



Letters

Winter 2019

Green New Deal rollout rattles both sides of climate change debate

Fox News Channel



WASHINGTON -- Die-hard skeptics of climate change believe the rollout of the Green New Deal, with its plans for wealth redistribution, high taxes, and a massive transition to a carbon neutral economy, was a tipoff to a hidden agenda.

"We always knew climate was a stalking horse for socialism, communism, totalitarianism, whatever you want to call it," said Steve Milloy of JunkScience.com.

Milloy is what many climate scientists and environmentalists pejoratively refer to as a "denier."

But even many Democrats who support a climate change agenda saw the rollout as overreach.

"I have read it and I have re-read it and I asked [co-sponsor Sen.] Ed Markey, 'What in the heck is this?'" said Senator Dick Durbin (D-Ill) on MSNBC's Morning Joe. Panelists responded

with howls of laughter.

Some hope that from the excesses of the Green New Deal, more moderate voices emerge.

"The climate debate has been driven for years by the edges of each party," said Jason Grumet, president of the Bipartisan Policy Center. "Having a more aggressively unrealistic left edge to contradict the irresponsible right edge is not likely to create the kind of consensus that's necessary to have meaningful change."

Others question the desperate sense of urgency to transition to a carbon neutral economy.

John Christy, head of the Atmospheric Sciences Department of the University of Alabama, Huntsville, has long questioned the so-called 97 percent consensus among climate scientists. He notes the greatest scientific discoveries in history have often broken with consensus.

Astronomer Galileo was condemned to life under house arrest for embracing heliocentrism – a belief that the earth and planets revolve around the sun.

In 1931, the book "A Hundred Authors Against Einstein" was published questioning his theory of relativity.

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The 'Green New Deal' is a prescription for poverty

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



Rep. Alexandria Ocasio-Cortez, D-N.Y., and her allies have made a big splash in advancing the so-called “Green New Deal,” which is supposedly intended to help the environment and address poverty. Ironically, this measure will most certainly only harm those already living in poverty and do nothing to improve the environment.

At its core, the Green New Deal is a measure aimed at eliminating all fossil fuel and nuclear energy and “meeting 100 percent of national power demand through renewable sources” within just a 10-year time frame, according to a draft legislative text.

“By developing a plan for a Green New Deal, we have an opportunity to create millions of good-paying jobs, virtually eliminate poverty in the United States, and invest in a just transition for communities that have been left behind by racism and corporate greed,” insists Varshini Prakash, founder of the Sunrise Movement.

Behind the rhetorical smoke-screen, the ugly truth is that a mandatory shift to higher-cost solar and wind energy before the market is ready to support those, as the Green New Deal does, would serve as a regressive tax on the poor. Ironically, it would be minorities and the poorest of the poor who would be disproportionately harmed. Low-income households already pay 7.2 percent of household income on home energy costs, more than three times the proportion paid by higher-income households on average, according to an American Council for an Ener-

gy-Efficient Economy report.

According to that same report, low-income African-American and Latino families are particularly hard hit by any increase in utility costs. Higher home energy costs mean that lower-income families would descend yet deeper into poverty, because they would be forced to allocate an even greater share of their limited incomes to home energy costs. Increases to energy costs in public schools and hospitals do nothing to help meet the needs of the poor and minorities. And for older Americans, higher-cost energy may present stark choices between medicine, food, or staying warm in the dead of winter.

The Green New Deal's arbitrary and reckless 10-year time frame for moving all energy production to “green” sources would require many reliable plants to be taken offline far ahead of their scheduled retirement from service. This would needlessly drive up energy costs still further. New solar generation, according to a 2016 study by the Institute for Energy Research, is already estimated to be five times more expensive than existing fossil fuel-powered electricity. New wind power is 3.5 times pricier.

One need look no further than Europe to get a preview of what the Green New Deal would look like. Far less stringent mandates in Germany have caused electricity rates to increase dramatically, with consumers paying \$400 a month on average. In France, green energy policies have rendered 8 million households, representing nearly 12 percent of the population, no longer able to pay their electricity bills.

