

Under My Thumb-Part II

Greenhouse gas legislation threatens to accomplish nothing climatically, at great cost to freedom.

by **Wes Ishmael**

Though legislating Mother Nature holds as much potential success as roping a tornado, that's exactly what the Environmental Protection Agency (EPA) and some members of Congress are attempting to do.

"After a thorough examination of the scientific evidence and careful consideration of public comments, the U.S. Environmental Protection Agency (EPA) announced today that greenhouse gases (GHGs) threaten the public health and welfare of the American people."

That's what EPA announced in December 2009, despite the fact there is no scientific evidence that GHGs foster manmade global warming, or that man has any effect on global warming or cooling (see Under My Thumb-Part I, November 2010 *Angus Journal*).

At the time, the National Cattlemen's Beef Association (NCBA) rightfully challenged the GHG endangerment finding in the DC Circuit Court of Appeals.

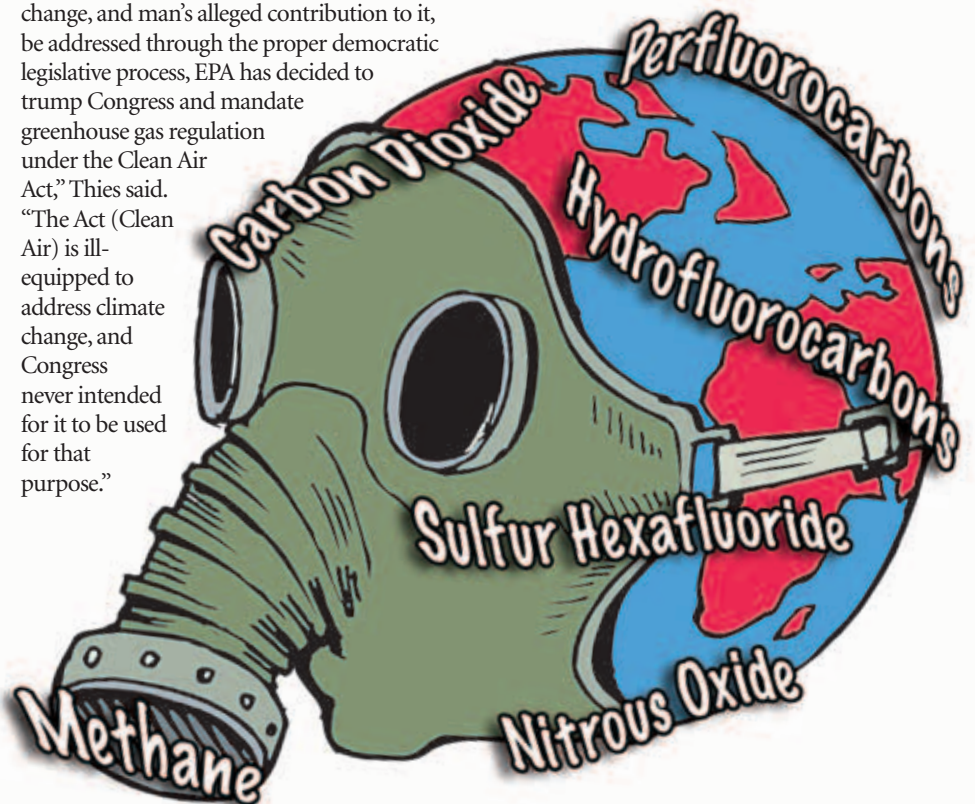
"EPA's finding is not based on a rigorous scientific analysis; yet it would trigger a cascade of future greenhouse gas regulations with sweeping impacts across the entire U.S. economy," said Tamara Thies, NCBA chief environmental counsel. "Why the Administration decided to move forward on this type of rule when there's so much uncertainty surrounding humans' contribution to climate change is perplexing."

According to NCBA, the endangerment finding does not in and of itself regulate GHGs, but it is a critical step in the process for GHG regulation under the Clean Air Act (CAA). The rule provides the foundation, for EPA for the first time, to regulate GHGs from small and large sources throughout the economy, including farms, hospitals, office buildings and schools. For example, because of this rule, EPA will be able to tell farmers that they can only emit a certain

level of GHGs; if they go over that amount, they can incur severe penalties and be forced to curtail production. The rule also sets the stage for citizen suits against large and small businesses that are the backbones of the U.S. economy. In addition, increased energy costs associated with this ruling could be devastating for agriculture and the public as a whole.

