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FRIDAY, JULY 1, 2005

# THE WEEKLY CLOSER

FROM THE SENATE ENVIRONMENT AND PUBLIC WORKS COMMITTEE  
MAJORITY PRESS OFFICE

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## QUOTE OF THE WEEK...

“But at the eleventh hour, the NRDC Action Fund went to work with Senator Bingaman (D-NM) and **drafted** a ‘Sense of the Senate’ resolution that calls on Congress to enact mandatory limits on global warming pollution by the end of next year. **Our resolution** quickly won the co-sponsorship of key members of both parties and passed the Senate... .” (Natural Resources Defense Council (NRDC) Action Fund E-mail, June 29, 2005 – emphasis added)

*Note:* Ironically, NRDC often alleges and criticizes special interests’ role in consulting on and drafting legislation.

## ***Inhofe And Voinovich Call For An End To Clear Skies Obstruction In The Senate***

Sen. James Inhofe (R-Okla.), Chairman of the Environment & Public Works Committee, and Senator George Voinovich (R-Ohio), Chairman of the Clean Air, Climate Change, and Nuclear Safety Subcommittee, issued the following statement Monday calling for an end to obstruction against Clear Skies legislation pending in the Senate:

“The overwhelming rejection of the McCain-Lieberman climate change legislation by 60 senators and the embrace of Senator Hagel’s economy-friendly approach by two-thirds of the Senate mean the end for mandatory caps on carbon dioxide as an option to appease climate alarmists and their special interest allies.

With that in mind, it is time to address a real concern – air pollution. The climate change votes last week should signal to Democrats that carbon caps are a non-starter, and that the Clear Skies legislation we have offered is the best approach for providing Americans with a 70 percent cut in air pollution from 1,300 power plants nationwide.

Twice in one week, Democrats and their New Source Review litigation strategy suffered major defeats – the latest at the hand of a Clinton-appointed judge. The NSR program was never intended to cut air pollution. Clear Skies is – with the largest pollution reductions of any Presidential clean air initiative in history.

Democrats should end their obstruction of Clear Skies and return to the table to help approve a workable solution. The House of Representatives has indicated its

willingness to proceed. This is hardly about providing President Bush an environmental victory, and it isn't about seeking political cover. It's about being able to go home to our constituents to tell them their air is about to become 70 percent healthier."

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## ***DELAYING CUTS IN MERCURY EMISSIONS?***

In a bit of irony, some of the same critics of President Bush's Clear Skies Initiative and legislation pending in Congress are seeking to roll back the first ever regulation of mercury emissions from coal-fired power plants. The Clean Air Mercury Rule will reduce mercury emissions 70 percent from those sources. Clear Skies legislation will be the first-ever law to regulate mercury emissions once approved by the Congress and signed by the President. The power sector will spend an estimated \$52 billion to install clean coal technology and new pollution controls at 1,300 power plants nationwide to meet the mandatory caps of Clear Skies, which will also reduce sulfur dioxide and nitrogen oxides by about 70 percent.

- "Nine states have filed suit against the Environmental Protection Agency over a mercury emissions rule they say is less protective of public health than current law. The lawsuit accuses the EPA of violating the Clean Air Act by exempting coal-fired power plants from the law's 'maximum available control technology' [MACT] requirement for cutting pollutants." (Natural Resources Defense Council press release, March 19, 2005)
- "The Environmental Protection Agency recently issued two new controversial mercury emissions rules. The first rule (the 'delisting' rule) revokes a 2000 EPA decision that it is 'necessary and appropriate' to require that each power plant apply technology to reduce mercury emissions. The other scheme gives utilities an extra 13 years before they would have to install any mercury-specific controls on power plants. Further, many plants will never have to install controls if they choose to simply buy their way out by purchasing allowances from other plants. The Leahy/Collins resolution deals only with EPA's 'delisting' rule." (Senator Leahy press release, June 29, 2005)

The Clinton Administration stopped short of issuing an actual regulation for mercury emissions. The December 2000 finding by the Clinton Administration was issued in haste and intended to be nothing more than a political time bomb for the incoming Administration.