In Great Britain, one family in three is struggling to pay its energy bills, and nearly a third of households report not turning on the heat even when the house is cold.

California has long been at the forefront of solar and wind mandates

in the U.S., and it shows. Household electricity bills there are roughly 40 percent more expensive than the national average and are the ninth-most highest in the nation. California has the nation's highest poverty rate (50 percent higher than Mississippi) and high utility rates only exacerbate the suffering. One million California households now live in energy poverty, according to the Manhattan Institute, a condition in which families must devote a tenth of their income for home energy expenses, excluding gasoline and other transportation-related costs.

Expect the situation to get a lot worse instead of better. The Golden State passed its own version of the Green New Deal into law this past September, mandating that the state move to 100 percent renewable energy sources for electricity by 2045. When an earlier law mandated that the state generate half its electricity from renewable sources by 2030, Democratic Gov. Gavin Newsom, then the lieutenant governor, said, “There is a regressive nature to some of these things,” and cautioned, “We have to be sensitive to issues relating to energy costs.”

Of course, the Green New Deal championed by Rep. Ocasio-Cortez goes well beyond how power plants generate electricity. It would also include trucks that transport food and cars that take Americans to work. This makes its impact even more dramatic. Just ask France how well skyrocketing gas and diesel prices have worked out for its working class.

Ocasio-Cortez assures us that her plan will “establish economic, social and racial justice in the United States.” But one does nothing to promote social or racial justice by making it far more expensive for Americans to heat or cool their homes. Far from a cure for poverty, the Green New Deal is a prescription for even more of it. □

What exactly is a species?

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



For 50 years, Americans have spent untold resources worrying, arguing, regulating, and litigating, over "endangered species." You might think by now we have a clear understanding of those two simple words. We do not.

Experts often disagree on whether something is "endangered," as some plants and animals have always been rare. Even more perplexing, though, scientists have debated exactly what constitutes a "species" for two centuries. In 2016, Professor Frank Zachos wrote the superb textbook, "Species Concepts in Biology." He identified at least 32 competing definitions of a "species." That's partly because new plants and animals are continuously created, and others go extinct. Cross-breeding is part of nature, and hybrids appear as a result. Are they separate new species?

Even Charles Darwin, the patron saint of evolution and father of modern biology, scoffed at the notion of a clear definition. Three years before publishing his "On the Origin of Species," Darwin wrote, "It is really laughable to see what different ideas are prominent in various naturalists' minds, when they speak of 'species'... It all comes, I believe, from trying to define the undefinable."

Defining the undefinable may be difficult for scientists, but not for legislators and bureaucrats. They do not have the luxury of waiting for a better scientific understanding that

may take generations. No, if bald eagles, grizzly bears, or alligators are about to become extinct, they must act now — whether there is a good definition of the species or not. That's the law, which they wrote.

Consider this hypothetical: just as bald eagles are considered recovered, what if a few are found whose heads are yellow, not white? Should they be considered quirks of nature, or an entirely new species? In the Endangered Species Act, the U.S. government found its answer — make it a "subspecies." That is how they "protect" the Preble's Meadow jumping mouse in Eastern Colorado, but not identical field mice all across the Great Plains. Someone determined that one group had slightly larger jawbones than the others — all the government needed to begin regulating.

In school, we learned that a species is a group of individuals that can breed and reproduce. That is decidedly not the government's definition. That would mean only one species of mouse, which would not be endangered, thus eliminating the justification to regulate.

Clearly, some species, while closely related, are easy to distinguish. Grizzlies and polar bears are not the same, though they're both bears. Bald eagles are not golden eagles, though until they're old enough to go "bald" it is hard to tell them apart. But should regulations really distinguish between the "Gunnison sage grouse" and all the other sage grouse across the West? The four Colorado River "endangered" fish touched off precisely that debate when they were federally listed.

Considerable evidence suggests that various species of chub have hybridized (cross-breed), which may explain the decline of humpback chubs. Similarly, greenback cutthroat

trout may be endangered simply because they crossbred with other varieties of trout.

Anthropologists once thought Neanderthals just died off, but we now know modern humans share some Neanderthal DNA. So, were they an entirely different species just because their foreheads were a bit larger? We have only found a limited number of them, so much of what we "know" is educated speculation, at best.

