

The Week That Was (Oct 3, 2009)

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Quote of the Week:

You can fool some of the people all of the time, and all of the people some of the time, but you cannot fool all of the people all of the time. -- *Abraham Lincoln*, 16th president (1809 - 1865)

THIS WEEK

1. **Senator Barbara Boxer (D-Calif), chair of the Environment & Public Works (EPW) committee, this week released "The Clean Energy Jobs and American Power Act,"** the Senate version of the "Wacky-Marxist" bill of the House. The Senate bill calls for a 20% reduction in emissions, exceeding the 17% target in the House legislation passed in May. Boxer-Kerry lacks many important details, including a disclosure of which industries will benefit from free emissions credits.

Like the House Bill, the Senate Bill does not mention the word "climate" in its title. As Andy Revkin (NYT) points out in <http://tinyurl.com/dotEarth>

the avoidance of the C-word in the bill's title, [Clean Energy Jobs and American Power Act](#), seems at odds with the urgent arguments put forward by backers of the legislation [that emissions are climbing and climate is changing more drastically](#) than [previously predicted](#).

Presumably the word choice is a function of polling that indicates [global warming remains far down on lists](#) of voter concerns.

The bill contains some other semantic innovations. One is a shift from "cap and trade" to [pollution reduction and investment](#). Another is repeated reference to "[carbon pollution](#)" in place of "greenhouse gases."

2. EPA Moves to Curtail GHG Emissions-By John M. Broder

<http://www.nytimes.com/2009/10/01/science/earth/01epa.html?hp>

The [Environmental Protection Agency](#) announced a proposed rule to begin regulating greenhouse gas emissions from thousands of power plants and large industrial facilities. The proposal, long anticipated and highly controversial, marks the first government move toward controlling the emissions blamed for the warming of the planet from stationary sources. The EPA has already proposed an ambitious program to regulate greenhouse gas emissions from cars and trucks, expected to take effect early next year.

The proposal would require construction and operating permits for facilities emitting at least 25,000 tons of carbon dioxide and five other climate-altering pollutants per year. The threshold is 100 times higher than that required for other types of pollutants such as sulfur dioxide or nitrogen oxide that have more acute health and environmental effects. Lisa P. Jackson, the EPA administrator, said that while the rule would affect about 14,000 large CO2 sources, most of them are already subject to clean air permitting requirements because they emit other pollutants.

Industry groups reacted quickly, challenging EPA's legal authority to use the Clean Air Act to regulate GH gases and questioning Ms. Jackson's power to [change] the threshold for regulation....

3. **COP-15 in Copenhagen:** Recent announcements by China, Japan and other nations point to a different outcome of UN climate talks that will be held in December in CPH: a political deal that would establish **global federalism** on climate policy, with each nation pledging to take steps domestically. We further predict that COP-15 will agree to limit future temperature rise to 2 degC and term COP-15 a "success."

SEPP Science Editorial #30-2009 (10/3/09)

By S. Fred Singer, President, SEPP

UNEP updates IPCC and brings back the ‘Hockeystick’ (Part 1)

The UN’s Environment Program has released a report that claims to update IPCC-4. It is edited by Catherine McMullen and Jason Jabbour and can be downloaded at www.unep.org/compendium2009/.

It exaggerates and sensationalizes the IPCC-4 Summary Report. Much to my surprise, it brings back the discredited hockeystick [see Fig 1.3 on p.5]. The graph shows no error bars and no distinction between proxy and instrumented data. Its caption cites the author as Hanno (2009); but he is not listed in the References. Apparently, the reference comes from Wikipedia! See the **Wikipedia hockeystick fiasco**
<http://wattsupwiththat.com/2009/09/27/more-on-the-hanno-wikipedia-graph-in-the-un-climate-report/>

A few gems from the UNEP Report are shown below.
<http://www.sustainablebusiness.com/index.cfm/go/news.display/id/18939> .

