E&E LEGAL LETTERS Issue XLI





Letters

Fall 2023

Biden's Kamikaze Climate Plan

by Steve Milloy, Senior Policy Fellow As appearing in *The Hill*



This year's United Nations Climate Week was more revelatory than the usual. Beyond its prosaic handwringing about supposed planetary doom, four distinct disclosures related to China should cause concern.

First, China finally dropped its "net zero" pose. The world's largest emitter had promised to reach net zero by 2060. But its climate envoy now says that "completely phasing out fossil fuel is unrealistic" because "fossil fuels are essential to maintain grid stability and energy security given the sometimes unreliable nature of renewables."

This makes sense. China's primary goal is to become the lone global superpower by 2049. China is smart enough to realize that goal cannot be accomplished if it cripples itself, weakening its electricity grid with unreliable wind and solar power while

simultaneously burdening it with massive numbers of electric vehicles and heat pumps.

The Biden administration, on the other hand, is determined to cripple the U.S. It is engaged in simultaneous EPA rulemakings to zero out coal and gas plants, and to mandate the adoption of electric vehicles, even if the grid will not be able to sustain so many of them.

The Biden administration is also working on making gas stoves disappear, while Democrat-run states such as California and New York are also working on making gas furnaces and water heaters disappear.

...we learned from the Biden
Department of Energy that Chinese coal plant emissions might
not be so "disastrous" after all. The
Argonne National Laboratory,
which had its origins in the Manhattan Project and played a key role in
the development of the Navy's nuclear
fleet and commercial nuclear power, is
now developing computer models that
excuse Chinese coal plant emissions.

Argonne claims that if electric vehicles in China are driven more than 178,000 miles, they will begin to

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In This Issue

Fixing the climate by banning things



Greg Walcher points out the hypocrisy of the World's Rich & Famous, who travel across

the globe in their private airplanes to lecture us about the need to save the climate by banning everything..."things ordinary people depend on in their daily lives."

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Gavinomics Doubles the Cost of Energy in CA



Katy Grimes writes reports that the failed energy policies of CA Governor Gavin Newsom have caused electricity

prices to skyrocket more than the national average. Average citizens in the Golden States are drowning in the costs.

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Report Shows EV's Built By Child Slave Labor



E&E Legal joined other nonprofit policy organizations to author a report about how " child labor likely continues

to fuel EV production worldwide." Thomas Catenacci of Fox News provides coverage of the report.

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Protecting resources, again and again



Greg Walcher writes how the usual suspects of Leftist green groups are petition the government to lock down more natural

resources in the California Desert. Same story, different day

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Fixing the climate by banning things every turn, people who know what

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



One of the more famous anecdotes in U.S. Senate history dates from early 1914 when a protracted debate centered on unrest in the country during the progressive era.

Kansas Sen. Joseph Bristow had bellowed through a repetitive speech in which he said at least 10 times, "What this country needs..." finishing each line with a different prescription. The presiding officer, Vice President Thomas Marshall, leaned over the desk and quietly said to the assistant secretary, Henry Rose, "What this country needs is a good five-cent cigar."

The quip became instantly famous in numerous newspapers and cigar companies deluged the VP's office with hundreds of boxes, to prove there already were many good five-cent cigars. Marshall was always known for his wit and friends lamented that he wasn't taken more seriously because of it. President Wilson's closest advisor, Edward House, said, "Marshall was held too lightly. An unfriendly fairy godmother presented him with a keen sense of humor. Nothing is more fatal in politics."

Ever since, the Bristow/Marshall line has been the cliché perhaps most overused in politics. America is heavily populated by "experts" who want to tell everyone "what this country needs," or even "what the world needs." We are surrounded, indeed inundated, by experts at

every turn, people who know what others should be doing, and who seek to decide nearly every aspect of our lives, because they are the ones who know.

The rest of us blindly go about our business, driving to work every day, dining every evening, engaging in our chosen recreation on the weekends, each in our own pursuit of happiness. Left to our own devices, we would certainly destroy our homes, lands, environments and probably the planet itself. That's why we require experts who know what we really need. Leaders who can properly make policy and protect us from ourselves by regulating our activities and our otherwise bad choices.

