

# The Week That Was: 2017-06-17 (June 17, 2017)

## Brought to You by SEPP ([www.SEPP.org](http://www.SEPP.org))

### The Science and Environmental Policy Project

**Quote of the Week.** *Nature uses only the longest threads to weave her patterns, so that each small piece of her fabric reveals the organization of the entire tapestry.* – Richard Feynman

**Number of the Week:** 14,218 years

**THIS WEEK:**

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

**CO2 and Ice Ages:** Geologist Euan Mearns takes a close look at the data on temperatures, carbon dioxide (CO<sub>2</sub>), and methane (CH<sub>4</sub>) found in the Vostok Ice Core of Antarctica. Many in the climate establishment will not like what he sees. He focuses on the Eemian warm period between 130,000 and 115,000 years ago. This warm period was the last warm period before the current warm period, the Holocene. In her 2008 graphs showing the relationship between CO<sub>2</sub> and temperatures from the Vostok Ice Core covering the entire record, Jo Nova stated the average lag was about 800 years, with temperatures rising (falling) about 800 years before CO<sub>2</sub> rising (falling). This lag indicates that CO<sub>2</sub> could not be the cause of rise or fall of temperatures. In the data, the largest lag was in the Eemian, particularly with falling temperatures.

Mears examines, in detail, the period of cooling from 128,300 years ago to 114,082 years ago, a period of over 14,000 years. During this period, CO<sub>2</sub> concentrations varied around 270 ppm (parts per million), between 260 and 280 ppm. Yet, temperatures steadily dropped over 7 degrees K while CO<sub>2</sub> concentrations remained roughly constant.

This analysis clearly showed that the earth cools independently of CO<sub>2</sub> concentrations. The argument advanced by members of NASA-GISS, and others, that CO<sub>2</sub> is the control knob of the earth's temperatures is directly contradicted by the evidence. There is a loose relationship between rising temperatures and rising CO<sub>2</sub>, but not between falling temperatures and falling CO<sub>2</sub>. Ice Ages occur despite relatively high concentrations of CO<sub>2</sub>. (Note: laboratory experiments show the relationship between CO<sub>2</sub> and temperatures are highly logarithmic, and increasing concentrations of CO<sub>2</sub> from about 270 ppm to levels found today of about 400 ppm have a minor effect on increasing temperatures.)

Mearns performs a similar analysis on the relationship between temperature and methane (CH<sub>4</sub>). He found that as the temperatures rose into the Eemian interglacial, methane concentrations lagged behind, by a few thousand years. But, when temperatures fell, going into the next ice age, methane concentrations closely followed.

His findings for the Eemian can be summarized as follows: When temperatures rise, CO<sub>2</sub> closely follows; when temperatures fall, CO<sub>2</sub> separates. When temperatures rise, CH<sub>4</sub> lags behind; when temperatures fall, CH<sub>4</sub> closely follows.

Mearns speculates on the varying lags. When temperatures rise, oceans rapidly release CO<sub>2</sub>. When temperatures fall, plant growth produced by higher temperatures and CO<sub>2</sub> release the CO<sub>2</sub>

slowly. The oceans slowly absorb this release of CO<sub>2</sub>. For CH<sub>4</sub>, when temperatures rise, bacteria producing the methane react slowly; but when temperatures fall, they freeze rapidly.

Then, what causes the fall (and increase) in temperatures if the Milankovitch cycles are too weak to explain them alone as the climate establishment claims? Mearns suggests it may be variation in the thermohaline circulation of the oceans. This has been suggested by others such as the late Bill Gray. Some scientists suggest it was the closing of Caribbean seaway about 5 million years ago that set up the thermohaline circulation resulting in current period of ice ages starting about 3.5 million years ago. See links under Challenging the Orthodoxy and secondary links found in these links.

\*\*\*\*\*

**Energy Subsidies:** The EPA planned a meeting on Scientific Integrity, which was cancelled at the last minute. The Heartland Institute arranged a small conference to prepare for the meeting. Whether the meeting was cancelled due to the conference is a matter of speculation. But, the Heartland conference took place. One of the many informative presentations was on Energy Policy by Roger Bezdek. He announced a new study on US energy subsidies from 1950 to 2016 by his firm, Management Information Services, Inc. The study was sponsored by The Nuclear Energy Institute to examine if subsidies for nuclear were damaging wind and solar electricity generation.

The study is painstakingly thorough. It examines five different types of incentives: Tax Policy; Regulation; Research and Development; Market Activity; Government Services and Direct Disbursements; for seven different energy sources: Oil, Natural Gas, Coal, Hydro, Nuclear, Renewables (primarily wind, solar, and biomass), and Geothermal. The take-home message is: *'Over the past six years, 2011 through 2016, renewable energy received more than three times as much help in federal incentives as oil, natural gas, coal, and nuclear combined, and 27 times as much as nuclear energy.'*

The solar and wind industries have no basis for claiming they need subsidies because other industries have big subsidies. Further, according to the US EIA the domestic energy production by source in 2016, one finds that natural gas provides 33%, petroleum (crude & natural gas liquids) 28%, coal 17%, renewables 12% (to which the EIA includes hydropower), and nuclear electric power 10%. The subsidies for renewables are outrageously large for energy they produce – plus wind and solar are not reliable.

Though occurring before the timeframe of the study, a bit of tax history is desirable to address the claims by the wind and solar industries that historic subsidies of fossil fuels illustrate the need for wind and solar subsidies. Starting in 1859, the early petroleum industry did not need subsidies to sell kerosene, replacing candles and whale oil. It was a superior product at an affordable price. Tax incentives did not come into play until the newly enacted income tax was suddenly increased to ‘pay for World War I.’ Incentives for the oil industry were needed because the government discovered that it needed oil to help win the war.

Similarly, particularly after WW I, fossil-fuel fired power plants offered a superior product, reliable electricity, at an affordable price. Governments became involved to make the electricity more affordable and available for everyone. The saying that it is hard to get the kids back to the farm once they see the bright lights of the city was well put.

By contrast, solar and wind offer an inferior product at a high price. The electricity is non-dispatchable – meaning that it cannot be turned on, off, or adjusted on demand, unlike a gas burner. Until that problem is resolved, solar and wind will remain inferior sources of electricity, regardless of how much is spent in subsidies. See links under Subsidies and Mandates Forever and [https://www.eia.gov/energyexplained/?page=us\\_energy\\_home](https://www.eia.gov/energyexplained/?page=us_energy_home)

\*\*\*\*\*

**Hard Times Coming?** The news in Australia must be discouraging for many of its citizens. Dr Alan Finkel AO, Chief Scientist, Chair of the Expert Panel, 2017, *et al.* of the Department of the Environment and Energy, wrote a ‘Blueprint for the Future: Independent Review into the Future Security of the National Electricity Market’ recommending that the country convert to 42% renewables by 2030. According to the report:

*‘In preparing the blueprint, the Expert Panel consulted widely, visiting regulators and operators across Europe and the United States and commissioning a review of best practices from the International Energy Agency.*

*‘In Australia, the Expert Panel held public and private consultations in every region of the National Electricity Market, undertaking over 120 individual meetings and receiving over 390 written submissions.*