My comments are in the square brackets [...]:

- "The pace and scale of climate change may now be outstripping even the most sobering predictions of the Intergovernmental Panel of Climate Change (IPCC), according to the findings of a new report by the United Nations Environment Programme (UNEP)." *[Just shows that the IPCC cannot be trusted]*
- "This analysis of the very latest, peer-reviewed science indicates that many predictions at the upper end of the IPCC's forecasts are becoming ever more likely." *[Meanwhile, the climate has been cooling and will likely continue to cool]*
- "Some scientists are now warning that sea levels could rise by up to two meters by 2100 and five to ten times that over following centuries." *[That’s more than ten times the NIPCC estimate; we’ll soon see who’s right]*

NEWS YOU CAN USE

In *State of Connecticut et al. v. American Electric Power et al.*, the 2nd U.S. Court of Appeals decided that states and other plaintiffs have the right to sue five electric utilities AEP, Cinergy, Southern Co., Excel Energy, and the Tennessee Valley Authority for creating a public nuisance by emitting CO2 and thus contributing to global warming. . . Ironically, these utilities have for years lobbied for carbon cap-and-trade schemes. Instead of opposing climate alarmism, they have helped promote it.

SEPP comment: The 2nd Circuit Court has remanded the case back to the District Court for trial. This means that the case must now be tried on its merits: i.e. plaintiffs will have to show that the emission of CO2 by the defendants has a climate impact that is both (1) appreciable and (2) adverse.

On (1): This devolves into two separate issues:

- (a) The curtailment of emissions must result in a detectable effect on atmospheric CO2 concentration -- a measurement problem;
- (b) A change in CO2 level must produce a detectable warming -- an issue of climate models vs observations

On (2): Plaintiffs must demonstrate that a warming would have consequences that produce net damages rather than net benefits.

Plaintiffs would likely invoke the IPCC. Defendants could invoke the NIPCC -- and would win the case, IMHO. Or, plaintiffs might invoke the EPA's Endangerment Finding. But that option is even weaker than the IPCC's. I hope that they will invoke the just-released UNEP report -- the weakest of all.

Keeping Climate Out of a Climate Bill's Title

By [ANDREW C. REVKIN](#),

<http://dotearth.blogs.nytimes.com/2009/09/30/another-climate-bill-avoids-the-word-climate/>

Senate leaders, in unveiling their [long-expected climate bill](#) today, followed the lead of their [colleagues in the House](#): the word 'climate' is not mentioned in the bill's title. How far things have come, or retreated, since the [Climate Stewardship Act of 2003](#), the [Safe Climate Act of 2007](#) or even the [Climate Security Act of 2008](#).

The avoidance of the C-word in the bill's title, Clean [Energy Jobs and American Power Act](#), seems at odds with the urgent arguments put forward by backers of the legislation that [emissions are climbing and climate is changing more drastically](#) than [previously predicted](#). Presumably, the word choice is a function of polling that indicates [global warming remains far down on lists](#) of voter concerns.

The bill contains some other semantic innovations. One is a shift from "cap and trade" to [pollution reduction and investment](#). Another is repeated reference to "[carbon pollution](#)" in place of "greenhouse gases."

For more on **semantics**, see <http://www.dailykos.com/story/2009/5/19/733303/> -On-Framing-the-Environment:-The-EcoAmerica-Report

Brian Sussman is an award-winning former television meteorologist and current radio host on KSFO, San Francisco. His forthcoming book, *Global Whining: confidence to confront the biggest scam in history*, will be published by WND Books and available early next year.

Read his essay at: http://www.americanthinker.com/2009/10/gore_and_google_pants_on_fire.html

http://www.nctimes.com/news/state-and-regional/article_ac9aa3a3-ca26-5afd-9fd9-c084f162c292.html

AP, Sept 18, 2009 - BrightSource Energy Inc. has dropped plans to build a **solar thermal power facility** in the eastern **Mojave** Desert where a U.S. senator wants to turn the land into a national monument. The move was welcomed by environmentalists, who opposed the solar development on part of the Broadwell Dry Lake in San Bernardino County that is home to unique plants and animals.

Antarctic Ice Expanding: The Scientific Committee on Antarctic Research this week noted the South Pole had shown significant cooling in recent decades, [according to the Australian](#). The results of ice-core drilling and sea ice monitoring indicate ice is expanding in much of Antarctica.

Real threats to the planet: **asteroid impacts** -- not Global Warming:

The number of observed NEO (Near Earth Objects) has risen from 600 (in 1999) to 6000 (in 2009) -- with 800 of diameter >1km, and steadily increasing <http://neo.jpl.nasa.gov/stats/>

BELOW THE BOTTOM LINE

"**Moon Ignores Sun**" Ban Ki Moon (U.N. chief) addressing press conference in NYC, regarding proof of 'global warming' : "I recently traveled to the Arctic Circle, and I could see the ice melting"

Hello ... it was LATE SUMMER !!