These experts know what we should and should not do on public lands, what kind of cars we should drive, what appliances our homes need and what kind of foods we should eat. The types of windows, doors, and roofs we need, what species of birds we should have, where we should put our trash, whether we can turn right and when we can water our lawns.

Such leaders obviously did what we all needed when they banned Cuban cigars, Mark Twain books, raw milk, lawn darts, metal toy trucks, British Cadbury chocolate and candy cigarettes. They are still doing what we all need in proposing to ban mining, drilling, gas stoves, internal combustion engines, plastic straws, low-paying jobs, fireworks, turfgrass and air conditioners.

This week's news featured stories about John Kerry, the first "U.S. Special Presidential Envoy for Climate," who in a ranting lecture at the current climate conference in Dubai called for a global ban on the world's most abundant and afford-

able energy source. "The climate crisis and the health crisis are one and the same," he thundered, "There shouldn't be any more coal-fired power plants permitted anywhere in the world." Not in the third world where people are desperate for electric power to free them from drudgery and starvation — not anywhere. He said, "I find myself getting more and more militant," but he has always been a control freak, the stereotypical silver spoon activist. He was born into the Forbes family, married into the Heinz fortune and has been mostly on the public payroll, in elected and appointed offices for 46 years. He's never had a real job, though he did serve in the Navy for two years in Vietnam, service he has often repudiated and apologized

Like vast numbers of climate "experts," he has no education or training in climate science, or any science. What qualifies him to instruct the rest of the world on where, or whether, it should get electricity?

Experts like Kerry, Ivy
League politician Al Gore, high
school dropout Leonardo DiCaprio
and King Charles with his private education in art history, have
been lecturing the world on this
highly-controversial and poorly
understood scientific discipline for
years — while they arrive via private
jets and live in palaces. And lecture
about things that should be banned
— things ordinary people depend
on in their daily lives.

There is an old Henny Youngman joke, borrowed more recently by P.J. O'Rourke, that says, "What this country really needs is fewer people who know what this country really needs." I am tempted to propose banning people who want to ban things.

Gavinomics: CA's Electricity Prices More than 2X National Average trees or branches touched the compa-

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



Tone deaf Governor, legislators silent on massive PG&E rate hike

The California Utilities Commission just granted Pacific Gas and Electric a 13% rate hike – ostensibly to pay for under grounding power lines.

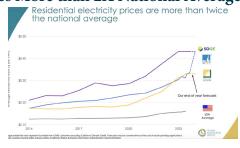
Because Gov. Gavin Newsom appoints the commissioners to the CPUC, this is "Gavinomics." Expect the other utilities to hike the rates as well.

Until so much of California burned down in a succession of recent wildfires, most Californians assumed PG&E and other utilities were already under grounding power lines and maintaining their equipment. We certainly were always told our annual rate increases were necessary for infrastructure maintenance and repair.

Remember, it was only this April 2023 that Southern California Edison, Pacific Gas & Electric and San Diego Gas & Electric filed a proposal to install a fixed-rate electric bill system for those under the three largest power companies in the state, the Globe reported. A 2021 report from the University of California at Berkeley recommended that the state link California's highest-in-the-nation electricity bills to customer incomes – ie. your ability to pay. The real plan is to create income-based utility billing. So hold that thought.

Residential electricity prices in California are already more than twice the national average.

We've already heard this tired, old one-hit-wonder – year after



year, after year. PG&E et al come to the CPUC with an outlandish rate increase proposal. The play-haggle with CPUC Commissioners, and then POOF! The proposed rate increase gets cut in half, the CPUC pats itself on the back as if it has just gutted its own budget, ratepayers get stuck with higher and higher utility bills – more than double the national average of electricity rates – and PG&E gets more money for their shareholders... or to pay off lawsuits... which we were promised would not be paid by rate payers.

Frankly, the only way to assure ratepayers are not paying PG&E's legal liabilities is to keep the rates the same – no new increases.

The CPUC's Public Advocates Office found that PG&E's residential electricity prices are more than double the national average. Customer rates went up 38% between January 2021 and September 2023.

The 13% rate hike amounts to an average of more than \$32 per month next year per household.