*‘The Expert Panel would like to express its sincere gratitude to all those who made the time and effort to attend public forums, attend meetings, prepare submissions and provide counsel. The insights provided were invaluable in developing the blueprint. The Expert Panel is confident that adopting the blueprint will ensure the optimal functioning of Australia’s electricity system into the future.’*

As the former head of Australia’s National Climate Centre, William Kininmonth states:

*‘The real challenge for society is to manage within a naturally varying climate. A total of 70 per cent of natural disasters involve weather and climate extremes. Regulating carbon dioxide concentration - (indeed, if this is even possible) will not ameliorate these.’*

*‘Less than 20,000 years ago Earth was in the grip of the last glacial maximum. Deep ice sheets then covered much of North America and northwestern Europe; sea level was 130 metres lower than today. Our present relative warmth is a blessing.*

*‘It is unfortunate that the Chief Scientist did not conduct an independent review of the science underpinning the contentious hypothesis of dangerous anthropogenic climate change before embarking on a blueprint for the national electricity market. A misplaced objective of emissions reduction at the expense of affordable and reliable electricity services will unnecessarily impoverish Australians.’*

Apparently, the expert panel doesn’t understand the nature of the grid, even after the grid failure in South Australia causing South Australia to go black. The grid is an energized system serving all those on it. Like a central nervous system, if a major component goes down, it all goes down.

Many of those involved in climate and energy are resembling the theoreticians and academics on the flying island Laputa in Johnathan Swift’s *Gulliver’s Travels* where one person in the grand academy of Lagado was engaged in extracting sunbeams out of cucumbers. Unless there is a

major technology breakthrough in the generation of electricity or in its storage, a grid based on wind and solar will fail, unless bureaucrats can control when the wind blows and the sun shines. See links under Energy Issues -- Australia

\*\*\*\*\*

**Non-green Jobs:** An article by Anthony Hilton in the UK *Evening Standard* highlights a very important issue that is not perceived by too many politicians and energy analysts: it is not the number of jobs created within an energy industry that is most important, but the number of jobs created within the economy by that energy industry. In his blog, *Master Resource*, Robert Bradley, Jr. recognizes that energy is the lifeblood of the modern economy, and that it significantly affects the production and use of other resources. The energy industry should be viewed differently from other industries by politicians and analysts.

Mr Hilton discusses the highly successful UK petrochemical firm Ineos. The firm may invest €2 billion (£1.76 billion) expanding its European petrochemicals capacity, possibly in Belgium. But location is only part of the issue. As Mr. Hilton states:

*'Once you have built a major chemical complex, your main (in many ways, your only) worry is the cost of the raw material you need to feed into it. This can account for half or more of total production costs, and is similarly crucial for other energy-intensive industries such as refining, iron and steel, glass, cement and paper.'*

*'Until a few years ago Europe and America paid more or less the same amount for their petrochemical feedstock — the US had a slight advantage but not so great after transport and other costs had been factored in. (Middle East plants, sited right by the oilfields, did have such a price advantage but lacked scale.)'*

*'This is no longer the case thanks to the fundamental changes across the Atlantic. The Marcellus field, which spreads over several states and is just one of many in the US, produces 15 billion cubic feet of gas a day which is almost twice the UK's entire consumption. But the result is that US prices have disconnected from the rest of the world and the subsequent feedstock prices have given American chemical plants so vast a price advantage that, on paper at least, there's no way Europe can compete. It is staring down the barrel of bankruptcy, not now, but in a few short years, unless it can find some way to get its raw-material costs down to American levels.'*

*'Thus far, the effect has been muted — and the European industry has had a little time — because the US petrochemical industry was originally not built for indigenous US gas and oil supplies but instead located near ports and configured to process supplies of oil from the Middle East.'*

*'But this is changing fast. There has been virtually no big petrochemical investment in Europe in the past decade whereas in the US since 2010 some \$85 billion of petrochemicals projects have been completed or are under construction. Spending on chemical capacity to 2022 will exceed \$124 billion, according to the American Chemistry Council, creating 485,000 jobs during construction and more than 500,000 permanent jobs, adding between \$80 billion and \$120 billion in economic output. After years where chemical capacity has run neck and neck with Europe, the American industry is about to dwarf it.'*

Hydraulic fracturing and horizontal drilling have given the US a great economic advantage in many industries over Europe and elsewhere. It would be economically irresponsible for Washington to stop it by the Paris Agreement or other means. See links under Non-Green Jobs.

\*\*\*\*\*

**Number of the Week: 14,218 years.** Euan Mearns calculates that the period from the end of the Eemian warm period in which temperatures were dropping before there was appreciable change in CO<sub>2</sub> was 14,218 years long. One can possibly understand why the IPCC and its followers may disregard a few hundred years as possibly insignificant due to questionable measurement. But, 14,000 years, over 10% of the record, is much too long to disregard. See Quote of the Week.

\*\*\*\*\*

### **SEPP'S APRIL FOOLS AWARD THE JACKSON**

SEPP is conducting its annual vote for the recipient of the coveted trophy, The Jackson, a lump of coal. Readers are asked to nominate and vote for who they think is most deserving, following these criteria:

- The nominee has advanced, or proposes to advance, significant expansion of governmental power, regulation, or control over the public or significant sections of the general economy.
- The nominee does so by declaring such measures are necessary to protect public health, welfare, or the environment.
- The nominee declares that physical science supports such measures.
- The physical science supporting the measures is flimsy at best, and possibly non-existent.

The five past recipients, Lisa Jackson, Barack Obama, John Kerry, Ernest Moniz and John Holdren are not eligible. Generally, the committee that makes the selection prefers a candidate with a national or international presence. The voting will close on July 30. Please send your nominee and a brief reason why the person is qualified for the honor to Ken@SEPP.org. Thank you. The award will be presented at the annual meeting of the Doctors for Disaster Preparedness in August.

#####

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

#### ***Commentary: Is the Sun Rising?***

#### **Indirect Effects of the Sun on Earth's Climate**

Guest essay by Mike Jonas, WUWT, June 10, 2017

<https://wattsupwiththat.com/2017/06/10/indirect-effects-of-the-sun-of-earths-climate/>

#### **20 More New Papers Link Solar Forcing To Climate Change – Now 80 Sun-Climate Papers For 2017**

By Kenneth Richard, No Tricks Zone, June 12, 2017

<http://notrickszone.com/2017/06/12/20-more-new-papers-link-solar-forcing-to-climate-change-now-80-sun-climate-papers-for-2017/#sthash.8XbaeRqh.dpbs>

#### **Censorship**

#### **Four Liberal U.S. Senators Attack Heartland, and We Reply**

By Joe Bast, The Heartland Institute, June 9, 2017 [H/t ICECAP]

<http://blog.heartland.org/2017/06/four-liberal-u-s-senators-attack-heartland-and-we-reply/>

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

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

Idso, Carter, and Singer, Lead Authors/Editors, 2013

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

Summary: <http://www.nipccreport.org/reports/CCR2a/pdf/Summary-for-Policymakers.pdf>

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

Idso, Idso, Carter, and Singer, Lead Authors/Editors, 2014

<http://www.nipccreport.org/reports/CCR2b/pdf/Full-Report.pdf>

Summary: <https://www.heartland.org/media-library/pdfs/CCR-IIb/Summary-for-Policymakers.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, NIPCC, Nov 23, 2015