From "Best of the Web" (WSJ) 9/24/2009: Climate Change Keeps Changing!

"Georgia Drought of 'Historical Proportions': Climate Change Hits the Backyard; Global Warming 'Worst-Case Scenario' Drought Unfolding in Dixie?"--headline and subheadline, [TheDailyGreen.com](#), Sept. 29, 2007

"Georgia's 'Historic' Rain Kills 7 as Emergency Issued"--[headline, Bloomberg](#), Sept. 22, 2009 "North Pole May

Be Ice-Free for First Time This Summer"--[headline, National Geographic Web site](#), June 20, 2008 "Arctic Ice to Last Decades Longer Than Thought?"--[headline, National Geographic Web site](#), Sept. 21, 2009

Scientifically, what does this tell us about the climate-change models used to make hysterical claims?

1. They're completely wrong and should be jettisoned – or
2. They speak to a larger truth and should be used -- and heretics skeptics shunned

Which option would a real scientist choose, and which one would a political hack with interests in glomming onto big government grants choose?

OK, let's not always see the same hands.

Supermodel Gisele Bündchen is teaming up with the United Nations Environment Program to be a [Goodwill Ambassador](#). "In her new role, Ms. Bündchen will help the agency raise awareness and inspire action to protect the environment, taking on some of the biggest threats facing the planet, such as climate change and environmental degradation," according to the U.N. "The environment has always been my passion," she said

<http://www.un.org/apps/news/story.asp?NewsID=32130>

<http://www.businessdailyafrica.com/Company%20Industry/-/539550/664964/-/u6jhmrz/-/>

Animals are becoming bolder as the effects of climate change take their toll on them.

Hippopotamus have been witnessed eating fruits on farms such as pawpaws and bananas, while elephants have become more violent.

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ARTICLES

1. [Curtain rises on Senate struggle over climate legislation – John M. Broder](#)
2. [A death spiral for climate alarmism, redux? – Kenneth Green](#)
3. [Reasonable responses to climate change - H. Sterling Burnett](#)
4. [Costly carbon cuts](#)
5. [EC vs EU court – BBC and Cooler Heads](#)
6. [Treemometers: a new scientific scandal –Andrew Orlowski](#)
7. [Boxer pays off GE in climate bill – Steve Milloy](#)
8. [Company backed by Gore gets taxpayer millions](#)

1. CURTAIN RISES ON SENATE STRUGGLE OVER CLIMATE LEGISLATION

By JOHN M. BRODER, *New York Times*, September 30, 2009,

<http://www.nytimes.com/2009/09/30/us/politics/30climate.html>

WASHINGTON A draft of a climate bill that Senate Democrats will formally introduce on Wednesday suggests that the legislation will include a more ambitious greenhouse gas emissions target than one passed by the House.

The measure, sponsored by Senators [Barbara Boxer](#) of California and [John Kerry](#) of Massachusetts, seeks to achieve by 2020 a 20 percent reduction from 2005 levels of carbon dioxide emissions, compared with 17 percent in the House bill, according to the 801-page draft, which circulated on Tuesday. The House and Senate bills both include a long-term target of an 83 percent reduction by 2050.

The Senate bill will be the focus of a broad political and lobbying struggle, as industry groups, environmental lobbies, local government officials, universities and advocates for the poor all scramble for advantage in legislation that would rewrite the rules of the domestic energy economy. Groups are already spending millions of dollars in organizing, mailing and advertising campaigns to influence the legislation.

The battle has exposed deep rifts within the Chamber of Commerce, the [National Association of Manufacturers](#) and other business lobbies, with companies leaving their trade organizations almost daily in disputes over [climate change legislation](#). The Chamber of Commerce opposed the House bill and will almost certainly work to weaken or defeat the Boxer-Kerry measure.

The Senate debate will also significantly affect the American negotiating position at climate talks, sponsored by the [United Nations](#), that are scheduled for December in Copenhagen.

The bill would set up a [cap-and-trade](#) system to achieve the emissions targets, allowing industry and other entities to buy and sell permits within an overall emissions ceiling. The House bill, which narrowly passed in late June, would establish a similar program.