What if in the distant future, some anthropologist unearths a Denver Bronco linebacker and a diminutive Chinese gymnast — will they assume they found entirely distinct species? If they discover two 20-year-old men, one from 1969 in Woodstock and the other from 1944 in Normandy, what might they make of the difference in how much hairier one "subspecies" was?

Government cannot permit itself such intriguing speculation; the law must prescribe actions based on a static definition — whether one exists in science or not. Nevertheless, recently proposed changes in the Endangered Species Act have rekindled the debate on this age-old question of what, exactly, constitutes a species.

Colin Barras, a British paleo-biologist and science writer, ponders the "implications for how we think about the natural world and for our efforts to conserve it." He writes, "Recent revelations about interbreeding between what some regard as separate species of ancient humans have left many of us wondering: who are 'we', who are 'they' and are we actually all one and the same? In other words, how we define a species has become a question at the very heart of human identity. Perhaps it is time to rethink the whole concept." Let's begin with sage grouse and field mice. □

A Last Hurrah for de Blasio's Energy Company Shakedown

by Craig Richardson, President
As appearing on Townhall.com



This week may well mark the last hurrah for both a rumored run for the presidency by New York City Mayor Bill de Blasio and his high-profile lawsuit against five energy producers.

Last January, New York City joined several other municipalities in filing lawsuits against major energy companies BP, Chevron, ConocoPhillips, Exxon Mobil and Royal Dutch Shell, attempting to hold them solely responsible not only for damages alleged to have occurred due to climate change but for damages yet to happen. It would have been a sweet double play for de Blasio: A potentially huge damages award would backfill his fiscal mismanagement problems while making him the hero of a powerful national environmental base from which he could springboard into a 2020 quest for the White House.

Those dreams could all come to an end soon as lawyers debate over procedural matters in the next round of this baseless lawsuit. To date, none of the climate change lawsuits filed in a handful of cities have seen success. Skeptical judges across the country have mostly dismissed these lawsuits for what they are – shameless efforts to shakedown energy companies and for using the wrong venue to try to address a complex issue such as global climate change.

“We’re looking for billions to make up for what they’ve done to us,”

de Blasio said, making obvious the reason for his attempted money-grab. The law firm Hagens Berman, contracted to litigate on behalf of the city, is similarly incentivized on a contingency basis. Putting that in perspective, the City of Oakland, California -- in its failed bid to sue energy producers for climate change -- agreed to pay trial lawyers from a private firm 23.5% of the entire multibillion-dollar payout, in the event they succeeded.

While the plaintiff’s financial motivation was crystal clear, the legal arguments were fatally flawed. Just eight years ago in *American Electric Power v. Connecticut*, the court ruled that the Clean Air Act pre-empts public nuisance torts against corporations for greenhouse gas emissions. U.S. District Court Judge John Keenan essentially agreed, dismissing the lawsuit in July and writing, “To litigate such an action for injuries from foreign greenhouse gas emissions in federal court would severely infringe upon the foreign-policy decisions that are squarely within the purview of the political branches of the U.S. Government.”

In appealing the lawsuit, the plaintiff’s trial lawyers asserted that Judge Keenan “erroneously concluded that various federal law doctrines barred the city’s claims.” A Clinton-appointed judge in San Francisco likewise tossed a nearly identical suit filed by the cities of Oakland and San Francisco, so it would be greatly surprising if the decision were to be reversed this week.

Mayor de Blasio may not be well served by his behavior outside the courtroom. For example, he actively promotes more residential development along New York’s waterfront when talking to investors, yet his lawsuit against energy com-

panies is full of predictions of rising sea levels transforming New York City into the fabled lost city of Atlantis by the end of the century. And then there is the de Blasio who is the spokesperson for green virtue versus the politician who is chauffeured to the gym in a caravan of SUVs and who notoriously makes his way across town in a police department helicopter. Of course, there’s the big city mayor suing energy producers for allegedly causing climate change single-handedly, while his city’s official vehicles and buildings burn fossil fuels as a matter of course, prompting Judge Keenan to ask, “Does the city have clean hands?”

