

## The Week That Was 2010-07-3 (July, 2010) Brought to you by SEPP (www.SEPP.org)

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### Quote of the Week

*“The science was not the subject of our study’. Why would anyone have expected that science would be the subject of study of the Science Appraisal Panel?” – Steve McIntire on the Oxburgh “inquiry” of ClimateGate.*

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**Number of the Week:** 64%

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### THIS WEEK:

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

Number of the week: 64%:

Published in the Proceedings of the National Academy of Sciences, a survey of 14 climate science experts conducted by a team led by Professor Granger Morgan of Carnegie Mellon University revealed that 9 out of the 14 (64%) believe there is a 90% or more chance that the earth will reach a “tipping point” by the year 2200 if the IPCC worst-case scenario continues. (Please see reference under “March of the Polls.”)

The term “tipping point” in the survey is disturbing because the concept is vague. This survey, and similar ones, appears to be designed to better market the alarmist view to the public after the ClimateGate revelations than to improve scientific procedures.

The public would be better served if the Proceedings of the National Academy of Sciences would require rigorous application of the scientific method in testing assumptions against data rather than focus on marketing alarmist work.

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These pages have frequently referred to the work of those who are constantly testing the assumptions and the results of the IPCC climate models against data. In his new book *The Great Global Warming Blunder*, Roy Spencer describes his recent work, some of it peer reviewed and ignored, in language suitable for the non-expert.

Using data from the new CERES (Clouds and the Earth’s Radiant Energy System) instruments and a home computer, Spencer created a simple, one-equation climate model to address the core issues of Anthropogenic Global Warming (AGW): 1) is the net feedback negative or positive, and 2) other than atmospheric carbon dioxide, what are the possible causes of 20<sup>th</sup> Century warming ? The first question will be briefly discussed here, the second in a future TWTW.

If the net feedback is negative, then there is an upper bound to warming both directly and indirectly caused by a doubling of carbon dioxide. That upper bound would be no more than 1.1° C, (2° F) – the estimated warming from a doubling of atmospheric carbon dioxide alone, as agreed upon by most researchers.

Spencer thinks the climate modelers have confused cause with effect. In a warm year, there is a noticeable absence of low clouds (low clouds have a cooling effect). The modelers assume that warming causes the lack of clouds, a positive feedback amplifying the warming. Spencer suggests the lack of clouds causes warming (a natural forcing, not considered in the IPCC models). Complicating the issue, increasing clouds can produce a negative feedback to warming. Separating a forcing from a feedback (cause from effect) in the satellite data of the earth's energy balance has been a vexing problem.

Using his simple model allowing for natural cloud variability, Spencer demonstrates that a forcing signature may be different from a feedback signature and that this difference is picked up in the radiative energy imbalance from data measured by the new CERES instruments that have been in orbit for the last nine years. He points out that the models used by the IPCC show distinct signatures as well.

If Spencer's work stands up to rigorous independent analysis, then the primary AGW question is no longer how much warming, but how little? (Please see *The Great Global Warming Blunder* or Roy Spencer's web site: [www.drroyspencer.com](http://www.drroyspencer.com).)

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President Obama called the BP oil spill the greatest environmental disaster in US history. One may quibble about "the greatest", but the administration and Congress have responded to this disaster strangely. Seventy days after the blow-out, it appears that the administration finally allowed foreign vessels, which are more technologically advanced to deal with ocean oil spills than US vessels, to assist. Without full clearances, two converted supertankers are steaming to the Gulf to help. According to reports, each one has the capacity to remove an amount of oil in a day and one-half than all ships have been able to remove in two months. One can question the exact volume but not the mass capability. Will the administration allow the vessels to work? If the issue is one of payment, then use the \$20 Billion fund the administration extracted from BP.

Many politicians in and out of Congress appear to be willing to turn this environmental disaster into an economic disaster. The House Energy and Commerce Subcommittee on Energy and Environment held a hearing on the "Blowout Prevention Act of 2010." The provisions of the Act require that a company must be able to promptly stop a blowout – without defining "promptly." This Act will effectively destroy oil extraction in the United States because it gives the environmental industry the ability to sue the US government over its loose definitions. (The Supreme Court defining carbon dioxide as an air pollutant under the Clean Air Act provides an example of what may happen.) Imagine if Congress passed a bill requiring that airlines must be able to promptly stop all airplane crashes. (Please see the articles referenced under BP Spill.)

Strangely missing from the reports on the Gulf of Mexico disaster are follow-up reports of the damage done to the Persian Gulf in the oil spill disaster during the first Gulf War when the retreating Iraqi troops destroyed the oil wells of Kuwait. Based on some estimates, the amount of oil that went into the Persian Gulf was almost twice that of what has gone into the Gulf of

Mexico thus far. The Persian Gulf is far more confined than the Gulf of Mexico and now extremely expensive island residences are being built in it.

