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Letters

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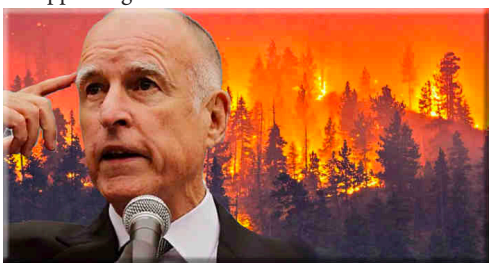
Gov. Jerry Brown Vetoed 2016 Wildfire Management Bill While CA Burned

by Katy Grimes, Senior Media Fellow
As Appearing in *The Canada Free Press*



Every governor has signed regretful legislation, or made a disastrous pardon he or she would like a chance to re-do. California's whacky outgoing Democrat governor has spent the last eight years trying to convince the people of California that we are to blame for droughts, wildfires and "extreme weather," and that climate change is an existential threat to the California way of life. Showing no regrets, Gov. Jerry Brown calls the people "freeloaders," and "deniers," and has mocked our "little green lawns." Brown even spitefully signed legislation subjecting every man, woman and child to 50 gallons of water a day in the near future… despite the state's 189,454 miles of rivers, and that large body of water California sits on.

Last year, as California residents were burned out of their towns, homes, neighborhoods, schools, hospitals and businesses, Gov. Jerry Brown was jetting around the world spouting climate change propaganda, and calling the fires California's "new normal." Gov. Brown had many chances to sincerely and realistically address California's increasing wildfires since his election in 2011, but instead chose to play politics, placing his new friends at the United Nations over the people of California.

What many do not know, is that CA Gov. Jerry Brown vetoed a bipartisan wildfire management bill in 2016, despite unanimous passage by the Legislature, 75-0 in the Assembly and 39-0 in the Senate. SB 1463 would have given local governments more say in fire-prevention efforts through the Public Utilities Commission proceeding making maps of fire hazard areas around utility lines. In a gross display of politics, this is especially pertinent given that Cal Fire and the state's media are now blaming the largest utility in the state for the latest wildfires.

While hindsight is always 20-20, California was on fire when this bill made its way through the Legislature and on to Jerry Brown's desk.

The 129 million dead trees throughout California's state and national forests are now serving as matchsticks and kindling.

With California on fire once again in the North and the South parts of the state, Gov. Jerry Brown continues his bizarre claims that devastating fires are the "new normal" and a result of climate change. Only Brown updated his phrase: "'This is not the new normal,' he said, employing a phrase that state leaders have used to describe the past two deadly,

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In This Issue

Voters have spoken, now what?

by Greg Walcher, Senior Policy Fellow
As appearing in *The Daily Sentinel*

Near the end of the late-night election reporting, one commentator said the results did not feel like the anticipated "blue wave," but "more like purple rain." It was an apt description of an election that produced only mixed results for either side.

Sovereignty in America does not belong to government, but to citizens, and they have spoken. What they said, though, is open to interpretation, especially with respect to energy and natural resources. The American Energy Alliance wrote an astute analysis the next day, on the future of energy policies under new leadership. They concluded that voters expect a new "focus on policies that expand the availability, affordability, and reliability of energy, rather than on policies that make energy more scarce, more expensive, and less reliable."

In many ways, Colorado was a microcosm of that message. Voters in the Centennial State elected the most liberal governor and Legislature in history, while on the same day rejecting ballot measures supported by the same candidates. Pundits have commented on what seems almost schizophrenic — voting against anti-fossil fuel restrictions, while electing a governor who promises to rid the state of fossil fuels. Some say we are likely to see oil, gas, and coal banished anyway, with one-party in control of all three branches of state government. That would devastate the economy, but I am much more optimistic, precisely because the will of the voters on energy issues is clear, both in Colorado and nationally.

Nationally, America seems more divided (almost equally) than ever. Democrats won control of the House, as predicted, but not by the giant landslide they wanted, and Republicans gained seats in the Senate, leaving Congress divided and generally dysfunctional again. Democrats also picked up seven governorships, but are still short of a majority.

The new Democratic House of Representatives will, of course, do everything it can to thwart the administration's agenda to increase domestic energy production. Amid all the promised oversight hearings and investigations, which will attract most of the media attention, expect also to see more attempts to lock up public lands, increase spending on renewable subsidies, and adopt stricter emission standards and climate laws.