But the Senate measure so far leaves a number of crucial questions unanswered, chief among them how the permits to emit carbon dioxide and other heat-trapping gases would be distributed to utilities, manufacturers, agribusiness and other interests. The allocation of such permits, worth billions of dollars annually, was a subject of intense horse-trading in the House and is certain to touch off a major battle as the Senate debates its own version of the bill.

The Boxer-Kerry bill will be considered in the Senate Environment and Public Works Committee, which Mrs. Boxer heads. Several other Senate panels, including the Finance Committee, led by Senator [Max Baucus](#), Democrat of Montana, will also play a major role in whatever climate change debate the Senate engages in this fall. A Boxer aide cautioned that the bill was still evolving.

While Mrs. Boxer is promising to begin hearings on her bill on Oct. 20, there is no certainty that other committees will act as quickly. The Finance Committee, where the permit allocation issue and trade questions will be decided, is in the middle of the difficult health care debate and appears to be in no hurry to take on another hugely contentious matter.

The Senate bill reflects months of discussions among Democratic members to address their concerns with the House measure, sponsored by Representatives [Henry A. Waxman](#) of California and [Edward J. Markey](#) of Massachusetts, both Democrats. The latest draft of the Senate legislation includes a system somewhat different from the House bills to ensure that the price of emissions permits does not rise or fall too quickly. The Senate measure provides what one senior aide called a 'soft collar' to keep permit prices within a specified range from year to year. *[SEPP says: Another income source for lobbyists]*

The Senate bill would also alter the House approach to so-called 'offsets,' which are ways that polluting industries can get credit for emissions reductions by paying others, like farmers or timber growers, to adopt practices that reduce the overall level of carbon dioxide put into the atmosphere.

In addition, the Senate bill would provide greater incentives for construction of nuclear power plants and for low-emissions transportation systems, an aide working on the measure said.

2. A DEATH SPIRAL FOR CLIMATE ALARMISM, REDUX?

Kenneth P. Green, *Master Resource*, September 30, 2009, <http://masterresource.org/?p=5036>

Desperation is setting in among climate alarmists who by their own math can see that the window is rapidly closing on "saving the planet."

James Hansen, for instance, said three years ago in the *New York Review of Books*: “We have at most ten years—not ten years to decide upon action, but ten years to alter fundamentally the trajectory of global greenhouse emissions.” That was also Al Gore’s estimate in *An Inconvenient Truth*. But the time has been ticking away, and it’s increasingly obvious that the Gore/Hansen “wrenching transformation” of the U.S. energy system is simply not going to happen.

U.S. cap-and-trade has become a big political liability, in particular, as polls show voters are relatively unconcerned about climate change, and are deeply averse to higher energy prices. That has led Senator John Kerry, for example, to try to hide the ball by changing the name of scheme to “pollution reduction” in order to obscure the reality that it’s basically a massive energy tax. Other Left-leaning politicians (the latest being Houston Mayor Bill White, who is running for the U.S. Senate) are announcing their opposition to cap-and-trade. (1)

Renewable energy is also getting more scrutiny than ever before, awakening not only cost-conscious middle America but grass-roots environmentalists concerned about negative local impacts and big-business intrusion. Here is the death spiral that I believe the Climate Crisis Industry fears (and is probably right to fear) -- consciously or subconsciously:

1. U.S. rejects cap-and-trade in 2009, leaving a climate bill in serious trouble for election-year 2010 and beyond.
2. Copenhagen flounders without any U.S. commitment and from developing country opposition, among other things. The failed Kyoto Protocol creeps toward its 2012 expiration date with an ‘all pain, no gain’ tag.
3. EPA action is delayed by court action and public/political opposition, negating implementation for years and effective implementation for longer. Congressional action to de-authorize EPA becomes more and more likely as businesses, and electric utilities in particular, demand certainty to meet growing U.S. electricity demand coming out of a recession.
4. The climate continues its decade-long trend of non-warming for another 10 years, as some scientists have predicted. The return of bitterly cold winters, and more years “without a summer” increases public skepticism about climate science. More revelations come out about data manipulation by NASA, and cherry-picking by scientists trying to paint a false picture of recent warming in historical perspective.
5. Climate initiatives (renewable energy subsidies, etc.) are increasingly scrutinized and attacked as job-destroying corporate welfare by the Right and political capitalism by the Left.
6. Grassroots opposition builds against wind and solar farms because of landscape, wildlife, and people issues—and with the knowledge that such are not going to make a climatological difference. Environmentalists continue to block renewable projects at the local level, making it increasingly obvious that the U.S. risks energy shortages as conventional power generation is also stalled.
7. Given the political impasse, and feeling somewhat duped, more and more science writers and academics will start covering hard climate data/trends rather than uncritically flogging the latest garbage-in/garbage-out forecasting. [Okay, this could be wishful thinking on my part, based on a mistaken belief that left-leaning science writers actually care about balanced reporting, and that academics dependent on government grants might develop something resembling a spine, but we can dream, can't we?]
8. More attention focuses on adaptation and climate engineering, both of which spark furious debates on the Left as, respectively, “defeatist” and “playing God with climate.”
9. The “Great Climate Scare” becomes scrutinized for bad behavior and lessons-learned—which magnifies the intellectual and media turnaround on the issue.
10. Political support ebbs for government-dependent wind, solar, and energy efficiency companies, deflating the bubble and leaving a sad industrial trail of broken, obsolete, or uneconomic wind turbines and solar panels.

In the face of the risks to the climate crisis agenda outlined above, we can expect the climate crisis industry to grow increasingly shrill, and increasingly hostile toward anyone who questions their authority. Politicians are likely to try to ram as much through as they can for their favored constituencies and technologies before the climate crisis runs out of steam and public concern drops even lower. This is the time for those concerned about public policy to be on high alert, as panicked activists and politicians will be trying every trick in the book to enact their agenda by hook or by crook.

Vigilance is called for more than ever in contentious climate debate.

Note: Robert Bradley assisted with this post.

(1) "In Tyler, TX, [Bill] White told one local resident that he opposes House legislation to cap carbon emissions, often called "cap-and trade," which local energy companies have begun to advertise against on billboards." - Bradley Olson, "Mayor a Different Man on the Stump." *Houston Chronicle*, Sept 29, 2009

3. REASONABLE RESPONSES TO CLIMATE CHANGE

To combat increasing concentrations of greenhouse gases in the atmosphere, the Obama Administration supports a cap-and-trade system similar to the one implemented by the Kyoto agreement, which commits developed countries to limit and eventually reduce greenhouse gas emissions. In contrast to the economic costs of limits on greenhouse gas emissions there are responses to climate change that would have substantial economic benefits, says H. Sterling Burnett, a senior fellow with the National Center for Policy Analysis.

Climate change is mainly projected to add to existing problems, rather than create new ones. Focused adaptation addresses these problems -- including malaria, hunger and coastal flooding -- directly now, rather than indirectly in the future via emissions reductions, says Burnett:

- For example, according to the World Health Organization, malaria's current yearly death toll of one million could be halved with annual expenditures of \$1.5 billion or less (in 2003 dollars).
- By contrast, limiting emissions to 1990 levels, as called for under the Kyoto Protocol, would reduce the total number of people at risk from malaria in 2085 by 0.2 percent, while costing about \$165 billion in 2010 alone.

No-regrets policies are actions that are desirable even if there is no threat of global warming, says Burnett. They would reduce greenhouse gas emissions, increase energy efficiency, reduce harms associated with global warming and/or increase the world's ability to deal with climate-change-associated problems.

No-regrets policies include:

- Eliminating fuel subsidies.
- Reducing regulatory barriers to building new nuclear power plants.
- Encouraging breakthroughs in new technology by fostering competition.

Such policies would reduce world emissions, reduce America's dependence on foreign oil, and reduce energy prices for consumers, says Burnett.

As a stopgap measure, geoengineering deliberately modifies the Earth's climate, yet does not address the underlying causes. One type of geoengineering, solar radiation management, seeks to increase the Earth's reflectivity in order to mimic the natural cooling effects of clouds and volcanic eruptions. While the cost of reducing greenhouse gases enough to stave off serious harm has been estimated at 2 percent to 5 percent of gross domestic product (GDP), Johns Hopkins University professor Scott Barrett says that geoengineering solutions

would cost only 0.2 percent to 0.02 percent as much as mandatory stringent emissions reductions, while preventing more damage.

These policies, taken together, could do a great deal to minimize the risks of global warming while at the same time promoting economic growth and global development, says Burnett.