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TWTW Corrections and Amplifications:

In response to last week's comments on the New Zealand Emissions Trading Scheme (ETS), MP John Boscawen informed us that ETS took effect on the forestry industry, only, on January 1, 2008. Effective July 1, 2010, ETS applies generally, but the animal methane provisions do not take effect until January 1, 2015. This gives us some more time to enjoy great New Zealand lamb before the prices increase significantly.

Last week, TWTW commented that few birds have been found dead with visible oil in the Gulf of Mexico and questioned how this number compared with numbers birds killed by wind turbines and other means. Several readers responded and provided references. Apparently there is no central reporting of such bird kills. Estimates from Wikipedia, etc, for each month are: 5 to 6 thousand from wind turbines; 2 to 7 million from cars and trucks; 3 to 4 million from lighted towers; 10 to 14 million from utilities; and 8 to 80 million from windows. The accuracy of the numbers is unknown. As of July 1, after 72 days, the US Fish and Wildlife reported a total of dead birds collected in the Gulf of Mexico that were "visibly oiled" at 359, but not necessarily killed by oil.

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**ARTICLES:** [For the numbered articles below please see the attached pdf.]

**1. A question of trust: It isn't enough to explain the facts of climate change very, very clearly. Building public trust requires researchers to change their practices.**

Editorial, Nature, June 30, 2010

<http://www.nature.com/nature/journal/v466/n7302/full/466007a.html>

[SEPP Comment by Fred Singer: I strongly disagree with the first sentence and the final paragraph. Aside from that, the rest is really irrelevant.]

**2. Why Is the Gulf Cleanup So Slow?**

*There are obvious actions to speed things up, but the government oddly resists taking them.*

By Paul Rubin, WSJ, July 2, 2010

[http://online.wsj.com/article/SB10001424052748703426004575339650877298556.html?mod=WSJ\\_Opinion\\_LEADTop](http://online.wsj.com/article/SB10001424052748703426004575339650877298556.html?mod=WSJ_Opinion_LEADTop)

**3. Delayed Response**

Editorial IBD, June 30, 2010

<http://www.investors.com/NewsAndAnalysis/Article/539049/201006301859/Delayed-Response.aspx>

**4. Don't expect objectivity from this Obama oil spill commission appointee**

By Mark Tapscott, Washington Examiner, July 1, 2010

<http://www.washingtonexaminer.com/opinion/blogs/beltway-confidential/dont-expect-objectivity-from-this-obama-oil-spill-commission-appointee-97624059.html>

**5. Here Comes the Judge**

By Paul Greenberg, Townhall, June 28, 2010

[http://townhall.com/columnists/PaulGreenberg/2010/06/28/here\\_comes\\_the\\_judge/page/1](http://townhall.com/columnists/PaulGreenberg/2010/06/28/here_comes_the_judge/page/1)

## **6. Changing the Climate In California**

IBD Editorials, June 25, 2010

<http://www.investors.com/NewsAndAnalysis/Article/538638/201006251913/Changing-The-Climate-In-California.aspx>

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### **NEWS YOU CAN USE:**

#### ***Challenging the Orthodoxy***

##### **Interview with John Christy – Models, sensitivity, the PNAS paper and more**

By Thomas Fuller, Examiner, July 1, 2010

<http://www.examiner.com/x-9111-Environmental-Policy-Examiner~y2010m7d1-Global-warming-Interview-with-John-ChristyModels-sensitivity-the-PNAS-paper-and-more?cid=examiner-email>

##### **Climate Science Hits New Desperate Low**

The battle to perpetuate the false IPCC science is fighting a rearguard action with yet another consensus attack

By Tim Ball, Canada Free Press, July 1, 2010 [H/t Gordon Fulks]

<http://canadafreepress.com/index.php/article/24882>

##### **China's 2,000 Year Temperature History**

World Climate Report, June 30, 2010, [H/t Randy Randol]

<http://www.worldclimatereport.com/index.php/2010/06/30/china%E2%80%99s-2000-year-temperature-history/>

*[SEPP Comment: Should one argue with the records of the world's oldest continuous civilization?]*

##### **Use of Random Walk to Determine the Cause of Temperature Change**

By YAN Shao-min, WU Guang, Guangxi Sciences, 210, 17 (2), [H/t Vincent Gray]

<http://www.dreamscitech.com/CV/Guangxi%20Sci%202010%2017%282%29%20148-50.pdf>

Summary from: <http://www.dreamscitech.com/>

*[SEPP Comment: Are the projections of temperature change from the IPCC models no better than a theory for picking stocks?]*

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

##### **If scientists want to educate the public, they should start by listening**

By Chris Mooney, Washington Post, June 27, 2010

<http://www.washingtonpost.com/wp-dyn/content/article/2010/06/25/AR2010062502158.html>