Those attempts will mostly fail, however, because the new Senate is more pro-energy than before. Influential anti-energy senators were defeated in South Dakota, Missouri, Indiana, and Florida. In Nevada, ousted Sen. Dean Heller was a Republican, but notoriously unreliable on domestic energy production, and one of the few remaining advocates for wasteful electric vehicle subsidies. Similarly inconsistent on energy issues, Tennessee Sen. Bob Corker was replaced by the staunchly pro-energy Marsha Blackburn, and the loss of the Arizona seat held by Jeff Flake will merely replace one inconsistent energy voting record with another. Mostly, with control of the two Houses divided, we will likely see a bickering and disabled Congress, unable to pass any substantive legislation on any subject. That suits me.

On natural resources issues, however, the election results are not fuzzy at all. Anti-energy ballot measures, such as 112, were defeated in Colorado, Arizona, and Washington, leaving California to "lead" that charge almost alone. They must hate it when they lead, and no one follows.

Even usually-liberal voters in Washington resoundingly rejected a carbon tax for the third time, even though the revenues were promised for all sorts of popular causes. That's because voters fully understand the enormous costs such taxes would impose on that state's economy.

Similarly, Colorado voters decidedly rejected (by a 14-point margin) Proposition 112, which under the guise of "setbacks" would have essentially banned oil and gas production and killed thousands of good jobs. Various tax-and-spend measures were also defeated despite strong support from politicians who won.

Colorado's new governor, Jared Polis, has advocated completely "decarbonizing" the state, making him a disciple of California's new governor, Gavin Newsom. Both propose to power their states with 100 percent renewable energy. They want zero diesel emissions (meaning zero diesel engines; take note, truck owners) and much higher energy prices for everyone. California voters also had a chance to lower their unconscionably high gas taxes, but refused. Governor-elect Polis might want Colorado to look like California-Lite, but his voters clearly do not.

With solid control of the Governor's Mansion and the Legislature, Colorado Democrats could jam through a very anti-energy, anti-consumer agenda. But I am betting that they won't do so. Even if they try, their tenure will likely be short-lived. Their constituents plainly do not support policies that threaten the affordability and reliability of the energy upon which life depends. ❐

Vehicle Tailpipe Emissions Are SAFE

by Steve Milloy, E&E Legal Senior Policy Fellow
As Appearing on cnsnews.com

The Trump administration has proposed to freeze Obama-era fuel economy standards at 2020 levels to save lives and money. Opponents want to bring the proposed Safe Affordable Fuel-Efficient (SAFE) Vehicles Rule proposal to a screeching halt by claiming that it will cause more deaths than lives saved.

The Trump Environmental Protection Agency (EPA) and National Highway Traffic Safety Administration estimate that freezing the Obama standards would reduce car prices by thousands of dollars. Given an average age of a car of about 12 years, lower car prices would get more people into newer and safer cars sooner. Safer cars combined with less driving anticipated from lower fuel economy is estimated by the Trump administration to reduce traffic fatalities by about 1,000 lives per year.

But opponents like William Schlesinger, an Obama EPA-appointed member of EPA's Science Advisory Board, says any rollback should also account for premature deaths caused by particulate matter (PM) air pollution from increased tailpipe emissions. "The science is clear that [PM] kills people," says Schlesinger.

Indeed, the pre-Trump EPA spent much of the last 25 years building the case that PM (soot and dust) in outdoor air is virtually the most lethal substance known to man. Obama EPA chief Lisa Jackson testified in 2011 to Congress that, "Particulate Matter causes premature deaths. It doesn't make you sick. It is directly causal to dying sooner than you should." She pegged the annual death toll due to PM in outdoor air at 570,000 – about 1-in-5 deaths in the U.S. Alleged deaths caused by PM was how the Obama EPA justified all its war-on-coal rules.

But my new analysis, just published by the Competitive Enterprise Institute, entirely debunks the notion that PM in outdoor air kills anyone at all.

Advocates of the notion that PM kills point to "thousands" of "peer-reviewed" studies and a "who's who" of scientists and institutions in the public health establishment supporting the idea. This is true.

But they are wrong – and that is being generous.

The vast majority of the studies relied on by the pre-Trump EPA to condemn PM are statistical studies of human populations called epidemiology. These studies are controversial for a number of reasons too numerous to review here. But it is worth mentioning that the raw data underlying the key studies relied on by the pre-Trump EPA have literally been kept secret by agency-funded researchers for 24 years – even defying congressional subpoena. So no one can even check their work.

All you really need to know, though, is what the EPA admitted in federal court with me in litigation over PM: the PM epidemiology studies, because of their exclusively statistical nature, prove nothing by themselves.

Because correlation does not equate to causation, the EPA admitted to the court that it undertook a series of experiments in which elderly and sick people were made to inhale very high levels of PM to see whether any harm was caused. Before the Trump EPA shut down these experiments, hundreds of human guinea pigs had been exposed to allegedly lethal PM during the Obama administration alone. Not only did no one die, not a single adverse effect from these gas chamber experiments was reported.