For this latest increase, PG&E initially asked CPUC regulators to authorize rate increases by 26% so it could bury 2,100 miles of power lines in wildfire prone areas. Right. Didn't the courts already order PG&E to bury their power lines?

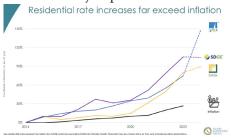
The Wall Street Journal reported in 2021:

"PG&E's equipment has ignited more than 20 California wildfires within the past several years that have collectively killed more than 100 people and burned thousands of homes. Most of the fires were sparked when trees or branches touched the compa ny's wires."

"PG&E is on criminal probation following a 2010 natural gas pipeline explosion that killed eight people in San Bruno, south of San Francisco. The company was convicted on felony charges of violating federal pipeline safety laws.

" A federal judge overseeing PG&E's probation has for months been pressing the company to do more to manage the risks to its electric system and recently recommended it do more to address the threat of trees falling on its lines.

Let's look at that 26% rate hike request – my PG&E bill in winter is often \$455 and higher. Add to that the proposed 26% rate hike – \$118.30 – and the bill jumps to \$573.30.



But I am supposed to be grateful that the rate hike will only be 13% – for the same service and energy delivery – only \$59.15 more a month for a total of \$514.15.

Did you get a 13% pay raise from your employer? I love my employer, but I did not get a 13% pay raise.

Is it any wonder that around the state we are witnessing labor union strikes in nearly every industry – for higher pay and benefits. Their pay is also not keeping up with inflation – or PG&E's rate increase.

As for the income-based utility billing, Currently, utility bills are based on electricity and gas consumption. The utility companies are now proposing income-based utility billing so that higher-income earners pay for more than they use,

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Researchers reveal EV industry can still be linked to child labor

by Thomas Catenacci Fox News



Mining associated with EV batteries is 'tainted by various degrees of abuse, including slavery, child labor, forced labor,' report states

Minerals produced from artisanal African mines that may employ child labor continue to be used in base components of batteries, including those potentially used in electric vehicles (EVs), according to a new report shared with Fox News Digital.

The American Energy Institute (AEI), the Energy & Environment Legal Institute, the Competitive Enterprise Institute, the Heartland Institute, the Committee for a Constructive Tomorrow, the International Climate Science Coalition, and Truth in Energy and Climate jointly assembled the report, which draws from existing studies and establishes that child labor likely continues to fuel EV production worldwide.

The research argues that rechargeable lithium-ion batteries, which are by far the most prevalent type of battery installed in EVs, are particularly dependent on cobalt. The world's largest established cobalt reserves and production, however, exist in the Democratic Republic of the Congo (DRC), an African nation with a checkered human rights record.

"There is no such thing as a clean supply chain of cobalt from the Congo. All is tainted by various degrees of abuse, including slavery, child labor, forced labor, debt bondage, human trafficking, hazardous and toxic working conditions, low wages, injury and death, and incalculable environmental harm," the report states.

"Even monitoring the situation is impossible as conditions are adversarial at every turn, including aggressive security forces, intense surveillance, the remoteness of many mining areas, distrust of outsiders and the sheer scale of hundreds of thousands of people engaged in the feverish excavation of cobalt in medieval conditions," the report adds.

Overall, in 2022, the DRC produced nearly 70% of the world's cobalt and is home to nearly half of known global reserves of the mineral, according to U.S. Geological Survey (USGS) data. Separate data analyzed by the International Energy Agency (IEA) indicates that greater than 70% of cobalt production is sourced from the DRC.

And while it remains unclear exactly how many of the mines are artisanal and employ child laborers, the report Tuesday highlights Organization for Economic Co-operation and Development data showing the majority of cobalt production in the DRC is connected with child labor. A USGS National Minerals Information Center study published in June established that up to 11% of cobalt produced in the nation is tied to child labor.

The Department of Labor's Bureau of International Labor Affairs concluded that more than 40,000 children, including children as young as 6 years old, work in cobalt mines in the DRC.

"I think the climate agenda is really an anti-human agenda in and of itself," AEI CEO Jason Isaac, who co-authored the report, told Fox News Digital in an interview. "This just continues to be the proved with the policies they're adopting and forcing us down this road of this so-called energy transition."