Perhaps it was the enormity of the would-be cash payout that made de Blasio blind to his own hypocrisy. And maybe the appeal of a strong jumpstart on the road to the White House made him insensitive to the inevitably higher rates that New York City residents would have to pay as the result of his get-rich-quick scheme, even as Gov. Andrew Cuomo’s de-facto pipeline ban deprives citizens of natural gas.

While New Yorkers might have to contend with de Blasio for some time, they should be thankful to a judge who will, with any luck, put an end to this phony environmental justice lawsuit very soon. If successful, it would only serve to hurt consumers in order to benefit a greedy few. And by taking away de Blasio’s would-be “accomplishment,” he could be doing his nation a great service as well.

I for one don’t want anyone from California or New York making decisions that pertain to this nation’s energy future. There’s a reason why people and companies are fleeing those states in droves. □

Green New Deal Sparks Controversy (Cont.)

More recently Australian scientist Barry Marshall upended accepted treatment for ulcers by suggesting they were not caused by stress, but by bacterial infection. Today, the standard ulcer treatment is an antibiotic.

Christy agrees that CO2 levels are increasing and the planet has warmed slightly, but his research indicates computer models that predict catastrophic consequences of climate change are unrealistic.

"I take a real hard look at climate model output and can demonstrate that these models are just too sensitive to carbon dioxide," he said. "The real world is not spiraling off into some dangerous territory of climate."

For expressing that view and others (his research shows that rising CO2 levels have some beneficial effects – agricultural yields are higher than they've ever been, and the planet is greener than at any time in recorded history.) Yet, Christy has been alienated from the UN's Intergovernmental Panel on Climate Change, of which he used to be a part.

After the rollout of the Green

New Deal non-binding resolution, many Democratic Senators took to the well of the Senate to lambast what they believed was a ploy by Majority Leader Mitch McConnell to bring the resolution to a "show" vote.

"We'll give everybody an opportunity to go on record and see how they feel about the Green New Deal," McConnell said.

Minority Leader Chuck Schumer called it a "cynical stunt."

"I challenge Leader McConnell to say that our climate change crisis is real, that it's caused by humans, and that Congress needs to act," he said. "This is what two-thirds of the American people agree with.

An impassioned Sen. Sheldon Whitehouse, D-R.I., weighed in.

"Americans see this in their daily lives. This is not academic theory any longer," he shouted. "They see the wildfires, they see the droughts, they see the floods, they see the sea levels rise..."

Christy measurements suggest they're wrong.

"What distinguishes me from many of them," he said, "is I actually build the data sets that can answer

questions about climate change."

As to Whitehouse's claims of catastrophic weather extremes, Christy said his data did not back that up.

"I actually did a very detailed analysis of that for the United States," he said. "What I found is that in the last 124 years, weather extremes and temperature extremes have actually declined, both record high temperatures and record low temperatures."

Novelist Michael Crichton, in the Caltech Michelin lecture in 1993, offered what some might see as a calming reassurance about the future of the earth's climate. He looked back to the turn of the last century when people, "didn't know what radio was, or an airport, or a movie, or a television, or a computer, or a cell phone, or a jet, an antibiotic, a rocket, a satellite, an MRI, ICU, IUD, or what IBM was..."

Crichton went on, presenting a long list of the scientific inventions of the 20th century that changed human life for the better. Toward the end of the lecture he asked, "Now, you tell me you can predict the world of 2100?" □

Grimes Named Editor of *California Globe*



At the turn of 2019, California veteran journalist and E&E Legal Senior Media Fellow Katy Grimes was named editor of the *California Globe*.

According to *California Globe* publisher Kevin Sanders, "We hired Katy to open a window on what the power players of Sacramento are up

to — the lawmakers, their staffs, the lobbyists and influencers. We know they're already reading our site and now, with a great editor raising our game, anyone looking to reach those power players will know where to advertise."