EPA and others have also conducted many studies in which multitudes of animals were exposed to very high levels of PM. No animal has ever died as a result of these experiments.

So that's three strikes and the claim that PM kills is out. But there's more.

There were three incidents of fatal air pollution during the 20th Century: Meuse Valley, Belgium (1930), Donora, Pennsylvania (1948) and London (1952). In none of these incidents was PM, much less auto tailpipe emissions, fingered as the lethal culprit. Rather, the deaths were attributed to uncontrolled smokestack emissions of acidic gases trapped and concentrated in the air by local temperature inversions.

Today, in China, even though PM levels can reach astronomical levels, there are no reports of actual deaths from air pollution other than those caused by visibility accidents. This is because levels of acidic gases in outdoor air are controlled and well-within safe levels.

All this reality stands in stark contrast to the uncorroborated, secret science-based claims about PM made by pre-Trump EPA-funded researchers. Let's make reality great again, too. ❐

Walcher Submits Comments for the Proposed ESA Rule Changes

On September 24,2018, E&E Legal Senior Policy Fellow Greg Walcher submitted comments to the Department of Interior (DOI) Fish & Wildlife Service's (FWS') proposed rule: Endangered and Threatened Species: Listing Species and Designating Critical Habitat. Walcher, a 35-year public policy veteran and former head of the Colorado Department of Natural Resources (DNR) applauded the long overdue effort to reform the Endangered Species Act (ESA), calling it "an outstanding start."

Walcher noted, however that the proposed rule doesn't address one of the major flaws of the ESA, "the failure to recover and delist species."

Specifically, Walcher noted, "Most species still do not even have measurable recovery criteria in place, so there is no light at the end of the tunnel. Higher priority must be placed on delisting species that have recovered, or gone extinct, and significantly more resources should be spent on actual recovery, rather than interminable bureaucratic processes and meetings." Walcher pointed to his own experience as head of Colorado's DNR where he saw first-hand the failure of the recovery and delisting process involving species of fish:

Colorado began by advocating the adoption of recovery goals for the four fish, measurable criteria that would determine when the fish would be considered recovered, and taken off the endangered list. The program's lead agency (FWS) resisted for several years, as did the environmental groups represented as "stakeholders" on the program's governing committee. The story of that years-long debate demonstrates how thoroughly the ESA process has become all about habitat and process, and how thoroughly the priority of recovery has been forgotten.

He added that DOI consider the proposed rules as a starting point, and then they should reprogram "funds and resources to strengthen the ESA's recovery and delisting process."

"This is a key intent of the original Act, and even more to the point, it is the right thing to do. These proposed reforms are a good start and they are long overdue, but a failure to take further serious steps to make recovery and delisting easier, would miss a serious opportunity to improve the environment our generation inherited," Walcher concluded.

Greg Walcher is widely recognized and respected national leader in natural resources policy. He is the author of Smoking Them Out: The Theft of the Environment and How to Take it Back, now in its second printing, writes a regular weekly newspaper column on natural resources and environment issues, and publishes a blog called "Resources and Reality" with several thousand subscribers. Walcher is President of the Natural Resources Group, a consulting firm specializing in wildlife, water, public lands, forestry, and energy.

He served in the Governor's Cabinet as head of the Colorado Department of Natural Resources from 1999-2004, and as president of the national organization of natural resources cabinet secretaries. He served on the Wildlife Commission, pioneering a State-based effort to reintroduce, recover, and delist endangered species, a highly successful and popular effort that changed the national dialog on the Endangered Species Act. Previously, Walcher spent a decade working in the U.S. Senate, and ten years as President of Club 20, a powerful Western Colorado coalition of counties, cities, businesses, and organizations. ❒

Richardson's Statement on Steyer's Self-Serving Poverty-Causing AZ Ballot Initiative Loss

Richardson said the following after the November elections:

"San Francisco billionaire Tom Steyer has once again attempted to impose his personal political agenda which would drive others into poverty. Steyer, through his NextGen Climate Action organization, spent over $20 million on Proposition 127 in Arizona which would have required 12% of electricity from renewable resources in 2020, increasing annually to 50% in 2030. This effort would have replaced efficient, low-cost energy sources like oil and natural gas with costly, inefficient energy like wind and solar.