<http://climatechangereconsidered.org/>

Download with no charge

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

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

#### **The Vostok Ice Core and the 14,000 Year CO<sub>2</sub> Time Lag**

By Euan Mearns, Energy Matters, June 14, 2017

<http://euanmearns.com/the-vostok-ice-core-and-the-14000-year-co2-time-lag/>

#### **The Vostok Ice Core: Temperature, CO<sub>2</sub> and CH<sub>4</sub>**

By Euan Mearns, Energy Matters, Dec 12, 2014

<http://euanmearns.com/the-vostok-ice-core-temperature-co2-and-ch4/>

### **New Study Explodes Common Air Pollution Claims**

By Steven Hayward, Power Line, June 15, 2017 [H/t Timothy Wise]

<http://www.powerlineblog.com/archives/2017/06/new-study-explodes-common-air-pollution-claims.php>

Link to paper: Air quality and acute deaths in California, 2000–2012

By Young, Smith, and Lopiano, Regulatory Toxicology and Pharmacology, June 13, 2017

<http://www.sciencedirect.com/science/article/pii/S0273230017301538>

### **Clouds Cannot Be Usefully Modeled but Appear to Play a Very Important Role in Climate Change**

By Alan Carlin, Carlin Economics and Science, June 16, 2017

<http://www.carlineconomics.com/archives/3690>

### **False Claims of Impending Disaster...**

By Donn Dears, Power For USA, June 16, 2016

<http://www.powerforusa.com/2017/06/16/false-claims-of-impending-disaster/>

[SEPP Comment: *The second chart is most damning.*]

### **Leading Zoologist Slams Attacks On ‘Climate Skeptics’...Germany’s ‘Ministry Of Truth’**

By P Gosselin, No Tricks Zone, June 13, 2017

<http://notrickszone.com/2017/06/13/leading-zoologist-slams-attacks-on-climate-skeptics-germany-s-ministry-of-truth/#sthash.eTwu9nVJ.dpbs>

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

## **The great myth of the global warming ‘pause’**

While sceptics obsess over a global-warming hiatus, the sea gets steadily hotter

The Spectator, Phillip Williamson, June 17, 2017

<https://www.spectator.co.uk/2017/06/the-great-myth-of-the-global-warming-pause/#>

Link: WMO Statement on the State of the Global Climate in 2016

By Staff Writers, WHO, 2017

<https://public.wmo.int/en/resources/library/wmo-statement-state-of-global-climate-2016>

‘Warming continued in 2016, setting a new temperature record of approximately 1.1 °C above the pre-industrial period, and 0.06 °C above the previous highest value set in 2015.’

*[SEPP Comment: The WMO imagines that calculations of surface temperature to 0.06 °C are significant? Is this the reason it ignores the historic record because it believes the historic record is less precise?]*

## ***Questioning the Orthodoxy***

### **Marijn Poels: The Climate ‘Debate’ Is Paralysing Free Thinkers and Undermining Democracy**

By Marijn Poels, GWPF, June 14, 2017

<http://www.thegwpf.com/marijn-poels-the-climate-debate-is-paralysing-free-thinkers-and-undermining-democracy/>

‘It was very clear to me: The debate on climate and energy were even more sensitive than the debate on refugees, terrorism, and religion combined.’

## **Science fights back against the global warming fraud**

By Thomas Lifson, American Thinker, June 11, 2017 [H/t Timothy Wise]

[http://www.americanthinker.com/blog/2017/06/science\\_fights\\_back\\_against\\_the\\_global\\_warming\\_fraud.html](http://www.americanthinker.com/blog/2017/06/science_fights_back_against_the_global_warming_fraud.html)

## **This is only 1 percent of a real mass extinction**

By Jo Nova, Her Blog, June 17, 2017

<http://joannenova.com.au/2017/06/this-is-only-1-percent-of-a-real-mass-extinction/>

## ***After Paris!***

### **Lawrence Solomon: Why big business CEOs lean left on the Paris climate deal — and on most everything else**

By Lawrence Solomon, Financial Post, Canada, Via GWPF, June 9, 2017

<http://business.financialpost.com/opinion/lawrence-solomon-why-big-business-ceos-lean-left-on-the-paris-climate-deal-and-on-most-everything-else>

‘For those enthralled by central planning today, no star could shine brighter than the Paris climate accord, an agreement among 195 countries to not only control the production of energy, the world’s largest industry, but also its consumption, which is to say virtually every part of our daily activity.’

## **After Paris: A Green Disaster in the Making in Germany**

By Alex Alexiev, American Thinker, June 12, 2017 [H/t Timothy Wise]

[http://www.americanthinker.com/articles/2017/06/after\\_paris\\_a\\_green\\_disaster\\_in\\_the\\_making\\_in\\_germany.html](http://www.americanthinker.com/articles/2017/06/after_paris_a_green_disaster_in_the_making_in_germany.html)

## **Climate change rift raises temperature for G7 meet**

By Angus McKinnon, Bologna, Italy (AFP) June 11, 2017

[http://www.terrardaily.com/reports/Climate\\_change\\_rift\\_raises\\_temperature\\_for\\_G7\\_meet\\_999.html](http://www.terrardaily.com/reports/Climate_change_rift_raises_temperature_for_G7_meet_999.html)

***Change in US Administrations***

**A Global Warming Red Team Warning: Do NOT Strive for Consensus with the Blue Team**

By Roy Spencer, His Blog, June 13, 2017

<http://www.drroyspencer.com/2017/06/a-global-warming-red-team-warning-do-not-strive-for-consensus-with-the-blue-team/>

***Change in US Administrations -- Favor***

**Letter to The Honorable Donald J. Trump, President of the United States (May 26, 2017)**

By The Right Climate Stuff research team, May 26, 2017

<http://nebula.wsimg.com/0c7f1f07034b446442eab8b7668cf7d3?AccessKeyId=4E2A86EA65583CBC15DE&disposition=0&alloworigin=1>

**Trump's Withdrawal From Paris Deal Is Good For The Poor — And For Your Health**

By Jane Orient, MD, IBD, June 10, 2017

<http://www.investors.com/politics/commentary/trumps-withdrawal-from-paris-deal-is-good-for-the-poor-and-for-your-health/>

**President Trump: Time to Abolish Climate Alarmism in America**

By Leo Goldstein, American Thinker, June 1, 2017 [H/t Laurence Gould]

[http://www.americanthinker.com/articles/2017/05/president\\_trump\\_time\\_to\\_abolish\\_climate\\_alarmism\\_in\\_america.html](http://www.americanthinker.com/articles/2017/05/president_trump_time_to_abolish_climate_alarmism_in_america.html)

'In the '90s, the science wasn't settled regarding the numerical values of the effect of human-emitted infrared active gases and particulates. But there has never been evidence justifying alarm. Today, the science is settled against climate alarmism.'

**Trump Correct To Reject...Founder Of German Environmental Movement Calls Paris Accord A Bad Deal!**

By P Gosselin, No Tricks Zone, June 11, 2017

<http://notrickszone.com/2017/06/11/trump-correct-to-reject-founder-of-german-environmental-movement-calls-paris-accord-a-bad-deal/#sthash.WwI4RIR2.dpbs>

***Change in US Administrations -- Opposed***

**[European Commission President] Juncker rejects US climate deal re-negotiation**

By Matt McGrath, BBC, June 14, 2017

<http://www.bbc.com/news/science-environment-40274234>

**U.S. left as 'footnote' in G7 climate talks**

By Stephen Jewkes, Reuters, June 12, 2017

<http://www.reuters.com/article/us-g7-environment-idUSKBN1931I5>

'But one thing is clear, the accord is irreversible non-negotiable and the only instrument for fighting climate change,' Italian Environment Minister Gian Luca Galletti told reporters.