The outlet went on to say that Grimes has been published in numerous news outlets including Legal Insurrection, Frontpage Mag, Orange County Register, Washington Examiner, the San Francisco Examiner, the Sacramento Bee, Fox News, the Business Journal, the Canada Free Press, the Flash Report, Human Events,

and Watchdog.org. She was a regular columnist for The Sacramento Union.

The Globe also notes she co-authored *California's War Against Donald Trump: Who Wins? Who Loses?* with James Lacy, published September 2017, and contributed the chapter on Crime in California to James Lacy's *Taxifornia* 2016.

The *California Globe* concludes that Grimes is a California native, lives in Sacramento with her husband Terry, her German Shepherd Hans Gruber, and cat Eleanor Rigby. Her son is a Lieutenant in the U.S. Navy and a graduate of the U.S. Naval Academy. □

Bad Science May Banish Paper Receipts

by Steve Milloy, E&E Legal Senior Policy Fellow
As Appearing in the *Wall Street Journal*



Having vanquished plastic straws, the California Legislature is now considering a bill to ban paper cash-register receipts. One reason offered for the ban is to reduce carbon-dioxide emissions. The other is to reduce public exposure to bisphenol A, or BPA, a chemical used to coat receipts.

Whatever one's opinion about climate science, it's clear that eliminating the carbon footprint of California's paper receipts won't affect the global climate. Some 1,200 new coal plants are being planned or built around the world, and oil and gas production and use are rising through the roof. Even a global ban on paper would have no significant impact on atmospheric carbon-dioxide levels.

The more interesting reason for the ban is the BPA argument, which is part of a broader trend of misuse of science in public policy. The alarm behind the California bill arises from the notion that BPA is an "endocrine disrupter": a chemical that, even at low doses, can disrupt human hormonal systems. Such disruptions theoretically could cause a variety of ailments, from cancer to reproductive problems to attention-deficit disorder.

Like the panic over DDT that followed the 1962 publication of Rachel Carson's "Silent Spring," the endocrine-disrupter scare made its public debut with a book, "Our Stolen Future" (1996). Written by

three activist authors and including a foreword by Al Gore, the book lays out a case for regulating various pollutants.

"Our Stolen Future" was followed the same year by a highly publicized Tulane University study that reported certain combinations of pesticides and other chemicals in the environment were much more potent endocrine disrupters than the individual chemicals themselves. Within weeks, this study prompted Congress to pass a bill directing the Environmental Protection Agency to develop a program to test chemicals for their potential harm to hormonal systems.

In the months that followed, the Tulane study began to fall apart. Independent laboratories around the world reported that they could not replicate its results. By July 1997, the original study was retracted. Federal investigators concluded in 2001 that the Tulane researchers had committed scientific misconduct by falsifying their results.

Yet the law and regulatory programs spawned by the false study remained in place. The endocrine-disrupter scare gained steam through the 2000s, and BPA became its biggest villain. Generous federal funding led to the publication of hundreds of BPA studies. A movement to ban BPA was joined by several cities, states such as California, and foreign nations including Canada, resulting in the elimination of the substance from plastic bottles in those regions. Regulators at the Food and Drug Administration and the European Food Safety Authority pushed back against the scare, to little avail.

Finally in 2012, the FDA decided to launch Clarity, a large \$8 million study of BPA to be conducted according to regulatory guidelines known as the Good Laboratory Prac-

tics standard. Researchers, including those who had published studies claiming that low-dose exposures to BPA posed health risks, were provided with coded, pre-dosed animals to avoid bias and cheating. Researchers were required to upload their raw data to a government database before the identity of each dose group was disclosed to them.

The results of Clarity were published in 2018. The FDA concluded that the study failed to demonstrate adverse health effects from exposure to BPA in low doses—like the amount one might be exposed to by handling a paper receipt.

Yet despite its birth in scientific misconduct, its dismissals along the way by international regulators and science and public-health groups like the National Academy of Sciences and the World Health Organization, and finally its debunking by the FDA's Clarity study, the BPA scare survives. Thanks to Congress, it lives on at the EPA, where a 22-year-old endocrine-disrupter screening program peddles merrily along despite producing no results of interest.

It is a sad state of affairs when actual science cannot vanquish adjudicated science fraud in public policy. □

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