*[SEPP Comment: The following quote illustrates the problem – arrogance. “The battle over global warming has raged for more than a decade, with experts still stunned by the willingness of their political opponents to distort scientific conclusions. They conclude, not illogically, that they're dealing with a problem of misinformation or downright ignorance -- one that can be fixed only by setting the record straight.” Now we have it! Those scientists who disagree with the experts are misinformed and ignorant and distort scientific conclusions.*

*Contrary to the claims of the reporter it was the skeptics who doubted the study in Nature claiming vaccines cause autism.]*

##### **Scientists From Mars Face Public From Venus**

By Andrew Revkin, NYT, June 29, 2010

<http://dotearth.blogs.nytimes.com/2010/06/29/scientists-from-mars-face-public-from-venus/?emc=eta1>

*[SEPP Note by Fred Singer to Andy Revkin, When Chris Mooney talks about "nonscientists [who] appear almost entirely impervious to scientific data that undermine their opinions" he must be talking about himself. I'd be glad to sit down with him and invest the time to show him the data. Or -- he can just read the NIPCC summary report [2008] "Nature – Not Human Activity – Rules the Climate" [http://www.sepp.org/publications/NIPCC\\_final.pdf](http://www.sepp.org/publications/NIPCC_final.pdf) and the full NIPCC report: Craig Idso and S. Fred Singer, Climate Change Reconsidered: The 2009 Report of the Nongovernmental International Panel on Climate Change, Chicago, IL: The Heartland Institute, 2009. 880 pp. [www.nipccreport.org](http://www.nipccreport.org) ]*

### **Researchers Call for ‘No-Regrets’ Approach to Climate Warming**

By Stephanie Doster, Physorg.com, June 24, 2010

<http://www.physorg.com/news196621758.html>

*[SEPP Comment: Let us include in a ‘no-regrets’ policy individual liberty and the economy prosperity as well.]*

### **Why Climate Stumps Even the Brightest Scientists**

By Justin Gillis, NYT, June 29, 2010 [H/t Francois Guillaumat]

<http://green.blogs.nytimes.com/2010/06/29/why-climate-stumps-even-the-brightest-scientists/>

*[SEPP Comment: Rather than triple the budgets for computer models, it is time to test assumptions by using messy data.]*

### **Higher sea-level forecast likely**

By Tom Arup, The Age, AU, June 30, 2010 [H/t Francois Guillaumat]

<http://www.theage.com.au/environment/climate-change/higher-sealevel-forecast-likely-20100629-zjaj.html>

*[SEPP Comment: More post-modern science – first establish the theory, and then try to justify it.]*

### ***The March of the Polls***

#### **Scientists ‘expect climate tipping point’ by 2200**

By Steve Connor, The Independent, June 28, 2010 [H/t Marc Morano, Climate Depot]

<http://www.independent.co.uk/news/science/scientists-expect-climate-tipping-point-by-2200-2012967.html>

*[SEPP Comment: Any credibility remaining for the Proceedings of the National Academy of Sciences will be gone long before then.]*

### **Professor Schneider attempts to bail out the global warming hypothesis by creating a whole new method of doing science.**

By Edwin Berry, Climate Realists, June 30, 2010 [H/t Joe Bast]

<http://climaterealist.com/index.php?tid=646>

### ***ClimateGate Continues***

#### **Oxburgh and the Jones Admission: A bombshell from the Oxburgh “inquiry”**

By Steve McIntyre, Climate Audit, July 1, 2010

<http://climateaudit.org/2010/07/01/oxburgh-and-the-jones-admission/>

*[Comment by Steve McIntyre: “The “science was not the subject of our study”. Why would anyone have expected that science would be the subject of study of the Science Appraisal Panel?”]*

### **Penn State clears Mann in Climate-gate probe**

By Juliet Eilperin, Washington Post, July 1, 2010

[http://views.washingtonpost.com/climate-change/post-carbon/2010/07/by\\_juliet\\_eilperin\\_a\\_pennsylvania.html](http://views.washingtonpost.com/climate-change/post-carbon/2010/07/by_juliet_eilperin_a_pennsylvania.html)

[SEPP Comment: As expected.]

### **Amazongate: the missing evidence: The story of the IPCC's claims about threats to the Amazon rainforest takes another bizarre turn**

By Christopher Booker, Telegraph, UK, June 26, 2010

<http://www.telegraph.co.uk/comment/columnists/christopherbooker/7856474/Amazongate-the-missing-evidence.html>

[SEPP Comment: Contrary what many claim, the underlying peer reviewed study blamed logging and fire for disappearance of the Amazon rainforests, not global warming.]

### **Sherwood 2008: Where you can find a hot spot at zero degrees**

By Jo Nova, July 3, 2010

<http://joannenova.com.au/2010/07/sherwood-2008-where-you-can-find-a-hot-spot-at-zero-degrees/#more-9225>

[SEPP Comment: Chartsmanship at its finest. No change in temperatures! Then color it red and go on from there.]