Consider the Clinton EPA's delay in releasing the original mercury study mandated by Congress in the 1990s. In October 1997, Senator Susan Collins (R-Maine) called on the Clinton EPA "to stop delaying submission of a major mercury study to Congress, and give it to lawmakers now. The EPA has studied mercury pollution since the early 1990s and completed a report in 1994 that would lay the groundwork for tighter pollution controls and other regulations that could begin to ease the problem." (Alan Clendenning, "EPA Is Urged To Release Mercury Study," Portland Press Herald, October 10, 1997)

## **Eleventh Hour Clinton Era Finding Not “A Final Agency Action”**

Statements from Clear Skies opponents, liberal special interests and a handful of governors involved in the litigation wrongly believe that the rule and its market-based approach violate current law by exempting coal plants from MACT requirements. Not long after the Clinton EPA issued its eleventh hour finding that regulation of mercury emissions under a MACT was “appropriate” as prescribed under Section 112 of the Clean Air Act (CAA), an industry group challenged the finding. EPA “moved to dismiss the lawsuit on the basis of section 112(e)(4), which provides, in pertinent part, that ‘no action of the Administrator . . . listing a source category or subcategory under subsection (c) of this section shall be a final agency action subject to judicial review, except that any such action may be reviewed under . . . section 7607 of this title when the Administrator issues emission standards for such pollutant or category.’” According to the EPA, “[t]he D.C. Circuit dismissed the challenge to the December 2000 finding for lack of jurisdiction based on section 112(e)(4) of the CAA. The December 2000 finding and associated listing are therefore not final agency actions.”

## **Clinton Finding “Lacked Foundation”**

EPA revised the last minute 2000 finding because it now “believe[s] that the December 2000 finding lacked foundation and because recent information demonstrates that it is not appropriate or necessary to regulate coal- and oil-fired Utility Units under section 112. . . . EPA should not have made its appropriate finding because of ‘hazards to . . . the environment’ resulting from Hg emissions from coal-fired Utility Units. Section 112(n)(1)(A) requires EPA to analyze only the “hazards to public health” resulting from utility HAP emissions, not the environmental effects caused by such emissions. Under section 112(n)(1)(A), the condition precedent for regulation under section 112 is public health hazards, not environmental effects, which Congress included in other provisions of section 112.”

EPA also maintains “[t]he December 2000 “appropriate” finding lacks foundation because EPA failed to fully account for the Hg emissions remaining after ‘imposition of the requirements of th[e] Act.’ That failure resulted in an overestimate of the remaining utility Hg emissions, which is the level of emissions that we considered in making our December 2000 appropriate finding. Had we properly considered the Hg reductions remaining “after imposition of the requirements of th[e] Act” in December 2000, we might well have (and . . . now believe should have) reached a different conclusion as to whether it was ‘appropriate’ to regulate coal-fired units on the basis of Hg emissions.

(Source: Revision of December 2000 Regulatory Finding on the Emissions of Hazardous Air Pollutants from Electric Utility Steam Generating Units and the Removal of Coal- and Oil-fired Electric Utility Steam Generating Units from the Section 112(c) List, Environmental Protection Agency, OAR-2002-0056)

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## ***Senate Approves Inhofe Natural Habitat Conservation Legislation***

## **Senate Passes Inhofe's Partners for Fish and Wildlife Act**

Senator James M. Inhofe (R-Okla), Chairman of the Senate Environment and Public Works Committee, celebrated as his Partners for Fish and Wildlife Act (S. 260) gained unanimous Senate approval Monday night. The Partners for Fish and Wildlife Program is the primary program within the U.S. Fish and Wildlife Service delivering habitat improvement projects on private land through voluntary agreements with private landowners. Inhofe's bill authorizes the program for the next five years (2006-2011) providing \$75 million each year for increased funding for this proven habitat conservation program.

"The 'Partners' program has proven results in Oklahoma habitat conservation and today we have added stability to this effective program's future," Inhofe said. "The Partners for Fish and Wildlife program is a responsible and true partnership between land owners and the government as projects in the program are financed primarily by the landowner, not the federal government.

"These on-the-ground initiatives are the programs that actually succeed in protecting and recovering species, as opposed to the endless and expensive litigation that has become the hallmark of the Endangered Species Act. All conservation programs should create positive incentives to protect species and, above all, should hold the rights of private landowners sacred. We have taken a positive step toward those aims with the Senate's approval of the Partners for Fish and Wildlife Program."

Since 1987, through 35,039 agreements with private landowners, the Partners Program has accomplished the restoration of 722,500 acres of wetlands, 1,573,700 acres of prairie and native grasslands, and nearly 5,900 miles of riparian and in-stream habitat to date. In Oklahoma alone, the Partners Program has accomplished the restoration and conservation 24,285 acres of habitat through 700 individual voluntary agreements with private landowners.