[SEPP comment: Of course, all this assumes that GW is bad and is also anthropogenic]

Source: H. Sterling Burnett, "Reasonable Responses to Climate Change," National Center for Policy Analysis, Study No. 324, September 30, 2009. <http://www.ncpa.org/pub/st324>

4. COSTLY CARBON CUTS

Imposing steep immediate cuts on carbon dioxide emissions in an attempt to slow man-made global warming will cause far more harm than it will do good, says Bjorn Lomborg, who heads up the Copenhagen Consensus Center, a Danish think tank.

Why? The costs of carbon rationing would far outweigh the benefits.

To get a sense of what would be involved in trying to achieve even moderate carbon dioxide reductions, Lomborg looks at the case of Japan:

- Japan's commitment in June to cut greenhouse gas levels 8 percent from its 1990 levels by 2020 was scoffed at for being far too little.
- Yet for Japan -- which has led the world in improving energy efficiency -- to have any hope of reaching its target, it needs to build nine new nuclear power plants and increase their use by one-third, construct more than 1 million new wind-turbines, install solar panels on nearly 3 million homes, double the percentage of new homes that meet rigorous insulation standards, and increase sales of "green" vehicles from 4 percent to 50 percent of its auto purchases.
- Japan's new prime minister was roundly lauded this month for promising a much stronger reduction, 25 percent, even though there is no obvious way to deliver on his promise; expecting Japan, or any other nation, to achieve such far-fetched cuts is simply delusional.

The new international goal, agreed upon by the big economies at the G-8 meeting this summer, aims to keep the increase in the planet's average temperature under 2 degrees Celsius above what it was in pre-industrial times. What would this cost? Imagine for a moment that the fantasists win the day and that at the climate conference in Copenhagen in December every nation commits to reductions even larger than Japan's, designed to keep temperature increases under 2 degrees Celsius.

- The result will be a global price tag of \$46 trillion in 2100, to avoid expected climate damage costing just \$1.1 trillion, according to climate economist Richard Tol, a contributor to the Intergovernmental Panel on Climate Change, whose cost findings were commissioned by the Copenhagen Consensus Center and are to be published by Cambridge University Press next year.
- That phenomenal cost, calculated by all the main economic models, assumes that politicians across the globe will make the most effective, efficient choices.
- In the real world, where policies have many other objectives and legislation is easily filled with pork and payoffs, the deal easily gets worse.

Source: Ronald Bailey, "Carbon Rationing Will Hurt the Poor Worse, Argues Skeptical Environmentalist Bjorn Lomborg," *Reason*, September 28, 2009; based upon: Bjorn Lomborg, "The Costly Carbon Cuts," *Washington Post*, September 28, 2009.

For Reason text: <http://reason.com/blog/show/136370.html>

For Washington Post text: <http://tinyurl.com/costlycuts>

5. EC vs EU Court:

EU in tussle over CO2 emissions

By Lawrence Peter

BBC News, <http://news.bbc.co.uk/2/hi/8273016.stm>

The European Commission is considering pursuing a legal fight with the EU's top court over management of the EU Emissions Trading Scheme (ETS).

On Wednesday the European Court of First Instance annulled commission decisions which sought to cut the CO2 emissions quotas of Poland and Estonia.

The court defended the right of EU states to set their own CO2 quotas.

"We are very disappointed and are studying the judgment with a view to a possible appeal," the commission said. "Our actions will be guided by the need to protect the integrity of the carbon market and give legal certainty," a commission spokeswoman, Barbara Helfferich, told BBC News.

She said several other EU member states were challenging the commission over CO2 emission allowances: Bulgaria, Hungary, Latvia, Lithuania and Romania.

Meanwhile, EU governments are striving to reach a common position on CO2 targets ahead of the December global summit on climate change in Copenhagen.

The BBC's environment correspondent Roger Harrabin says the court ruling is another setback for the EU carbon markets, which are still in the "settling down" period.

He says it certainly does not bode well for the EU's effort to persuade the US into a global carbon market.

Carbon number-crunching

The commission had disputed the national allocation plans (NAPs) drawn up by Poland and Estonia for the 2008-2012 carbon trading period.

The commission said Poland's CO2 quota should be cut by 27% and Estonia's by 48%.

Under the ETS, CO2 permits are traded, with heavy polluters buying extra permits from enterprises that pollute less.