**How should world leaders punish Trump for pulling out of Paris accord?**

The international community must show Trump, and any other leaders that may follow suit, that other core diplomatic goals – such as Nato funding – will depend on honouring their climate commitments

By Wael Hmaidan, Guardian, UK, Jun3 15, 2017

[https://www.theguardian.com/environment/2017/jun/15/how-should-world-leaders-punish-trump-for-pulling-out-of-paris-accord?CMP=share\\_btn\\_tw](https://www.theguardian.com/environment/2017/jun/15/how-should-world-leaders-punish-trump-for-pulling-out-of-paris-accord?CMP=share_btn_tw)

‘Hmaidan is executive director of Climate Action Network International’

[SEPP Comment: *The Obama administration dishonored the agreement by demanding it be changed at the last moment, giving it the appearance it need not go to the Senate for approval.*]

### **How Trump's COP21 Promise Became China's Opportunity**

By Rob Endens, Real Clear Energy, June 13, 2017

[http://www.realclearenergy.org/articles/2017/06/13/how\\_trumps\\_cop21\\_promise\\_became\\_chinas\\_opportunity\\_110235.html](http://www.realclearenergy.org/articles/2017/06/13/how_trumps_cop21_promise_became_chinas_opportunity_110235.html)

### **Media even TWC and Democratic Senators are advancing a dangerous misinformation campaign**

By Joe D'Aleo, ICECAP, June 11, 2017

[http://icecap.us/index.php/go/new-and-cool/weather\\_channel\\_and\\_democratic\\_senators\\_play\\_the\\_scare\\_card1/](http://icecap.us/index.php/go/new-and-cool/weather_channel_and_democratic_senators_play_the_scare_card1/)

### **Obama's Energy Secretary Defends His Legacy Against Trump**

Ernest Moniz reflects on withdrawal from the Paris Accord and his tenure at the helm of America's energy R&D program.

By Alexis Madrigal, The Atlantic, June 14, 2017

<https://www.theatlantic.com/technology/archive/2017/06/ernest-moniz-obama-energy-legacy/530175/>

### ***Review of Recent Scientific Articles by CO2 Science***

#### **The Evolution of Extremely Heavy Precipitation in Shanghai, China**

Liang, P. and Ding, Y. 2017. The Long-term Variation of Extreme Heavy Precipitation and Its Link to Urbanization Effects in Shanghai during 1916-2014. *Advances in Atmospheric Sciences* **34**: 321-334. June 5, 2017

<http://www.co2science.org/articles/V20/jun/a6.php>

[SEPP Comment: *For major cities, an urban precipitation effect as well as the urban heat island effect?*]

#### **The Role of Intertidal Macro-Algae in a Future High-CO2 World**

Marba, N., Kause-Jensen, D., Olesen, B., Christensen, P.B., Merzouk, A., Rodrigues, J., Wegeberg, S. and Wilce, R.T. 2017. Climate change stimulates the growth of the intertidal macroalgae *Ascophyllum nodosum* near the northern distribution limit. *Ambio* **46** (Suppl. 1): S119-S131. June 14, 2017

<http://www.co2science.org/articles/V20/jun/a8.php>

#### **Placing Recent Flooding in Britain in a Historical Context**

Macdonald, N. and Sangster, H. 2017. High-magnitude flooding across Britain since AD 1750. *Hydrology and Earth System Sciences* **21**: 1631-1650. June 16, 2017

<http://www.co2science.org/articles/V20/jun/a10.php>

‘And so it is that Macdonald and Sangster's work *refutes* the oft-repeated, but false, claim that rising atmospheric CO2 concentrations are increasing (or will increase) the frequency of extreme floods. That certainly has not been the case for Britain.’

### *Changing Weather*

#### **NASA Data Suggest Future May Be Rainier Than Expected**

By Carol Rasmussen for NASA Science News, Pasadena CA (JPL), Jun 12, 2017

Link to paper: Tightening of Tropical Ascent and High Clouds Key to Precipitation Change in a Warmer Climate.'

By Hui Su, et al, Nature, Communications, June 7, 2017

<https://www.nature.com/articles/ncomms15771>

#### **Delingpole: Ship of Fools III – Global Warming Study Cancelled because Of ‘Unprecedented’ Ice**

By James Delingpole, Breitbart, June 13, 2017 [H/t Paul Homewood]

<http://www.breitbart.com/big-government/2017/06/13/delingpole-ship-of-fools-iii-global-warming-study-cancelled-because-of-unprecedented-ice/>

### *Changing Climate*

#### **Almost 300 Graphs Undermine Claims Of Unprecedented, Global-Scale Modern Warmth**

By Kenneth Richard, No Tricks Zone, June 16, 2017

<http://notrickszone.com/2017/06/16/almost-300-graphs-undermine-claims-of-unprecedented-global-scale-modern-warmth/#sthash.Xqj5a7Hu.dpbs>

### *Changing Seas*

#### **Internal and external forcing of multidecadal Atlantic climate variability over the past 1,200 years**

By Jianglin Wang, Nature, May 29, 2017 [H/t Climate Etc.]

<https://www.nature.com/ngeo/journal/vaop/ncurrent/full/ngeo2962.html>

### **Ocean Cooling Resumes**

By Ron Clutz, Science Matters, June 13, 2017 [H/t GWPF]

<https://rclutz.wordpress.com/2017/06/13/ocean-cooling-resumes/>

#### **‘Super Corals’ on Australia’s Great barrier Reef May Save It from Climate Change, Scientists Discover**

By Hannah Osborne, Newsweek, June 9, 2017 [H/t GWPF]

<http://www.newsweek.com/super-corals-great-barrier-reef-climate-change-623535>

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

#### **Researchers uncover a cause for early 20th century Arctic warming**

By Staff Writers, Phys.org, May 30, 2017

<https://phys.org/news/2017-05-uncover-early-20th-century-arctic.html>

Link to paper: Early 20th-century Arctic warming intensified by Pacific and Atlantic multidecadal variability

By Hiroki Tokinagaa, Shang-Ping Xie, and Hitoshi Mukougawab, PNAS, May 1, 2017

<http://www.pnas.org/content/114/24/6227>

### *Agriculture Issues & Fear of Famine*

#### **Commentary: An Obama food-science policy worth keeping**

By Hank Campbell, Chicago Tribune, June 11, 2017

<http://www.chicagotribune.com/news/opinion/commentary/ct-gmo-science-policy-trump-perspec-0612-md-20170611-story.html?source=acsh.org>

**Impact of Climate Change, Weather Extremes, and Price Risk on Global Food Supply**  
By Paul Homewood, Not a Lot of People Know That, June 14, 2017  
<https://notalotofpeopleknowthat.wordpress.com/2017/06/14/impact-of-climate-change-weather-extremes-and-price-risk-on-global-food-supply/>

