

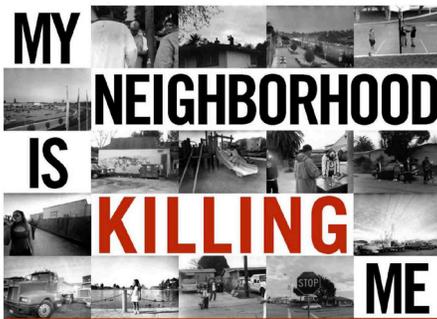


Letters

Summer 2020

COVID-19 and Environmental Injustice

by Steve Milloy, Senior Policy Fellow
As appearing on *RealClear Energy*



Congress held a hearing last week on “the relationship between disproportionate exposures to environmental pollution and disproportionate effects of the 2019 coronavirus (COVID-19) pandemic.” The spotlighted news hook for the hearing was a recent study published by Harvard researchers claiming that PM2.5 air pollution (soot/dust in the air) increases the risk of death from COVID-19.

Subcommittee Chair Frank Pallone (D-New Jersey) converted the study’s claim into an environmental justice issue under the further assertion that “EPA has a documented body of evidence that non-white people are at higher risk [of death] from PM2.5 because of higher exposures.” Pallone went on to blame PM2.5 with a higher rate of asthma emergency department visits among high poverty neighborhoods in New York City.

What a load of nonsense.

First, the Harvard study does not and cannot possibly connect PM2.5 exposures with increased risk from COVID-19 deaths because PM2.5 does not increase the risk of death or asthma in the first place. Anyone who has ever actually studied PM2.5 and is honest about what they have learned knows this.

With the help of EPA-funded Harvard researchers, the Clinton EPA painted PM2.5 in outdoor air as a killer in 1996. At the time, EPA claimed that PM2.5 killed 15,000 people per year. Although EPA’s outside board of science advisors, the Clean Air Scientific Advisory Committee (CASAC), concluded there was no evidence that PM2.5 killed anyone the Clinton EPA ignored that advice and regulated anyway.

By 2011, the Obama EPA had converted PM2.5 into a mass killer. Obama EPA Chief Lisa Jackson told Congress that PM2.5 killed about 570,000 Americans per year, i.e., caused about 1-in-5 deaths. The Obama EPA then used this assessment of PM2.5 to drive the scientific and economic rationale for its devastating war on coal rules.

But the PM2.5 epidemiology studies that the Obama EPA relied on to destroy the coal industry again did not prove that PM2.5 killed anyone, a fact the Obama EPA was compelled to admit in

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President Trump Retweets Milloy



President Trump is an effective user of Twitter, as it E&E Legal’s Steve Milloy. In September, the President reweeted Steve.

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California is On Fire Again and it was Preventable

by Katie Grimes, Senior Media Fellow
As Appearing in the *California Globe*



Environmentalists are causing actual global warming with wildfires

For decades, traditional forest management was scientific and successful, until ideological, preservationist zealots wormed their way into government and began the 40-year overhaul of sound federal forest management through abuse of the Endangered Species Act and the no-use movement.

California Globe has talked with Rep. Tom McClintock (R-CA) numerous times about this very issue. McClintock has warned, “Our forests are now catastrophically overgrown, often carrying four times the number of trees the land can support. In this stressed and weakened condition, our forests are easy prey for drought, disease, pestilence and fire.”

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.

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 private lands do not suffer the wildfires the rest of the state does.

Yet the same climate change impacts private lands as public lands, but private forests are not burning down because they are properly managed. Or if a fire does break out on privately managed forest land, it is

often extinguished more quickly and easily because the trees aren’t so close together, and the underbrush has been cleared away.

We are now living with the result of radical environmentalism ideology – that we should abandon our public lands to overpopulation, overgrowth, and in essence, benign neglect, McClintock said. “Forest fires, fueled by decades of pent up overgrowth are now increasing in their frequency and intensity and destruction.”

He added, “excess timber WILL come out of the forest in one of only two ways. It is either carried out or it burns out.”

McClintock was able to pass legislation in 2018, which streamlined the environmental reviews for the Tahoe Basin. “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,” McClintock said.

The U.S. Forest Service used to be a profitable federal agency, McClintock said. “Up until the mid-1970’s, 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.”