### **Cap-and-Tax**

#### **The Windsurfer's Windfall**

By Max Brindle, American Spectator, June 29, 2010 [H/t Cooler Heads Digest]

<http://spectator.org/archives/2010/06/29/the-windsurfers-windfall>

[SEPP Comment: Senator Kerry may be the wrong man to lead the cap-and-tax charge, thankfully. Apparently, he has a real motive.]

### **Paying President's 'Price On Carbon'**

IBD Editorial, June 29 2010

<http://www.investors.com/NewsAndAnalysis/Article/538856/201006291834/Paying-Presidents-Price-On-Carbon.aspx>

### **New Study: U.S. Climate Bill May Destroy Up to 5.1 Million Jobs**

Global Warming Policy Foundation (GWPF), July 1, 2010 [H/t Francois Guillaumat]

<http://www.thegwpf.org/international-news/1173-new-study-us-climate-bill-may-destroy-up-to-51-million-jobs.html>

### **Prices rise as New Zealand passes emissions trading scheme**

By Paul Chapman, Telegraph, UK, July 1, 2010

<http://www.telegraph.co.uk/news/worldnews/australiaandthepacific/newzealand/7865009/Prices-rise-as-New-Zealand-passes-emissions-trading-scheme.html>

### **BP Spill and Aftermath**

#### **Avertable catastrophe**

By Lawrence Solomon, Financial Post, June 26, 2010

<http://www.financialpost.com/Avertible+catastrophe/3203808/story.html>

### **Blowout Prevention Act Would Blowout Domestic Oil Production**

By Marlo Lewis, Open Market.org, July 1, 2010

<http://www.openmarket.org/2010/07/01/blowout-prevention-act-would-blowout-domestic-oil-production/>

## **The Economic Impact of an Offshore Drilling Ban**

By David Kreutzer and John Ligon, Heritage Foundation, July 1, 2010 [H/t Mario Lewis]

<http://www.heritage.org/Research/Reports/2010/06/The-Economic-Impact-of-an-Offshore-Drilling-Ban>

[SEPP Comment: An idea of what some in Congress and the Administration have in mind?]

## **Harvard Business Review Article: BP as Environmental Role Model**

(Part III on global warming as the great environmental distraction)

By Robert Bradley Jr., Master Resource, July 1, 2010

<http://www.masterresource.org/2010/07/harvard-business-review-part-iii/>

## **Huge oil Skimming Boat Sits Idle, Waiting for Permission to Go to Gulf**

By Dell Hill, Uncoverage.net, June 27, 2010 [H/t ICECAP]

<http://www.uncoverage.net/2010/06/huge-oil-skimming-boat-sits-idle-waiting-for-permission-to-go-to-gulf/>

## **Turtle Deaths Called Result of Shrimping, Not Oil Spill**

By Shaila Dewan, NYT, June 25, 2010

<http://www.nytimes.com/2010/06/26/science/earth/26turtle.html?th&emc=th>

## ***Energy Issues***

### **Is the sun setting on the solar energy boom?**

By Ehud Zion Waldoks, Jerusalem Post, June 25, 2010 [H/t Best on the Web]

<http://www.jpost.com/Magazine/Features/Article.aspx?id=179386>

## ***EPA On the March***

### **EPA rejects Texas program that reduces emissions, increased productivity**

By Mark Tapscott, Washington Examiner, July 1, 2010

<http://www.washingtonexaminer.com/opinion/blogs/beltway-confidential/EPA-rejects-Texas-program-that-reduced-emissions-increased-productivity-97573384.html>

[SEPP Comment: A 9.5% unemployment rate is a perfect time to up-gun economically crippling regulations.]

## ***Miscellaneous Topic That May Be of Interest***

### **Solar Planetary Interactions May Be Major Drivers of Climatic Oscillations on Earth**

Review of: Scafetta: Empirical evidence for a celestial origin of the climate oscillations and implications. Journal of Atmospheric Solar-Terrestrial Physics 10.1016/j.jastp.2010.04.015. NIPCC Report. June 30, 2010

<http://www.NIPCCreport.org/articles/2010/jun/30jun2010a2.html>

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## **BELOW THE BOTTOM LINE:**

### **Defense Experts Want More explicit Climate Models**

By Lauren Morello of ClimateWire, NYT, June 24, 2010

<http://www.nytimes.com/cwire/2010/06/24/24climatewire-defense-experts-want-more-explicit-climate-m-35887.html>

[SEPP Comment: Building more on a crumbling foundation makes the structure more reliable?]

## **Firms paid to shut down wind farms when the wind is blowing**

By Robert Mendick, Telegraph, UK, June 19, 2010 [H/t John Droz]

<http://www.telegraph.co.uk/earth/energy/windpower/7840035/Firms-paid-to-shut-down-wind-farms-when-the-wind-is-blowing.html>.