***Communicating Better to the Public – Exaggerate, or be Vague?***  
**‘Projections Made By Climate Models Wildly Exaggerated,’ Scientists Say**  
Climate models in distress: Problems with forecast performance give cause to worry By Dr. Sebastian Lüning and Prof. Fritz Vahrenholt (German text translated/edited by P Gosselin), No Tricks Zone, June 14, 2017  
<http://notrickszone.com/2017/06/14/projections-made-by-climate-models-wildly-exaggerated-scientists-say/#sthash.QKgiQeod.dpbs>

***Communicating Better to the Public – Make things up.***  
**Earth Is Not in the Midst of a Sixth Mass Extinction**  
‘As scientists we have a responsibility to be accurate about such comparisons.’  
By Peter Brannen, The Atlantic, June 13, 2017  
<https://www.theatlantic.com/science/archive/2017/06/the-ends-of-the-world/529545/>

**Reassessment of 20th century global mean sea level rise**  
By Sönke Dangendorf, et al. PNAS, June 6, 2017  
[http://www.pnas.org/content/114/23/5946.short?utm\\_content=buffer5140&utm\\_medium=social&utm\\_source=twitter.com&utm\\_campaign=buffer](http://www.pnas.org/content/114/23/5946.short?utm_content=buffer5140&utm_medium=social&utm_source=twitter.com&utm_campaign=buffer)  
[SEPP Comment: Increasing confidence in IPCC AR-5 projections by lowering the past to attain acceleration in the present.]

***Communicating Better to the Public – Do a Poll?***  
**It’s Said That ‘97% of Climate Scientists Agree’ About Global Warming – But Do They?**  
By Neil Frank, CNS News, June 9, 2017 [H/t Timothy Wise]  
<http://www.cnsnews.com/commentary/neil-frank/its-said-97-climate-scientists-agree-about-global-warming-do-they>  
‘only 1 percent explicitly endorsed what Oreskes called the ‘consensus view’”

***Expanding the Orthodoxy***  
**Risk-free food**  
By Martin Livermore, The Scientific Alliance, June 16, 2017  
<http://scientific-alliance.org/scientific-alliance-newsletter/risk-free-food>  
[SEPP Comment: Another UN agency ignoring evidence or the lack thereof.]

**California gov named special adviser to UN climate conference**  
By Max Greenwood, The Hill, June 13, 2017  
<http://thehill.com/policy/energy-environment/337692-california-gov-named-special-adviser-to-un-climate-conference>

***Non-Green Jobs***  
**Anthony Hilton: US shale revolution makes fracking a must for UK industry**  
By Anthony Hilton, Evening Standard, UK, June 14, 2017 [H/t GWPF]

<http://www.standard.co.uk/business/anthony-hilton-us-shale-revolution-makes-fracking-a-must-for-uk-industry-a3564971.html>

[*Shale oil and gas, particularly gas, are giving US petrochemical firms a huge cost advantage over EU firms.*]

### **The American Economy Needs Manufacturing**

By Mark Mills, Real Clear Policy, June 15, 2017

[http://www.realclearpolicy.com/articles/2017/06/15/the\\_american\\_economy\\_needs\\_manufacturing\\_110272.html](http://www.realclearpolicy.com/articles/2017/06/15/the_american_economy_needs_manufacturing_110272.html)

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

#### **Energy Subsidies: New Insights on Who Got What (And Why It Matters)**

By Ryan Fitzpatrick, Energy Collective, June 12, 2017

<http://www.theenergycollective.com/ryanfitzpatrick/2406272/energy-subsidies-new-insights-got-matters>

Link to study: Two Thirds of a Century and \$1 Trillion+ U.S. Energy Incentives Analysis of Federal Expenditures for Energy Development, 1950-2016

By Staff Writers, Management Information Services, Inc. May 2017  
(Sponsored by The Nuclear Energy Institute)

<https://www.nei.org/CorporateSite/media/filefolder/Backgrounders/White-Papers/EnergyIncentives-MISI-0517.pdf?ext=.pdf>

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

#### **Energy Department aims to close international clean energy office**

By Devin Henry, The Hill, June 15, 2017

<http://thehill.com/policy/energy-environment/338027-energy-department-closes-international-clean-energy-office>

### ***Energy Issues – Non-US***

#### **BP Statistical Review of World Energy**

By Staff Writers, BP, June 2017

[http://www.bp.com/content/dam/bp/en/corporate/pdf/energy-economics/statistical-review-2017/bp-statistical-review-of-world-energy-2017-full-report.pdf?wpisrc=nl\\_energy202&wpmm=1](http://www.bp.com/content/dam/bp/en/corporate/pdf/energy-economics/statistical-review-2017/bp-statistical-review-of-world-energy-2017-full-report.pdf?wpisrc=nl_energy202&wpmm=1)

### **Poor countries export power while millions go without**

By Staff Writers, The Zimbabwean, June 11, 2017 [H/t GWPF]

<http://www.thezimbabwean.co/2017/06/poor-countries-export-power-millions-go-without/>

### **Bill payers must back low carbon transition, believes new climate change minister**

‘Climate change is among ‘most serious threats that we face’

By Jane Gray, Utility Week, June 15, 2017 [H/t GWPF]

<http://utilityweek.co.uk/news/bill-payers-must-back-low-carbon-transition-believes-new-climate-change-minister/1305102#.WUKByWjyuUn>

### **May's Bid to Keep U.K. Lights on Harder After Election Loss**

By Jess Shankleman, Bloomberg, June 13, 2017

<https://www.bloomberg.com/politics/articles/2017-06-15/new-u-s-carrier-hobbled-by-flaws-in-launching-landing-planes>

*[SEPP Comment: Article states that wind is the cheapest form of new power generation. But, is it the cheapest from of reliable, new power generation?]*

## **Canada Shows Commitment To Fighting Global Warming By Asking China To Invest In Its Oil Industry**

By Michael Bastasch, Daily Caller, June 9, 2017

<http://dailycaller.com/2017/06/09/canada-shows-commitment-to-fighting-global-warming-by-asking-china-to-invest-in-its-oil-industry/>

### ***Energy Issues -- Australia***

#### **Australian PM Turnbull Faces Revolt Over Green Energy Policy**

Editorial, The Australian, Via GWPF, June 15, 2017

<http://www.thegwpf.com/australian-pm-turnbull-faces-revolt-over-green-energy-policy/>

#### **Blueprint's author didn't ask about the weather**

By William Kininmonth, The Australian, June 12, 2017 [H/t Des Moore]

<http://www.theaustralian.com.au/opinion/blueprints-author-didnt-ask-about-the-weather/news-story/516144b6640714f7141798d1ee230f8a>

#### **Finkel: Turn the whole country into South Australia by 2030 — 42% ‘renewable’**

By Jo Nova, Her Blog, June 13, 2017

<http://joannenova.com.au/2017/06/finkel-turn-the-whole-country-into-south-australia-by-2030-42-renewable/>

Link to report: Blueprint for the Future: Independent Review into the Future Security of the National Electricity Market

By Dr Alan Finkel AO, Chief Scientist, Chair of the Expert Panel, 2017, et al. Department of the Environment and Energy, AU, June 9, 2017

<http://www.environment.gov.au/energy/publications/electricity-market-final-report>

*[SEPP Comment: Will nature be required to submit a three-year plan of hourly wind velocity for each wind farm for every day?]*

#### **Finkel report destroys baseload coal power economics**

By Jo Nova, Her Blog, June 15, 2017

<http://joannenova.com.au/2017/06/finkel-report-destroys-baseload-coal-power/>

#### **The Wizard of Oz is a Finkel**

By Geoff Brown, The Australian Climate Sceptics Blog, June 14, 2017

<http://theclimatescepticsparty.blogspot.com.au/2017/06/the-wizard-of-oz-is-finkel.html>

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

#### **LEDs, Energy Saving Marvels – Part 1**

By Donn Dears, Power For USA, June 13, 2017

<http://www.powerforusa.com/2017/06/13/leds-energy-saving-marvels-part-1/>

‘LEDs are the only technology currently available that can significantly reduce the amount of electricity we consume, without reducing our standard of living.’