The scheme, launched in 2005, is aimed at reducing carbon emissions across the EU, as part of the battle against global warming.

Former communist bloc countries in Central and Eastern Europe want more lenient CO2 allowances, arguing that they made significant emissions cuts in the 1990s and that they need to catch up with the more developed, older EU member states.

The court ruled that "a member state alone has the power, first, to draw up the National Allocation Plan (NAP), which it notifies to the Commission and... second, to take final decisions fixing the total quantity of allowances which it will allocate for each five-year period, and the distribution of that quantity amongst economic operators".

The ruling said the commission "has a power of review in respect of NAPs, a power which is very restricted".

It concluded that the commission had "exceeded the margin for manoeuvre conferred upon it" by the EU directive that set up the ETS.

Mrs Helfferich said there was now a need to "revise the allocation procedure".

She stressed that the carbon market would not now be "swamped with allowances" that Poland and Estonia were claiming.

She said it was the commission's duty to check the emissions data submitted by member states, which forms the basis of the NAP.

In its ruling, the court said the commission "cannot claim to set aside the data in the NAP in question so as to replace them at the outset by data obtained from its own assessment method".

Cap-and-Trade Falters in Europe

The European Unions marquee climate change policy -- an international cap-and-trade energy-rationing scheme -- suffered a major set back this week after the EU's second highest court ruled that the European Commission exceeded its powers by establishing energy-rationing quotas far below what sovereign nations had requested.

Under the EU's Emissions Trading Scheme, individual nations submit emissions reductions targets for domestic industry to the European Commission for review. The Commission rejected proposals for 2008-2012 by Estonia and Poland, and issued lower targets in their stead. Estonia and Poland sued and the European Court of First Instance ruled that the Commission overstepped its jurisdiction.

The decision likely will affect pending cases brought against the ETS by other Central and Eastern European States, including Slovenia and the Czech Republic. These countries are largely dependent on coal, and they are more worried about the prospect of switching to natural gas from Russia (their former Soviet masters) than they are about rising temperatures.

The ruling threatens to destabilize the EU's cap-and-trade scheme. If the supply of energy ration coupons is constantly subject to litigation, then they will have little value, and the ETS will fail.

The Cooler Heads Digest is the weekly e-mail publication of the Cooler Heads Coalition. For the latest news and commentary check out the Coalition's website, www.globalwarming.org .

6. TREEMOMETERS: A NEW SCIENTIFIC SCANDAL

By Andrew Orłowski (andrew.orłowski@theregister.co.uk)

http://www.theregister.co.uk/2009/09/29/yamal_scandal/

Posted in [Environment](#) 29 Sept 09

A scientific scandal is casting a shadow over a number of recent peer-reviewed climate papers. At least eight papers purporting to reconstruct the historical temperature record may need to be revisited, with significant implications for contemporary climate studies, **the basis of the IPCC's assessments**. A number of these involve senior climatologists at the British climate research centre (CRU) at the University of East Anglia. In every case, peer review failed to pick up the errors. At issue is the use of tree rings as a temperature proxy, or dendrochronology. Using statistical techniques, researchers take the ring data to create a "reconstruction" of historical temperature anomalies.

But trees are a highly controversial indicator of temperature, since the rings principally record CO2, and also record humidity, rainfall, nutrient intake and other local factors. Picking a temperature signal out of all this noise is problematic, and a dendrochronology can differ significantly from instrumented data. In dendro jargon, this disparity is called "divergence". The process of creating a raw data set also involves a selective use of samples - a choice open to a scientist's biases. Yet none of this has stopped paleoclimatologists from making bold claims using tree ring data.

Here is McIntyre's early qualitative assessment of the impact of the Yamal tree finding on the entire suite of favored IPCC reconstructions. It's a worthwhile read. <http://www.climateaudit.org/?p=7229#comments>
Here is McIntyre's actual post which is somewhat lower key than others. It was actually the culmination of several recent expositions: <http://www.climateaudit.org/?p=7168>

7. BOXER PAYS OFF GE IN CLIMATE BILL

Steve Milloy, "Green Hell Blog," <http://greenhellblog.com/2009/09/30/boxer-pays-off-ge-in-climate-bill/>

Sen. Barbara Boxer's climate bill set to be released today contains a provision that will compensate General Electric quite nicely for its lobbying and media efforts promoting climate legislation.