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## **ARTICLES**

### **1. A question of trust: It isn't enough to explain the facts of climate change very, very clearly. Building public trust requires researchers to change their practices.**

Editorial, Nature, June 30, 2010

<http://www.nature.com/nature/journal/v466/n7302/full/466007a.html>

*[SEPP Comment by Fred Singer: I strongly disagree with the first sentence and the final paragraph. Aside from that, the rest is really irrelevant.]*

Despite the scandals over leaked e-mails at the University of East Anglia, UK, and flawed data in the most recent assessment from the Intergovernmental Panel on Climate Change (IPCC), the scientific evidence for global warming remains strong. The question, then, is to what extent have the controversies eroded the public's trust in climate science or, worse, in the scientists themselves?

There has undoubtedly been some slippage. But a closer look at the data across multiple polls shows that, broadly speaking, the public trusts scientists, believes in global warming and wants governments to do something about it (see [page 24](#)). The public seems to have done what the mainstream media could not: it has kept the scandals in perspective. The scathing verbal attacks on climate science and scientists are actually coming from a relative handful of critics, and they do not reflect a broader resurgence of scepticism.

Yet few climate scientists are likely to take satisfaction in this news. For them, the real measure of public trust is the level of political engagement on global warming: if people truly believe the science, then why have so few of them demanded action of their governments? Why is the world still at loggerheads over climate change?

The problem is that people assess information from any number of sources, not just scientists. And people — politicians included — make decisions on the basis of self-interest and their own hopes, fears and values, which will not necessarily match what many researchers deem self-evident.

“Researchers must learn to see themselves as public figures and honest brokers.”

The scientific community must recognize that the issues surrounding climate change resonate with the public and politicians on many different levels. Facts do matter. Scientists must continue to engage the public in plain language whenever possible, laying out the evidence for climate change in a clear and compelling way. And they must provide policy-makers in both the public and private sectors with accurate, credible and timely information (see [page 30](#)). But, given the complexity of that evidence, and the many uncertainties that remain, scientists will be only as persuasive as they are trusted — which means that preserving and cultivating the public's trust must be the scientific community's top priority.

As the recent controversies have made abundantly clear, individual researchers must learn to see themselves as public figures and honest brokers. In particular, they must recognize that questionable data management and improper restrictions on the release of data — or on the details of how those data were processed — undermine both public confidence and scientific integrity by impeding independent expert assessment.

More generally, scientists, institutions and funding agencies must increase transparency wherever possible. When engaging the public, the kind of uncertainties and internal debates that scientists struggle with on a daily basis should be played up, not down (see [page 31](#)). Likewise, neither the IPCC nor national governments should endorse regional studies that overstate scientists' ability to forecast the local effects of climate change on short timescales.

Finally, scientists must steer clear of hype and rein in exaggerations about the threat of global warming. Those who seek to sow doubt about the solid and widespread evidence for global warming must be countered with facts as a matter of course. But legitimate fears and scientific scepticism must be welcomed into the discussion.

The science isn't complete and never will be, but it is sufficiently robust that broad conclusions cannot be undermined by questions about any given datum point. From this perspective, the fact that climate scientists can't predict exactly how bad the impacts might be could well be the best argument for action.

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## **2. Why Is the Gulf Cleanup So Slow?**

*There are obvious actions to speed things up, but the government oddly resists taking them.*

By Paul Rubin, WSJ, July 2, 2010

[http://online.wsj.com/article/SB10001424052748703426004575339650877298556.html?mod=WSJ\\_Opinion\\_LEADTop](http://online.wsj.com/article/SB10001424052748703426004575339650877298556.html?mod=WSJ_Opinion_LEADTop)

As the oil spill continues and the cleanup lags, we must begin to ask difficult and uncomfortable questions. There does not seem to be much that anyone can do to stop the spill except dig a relief well, not due until August. But the cleanup is a different story. The press and Internet are full of straightforward suggestions for easy ways of improving the cleanup, but the federal government is resisting these remedies.

First, the Environmental Protection Agency can relax restrictions on the amount of oil in discharged water, currently limited to 15 parts per million. In normal times, this rule sensibly controls the amount of pollution that can be added to relatively clean ocean water. But this is not a normal time.

Various skimmers and tankers (some of them very large) are available that could eliminate most of the oil from seawater, discharging the mostly clean water while storing the oil onboard. While this would clean vast amounts of water efficiently, the EPA is unwilling to grant a temporary waiver of its regulations.

Next, the Obama administration can waive the Jones Act, which restricts foreign ships from operating in U.S. coastal waters. Many foreign countries (such as the Netherlands and Belgium) have ships and technologies that would greatly advance the cleanup. So far, the U.S. has refused to waive the restrictions of this law and allow these ships to participate in the effort.