While California is on fire again, it isn’t difficult to look back on recent state policies under eight years of Gov. Jerry Brown, and now California’s current Gov. Gavin Newsom, who served as Jerry Brown’s Lt. Gov.

Governor Brown claimed that devastating fires were the “new normal,” and openly supported Obama-era regulations which resulted in the new normal: an endless and devastating fire season every year.

Michael Shellenberger, best-selling author of “Apocalypse Never,” recently Tweeted: “California’s bet on renewables, & its shunning of natural gas & nuclear, is directly responsible for the state’s blackouts and high electricity prices.”

Notably, as California Globe recently reported, “With wildfires burning 1.3 million acres throughout the state, and rolling power blackouts from the weak electrical grid, the California State Senate Appropriations Committee voted to pass Assembly Bill 326 to make driving an Electric Vehicle ‘more accessible for all Californians’ through month-to-month memberships without long-term loans or leases.”

There is a total disconnect between California Democrats and the people of the state devastated by wildfires.

For anyone still unsure about the motives of environmentalists, the list of AB 326 supporters explains a lot:

Coalition for Clean Air, California League of Conservation Voters, CalPIRG, Sierra Club, Consumers for Auto Reliability and Safety (CARS), Natural Resources Defense Council (NRDC), Plug In America, Voices for Progress, Union of Concerned Scientists, Los Angeles County Economic Development Corporation, California Reinvestment Coalition, Consumer Action, Center for Biological Diversity, Rivian, Consumer Attorneys of California, CalSTART, Housing and Economic Rights Advocates (HERA), Canoo, and the City of Thousand Oaks.

Would these groups have California residents under constant wildfire threat for a few more electric cars?

Imagine a return to normalcy

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



Activists from Colorado’s “keep it in the ground” movement — a group opposing all production of all natural resources — are suggesting that “stay at home” orders provide the perfect opportunity to “imagine our world” after the coronavirus pandemic ends. They reason that people have now learned to drive less, travel less, and use public transit more, so we should just keep many roads and facilities closed afterwards, too. Now that people have learned to work from home, we should permanently reduce daily commuting.

I imagine a little different outcome, once people no longer have to “shelter in place” under orders from the Great and Powerful Oz. I am thinking of a return to normalcy, whatever passes for normal in this brave new world.

Americans are resilient and highly adaptive. They adopt new technologies and new ways of thinking very quickly. Yet there is such a thing as “change fatigue,” the sense of apathy people sometimes feel in the face of change that is either too rapid, or more often, a whole series of failed or problematic changes. It is a form of low morale, and the result is usually a resistance to further change. It is common in government and corporate organizations, and it happens in offices frequently. It can happen to an entire country, too.

Americans experienced it after World War I, which came on the heels of nearly 20 years of rapid expansion of government during the progressive era. The First World War engulfed over 70 million military personnel, resulted in 21 million deaths, and forever ended America’s isolation from European conflicts. It also resulted in the global influenza pandemic that infected a third of the world’s population and killed upwards of 50 million people.

When Warren Harding’s campaign in 1920 promised a “Return to Normalcy,” it was exactly what people craved. History remembers the scandals of his administration that came later (especially in the Interior Department), but has mostly forgotten his campaign. Harding won one of history’s biggest landslide victories, a nearly 2-1 margin in the popular vote (60.3 to 34.1 percent) and more than three-to-one electoral vote majority (404 to 127). People wanted things to be back to normal, whatever that meant at the time, and his campaign theme was exactly what voters wanted and needed to hear.

Liberal politicians are continuously aware of the famous advice of Rahm Emanuel (Illinois Congressman and later White House chief of staff and Chicago mayor): “Never allow a good crisis to go to waste. It’s an opportunity to do the things you once thought were impossible.” What a golden opportunity, while people seem panicked, to implement far reaching policies under the guise of public health and safety — policies people would never accept in more “normal” times.