‘LEDs, while in development for at least 60 years, have only recently become available for lighting.’

#### **IEA Report Gives F’s to Most Green Tech**

Guest post by David Middleton, WUWT, June 14, 2017

<https://wattsupwiththat.com/2017/06/14/iea-report-gives-fs-to-most-green-tech/>

Link to report: Tracking Clean Energy Progress, 2017

By Staff Wreters, International Energy Agency, IEA, 2017

<https://www.iea.org/publications/freepublications/publication/TrackingCleanEnergyProgress2017.pdf>

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

**Judge: Dakota Access Pipeline needs further environmental review**

By Devin Henry, The Hill, June 14, 2017

<http://thehill.com/policy/energy-environment/337863-court-dakota-access-pipeline-needs-further-environmental-review>

### **DAPL Shutdown To Be Considered After New Assessment: Federal Judge**

By Irina Slav, Oil Price, June 15, 2017

<http://oilprice.com/Latest-Energy-News/World-News/DAPL-Shutdown-To-Be-Considered-After-New-Assessment-Federal-Judge.html>

Link to decision: Standing Rock ... v. U.S. Crops of Engineers

By James Boasberg, US District Judge for the District of Columbia

<http://earthjustice.org/sites/default/files/files/DAPL-order.pdf>

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

**US Shale Revolution & Free Trade Create the World's New Energy Superpower**

Editorial, WSJ, Via GWPF, Jun3 16, 2017

<http://www.thegwpf.com/us-shale-revolution-free-markets-create-the-worlds-new-energy-superpower/>

Original title: Lessons of the Energy Export Boom

### **OPEC and U.S. shale drillers are on collision course: Kemp**

By John Kemp, Reuters, June 14, 2017

<http://www.reuters.com/article/us-oil-opec-kemp-idUSKBN196037>

### **Wipe Out! - How Will Permian E&Ps Dispose Of All That Produced Water?**

By Housley Carr, RBN Energy, June 11, 2017

<https://rbnenergy.com/wipe-out-how-will-permian-eandps-dispose-of-all-that-produced-water>

### **Here Comes the Global Gas Market**

By Staff Writers, American Interest, June 10, 2017

<https://www.the-american-interest.com/2017/06/10/here-comes-the-global-gas-market/>

### **Is Shale Productivity Bumping Up Against Its Limits?**

By Nick Cunningham, The Fuse, June 14, 2017

<http://energyfuse.org/shale-productivity-bumping-limits/>

Link to report: Drilling Productivity Report: For key tight oil and shale gas regions

By Staff Writers, EIA, June 2017

<https://www.eia.gov/petroleum/drilling/pdf/dpr-full.pdf>

[SEPP Comment: Not discussed is that producers are just hiring software engineers to analyze the data.]

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

#### **Global coal production sees record drop**

By Devin Henry, The Hill, June 13, 2017

<http://thehill.com/policy/energy-environment/337610-annual-global-coal-production-sees-largest-drop-on-record>

‘In a separate report from the U.S. Energy Information Administration (EIA) on Friday, officials noted that U.S. coal consumption in 2016 — 677 million short tons — is the lowest figure since 1984.’

*[SEPP Comment: Believing mathematical models in the 1970s, the Carter administration and Congress effectively banned the use of oil and natural gas as a boiler fuel for generating electricity and strongly supported coal.]*

### ***Alternative, Green ('Clean') Solar and Wind***

#### **By John Constable, GWPF, June 6, 2017**

<http://www.thegwpf.com/the-global-status-of-renewable-energy-taking-stock/>

‘In spite of decades of sustained government support at the global level, wind and solar, the modern renewables on which the future of current climate policy depend, are still only 1% of world Final Energy Consumption.’

### **Here's How Green Sausages Get Made In The Swamp — It Isn't Very Pretty**

Editorial, IBD, June 13, 2017

<http://www.investors.com/politics/editorials/heres-how-green-sausages-get-made-in-the-swamp-it-isnt-very-pretty/>

### **Wind power group's new ad campaign aims to win over Trump**

By Timothy Cama, The Hill, June 14, 2017

<http://thehill.com/policy/energy-environment/337791-wind-power-group-launches-major-dc-focused-ad-campaign>

### **Energy & Environmental Newsletter: June 12, 2017**

By John Droz, Jr., Master Resource, June 12, 2017

<https://www.masterresource.org/alliance-for-wise-energy-decisions/energy-environmental-newsletter-june-12-2017/>

### **EXCLUSIVE: Leaked Memo Details Wind Industry Campaign Against A Major Energy Dept Study**

By Michael Bastasch, Daily Caller, June 12, 2017

<http://dailycaller.com/2017/06/12/exclusive-leaked-memo-details-wind-industry-campaign-against-a-major-energy-dept-study/>

### ***Alternative, Green ('Clean') Vehicles***

#### **This is how Big Oil will die**

By Seth Miller, Medium Corporation, May 24, 2017

[https://medium.com/@sethmiller\\_59231/this-is-how-big-oil-will-die-38b843bd4fe0](https://medium.com/@sethmiller_59231/this-is-how-big-oil-will-die-38b843bd4fe0)

### **New Study, Large CO2 Emissions from Batteries of Electric Cars**

By Johan Kristensson, New Technology, Translated by GWPF, June 12, 2017

<http://www.thegwpf.com/new-study-large-co2-emissions-from-batteries-of-electric-cars/>

‘Mats-Ola Larsson, their colleague at IVL, has calculated how long you need to drive a petrol or diesel car before it has released as much carbon dioxide as an electric car battery. The result was 2.7 years for a battery of the same size as Nissan Leaf and 8.2 years for a battery of Tesla size, based on a series of assumptions.’

### **Denmark Is Killing Tesla (and Other Electric Cars)**

Drop in sales suggests market isn’t yet competitive

By Peter Levring, Bloomberg, June 2, 2017

<https://www.bloomberg.com/news/articles/2017-06-02/denmark-is-killing-tesla-and-other-electric-cars>

### ***Health, Energy, and Climate***

#### **Yemen May Collapse Under Cholera Outbreak**

By Julianna LeMieux, ACSH, June 12, 2017

<http://www.acsh.org/news/2017/06/12/yemen-may-collapse-under-cholera-outbreak-11411>

‘Malnutrition rates in four areas of Yemen are beyond the WHO emergency threshold which is important because malnutrition and cholera go hand in hand.’