The combination of these two regulations is delaying and may even prevent the world's largest skimmer, the Taiwanese owned "A Whale," from deploying. This 10-story high ship can remove almost as much oil in a day as has been removed in total—roughly 500,000 barrels of oily water per day. The tanker is steaming towards the Gulf, hoping it will receive Coast Guard and EPA approval before it arrives.

In addition, the federal government can free American-based skimmers. Of the 2,000 skimmers in the U.S. (not subject to the Jones Act or other restrictions), only 400 have been sent to the Gulf. Federal barriers have kept the others on stations elsewhere in case of other oil spills, despite the magnitude of the current crisis. The Coast Guard and the EPA issued a joint temporary rule suspending the regulation on June 29—more than 70 days after the spill.

The Obama administration can also permit more state and local initiatives. The media endlessly report stories of county and state officials applying federal permits to perform various actions, such as building sand berms around the Louisiana coast. In some cases, they were forbidden from acting. In others there have been extensive delays in obtaining permission.

As the government fails to implement such simple and straightforward remedies, one must ask why.

One possibility is sheer incompetence. Many critics of the president are fond of pointing out that he had no administrative or executive experience before taking office. But the government is full of competent people, and the military and Coast Guard can accomplish an assigned mission. In any case, several remedies require nothing more than getting out of the way.

Another possibility is that the administration places a higher priority on interests other than the fate of the Gulf, such as placating organized labor, which vigorously defends the Jones Act.

Finally there is the most pessimistic explanation—that the oil spill may be viewed as an opportunity, the way White House Chief of Staff Rahm Emanuel said back in February 2009, "You never want a serious crisis to go to waste." Many administration supporters are opposed to offshore oil drilling and are already employing the spill as a tool for achieving other goals. The websites of the Sierra Club, Friends of the Earth and Greenpeace, for example, all feature the oil spill as an argument for forbidding any further offshore drilling or for any use of fossil fuels at all. None mention the Jones Act.

To these organizations and perhaps to some in the administration, the oil spill may be a strategic justification in a larger battle. President Obama has already tried to severely limit drilling in the Gulf, using his Oval Office address on June 16 to demand that we "embrace a clean energy future." In the meantime, how about a cleaner Gulf?

*Mr. Rubin, a professor of economics at Emory University, held several senior positions in the federal government in the 1980s. Since 1991 he has spent his summers on the Gulf.*

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### **3. Delayed Response**

Editorial IBD, June 30, 2010

<http://www.investors.com/NewsAndAnalysis/Article/539049/201006301859/Delayed-Response.aspx>

**Deepwater Disaster:** Washington is finally accepting international help for dealing with the crude spill in the Gulf. It took only 70 days of gushing for the White House to agree to the aid. The delay is inexcusable.

On Day 3 of the Katrina wreckage, the Bush administration waived coastal laws, including the Jones Act, to keep oil production and shipping moving.

The White House, widely condemned for its handling of the hurricane's aftermath, didn't go begging for a waiver, wring its hands or consult with union leaders.

Michael Chertoff simply said "I am exercising my discretion and authority to waive the coastwise laws" because "such waivers are necessary in the interest of national defense."

As director of Homeland Security, Chertoff had the authority — and the backing of an executive office that was hustling to prevent the Katrina problems from spreading.

On Wednesday, after as much as 137 million gallons have flowed from the broken BP well, the plodding Obama White House announced it was accepting help from 12 countries — of the 27 that offered — in cleaning up the mess. What took so long?

This White House has been scolded for refusing to waive the Jones Act, a union-backed protectionist law that says the vessels that carry merchandise between U.S. ports must be built and owned by U.S. citizens, and flagged in this country.

But apparently it didn't even need to formally waive the law, at least if Tuesday's events are any indication. All it needed to do was say "yes" to the many offers of assistance.

Three weeks ago, President Obama told Louisiana residents that he couldn't "suck" up the spilled crude "with a straw." No one ever said he should. But he could have used the services of those who, in effect, are able to do just that. The Dutch, masters at handling maritime crises, offered help a mere three days after the spill. Their ships, which are far more advanced than the American vessels, would clean the water while their experts would build sand dikes to protect the land from whatever crude wasn't sopped up.

Even better: The Dutch wouldn't charge for the use of their ships.

Didn't matter. Neither did BP's wishes to have the Dutch brought in. Geert Visser, consul general in Houston for the Netherlands, told the Financial Post that Washington's response to the offer was "Thanks, but no thanks."

Other offers were similarly rejected. Why? Did the White House believe that accepting foreign help would have forced it to waive the Jones Act and fear that the unions that it owes for its 2008 election would be outraged?

While the answer might seem obvious, things aren't so clear. The Christian Science Monitor reported less than two weeks ago that "up to 1,500 U.S.-flagged (oil) skimmers" were sitting idle. No waiver of the Jones Act would have been needed to put them to work.

The more we learn, the more the administration's Gulf effort looks like it's been hindered by sheer incompetence, gross negligence or cynical political calculation from Minute 1.