It should be completely predictable that such activists would use the pandemic, and the public’s acquiescence in what amounts to

martial law, to make changes that will far outlast the virus. Shutting down oil and gas production, closing roads, or eliminating airplanes and beef (as the “Green New Deal” suggests) for starters. Sure enough, several groups, including the Sierra Club, EarthJustice, and WildEarth Guardians, have circulated petitions calling on Gov. Jared Polis to stop construction on Interstate 70, and stop energy development — something they know he already wants to do — until the pandemic is “contained.” There is no explanation of what oil and gas production have to do with containing the virus — we do know what would happen to medical supplies and hospital systems without it. But still, never let a “good crisis” go to waste. Is there such a thing as a good crisis?

Some of these activists are citing a Harvard study — already discredited by most scientists — claiming a link between COVID-19 deaths and exposure to air pollution. The numbers turned out to be wrong, and now even the author says policy decisions should not rely on the “study.” It is reminiscent of the centuries of medical science when doctors believed illnesses were caused by foul air, and could not be transmitted from one person to another. Thanks to modern microscopes, we now know about bacteria and viruses and how they spread (hint: not by “foul air.”)

One should not blame sophisticated activists for wanting to use the current situation to push their agenda, however far-fetched it may seem. But my guess is that far more people just want to put this entire tragic episode behind us, and leaders who imagine a return to normalcy will win the hearts and minds of the public. □

Failing Municipalities See Climate Change Suits as Fiscal Bailout

by Craig Richardson, President
As appearing on *TownHall.com*



Cities and states are suing energy companies in a desperate attempt to erase their poor spending choices. Local officials argue oil and gas companies contribute to climate change and must be held accountable, but beneath this facade, leftist politicians are trying to win the lawsuit lottery to stave off fiscal insolvency.

Government officials keep pursuing these suits because they can't figure out how to fix the budget deficits they have created. Suing big corporations in friendly jurisdictions is an escape hatch to avoid the repercussions of decades of wasteful spending. Unfortunately, these efforts hurt the wallets of everyday Americans who have money invested in energy companies, and if successful, energy costs would likely rise across America.

Analyzing the legal actions taken by various localities show they are trying to make a quick buck. Over and over, states and cities make unprovable and exaggerated claims contradicting Supreme Court precedent. Sometimes the mask slips and officials even admit that the suits are really about generating revenue.

Local officials claim climate change will soon devastate their cities in legal filings, but argue the opposite when money is on the line. Horace Cooper, a senior fellow with the National Center for Public Policy Research, describes this hypocrisy.

"It seems the left hand isn't watching what the far-left hand is up to. San Mateo County, Califor-

nia, for example, claims in its lawsuit against the energy industry that there's a 93% risk of a devastating climate-change-related flood by 2050. Yet its municipal bond offering to potential investors dismissively notes that it's 'unable to predict whether sea-level rise or other impacts of climate change or flooding from a major storm will occur.'"

San Francisco city officials made similarly apocalyptic arguments in their suit, only to claim climate science was uncertain when trying to win investors. City leaders were either lying about the devastating impacts of climate change or tricking investors into buying property that would soon be underwater. Thankfully, a federal judge threw out the San Francisco's case writing, "The court will stay its hand in favor of solutions by the legislative and executive branches."

The Supreme Court reached an identical conclusion in 2011, finding 8-0 that the judiciary doesn't have the authority to regulate emissions because the Clean Air Act gave regulatory powers to Congress and the EPA. Congress can change the law to make energy companies' activity illegal, but the courts can't.

So why are localities filing dishonest suits attempting to penalize legal activity? Because local officials have spent years running up deficits on pet projects and now need to generate revenue before they go belly up.

Public records reveal the leaders of Rhode Island view lawsuits against energy companies, as a way to prevent spending cuts. Janet Coit, director of the Department of Environmental Management, says suing oil and gas companies is meant to generate a "sustainable funding stream." Coit's comments show the real purpose of climate change suits, to bail out politicians who have made unwise choices for years and are now feeling the heat.

Rhode Island is a prime example of spending run amok, as state officials have accumulated a structural deficit projected at \$4.1 million for the 2019-2020 fiscal year. Instead of addressing government excess, Rhode Island's governor ignored the deficit in her January State of State address.

A similar cycle is playing out in other jurisdictions, all governed by irresponsible leftist leaders. New York was facing an annual deficit between six and eight billion before COVID-19 hit because of an unwise minimum wage increase coupled with Medicaid expansion. State officials tried to fill this gap by suing Exxon Mobil but were humiliated in court. New York City leaders are picking up where the state left off by suing several energy companies for the alleged impacts of climate change.