*[SEPP Comment: The malnutrition is not from global warming.]*

### ***Other Scientific News***

#### **How Science Is Losing Its Humanity**

By Ron Clutz, Science Matters, June 13, 2017

<https://rclutz.wordpress.com/2017/06/12/how-science-is-losing-its-humanity/>

#####

#### **BELOW THE BOTTOM LINE:**

#### **That’s deth-picable!**

By Staff Writers, Climate Change Predictions, June 12, 2017

<http://climatechangepredictions.org/uncategorized/8240>

‘It may be the stuff folklore or fairy tales are made of, but is it plausible for humans to evolve into some kind of species of mer-people? What about turning into a species that have no teeth? An expert says that theoretically, these are feasible.

‘It won’t happen in the near future, but an evolutionary scientist predicted that mankind’s next generation may possibly develop several characteristics such as webbed feet and translucent eyelids in order to adapt to changes in the environment like rising sea levels.

‘A study led by the University of Florida and published last year had revealed that sea levels could rise by 20 feet and affect low-lying areas worldwide because of climate change.

‘As the planet warms, the poles warm even faster,’ said Geochemist Andrea Dutton, who was part of the Florida study.’ Tech Times, 14 Jan 2016

#####

### **ARTICLES:**

#### **1. The Tyranny of the Administrative State**

Government by unelected experts isn’t all that different from the ‘royal prerogative’ of 17th-century England, argues constitutional scholar Philip Hamburger.

By John Tierney, WSJ, June 9, 2017

<https://www.wsj.com/articles/the-tyranny-of-the-administrative-state-1497037492>

SUMMARY: The journalist writes:

*'What's the greatest threat to liberty in America? Liberals rail at Donald Trump's executive orders on immigration and his hostility toward the press, while conservatives vow to reverse Barack Obama's regulatory assault on religion, education and business. Philip Hamburger says both sides are thinking too small.'*

*'Like the blind men in the fable who try to describe an elephant by feeling different parts of its body, they're not perceiving the whole problem: the enormous rogue beast known as the administrative state.'*

*'Sometimes called the regulatory state or the deep state, it is a government within the government, run by the president and the dozens of federal agencies that assume powers once claimed only by kings. In place of royal decrees, they issue rules and send out 'guidance' letters like the one from an Education Department official in 2011 that stripped college students of due process when accused of sexual misconduct.'*

*'Unelected bureaucrats not only write their own laws, they also interpret these laws and enforce them in their own courts with their own judges. All this is in blatant violation of the Constitution,' says Mr. Hamburger, 60, a constitutional scholar and winner of the Manhattan Institute's Hayek Prize last year for his scholarly 2014 book, 'Is Administrative Law Unlawful?' (Spoiler alert: Yes.)*

*'Essentially, much of the Bill of Rights has been gutted,' he says, sitting in his office at Columbia Law School. 'The government can choose to proceed against you in a trial in court with constitutional processes, or it can use an administrative proceeding where you don't have the right to be heard by a real judge or a jury and you don't have the full due process of law. Our fundamental procedural freedoms, which once were guarantees, have become mere options.'*

*'In volume and complexity, the edicts from federal agencies exceed the laws passed by Congress by orders of magnitude. 'The administrative state has become the government's predominant mode of contact with citizens,' Mr. Hamburger says. 'Ultimately this is not about the politics of left or right. Unlawful government power should worry everybody.'*

*'Defenders of agencies like the Securities and Exchange Commission or the Environmental Protection Agency often describe them as the only practical way to regulate today's complex world. The Founding Fathers, they argue, could not have imagined the challenges that face a large and technologically advanced society, so Congress and the judiciary have wisely delegated their duties by giving new powers to experts in executive-branch agencies.'*

*'Mr. Hamburger doesn't buy it. In his view, not only is such delegation unconstitutional, it's nothing new. The founders, far from being naive about the need for expert guidance, limited executive powers precisely because of the abuses of 17th-century kings like James I.'*

*'James, who reigned in England from 1603 through 1625, claimed that divinely granted 'absolute power' authorized him to suspend laws enacted by Parliament or dispense with them for any favored person. Mr. Hamburger likens this royal 'dispensing' power to modern agency 'waivers,''*

*like the ones from the Obama administration exempting McDonald's and other corporations from complying with provisions of the Affordable Care Act.*

*"James also made his own laws, bypassing Parliament and the courts by issuing proclamations and using his 'royal prerogative' to establish commissions and tribunals. He exploited the infamous Star Chamber, a court that got its name from the gilded stars on its ceiling.*

*"The Hollywood version of the Star Chamber is a torture chamber where the walls were speckled with blood,' Mr. Hamburger says. 'But torture was a very minor part of its business. It was very bureaucratic. Like modern administrative agencies, it commissioned expert reports, issued decrees and enforced them. It had regulations controlling the press, and it issued rules for urban development, environmental matters and various industries.'*

*"James's claims were rebuffed by England's chief justice, Edward Coke, who in 1610 declared that the king 'by his proclamation cannot create any offense which was not an offense before.' The king eventually dismissed Coke, and expansive royal powers continued to be exercised by James and his successor, Charles I. The angry backlash ultimately prompted Parliament to abolish the Star Chamber and helped provoke a civil war that ended with the beheading of Charles in 1649.*

*"A subsequent king, James II, took the throne in 1685 and tried to reassert the prerogative power. But he was dethroned in the Glorious Revolution in 1688, which was followed by Parliament's adoption of a bill of rights limiting the monarch and reasserting the primacy of Parliament and the courts. That history inspired the American Constitution's limits on the executive branch, which James Madison explained as a protection against 'the danger to liberty from the overgrown and all-grasping prerogative of an hereditary magistrate.'*

*"The framers of the Constitution were very clear about this,' Mr. Hamburger says, rummaging in a drawer for a pocket edition. He opens to the first page, featuring the Preamble and Article 1, which begins: 'All legislative Powers herein granted shall be vested in a Congress.'*

*"That first word is crucial,' he says. 'The very first substantive word of the Constitution is 'all.' That makes it an exclusive vesting of the legislative powers in an elected legislature. Congress cannot delegate the legislative powers to an agency, just as judges cannot delegate their power to an agency.'*

*'Those restrictions on executive power have been disappearing since the late 19th century, starting with the creation of the Interstate Commerce Commission in 1887. Centralized power appealed to big business—railroads found commissioners easier to manipulate than legislators—as well as to American intellectuals who'd studied public policy at German universities. Unlike Britain, Germany had rejected constitutional restraints in favor of a Prussian model that gave administrative agencies the prerogative powers of the king.'*

*Mr. Hamburger believes it's no coincidence that the growth of America's administrative state coincided with the addition to the electorate of Catholic immigrants, blacks and other minorities. WASP progressives like Woodrow Wilson considered these groups an obstacle to reform.*

*"The bulk of mankind is rigidly unphilosophical, and nowadays the bulk of mankind votes,' Wilson complained, noting in particular the difficulty of winning over the minds 'of Irishmen, of Germans, of Negroes.' His solution was to push his agenda using federal agencies staffed by*

*experts of his own caste—what Mr. Hamburger calls the ‘knowledge class.’ Wilson was the only president ever to hold a doctorate.*

*“There’s been something of a bait and switch,’ Mr. Hamburger says. ‘We talk about the importance of expanding voting rights, but behind the scenes there’s been a transfer of power from voters to members of the knowledge class. A large part of the knowledge class, Republicans as well as Democrats, went out of their way to make the administrative state work.’*

After a bit of history on Mr. Hamburger, the journalist continues:

*“While at the University of Chicago, he heard of a colleague’s inability to publish a research paper because the study had not been approved ahead of time by a federally mandated institutional review board. That sounded like an unconstitutional suppression of free speech, and it reminded Mr. Hamburger of those manuscripts at the British Museum.*

*“Why the return of the royal prerogative? ‘The answer rests ultimately on human nature,’ Mr. Hamburger writes in ‘The Administrative Threat,’ a new short book aimed at a general readership. ‘Ever tempted to exert more power with less effort, rulers are rarely content to govern merely through the law.’*

*“Instead, presidents govern by interpreting statutes in ways lawmakers never imagined. Barack Obama openly boasted of his intention to bypass Congress: ‘I’ve got a pen and I’ve got a phone.’ Unable to persuade a Congress controlled by his own party to regulate carbon dioxide, Mr. Obama did it himself in 2009 by having the EPA declare it a pollutant covered by a decades-old law. (In 2007 the Supreme Court had affirmed the EPA’s authority to do so.)’*

*“At this point, the idea of restraining the executive branch may seem quixotic, but Mr. Hamburger says there are practical ways to do so. One would be to make government officials financially accountable for their excesses, as they were in the 18th and 19th centuries, when they could be sued individually for damages. Today they’re protected thanks to ‘qualified immunity,’ a doctrine Mr. Hamburger thinks should be narrowed.*

*“One does have to worry about frivolous lawsuits against government officers who have to make quick decisions in the field, like police officers,’ he says. ‘But someone sitting behind a desk at the EPA or the SEC has plenty of time to consult lawyers before acting. There’s no reason to give them qualified immunity. They’ll be more careful not to exceed their constitutional authority if they have to weigh the risk of losing their own money.’*

*“Another way of restraining agencies—one President Trump could adopt on his own—would be to require them to submit new rules to Congress for approval instead of imposing them by fiat. The president could also order at least some agencies to resolve disputes in regular courts instead of using administrative judges, who are departmental employees. Meanwhile, Congress could reclaim its legislative power by going through regulations, agency by agency, and deciding which ones to enact into law.*

*“Mr. Hamburger’s chief hope for reform lies in the courts, which in earlier eras rebuffed the executive branch’s power grabs. Those rulings so frustrated both Theodore Roosevelt and Franklin D. Roosevelt that they threatened retaliation—such as FDR’s plan to pack the Supreme Court by expanding its size. Eventually judges surrendered and validated sweeping executive*

powers. Mr. Hamburger calls it ‘one of the most shameful episodes in the history of the federal judiciary.’

“The Supreme Court capitulated further in decisions like *Chevron v. Natural Resources Defense Council* (1984), which requires judges to defer to any ‘reasonable interpretation’ of an ambiguous statute by a federal agency. ‘Chevron deference should be called Chevron bias,’ Mr. Hamburger says. ‘It requires judges to abandon due process and independent judgment. The courts have corrupted their processes by saying that when the government is a party in case, they will be systematically biased—they will favor the more powerful party.’

“Mr. Hamburger sees a good chance that the high court will limit and eventually abandon the Chevron doctrine, and he expects other litigation giving the judiciary a chance to reassert its powers and protect constitutional rights. ‘Slowly, step by step, we can persuade judges to recognize the risks of what they’ve done so far and to grapple with this very dangerous type of power,’ he says. The judiciary, like academia, has many liberals who have been sympathetic to the growth of executive power, but their perspective may be changing.

\*\*\*\*\*

## **2. Attack of the Killer Petunias**

Harmless flowers are destroyed since they were genetically modified but not Washington-approved.

By Henry Miller, WSJ, June 12, 2017

<https://www.wsj.com/articles/attack-of-the-killer-petunias-1497307595?tesla=y>

SUMMARY: Dr. Miller writes:

‘Sometimes government regulators do things that are not merely misguided but gratuitously stupid. A classic example came last month, when the U.S. Department of Agriculture called for the destruction of at least 13 varieties of petunias with striking hues. These plants don’t pose any danger to health or the natural environment. But because they were crafted with modern genetic-engineering techniques, technically they’re in violation of 30-year-old government regulations.

These petunias, first developed in the 1980s, were sold around the globe for years without incident. Then in 2015 a Finnish plant scientist noticed bright-orange petunias at a train station in Helsinki. He recalled that such a variety was genetically engineered three decades prior but never commercialized. The scientist took a stem and later confirmed that it contained foreign DNA—a corn gene that confers the vivid color and a tiny sequence of DNA from a virus that turns on the newly-inserted gene.

He tipped off Finnish regulators, who notified their counterparts in Europe and North America. Since no government had issued permits to sell these varieties, the result was a petunia purge. Untold numbers of beautiful and completely harmless flowers and seeds were destroyed. The USDA said the flowers could be burned and the seeds ground up.

The USDA’s Animal and Plant Health Inspection Service has long regulated the importation and interstate movement of ‘plant pests,’ which can include plants, bacteria, fungi, viruses and more. If someone wants to introduce a plant or other organism included on the USDA’s pest list into the field, a permit is required. If the organism isn’t on the list, it can be introduced without government approval.

*But for a quarter-century, this process has had an evil twin: a regime focused exclusively on plants altered or produced with the most precise genetic-engineering techniques if they contain even a snippet of DNA from a plant pest. The original concept of a plant pest, something known to be harmful, has been tortured into a new category: a ‘regulated article.’ For decades the definition of this category has required virtually every genetically engineered plant to undergo a lengthy case-by-case review, regardless of potential risk. An edible plant can take longer.*

*If a researcher wants to perform a field trial with a regulated article such as the forbidden petunias, he must submit extensive paperwork to the Agriculture Department. After conducting tests for years at many sites, the developer can then submit a large dossier of data and request ‘deregulation’ by the USDA for cultivation and sale.*

*These requirements make genetically engineered plants extraordinarily expensive to develop and test. On average, each costs about \$136 million, according to Wendelyn Jones of DuPont Crop Protection. This probably is why the developers of the genetically engineered petunias never commercialized them legally. At around \$5 for 5,000 seeds, there is no way to recover the regulatory costs.*

*The USDA’s discriminatory treatment of genetically engineered plants ignores science. Plants always have been selected by nature and bred by humans or mutated to create new varieties with enhanced resistance to insects, disease, weeds, herbicides and environmental stresses. Grain yields in particular have increased dramatically over the past 50 years. Like the contraband petunias, plants have also been modified for qualities attractive to consumers, such as seedless watermelons.*

*Government should regulate similar products or activities in a similar way, and the degree of oversight should be proportionate to risk. For new varieties of plants, risk is a function of such characteristics as toxicity or weed-like qualities. It doesn’t matter how a new gene is introduced. What’s important is whether that gene’s expression confers risk on other organisms or natural ecosystems. The only new gene expressed in the Helsinki petunias imparts a unique orange hue—harming no one—but the Agriculture Department subjects such plants to extensive and burdensome regulation.*

*Since it’s illegal to sell the genetically engineered petunias without a permit, regulators have told vendors to destroy them. I have a better idea. Agriculture Secretary Sonny Perdue should instruct his subordinates to invoke ‘enforcement discretion’ and not take action against the sellers. Or he can ask growers to donate the flowers to cancer wards in pediatric hospitals. There’s a difference between petunias and plutonium.*

#####