"The climate cult, this climate alarmist movement, just completely turns a blind eye towards the humanitarian crisis that they are creating," Isaac continued.

Isaac's research comes amid an aggressive push from both the Biden administration and governments across the world for individuals to quickly transition from gas-powered vehicles to EVs in an effort to reduce carbon emissions and stave off global warming.

President Biden set a goal of ensuring 50% of new car purchases are electric by 2030 shortly after taking office. Since then, led by the Environmental Protection Agency (EPA), his administration has pursued a federal regulatory regime that, while not mandating EVs, would strongly incentivize Americans to purchase an EV when shopping for a new car...

According to Steve Milloy, a senior legal fellow at the Energy & Environment Legal Institute and another co-author of the report on Tuesday, the continued reliance on the DRC for cobalt not only ensures child labor is tied to the EV industry, it also means the EV supply chain will continue to be dominated by Chinese developers...

"It's all shipped to China. Not only is China processing that cobalt, China also processes other cobalt. China is responsible for about 85% of cobalt processing," **Milloy** told Fox News Digital in an interview. "Wherever the cobalt is sourced, the vast majority of it goes to China to get processed. So, even if you get your cobalt someplace else, China is in the way."

"And in the Congo, China is actually managing the mines and a lot of it does come from industrial-scale mines," he said. "But then you do have child labor, which is adding to the total cobalt that the Chinese are producing. And, of course, the Chinese don't care what the working conditions are with these kids."

The White House didn't respond to a request for comment. □

Protecting resources, again and again by Greg Walcher, Senior Policy Fellow As appearing in *The Daily Sentinel*



When Americans hear about a crisis, their instinct is to spring into action, to do something right away. Do whatever it takes, as Mayor Shinn in "The Music Man" says, "to prevent this dire happening from... uhm... happening."

What they don't do first, as a rule, is pause to ask exactly what the crisis is, what caused it and what will happen if action is not taken. There will be time to sort all these details out later, they reason. But for now, we must act because this is a crisis! Now!

I think about this characteristic instinct whenever there is a call to "protect" important and valuable natural resources, such as forests, deserts, water and wildlife. They must be protected for future generations and it is borderline criminal that we have not yet done so. Does anyone stop to wonder what exactly these resources must be protected from and why they have not previously been protected?

The latest case-in-point is a petition, hearings and a rash of lobbying to convince the president to designate a new national monument called Chuckwalla, in the California Desert between Joshua Tree National Park and the Salton Sea. It is the dream of a coalition called "Protect California Deserts," whose signatories include the local Audubon Society, Sierra Club, National Parks Conservation Association, Wilderness Society, Mojave Desert

Land Trust, Conservation Lands Foundation, Wildlands Network, Cactus to Clouds Institute ... and others. It has been endorsed by the Los Angeles Times and numerous other media outlets.

They all want the president to make a new 660,000-acre national monument called Chuckwalla (named for a native lizard), which they say, "will help ensure access to nature for local residents and visitors, protect unique biodiversity, safeguard the desert's rich history and honor the cultural landscape of the Iviatim, Nüwü, Pipa Aha Macav, Kwatsáan and Maara'yam peoples." Mind you, they want to "honor" the cultural landscape of the Mojave and Sonoran tribes, not actually give it back to them.

To be clear, I don't care if Californians want yet another presidential order creating yet another national monument. Every inch of it is already public land. There is no commercial or recreational activity there that would be stopped or started by such a presidential designation, nor would it change the way those lands are used. In fact, it wouldn't change anything at all in this case, except possibly to attract more visitors and substitute one set of managers for another.

These lands were already set aside in previous years, as part of the BLM's National Conservation Lands System. All but 1.5 percent of it is designated as an Area of Critical Environmental Concern, National Conservation Lands and Wilderness Areas. That region was subject to a thorough "Desert Renewable Energy Conservation Plan," which allocated a few small areas nearby for future wind or solar power. This proposed new monument includes none of those potential development areas. All of

it is already set aside for permanent protection from such development.

The Chuckwalla area is next to a national park and another national monument (Mojave Trails). There is no chance the BLM would permit any development of any kind that might alter the habitat or character of these lands. So, what must they urgently be "protected" from?