"Steyer successfully backed similar efforts in California, and the Californians who can least afford it – poor, elderly, and minorities – are paying a hefty price. California, not Mississippi, now has the highest poverty rate in the country with energy costs being a major contributing factor. California's move to "green energy" has led to nearly 1 million California households being in energy poverty, spending more than 10% of their household incomes on energy bills. California's energy costs are as much as 50% higher than the national average. Thankfully Arizonans learned a valuable lesson from California's mistake and voted down Steyer's attempt to add to his bank account at the expense of hard-working Arizonans.

"What's most shameful about Steyer's poverty-causing ballot initiative is that he has personally and financially benefited from 'green energy' investments. So this has nothing to do with him 'saving the environment' and everything to do with him lining his own pockets." ❒

California Burning (Cont.)

prolonged California fire seasons," the Sacramento Bee reported. "'This is the new abnormal, and this new abnormal will continue certainly in the next 10 to 15 years.'"

Yet, the same climate change impacts private lands as public lands, but private forests are not burning down because they are properly managed.

Gov. Brown doubled down on his "man-made climate change" blame, discounting the lack of forest management as the cause of the frequent forest and wildfires across the state.

In Aug., I interviewed Rep. Tom McClintock, whose district includes the Yosemite Valley and the Tahoe National Forest in El Dorado County, both areas which have suffered greatly under recent wildfires.

McClintock said for decades, traditional forest management was scientific and successful—that is until ideological, preservationist zealots wormed their way into government and began the overhaul of sound federal forest management through abuse of the Endangered Species Act and the "re-wilding, no-use movement."

Traditional forest management had simple guidelines: thin the forest when it becomes too difficult to walk through; too many trees in the woods will compete with one another, because the best trees will grow at a slower rate.

The U.S. Forest Service used to be a profitable federal agency, McClintock said. "Up until the mid-1970s, we managed our National Forests according to well-established and time-tested forest management practices."

"But 40 years ago, we replaced these sound management practices with what can only be described as a doctrine of benign neglect," McClintock said. "Ponderous, byzantine laws and regulations administered by a growing cadre of ideological zealots in our land management agencies promised to 'save the environment.' The advocates of this doctrine have dominated our law, our policies, our courts and our federal agencies ever since."

In August, Megan Barth and I wrote an article California burns: The "new normal" thanks to Obama Era Environmental Regulations, specifically addressing why forest management has been put on the back burner. We explained how Obama-Era and Clinton-Era radical eco-terrorism thrived, made possible through drastic environmental regulations, and those "ponderous, byzantine laws and regulations" Rep. McClintock spoke of, which prevent any significant and important forest clearing, brush clearing, and dead tree removal, leaving all public forests vulnerable to wildfires.

Today, only privately managed forests are maintained through the traditional forest management practices: thinning, cutting, clearing, prescribed burns, and the disposal of the resulting woody waste. And notably, privately managed lands are not on fire.

In the early 1990s, immediately following the The United Nations Conference on Environment and Development, known as the Rio Earth Summit, the Clinton administration embraced the Forest Stewardship Council, which set standards for the timber industry covering "the conservation and restoration of forests, indigenous rights, and the economic and social well-being of workers," among other criteria, setting in motion the prevention of forest management, and the further destruction of the U.S. timber industry.

Prior to FSC Certification, environmentalists refused to acknowledge that timber had been prized as a renewable, recyclable natural resource, and the timber industry prioritized proper care of forests.

In 1998, the Clinton Administration and the Forest Service implemented a roadbuilding moratorium which restricted the use of or building of roads near 50 million acres of forest. "The nearly 50 million acres of roadless areas in our National Forests are an American treasure," Earth Justice proclaims—apparently because no one is allowed to see the National Forests.

By 2001, President Clinton issued the Roadless Area Conservation Policy directive, "ending virtually all logging; roadbuilding; and coal, gas, oil, and other mineral leasing in 58 million acres of the wildest remaining undeveloped national forests lands," Earth Justice reported.

Fast forward to the George W. Bush administration: "In June 2009, a federal judge sided with environmentalists and threw out the Bush planning rule that determines how 155 national forests and 20 national grasslands develop individual forest plans, governing activities from timber harvests to recreation and protecting endangered plants and animals. Clinton appointee, Judge Claudia Wilken of the U.S. District Court for the Northern District of California, ruled that the Forest Service had failed to analyze the effects of removing requirements guaranteeing viable wildlife populations," Greenwire reported.

In 2012, the Obama administration issued a major rewrite of all of the country's forest rules and guidelines. In 2015, Washington D.C. District Court Judge Ketanji Brown Jackson, an Obama appointee, rejected claims from a coalition of timber, livestock, and off-highway vehicle organizations that the Obama sustainability provisions in the 2012 Planning Rule would cause an economically harmful reduction in timber harvest and land use and an increase in forest fires.