Or, maybe, it's a combination of all three.

Whatever the answer, this White House is going to have to live with the problems it's spread through its inaction. The botched cleanup will be a burning issue come the fall elections — as well as the 2012 presidential race.

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#### **4. Don't expect objectivity from this Obama oil spill commission appointee**

By Mark Tapscott, Washington Examiner, July 1, 2010

<http://www.washingtonexaminer.com/opinion/blogs/beltway-confidential/dont-expect-objectivity-from-this-obama-oil-spill-commission-appointee-97624059.html>

Frances Beinecke is president of the Natural Resources Defense Council and for several decades has been among the most active environmental legal activists in using court suits and the threat thereof to stop the fossil fuel energy development required to keep the American economy — aka as “the people” — moving.

She was also just appointed by President Obama as a member of his special commission tasked with investigating the Gulf Oil Spill. But they might as well shut down the commission and let the NRDC chief write the panel's report because Beinecke already knows what caused the worst environmental calamity in U.S. history — We did.

If you doubt it, check out this quote from Beinecke from her May 27 column on Huffington Post:

“We can blame BP for the disaster, and we should. We can blame lack of adequate government oversight for the disaster, and we should. But in the end, we also must place the blame where it originated: America's addiction to oil.”

That's right – BP's Deepwater Horizon blew up and has since been gushing thousands of gallons of thick, black crude oil in to the Gulf of Mexico because you and I insist on being able to drive our cars to and from work, to and from the grocery store, to and from school, to and from a thousand other places in our daily lives.

It's all our fault, people.

Maybe if we just listened to our betters like Beinecke, who obviously knows so much more about how all of us should live our lives than we do, then everybody would be happy, life would be sweet, world peace would break out, and we could all sing Hosannas to the wonderful experts who saved us and Mother Earth.

If you'd like to take in more of Beinecke's wisdom, you can read the rest of that Huffpo column [here](#).

By the way, Beinecke made more than \$432,000 last year as NRDC's president. Her non-profit organization also reported having in excess of \$232 million in assets, employed more than 100 people full-time, and received at least \$358,000 in government contracts.

Who knew that doing good could be so lucrative?

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## **5. Here Comes the Judge**

By Paul Greenberg, Townhall, June 28, 2010

[http://townhall.com/columnists/PaulGreenberg/2010/06/28/here\\_comes\\_the\\_judge/page/1](http://townhall.com/columnists/PaulGreenberg/2010/06/28/here_comes_the_judge/page/1)

As if Louisiana and the rest of the Gulf coast hadn't been hurt enough by a succession of disasters natural and man-made, the Obama administration has chosen to pile on by arbitrarily banning deep-water drilling for six months. At least.

What an exciting prospect: More unemployment, more idled capacity, more workers without work, more families on the dole, and, of course, less energy for an economy that, conventional Greenism to the contrary, must still depend on that remarkably efficient and convenient fuel called petroleum.

But it turns out there is still some law and even reason left in the chaotic aftermath of BP's disastrous explosion-cum-oil spill that's now going Gulf-wide. For here comes the judge. His name is the Hon. Martin Feldman and he's had the simple candor to call an arbitrary decision arbitrary.

Can you believe it -- a ruling by a federal court that takes reality into account? While recognizing that the Deepwater Horizon spill is "an unprecedented, sad, ugly and inhuman disaster," His Honor refused to condone piling another one on top of it via federal fiat.

Reason has long been the last resort of law. This judge has made it the first, much to the consternation of the administration's lawheads.

To quote the judge, "If some drilling equipment parts are flawed, is it rational to say all are? Are all airplanes a danger because one was? All oil tankers like the Exxon Valdez? All trains? All mines? That sort of thinking seems heavy-handed, and rather overbearing."

Rather overbearing? There's no rather about it. The administration has responded to the oil spill by drawing a line in the water at 500 feet. Regardless of all the wells operating safely above -- or below -- that level. That isn't reason, it's ... well, arbitrary.

With one edict it put a total of 33 exploratory oil wells out of commission. And threatens to shut down a good part of the whole petroleum industry.

Washington's diktat brings to mind the doomsters' reaction after the Hindenburg burst into flames that fateful night in 1937 with horrific, and well-publicized, results. It was a time when manned flight was still far from routine -- and some said the disaster just showed that man has no business flying. It was just too dangerous. Like drilling for oil below 500 feet.

Judge Feldman also called the administration's decision "capricious." Maybe not. It seems a calculated enough decision -- calculated to appeal to the public's panic, and the general demand that Washington not just sit there but Do Something, preferably something dramatic. Even if it's the wrong thing. Even if it adds to the oil spill's already catastrophic impact on the economy and people of the Gulf states.

