

Texas Public Policy Foundation

# Environment

Legislator's Guide to the Issues 2017-18



## Climate Policy



### The Issue

Whether labeled global warming or climate change, the theory that man-made greenhouse gas (GHG) emissions will cause catastrophic warming is the justification for onerous climate policies that will limit or eliminate the use of fossil fuels: coal, natural gas and oil. These policies have now been institutionalized in the Environmental Protection Agency (EPA) rules and in other actions across the federal government.

The U.S. Congress, however, has repeatedly refused to delegate authority to federal agencies to control greenhouse gases—among which carbon dioxide (CO<sub>2</sub>) is by far the dominant source.

CO<sub>2</sub> is a ubiquitous by-product of all human activity, from breathing to burning fossil fuels that power our cars and generate our electricity. CO<sub>2</sub> is also known as the “gas of life,” as it is the catalyst for the most fundamental energy conversion on earth: photosynthesis. Although it may be possible that increased atmospheric concentration of CO<sub>2</sub> may generate some warming, it is not clear whether the warming would have a significant negative effect. If not, it would create a net benefit for plant growth, upon which human life on earth depends. Paleoclimatology has long recognized past geological eras with vastly higher levels of CO<sub>2</sub>. Science still lacks an understanding of how natural variables interact and affect climate—including the sun from which almost all energy in our climate system originates.

The warming that is predicted by the models of what has become the official climate science—the U.N.’s Intergovernmental Panel on Climate Change (IPCC)—is increasingly at odds with the warming empirically observed by the most sophisticated technologies. For example, the IPCC’s most recent Fifth Assessment Report backpedaled from a number of alarmist conclusions it had drawn in previous reports, questioning the degree of assumed climate sensitivity to man-made emissions of CO<sub>2</sub> and recognizing that a link between rising carbon emissions and extreme weather events is not likely.

Claims that the science supporting predictions of catastrophic warming are absolutely settled beyond all question belie the speculative weakness of orthodox climate science. No genuine science is ever settled beyond any question. Increasing efforts to silence climate skeptics and their employers by criminal prosecution are a chilling reminder of how fiercely politicized climate science and policy have become.

Texas is disproportionately harmed by the climate crusade both because the state has the largest energy sector in the country as well as the fact that it leads the shale revolution, which has unlocked the mother lode of oil and natural gas found in hard shale rock.

Carbon mandates have never been authorized in law by Congress. Instead, following the direction of the White House in 2009, the EPA moved forward and issued an Endangerment Finding that declared CO<sub>2</sub> and four other greenhouse gases as pollutants which endanger human health and welfare and are thus subject to the regulatory authority of the Clean Air Act. Under that finding, the EPA has pursued an aggressive initiative to sanction fossil fuels in regulation to reduce real pollutants and through direct control of CO<sub>2</sub>. The EPA’s Clean Power Plan (CPP) would federalize the nation’s entire electric sector. The EPA’s new methane rule threatens Texas’ huge energy sector. All of the EPA’s carbon rules are futile in that none would reduce CO<sub>2</sub> by an amount that would avert the warming predicted by the IPCC. The grand plan to redesign the nation’s entire system of electric generation would reduce the IPCC’s predicted warming by only 0.018 degree Celsius.

Yet, without EPA interference, the U.S. has reduced CO<sub>2</sub> more than other countries through efficiency and innovation. The Energy Information Administration (EIA) announced that energy-related emissions of CO<sub>2</sub> decreased 3.7% in 2012, the lowest emission level of CO<sub>2</sub> since 1994. Indeed, CO<sub>2</sub> emissions in the U.S. are falling faster than in countries under mandates such as the European Union’s Emissions Trading System or in countries like Germany that have most aggressively pursued renewable energy.

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Issued in June of 2013, President Obama's Climate Action Plan is a collection of at least 50 federal government programs and initiatives with an aim to cut carbon emissions. The plan calls for the EPA's direct regulation of CO<sub>2</sub> in the CPP, with a seemingly arbitrary goal of reducing emissions by 17% in 2030. Its broad scope, cost, questionable need, and lack of clear legislative foundation could prove harrowing to the nation's economy and to low income families. To date, almost all of the action items in President Obama's so called Climate Action Plan have been initiated or implemented by executive action alone. Such an expansion of federal purview is more properly the prerogative of Congress rather than the executive branch.

## The Facts

- Eliminating fossil fuels without a fully comparable substitute bodes energy scarcity and an energy regression that will increase poverty and stymie economic growth.
- Global average temperatures have not risen over the last 17 years as measured by NASA's remote sensing satellites and balloons, invalidating the modeled predictions of the IPCC.
- The EPA's proposed restrictions on GHGs are expected to increase the cost of a vehicle by \$3,100 by 2025, and, if successful, would prevent only 0.01 degree Celsius of the expected warming, according to the EPA's own estimates.
- Modern civilizations are utterly dependent on massive consumption of fossil fuels. Economic growth and increasing fossil fuel consumption rose in lockstep throughout the 20th century.
- Abundant, affordable, concentrated, versatile, reliable, portable, and storable: fossil fuels are far superior to any alternative energies at this point in time.

## Recommendations

- Urge federal policymakers to establish an independent, rigorous review of IPCC science.
- Suspend state programs that require or incentivize GHG reduction.
- Seek congressional revocation of the EPA's Endangerment Finding.
- Stand against the EPA's Clean Power Plan.

## Resources

[\*Statement to the Committee on Environment and Public Works of the U.S. Senate\*](#) by Judith A. Curry (Jan. 16, 2014).

[\*Global Warming: How to Approach the Science: Testimony before the House Subcommittee on Science and Technology\*](#) by Richard S. Lindzen (Nov. 17, 2010).

*Coalition for Responsible Regulation, et al, v. Environmental Protection Agency*, No. 09-1322 (D.C. Cir. Filed 16 Feb. 2010).

[\*Global Warming: What Should Texas Do?\*](#) by Ian Murray, Texas Public Policy Foundation (April 2007).

[\*Review of the President's Climate Action Plan: Testimony before the Senate Committee on Environment and Public Works\*](#) by Kathleen Hartnett White (Jan. 16, 2014).

