

# 2019-20

# LEGISLATOR'S GUIDE to the Issues

## Climate Policy

### The Issue

Whether labeled global warming or climate change, the theory that manmade greenhouse gas (GHG) emissions will cause catastrophic warming is the justification for onerous climate policies that aim to limit or eliminate the use of fossil fuels: coal, natural gas, and oil. These policies have historically been institutionalized in Environmental Protection Agency (EPA) regulations 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 powers our cars and generates our electricity. CO<sub>2</sub> is also known as the “gas of life,” as it is vital 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. To the contrary, hundreds of research studies demonstrate that increased CO<sub>2</sub> concentrations and some warming 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.

Much of the concern about climate change is based on unverified predictions of how slight increases in global temperatures will impact the climate through a “feedback loop.” The predictions from these “scientific climate models” have been proven wrong time and again. Even the U.N.’s Intergovernmental Panel on Climate Change (IPCC), in its *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 theoretical weakness of current 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 climate regulations both because the state has the largest energy sector in the country and it leads the shale revolution, which has unlocked the mother lode of oil and natural gas found in hard shale rock.

Government limits and control of CO<sub>2</sub> have not been authorized in law by Congress. In fact, efforts at “cap and trade” legislation to limit CO<sub>2</sub> were specifically rejected by Congress. Instead,

under the Obama administration, the EPA attempted to regulate CO<sub>2</sub> and the electric grid through the Clean Power Plan. EPA’s rules to reduce greenhouse gas emissions, however, are futile. None of the rules would reduce CO<sub>2</sub> by an amount that would avert the warming predicted by the IPCC. The CPP would have redesigned the nation’s entire system of electric generation but reduced predicted warming by only 0.018 degree Celsius. Fortunately, the U.S. Supreme Court stayed EPA’s Clean Power Plan, and, under President Trump, EPA has proposed repealing the Clean Power Plan.

Yet, without EPA interference, the U.S. has reduced CO<sub>2</sub> emissions 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.

In late March 2017, President Trump issued Executive Order 13653: Promoting Energy Independence and Economic Growth. This executive order directed relevant federal agencies to suspend, rescind, or repeal climate-related regulatory actions to include Obama’s former Climate Action Plan, the Clean Power Plan, and the easily misused and so-called “Social Cost of Carbon.” These deregulatory actions are now pending within the agencies or federal courts. On June 1, 2017, the president announced that the U.S. would withdraw from the Paris Climate Accord.

### The Facts

- The use of fossil fuels has contributed to the longevity and quality of life for hundreds of millions of people. People live longer, have access to more affordable food and clean running water, more disposable income, and have good-paying jobs for themselves and their families because of our ability to use our abundant, reliable, and affordable domestic natural gas, oil, and coal.
- Eliminating fossil fuels without a fully comparable substitute risks energy scarcity that would increase poverty and stymie economic growth.
- 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.
- America has abundant, reliable, and affordable supplies of natural gas, oil, and coal. We should use these domestic resources to benefit ourselves and our allies.

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## Recommendations

- Urge federal policymakers to conduct an independent, rigorous review of the U.S. Global Change Research Program's "Climate Science Special Report" (conducted by an inter-agency program), as well as the most current *Assessment Report* of the U.N.'s IPCC.
- Suspend state programs that require or incentivize GHG reduction.
- Seek legislative repeal by Congress of EPA's Endangerment Finding.

## 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 Iain 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).