It's a grandstand play that will allow the president to stack the commission that's supposed to investigate the feasibility of drilling for oil in the Gulf. Now he can fill it up with enviro-ideologues who never wanted to drill there in the first place. None are likely to recue themselves from an appointment; even if they have prejudged the issue; this may be their big chance to throw a monkey wrench into the whole idea of drilling offshore.

Bobby Jindal, Louisiana's governor, has a better idea; he usually does when it comes to tackling this spreading oil spill. He's been ahead of Washington on this problem -- way ahead -- since Deepwater Horizon went down in a sea of spreading of spreading oil. He would conduct a top-to-bottom inspection of these oilrigs over the next 30 days, double-checking all the equipment, putting all personnel through a refresher course, and putting any additional precautions in place. Then assign a full-time inspector to each rig around the clock. All of which makes more sense than shutting down a whole industry because of one accident, however disastrous.

The disaster on Three-Mile Island in 1979 derailed the expansion of the country's nuclear industry for a generation, adding one disaster atop another. Are we now going to do the same to offshore drilling in the Gulf? And maybe beyond?

Judge Feldman's decision revives hope in the federal courts. Let's hope this rare sighting in the law -- of reason, perspective and proportion -- sets a new trend. But the tendency to substitute ideology for reason, and reaction for judgment, won't be easy to buck. The judge's decision will surely be appealed. There is a whole level of officialdom in this country that finds reason ... well, unreasonable.

Judge Feldman, in his zeal for reason, turns out to be quite a rhetorician. But in the end, what should matter most in this case is whether the Obama administration followed the law -- whether it respected its own rules and regulations or acted arbitrarily.

The administration pretty much answered that question when, without hearings or investigation or any further ado, it picked a nice round number -- 500 feet -- and simply imposed it, arbitrarily, on the oil industry. And on all those who depend on it.

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## **6. Changing the Climate In California**

IBD Editorials, June 25, 2010

<http://www.investors.com/NewsAndAnalysis/Article/538638/201006251913/Changing-The-Climate-In-California.aspx>

**Regulation:** An initiative to suspend California's draconian climate law has qualified for the November ballot. The people can now choose between jobs and junk science and fight hot air at the ballot box.

Thomas Jefferson once said that when people fear the government, there is tyranny, but when government fears the people, there is liberty. And right now there are politicians and bureaucrats in Sacramento who are at least very concerned.

An initiative to suspend Assembly Bill 32 officially qualified for the ballot last week by gathering more than 800,000 signatures, far more than the 433,971 required. Those who signed might not know if the world is going to end the day after tomorrow, but their jobs or unemployment insurance might end soon enough.

The case for imminent and man-caused climate change was flimsy enough before the charlatans at the Intergovernmental Panel on Climate Change and Britain's Climate Research Unit, among other global warm-mongers, were found manipulating data in perhaps the greatest scam of all time to justify what amounts to a climate dictatorship. But job loss tips the scales.

In the middle of a jobless recovery and in the aftermath of multiple failed stimulus packages, Californians and indeed most Americans are in no mood to sing "kumbaya" in the unemployment line as energy lies unexploited, and factories and power plants close or never open in the name of saving the planet.

If approved by the voters on Nov. 2, the California Jobs Initiative, as it's called by supporters, would suspend implementation of AB32 until California has four straight quarters where the unemployment rate is 5.5% or less.

AB32 was signed by Gov. Arnold Schwarzenegger in 2006. It requires that by 2020, California's emissions of carbon dioxide, which every human being exhales and every green plant inhales, and other so-called greenhouse gases be reduced to 1990 levels. That's a required drop of about 25%. The law's provisions take effect on Jan. 1, 2012.

Schwarzenegger lashed back last week, saying, "This initiative sponsored by greedy Texas oil companies would cripple California's fastest-growing economic sector, reverse our renewable energy policy and decimate our environmental progress for the benefit of these oil companies' profit margins."

That is how opponents will frame the choice — big oil vs. green jobs. Spain, which has subsidized green energy with a zeal equal to California's, has seen its economy wither to the point it's only slightly behind Greece in terms of economic decline. Studies show that for every green job created, 2.2 jobs are lost in the rest of the economy. The choice is between unemployment and faith in the climate change religion.

A 2009 study by economists at the California State University at Sacramento commissioned by the California Small Business Roundtable found AB32 would eliminate 900,000 jobs due to increased costs to consumers and 1.1 million jobs due to increased costs on small business as AB32 caused energy prices to "necessarily skyrocket," as President Obama once put it.

The study put the cost of AB32 at \$49,691 per small business in California. For households, the estimated cost is \$3,857 a year. Statewide that translates to \$52 billion in added burdens for California families.

All this pain for exactly what gain? Not long ago, the New York Times reported that a new coal-fired plant big enough to serve every household in San Diego comes online in China every eight to 10 days,

exporting more pollution to California and the western United States than such draconian environmental proposals would ever hope to eliminate.

Supporters of AB32 want to see us continue to export jobs to and import pollution from China.

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