Section 821(c) requires that, by December 12, 2012, the EPA set standards for greenhouse gas emissions from "new aircraft and new engines used in new aircraft." General Electric is the world's largest manufacturer of commercial and military jet engines, a business worth about \$12 billion in annual revenues.

So the Boxer bill would compel airlines and the military, when purchasing new aircraft and new aircraft engines, to purchase more expensive "green" engines made by GE, according to standards set by the current and GE-lobbied Obama administration.

Keep in mind that GE CEO Jeff Immelt is a member of President Obama's Economic Recovery Advisory Council.

More evidence that GE's political action committee (GEPAC) meant what it said in its August 19, 2009 e-mail to employees: The intersection between GE's interests and government action is clearer than ever.

Other payoffs to GE will likely be uncovered as Boxer's bill virtually requires the purchase of other GE products, including wind turbines, solar panels and water products.

8. COMPANY BACKED BY GORE GETS TAXPAYER MILLIONS

World's First Luxury Plug-in Hybrid Electric Vehicle

Initial production is anticipated to be 15,000 vehicles annually, with pricing to start at \$87,900.

See <http://www.brighthouse.com/environment/renewable-energy/articles/18904.aspx> , and

http://news.cnet.com/8301-10784_3-9803688-7.html

Gore-backed Fisker gets US\$528.7M loan for luxury hybrids

Alan Ohnsman, Bloomberg News: September 25, 2009

Fisker Automotive Inc., a U.S. startup planning to sell luxury plug-in hybrid cars, secured a federal loan for as much as US\$528.7-million to fund production of its low-emission models.

Energy Secretary Steven Chu said the Irvine, Calif.-based company will get the conditional financing for development of two lines of plug-in hybrids. The loan is the fourth such announcement under a program intended to spur a market for vehicles that reduce fuel use and greenhouse gases.

"Plug-in hybrid electric vehicles could revolutionize personal transportation and cut our dependence on foreign oil, not to mention give us cleaner air and less carbon pollution," Chu said in a statement. The Fisker project may create as many as 5,000 jobs, the Energy Department said.

The U.S. in June awarded about US\$8-billion in low-cost federal loans, part of the so-called Advanced Technology Vehicles Manufacturing program, to Ford Motor Co., Nissan Motor Co. and electric carmaker Tesla Motors Inc. to help fund production of fuel-efficient autos at U.S. factories. Fisker has yet to deliver its US\$80,000 Karma model, which is designed to travel 50 miles (80 kilometers) on lithium-ion battery power before its gasoline engine engages.

The government loans to Fisker, exceeding the US\$465-million awarded to Tesla, are the largest to a startup carmaker that has yet to begin high-volume electric-vehicle production.

U.S. Factory

Fisker initially will use a US\$169.3-million loan from the manufacturing program for engineering work in Michigan and California to get the Karma ready for delivery by next year. In the second stage, a US\$359.4-million loan will be used for production of the Nina model, intended to sell for as little as US\$39,900 after a federal tax credit, Fisker said on Tuesday.

Fisker's Karma model is to be assembled under contract in Finland, with about 65% of the car's parts to be produced in the U.S., said Russell Datz, a company spokesman said. Those include a motor supplied by General Motors Co. and batteries from Ener1 Inc.'s EnerDel factory in Indiana, he said.

"The funds are for engineering and development of key components in the U.S.," Henrik Fisker, the company's chief executive officer, said in an interview. "We're not using any of the money from DOE for anything we're doing in Finland."

The company plans to buy and retool an existing U.S. factory site to produce the Nina and may announce details of the location by the end of this year, he said.

Fisker has orders for 1,500 Karmas, which will sell for US\$87,900 before a federal tax credit, and aims to deliver about 15,000 of the cars annually by 2011, Henrik Fisker said. He wouldn't say how much his company has raised from private sources.

Investors in closely held Fisker, founded by car designer Fisker, include Kleiner Perkins Caufield & Byers, a Menlo Park, California-based venture capital fund that employs former Vice President Al Gore, and Quantum Fuel Systems Technologies Worldwide Inc.

Read more: <http://tinyurl.com/fiskerFP>

[SEPP says: So more than half a billion dollars of our tax money is being invested in a phantom company with no current assets, to produce an automobile in Finland with a price tag that will make the car available to only the most privileged among us.]