EPA's endangerment finding covers emissions of six key greenhouse gases — carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride — that have been the subject of scrutiny and intense analysis for decades by scientists in the United States and around the world.

"Instead of letting the issue of climate change, and man's alleged contribution to it, be addressed through the proper democratic legislative process, EPA has decided to trump Congress and mandate greenhouse gas regulation under the Clean Air Act," Thies said. "The Act (Clean Air) is ill-equipped to address climate change, and Congress never intended for it to be used for that purpose."



Forget science, we know what we're doing

Ironically, EPA released its endangerment finding just weeks after leaked e-mails called into question the credibility and ethics of the Intergovernmental Panel on Climate Change (IPCC) and the accuracy of their data and statements pertaining to global warming over time.

The IPCC was established by the United Nations Environment Programme and the World Meteorological Association in 1989 to assess climate change and its potential impact. For years, scientists close to the matter, including some who have served on organization committees, have questioned the scientific goals of the organization vs. the political ones. Think here in terms of what began unraveling in November 2009 — fudging the numbers to support positions rather than letting science do the talking.

These days, that unraveling is referred to as Climategate. It began in November 2009 when thousands of IPCC e-mails were leaked to the public, which indicated the global warming trumpeted by the organization was more of a Ponzi scheme.

"Climategate revealed that the data on which the EPA relied to make this finding is questionable and may have been manipulated to tell a story that global warming alarmists wanted to tell," Thies said. "The fact that the EPA is ignoring this scandal is not going to make it go away."

When it released its endangerment

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finding for GHGs, EPA said, “Scientific consensus shows that as a result of human activities, GHG concentrations in the atmosphere are at record-high levels and data shows that the Earth has been warming over the past 100 years, with the steepest increase in warming in recent decades. The evidence of human-induced climate change goes beyond observed increases in average surface temperatures; it includes melting ice in the Arctic, melting glaciers around the world, increasing ocean temperatures, rising sea levels, acidification of the oceans due to excess carbon dioxide, changing precipitation patterns, and changing patterns of ecosystems and wildlife.”

Such willful ignorance of the facts is one reason that Texas and nine other states, organizations and coalitions filed a Petition of Reconsideration with EPA regarding the endangerment finding. Texas also filed a petition with the U.S. Court of Appeals.

“With billions of dollars at stake, EPA outsourced the scientific basis for its greenhouse gas regulation to a scandal-plagued international organization that cannot be considered objective or trustworthy,” said Texas Attorney General Greg Abbott in February. “Prominent climate scientists associated with the Intergovernmental Panel on Climate Change were engaged in an ongoing, orchestrated effort to violate freedom of information laws, exclude scientific research, and manipulate temperature data. In light of the parade of controversies and improper conduct that has been uncovered, we know that the Intergovernmental Panel on Climate Change cannot be relied upon for objective, unbiased science, so EPA should not rely upon it to reach a decision that will hurt small

businesses, farmers, ranchers, and the larger Texas economy.”

In its petition for reconsideration filed with the EPA, Texas indicates the EPA’s endangerment finding is legally unsupported because the agency outsourced its scientific assessment to the discredited IPCC. The state petition goes on to say, “In order to determine that a substance is a danger to the public health and welfare, EPA must conduct a scientific assessment. Despite the widespread consequences and billion-dollar impact of its endangerment finding, EPA did not conduct its own assessment but relied upon an IPCC assessment that has been widely discredited by recently revealed evidence of key scientists’ lack of objectivity and their coordinated efforts to hide flaws in their research, along with their attempts to keep contravening evidence out of IPCC reports, and the IPCC’s violation of freedom of information laws.”

According to Abbott’s office, the EPA’s decision to regulate greenhouse gases under the Clean Air Act will impose a tremendous regulatory and financial burden on farmers and ranchers, small businesses, and an energy sector that thousands of Texans depend upon for their jobs.

“EPA’s move to regulate greenhouse gases would impose devastating rules on those Texans who fuel one of our state’s largest economic sectors — farmers and ranchers,”

Texas Agriculture Commissioner Todd Staples said. “As a regulatory agency, the Texas Department of Agriculture is required to impose rules based on sound science — not political science. Not only does state law

require this, but it is also a fundamental principle by which regulators all across the U.S. have always lived. EPA has ignored

extensive research on greenhouse gas emissions and based this significant regulation on faulty data.”