Rep. McClintock said the forest service used to auction surplus timber harvested from national forests. This served two purposes: 1) clearing, cleaning, and thinning the forest; 2) providing usable timber for a myriad of industries. The timber the forest service auctioned off more than paid for the entire federal agency, and then some. Local governments even received 25 percent of the proceeds of the lumber auctions, while 75 percent went to the federal government.

"Revenues that our forest management agencies once produced—and that facilitated our forest stewardship—have all but dried up," McClintock said. This has devastated rural communities that once thrived from the forest economy. McClintock said there were once 147 timber mills; now, there are only 29 in the country.

McClintock also pointed out that despite the growing population, visitation to national forests has declined significantly as the health of our forests has decayed. "We can no longer manage lands to prevent fire or even salvage dead timber once fire has destroyed it," he said.

Private forests are still managed properly, but not forests on public lands.

That sound practice grounded to a halt when the most radical environmentalists took over. Now thick, overgrown and diseased forests have become tinder boxes and are burning down in California, leaving a trail of death and destruction.

"Excess timber WILL come out of the forest in one of only two ways. It is either carried out or it burns out," McClintock added.

McClintock was able to pass legislation last year, which streamlined the environmental reviews for the Tahoe Basin. McClintock added, "The Forest Service regional manager told me it will take their review from 800 pages to 40 pages, and allow them to begin to get the forest there back to a sustainable level." ❐

Bogus climate change lawsuits need to stop

by Craig Richardson, President
As appearing in the *Washington Examiner*

The oil-rig chasers are at it again. New York Attorney General Barbara Underwood recently filed suit against ExxonMobil, alleging the energy company failed to account for the real future cost of complying with greenhouse-gas emissions regulations, thereby artificially inflating the valuation of its stock.

The allegation is bogus and, as New York University School of Law professor Richard A. Epstein says in a recent Forbes column, "Nothing could be further from the truth."

On the face of it, how can any company guess exactly what future regulatory costs will be? It's an impossible proposition. The lawsuit against Exxon, and those like it, are frivolous and need to stop. They are expensive to defend, and these costs are not absorbed by any of the companies, they are simply passed along to consumers in the form of higher prices.

The company itself, in a document titled " Managing the Risks," admits the formula it uses to calculate the future regulatory burden on investors is exactly that: an estimate. It also admits it's more difficult to make comprehensive cost projections than it is to estimate costs for a single project within the broader Exxon community. Of course, an estimate is just that, an estimate. The future is always fraught with unknowns, especially for a subject with so many variables.

Furthermore, the decision by attorneys general to peg their climate-change wrath on a handful of asset-rich energy companies reeks of a shakedown effort. As the federal courts have already ruled, one can hardly punish a handful of players for contributing to greenhouse gas emissions when everyone is partially responsible. These lawsuits, which attempt to settle policy questions that belong to elected legislatures, only serve to harm the hard-working communities who are employed by the energy companies, and the consumers who must pay the higher costs as a result of these frivolous lawsuits. Trial lawyers, green groups, and their political benefactors, on the other hand, laugh all the way to the bank.

This most recent arbitrary lawsuit aimed at Exxon is no more than the latest in a series of shakedowns by attorneys general across the country. These attempted shakedowns are a reflection of the fact that government officials have failed to find more constructive ways to solve their city budget woes or fund pet projects. It's more expedient for them to go after deep corporate pockets and the everyday Americans whose hard-earned retirement money is wrapped up in those industries.

Fortunately, none of these cases has gotten traction. Democrat- and Republican-appointed judges and justices have tossed out such frivolous climate change cases, as in American Power Electric v. Connecticut and in the recent case of two California cities that filed lawsuits against British Petroleum, Chevron, ConocoPhillips, Exxon-Mobil and Royal Dutch Shell. Still, energy companies are forced to defend themselves and to pay hefty litigation costs that ultimately cause hardship to the hardworking Americans who depend on healthy returns from retirement investments tied up in the fate of energy companies.

A recent study conducted by the U.S. Chamber Institute for Legal Reform estimates that nearly half of the costs and compensation paid out in our tort system — specifically, $184 billion — isn't part of the money awarded to plaintiffs but money that goes to cover "the cost of litigation, insurance expenses, and risk transfer costs."

On average, for nearly every dollar awarded to a plaintiff, another dollar goes toward attorney fees and other miscellaneous expenses. The bulk of these risk-related court expenses falls under commercial liability — specifically, on the shoulders of the energy companies.

It's time to expose these frivolous lawsuits for what they are: thinly veiled ploys to line attorneys' pockets and fill otherwise empty state coffers. ❐

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