Oakland's finance director was particularly blunt about why the city was running a deficit, "We believe expenditures are growing faster than revenues. We do believe this continues to have a lot of pressures on our core city services." The city's politicians racked up deficits of over \$100 million, and now the same politicians are suing energy companies to make up for their poor choices. The same process is occurring in Baltimore and Boulder where cash-strapped cities, run into the ground over generations of leftwing governance, are hoping to win the judicial jackpot.

Cities and states that have racked up debt because of profligate spending are trying to avoid spending cuts. Local officials are playing the lawsuit lottery by filing exaggerated and meritless claims against energy companies in hopes of finding a sympathetic judge. Instead of dragging energy companies to court and threatening to punish the consumer for city officials' irresponsibility, these bureaucrats need to focus on repairing their fiscal health. □

Canceled: America's energy dominance

by Steve Milloy, Senior Policy Fellow
As Appearing in the *Washington Examiner*



Three major oil and gas pipelines have been scuttled or delayed this month. Is cancel culture coming for America's newfound energy dominance?

Recently, Virginia and North Carolina utilities threw in the towel on the Atlantic Coast Pipeline, which would have brought fracked natural gas from West Virginia to the two states for domestic use and export. Although the developers had won a 7-2 Supreme Court ruling in May, the mounting and seemingly never-ending legal and regulatory processes and costs, coupled with the prospect of an anti-fracking and anti-economic growth Biden administration, were just too discouraging.

On Monday, a U.S. district court in Washington ordered the Dakota Access Pipeline, running from North Dakota to Illinois, to halt operations pending a new environmental review. On the same day, the Supreme Court upheld the federal court's stop-work order on the Keystone XL pipeline, which would bring oil sands from Canada to the Gulf Coast for refining.

All three pipelines have been vigorously opposed by radical environmental groups, often hiding behind Native American tribes. Despite years of detailed and thorough regulatory review by state and federal agencies, the greens and their tribal allies have always been able to find a court willing to frivolously rule that some essential "i" has not been

dotted or some vital "t" has not been crossed.

It's as though we don't already have plenty of safe experience with pipelines. In fact, the United States has about 1.6 million miles of pipelines, including 500,000 miles that carry crude oil and large-volume natural gas. Pipelines work and are safe for the environment, especially with modern leak detection and repair technologies. Not to mention the fact that pipelines are obviously safer than transporting oil via less efficient and more expensive railroad tankers.

The saving grace is that there are railroads, other pipelines in operation, and approved expansions that will continue to transport oil and gas from wells in West Virginia and North Dakota and oil sand mines in Canada — for now, that is.

But storm clouds are on the horizon in the form of a Joe Biden administration. Although the Biden campaign is desperately trying to keep a lid on what its energy polices would be, the end of American energy dominance is what's coming.

In May, a Democratic National Committee panel on climate and the environment, headed by Rep. Alexandria Ocasio-Cortez, urged Biden to ban fracking — the key to our energy dominance. But as that position would be a sure loser, Democratic elders stepped in to squash any talk of a fracking ban.

More recently, the Biden-Sanders Unity Task Force issued a corrective climate plan that omitted mention of a fracking ban or the Green New Deal. Although Ocasio-Cortez was on the task force, and despite her strong advocacy for banning fracking and for the Green New Deal, those views were totally silenced. But you can bet that they are still held by many Biden support-

ers, including Ocasio-Cortez, and they are what will be implemented if he's the next president.

The Biden campaign recently announced yet another panel of climate advisors — one that includes Carol Browner, the former Clinton EPA chief and the Obama administration czar for the environment and energy. Browner was the mastermind behind obtaining the 2007 Supreme Court decision in *Massachusetts v. EPA*, which allowed EPA to regulate greenhouse gases despite lacking any sort of authorization by Congress. Browner also masterminded the Obama administration's infamous war on coal, which destroyed 95% of the market value of the coal industry, killed 50,000 high-paying coal industry jobs, and sent many coal communities into desperate financial and social circumstances.

With the coal industry essentially finished off, it will now be fracking's turn under a Biden administration.

