’s time to pivot and invest in a clean-energy future?’ ‘*

*This already reflected something of a scofflaw position. Congress never approved what Mr. Regan described. It became a serious problem when the justices struck down the Clean Power Plan in June. West Virginia v. EPA held that the agency didn’t have the authority it claimed to force power-plant closures by setting unmeetable emission standards and thus dictate, as the court had put it, ‘how Americans get their energy.’*

*Chief Justice John Roberts noted for the 6-3 majority that after Congress had repeatedly considered and rejected providing the agency authority to regulate power-sector greenhouse gases, the EPA claimed ‘to discover an unheralded power’ that represented a ‘transformative expansion in [its] regulatory authority’ to force ‘generation shifting.’*

*The court invoked the major-questions doctrine—a principle grounded in the separation of powers—which states that when a regulatory agency seeks to impose burdens of ‘economic and political significance,’ there is ‘reason to hesitate.’ If an agency can’t point to ‘clear congressional authorization,’ the authority doesn’t exist.*

*Many climate activists took the lesson that they should stop bragging about clever regulatory approaches. “*

Mr. Horner gives specifics then concludes:

*“That’s good advice, but the administration appears undeterred. Records obtained by policy groups I represent in Freedom of Information Act litigation show Mr. Biden’s EPA team came in with this plan to hit fossil generation with a barrage of disparate regulations as a climate strategy. One impressively prescient email sent the day after Mr. Biden’s election by law professor and soon-to-be Biden climate advisor Ann Carlson laid out the approach, even using the phrase ‘suite of climate policies.’*

*Two weeks into Mr. Biden’s term, a PowerPoint slide show—given by a lawyer named Joe Goffman, who is hailed in media profiles as the administration’s ‘law whisperer’ because ‘his specialty is teaching old laws to do new tricks’—detailed a plan of tightening regulation on power plants by using solid waste, water and even visibility standards. The audience for his plan to blitz fossil power generation with these non-climate programs? The White House Climate Office. FOIA records also include activist correspondence to Mr. Goffman specifically urging the EPA to tighten ‘haze’ rules as a back door for the climate agenda, which EPA appears to be doing.*

*Long-held plans are hard to let go. Despite the court’s rejection of each authority the administration has claimed so far to regulate greenhouse gases from power plants, one email written during the immediate post-West Virginia scramble refers to ‘EPA’s CAA toolbox’ for ‘Power Sector GHG Reductions.’ (The abbreviations stand for Clean Air Act and greenhouse gas.)*

*West Virginia v. EPA addressed power the agency claimed under a specific rule, but the opinion’s scope extends far beyond that rule. The justices flatly stated that trying to force the plant-closure agenda Mr. Regan described, for which the EPA can cite no statutory mandate, presents a ‘major question’ requiring a clear congressional statement of authority.*

*Academics now call on Mr. Biden to ignore the Supreme Court. His EPA is doing so, while also ignoring Congress. It seems inevitable the court will confront this latest gambit to evade constitutional limits. As always, the question will be how much lasting harm the EPA can inflict before the courts act to stop it.”*