“If EPA succeeds in its efforts to trump Congress and unilaterally regulate greenhouse gas emissions under the Clean Air

Act, it will be devastating not just to agriculture but to the entire U.S. economy,” said Thies in May. “It would be irresponsible to allow the EPA to move forward on this type of regulation when there’s so much uncertainty surrounding humans’ contribution to climate change.”

NCBA was one of a broad coalition of agricultural groups speaking in favor of the Resolution of Disapproval introduced by Senators Lisa Murkowski (R-AK) and Blanche Lincoln (D-AR) in May.

“The Resolution of Disapproval would in effect reverse EPA’s finding, and instead allow the complex issue of climate change to be handled through thoughtful Congressional debate,” Thies continued. “In these challenging economic times, we cannot afford to take actions that further jeopardize the ability of the U.S. to remain competitive in the global marketplace.”

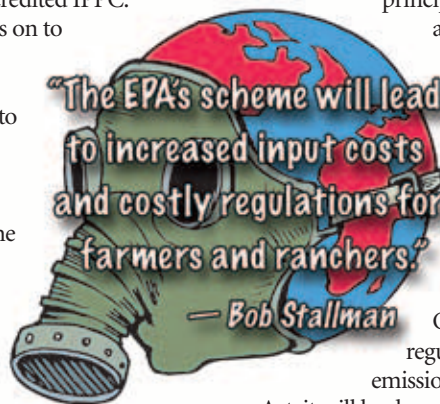
The aforementioned agricultural coalition — 49 organizations in all, including NCBA, Public Lands Council and the American Farm Bureau Federation (AFBF) — sent a joint letter in support of the resolution to members of the Senate.

More than money at stake

That sets the stage for knowing that June 10 the Senate voted against the Resolution of Disapproval.

“I had hopes, for the security of our economy, that we would prevail today,” Murkowski said. “But regardless of the outcome, I believe it’s important that every member of the Senate is on the record on whether they think the EPA regulation is the appropriate way to address climate issues.”

All Republicans and six Democrats voted



Facts mainstream media fail to mention

In its Petition for Reconsideration, the state of Texas provided evidence that prominent climate research scientists conspired to:

- ▶ Ignore information and data requests under the Freedom of Information Act. In response, the British Information Commissioner’s Office has since indicated that the scientists’ conduct constituted a criminal violation of that country’s open records laws.
- ▶ Destroy and manipulate climate data when information from temperature-measuring weather stations did not support their view that the earth’s temperature is warming. In response, the British Meteorological Office has announced a three-year inquiry into more than 160 years of temperature data.
- ▶ Exclude from the IPCC report certain research that disagreed with their position and raised questions about human beings’ impact on the global climate. Additional evidence of the scientists’ efforts to suppress dissent also reveals a concerted effort to undermine the independence of the peer review process and boycott scientific journals that were willing to publish studies that questioned man-made global warming.

Source: Texas State Attorney General’s Office.

in favor of proceeding to consideration of the resolution, but it lost 47-53.

“The American Farm Bureau is disappointed that the Senate failed to halt the Environmental Protection Agency’s regulation of greenhouse gases by failing to approve S.J. Res. 26 (the Resolution of Disapproval). This was one of the most important votes in the Senate this year affecting U.S. agriculture,” said Bob Stallman, AFBF president.

“Additional EPA regulation for farmers will likely mean higher food costs for consumers because of higher input and energy costs to grow our food and result in

negative economic impacts on the agriculture sector,” Stallman continued.

“Importantly, this vote also brought into question who should decide our nation’s energy policy — elected lawmakers or a regulatory agency. It is regrettable the Senate answered this question as it did. The vote against S.J. Res. 26 allows EPA to embark on the ambitious and unprecedented regulation of the American economy without congressional input.”

When EPA’s intention became clear last year, AFBF calculated that compliance could cost farmers and ranchers \$175 per dairy cow, \$87.50 per beef cow and \$21.87 per hog. The

fees were arrived at using publicly available government data.

“Farm Bureau has said all along that the Clean Air Act is not the place to regulate greenhouse gas emissions,” Stallman said at the time. “The EPA’s scheme will lead to increased input costs and costly regulations for farmers and ranchers.”

The causes and effects of global warming and cooling remain open to debate. The steep price that will continue to be paid trying to regulate and legislate Mother Nature does not.