It is something of a tiring and tiresome question because this "crisis" has become so common. The government literally owns more than one third of the U.S., so the administration's stated goal to "protect 30 percent of our lands and waters" by 2030 (the 30-30 Initiative) is disingenuous unless you think the government is about to subdivide and pave national forests, parks and BLM lands.

The most spectacular parts of the West, including the Mojave Desert, are preserved and protected forever, by definition, because they are "public lands," already controlled by a host of agencies that guard the territory with the public's trust. So why do these places need "saved" again?

As is so often the case with environmental industry campaigns, this is not about protecting the environment; it is about money. The need to solve some immediate crisis is the lifeblood of the nonprofit sector. People do not sign petitions, join organizations, attend public meetings and get out their credit cards to support an action that won't change anything. But they will do so in a heartbeat to head off a crisis, especially one involving the loss — forever — of cool species like the desert tortoise or the chuckwalla lizard. Act now! Join the coalition! Send money!

Biden's Kamikaze Climate Plan for the US Economy (Cont.)

subsidizing the offset emissions from coal power plants. But China has as much coal power now just in some phase of planning or construction as what the U.S. now has in its entirety. Reuters called this a "weird climate logic." That puts it mildly.

We also learned from the UN event that the Biden administration has given up hope of trying to be independent of China with respect to electric vehicles and solar panels. A top Biden administration official told Bloomberg News that we "won't be able to cut China out of the critical minerals supply chain", even as Washington seeks to diversify its sources of the ingredients that go into everything from

electric vehicle" for electric vehicle batteries and solar panels.

"We are perfectly happy to work with them on this and right now we purchase many of the minerals from Chinese companies," said Jose Fernandez, the U.S. undersecretary for economic growth and the environment.

What responsible government shrugs its shoulders at being economically reliant on its geopolitical rival? And how pathetic is it that, even if somehow war does not disrupt U.S. access to Chinese "clean energy" materials, they will all be mined and shipped with energy derived from dirty Chinese coal?

In spite of all the above, White House climate adviser Ali Zaidi told the New York Times editorial board, "We're retaking control of our energy security and our energy future."

Biden climate envoy John Kerry admitted in 2021 that even if the U.S. and China went to zero emissions tomorrow, "we'd still have a [climate problem]." The only difference between then and now is that they have stopped admitting the obvious.

So even if you believe that emissions are going to end the world in a few years, the Chinese clearly don't, and they don't plan to do anything about it. So what's the point? And why is Biden so intent on crashing our economy and national security in the name of climate shibboleths?

Gavinomics (Cont.)

rates for lower income customers. "From each according to his ability, to each according to his needs," Karl Marx wrote in his Communist Manifesto. In a nutshell, Marx said In a nutshell, Marx said productive, hard-working and successful people must sacrifice to less productive, and unproductive people.

The State of California, the California Legislature and California Gov. Gavin Newsom are punishing productive successful people. Again. And they are saying the quiet parts out loud.

Gavinomics isn't interested in the fact that California is rich in natural resources, which once powered the state: natural gas deposits in the Monterey Shale formation; geothermal energy, abundant rivers and waterways such as the San Joaquin River Delta and hydroelectric dams; the Pacific coastline; 85 million acres of wildlands with 17 million

of those used as commercial timberland; and mines and mineral resources.

Instead, the real goal of the radical environmentalists is to make electricity so expensive, homeowners will be forced to initiate self-blackouts of electric appliances during certain times of day, and electric car owners won't be able to afford the high costs to keep them charged.

Environmentalists have no special love for electric cars – they just want everyone out of cars. So if they can make electricity so expensive that people can't afford to drive electric cars, well then good.

And this is done by limiting energy sources rather than using an all-of-the-above approach to energy production in California: Oil, gas, coal, nuclear, hydroelectric, solar and wind.

If all we are allowed to use is renewable energy for electricity

production – a deliberate energy shortage – statewide shortages and rolling blackouts inevitably become the new California normal, as are higher and higher rates – less supply, more demand = higher prices. We are being conditioned to accept this as normal by some very evil leaders. Think "Gavinomics."

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