In 2016, Hillary Clinton made the mistake of talking about putting coal miners out of work. That bit of honesty from Clinton clearly backfired in battleground states like Pennsylvania. The Biden campaign will not be making the same mistake.

To obtain power, the Biden campaign has sealed the loose lips of socialist radicals like Ocasio-Cortez. Browner, a former commissioner for Socialist International, is smart enough on her own to stay mum. She will just point to the long-term and seemingly benign goal of making the U.S. carbon-neutral by 2050.

If Biden wins in November, immediately following his inauguration in January, the Browner and Ocasio-Cortez agenda will emerge in open control of the Biden energy policies. U.S. energy dominance? Sorry: canceled.

federal court with me

To overcome this known and embarrassing falsehood, the Obama EPA attempted to show via bizarre, if not illegal, human experiments that PM2.5 killed. It conducted numerous clinical experiments in which elderly and sick people, including asthmatics, were given intense exposure to PM2.5 for hours at a time. Appalling experimentation aside, no one was harmed as the experiments failed to elicit even a cough or a wheeze. But regardless, like the Clinton EPA before it, the Obama EPA regulated PM2.5 even more.

But epidemiology and human experiments that fail to convict PM2.5 as a killer aren't the only indications that the claim is false. A host of data, most notably Chinese air quality data, does the same. In China, PM2.5 levels, especially in the winter, can be ten times higher than the US. But no deaths from PM2.5 have ever been reported during these pollution incidents. If PM2.5 made COVID-19 as deadly as the Harvard researchers claimed,

Wuhan would have been littered with dead bodies.

The Obama EPA's PM2.5 science fraud finally came to a crashing halt last December when a new CASAC board thoroughly trashed the Clinton-Obama EPA's deceptive narrative.

The board assured the Trump EPA that there was no need to make existing PM2.5 standards more stringent as greens have been agitating for and concluded that there was no scientific evidence that PM2.5 causes harm - no deaths, no asthma or anything else.

Nonetheless, amid the coronavirus pandemic in early April, Harvard's debunked PM2.5 researchers tried to restart PM2.5 hysteria with a hastily published study claiming that PM2.5 increased deaths from COVID-19. This junk science-fueled claim is routinely parroted in media articles on 'environmental justice' or 'environmental racism' and now in Congress as well.

Back to the environmental justice claim, while all people who live in urban areas may have slightly higher exposures to PM2.5, the reality is that PM2.5 in outdoor air is

quite harmless, including to minorities.

That House Democrats think PM2.5 is their best example of "environmental injustice" or "environmental racism" just goes to demonstrate how intellectually bankrupt those notions are.

While it is true that African-Americans as a group have suffered at a proportionately greater rate from COVID-19 - as well as many other illnesses - than other population groups, this has nothing to do with the environment so much as it does with poverty, education and the increased rate of co-morbidities that go along with those two problems.

As it turns out and beyond PM2.5, claims of "environmental justice" and "environmental racism" are just inventions and unfounded claims of radical green groups. Used for political reasons, all they really do is block or remove good-paying, standard-of-living improving job opportunities from minority communities. The more accurate term is "environmentalist injustice." securities law. □

President Trump Retweets Steve Milloy

Like President Donald J. Trump, E&E Legal and Junkscience.com Founder Steve Milloy uses Twitter effectively. He's amassed tens of thousands of followers.

On the eve of President Trump's trip to California to meet with CA Governor Newsom about the raging forests fires, Milloy Tweeted in his typically cutting and articulate manner (the Tweet is to the right). Milloy took aim at the those on the Left, including Newsom, who are blaming the forest

fires on climate change.

The President obviously agreed, as he retweeted Milloy. □

Donald J. Trump Retweeted
Steve Milloy @JunkScience · 22h
 California has a long history of megadroughts that pre-date SUVs.

People can either manage forests intelligently or nature will do it indiscriminately.

@realDonaldTrump should take that message to @GavinNewsom.
junkscience.com/2020/09/new-ya...

This is the portion supposedly caused by modern man-made "climate change"

A 200-year drought?

Evidence from tree rings shows that drought was historically much more widespread in the American West than now, while the 20th century was wetter than normal. Percentage of the trees affected by drought from 800 A.D. to 2000.

1850: California becomes state

Source: E.S. Cook et al. Earth Science Reviews

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