The Partners Program has been a successful voluntary partnership program that helps private landowners restore hundreds of thousands of acres of wetlands, prairie and native grasslands, riparian, and in-stream habitat throughout the country. This program has been particularly successful in Oklahoma. The program enjoys broad support in Oklahoma and throughout the country and represents a model conservation program.

Senator Inhofe's bill will now go to the House for consideration where Congressman John Sullivan (R-Tulsa) has introduced companion legislation, HR 2018.

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## ***Senate Overwhelmingly Approves Comprehensive Energy Legislation***

U.S. Senator James M. Inhofe (R-Okla.), Chairman of the Senate Environment and Public Works Committee, voted Tuesday to approve the Senate's version of a comprehensive energy plan for the nation. The Energy Policy Act of 2005 (H.R. 6) passed the Senate this morning by an 85-12 vote.

“This package puts us one step closer to the implementation of a comprehensive national energy plan that will boost energy reliability and improve the nation’s energy security,” Senate Inhofe said. “We’ve been trying to get an energy bill since the Reagan administration. This is a small beginning, but one we can build on. The ultimate goal of energy self-sufficiency will not be achieved with this bill, but it is a start.”

### **Highlights of H.R. 6, The Energy Policy Act of 2005:**

#### **Expensing for New Refinery Construction**

- The provision included by the Senate Finance Committee at Senator Inhofe’s request permits a refinery to expense the costs of the infrastructure if it expands by five percent capacity or to expense 100 percent if a new refinery is built. Construction must occur by January 2008 and the facilities must be placed into service before January 2012.

#### **Economy-friendly Approach to Reducing Greenhouse Gas Emissions**

An amendment offered by Senator Chuck Hagel (R-Neb.) approved by two-thirds of the Senate, coupled with the rejection of an amendment offered by Senators John McCain (R-Ariz.) and Joe Lieberman (D-Conn.) by 60 Senators, affirms the Senate’s position against imposing mandatory caps on carbon dioxide emissions. Senator Hagel’s approach, which embraces the Bush Administration’s policy toward climate change, would not result in the adverse economic impacts that have been associated with the McCain-Lieberman legislation.

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## ***INHOFE INTRODUCES THE JUNIOR DUCK STAMP REAUTHORIZATION ACT OF 2005***

United States Senator Jim Inhofe (R-Okla.), Chairman of the Environment & Public Works Committee, yesterday introduced The Junior Duck Stamp Reauthorization Act of 2005 to reauthorize the Federal Junior Duck Stamp Conservation and Design Program.

“The Junior Duck Stamp Program is designed to teach our children and grandchildren about bird migration and habitat ecology,” Senator Inhofe said. “The art contest that children compete in every year not only inspires creativity, it also fosters an interest in nature and conservation, critical to instilling lifelong values of personal environmental awareness and stewardship. I’m pleased to introduce the program’s reauthorizing legislation on the first day of sale for the 2005-2006 Junior Duck Stamp.”

In 2004, Junior Duck Stamp sales raised over \$172,000 for awards, environmental education activities throughout the United States, and Junior Duck Stamp promotional materials. The program is administered by state and regional

coordinators from the U.S. Fish & Wildlife Service, state resource agencies, and nonprofit conservation organizations. All contest participants receive a certificate of appreciation, and 100 students in each state, the District of Columbia and U.S. territories are awarded prizes in state-level competitions. An estimated 27,000 students submitted art for the contest in 2005.

Senate Inhofe also introduced legislation to extend authority under current law to direct interest accrued from the Pittman-Robertson Federal-Aid in Wildlife Restoration fund to be spent on projects under the North American Wetlands Conservation Act (NAWCA). Interest earned under this account has been eligible for these types of projects since NAWCA was enacted in 1989. However, if not reauthorized, this authority would expire on September 30, 2005.

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## ***IN THE NEWS...***

### **They Were Wrong**

#### ***The Washington Post and Senator Harry Reid's (D-Nev.) Press Office:***

“Jim Manley, spokesman for Senate Democratic leader Harry Reid yesterday provided a compilation that included, among other things, a statement from Sen. James Inhofe (R-Okla.) last year in which he said the Kyoto Protocol ‘would deal a powerful blow on the whole [of] humanity similar to the one humanity experienced when Nazism and Communism flourished.’” (Mark Leibovich, “The Comparison That Ends the Conversation; Senator Is Latest to Regret Nazi Analogy,” *The Washington Post*, June 22, 2005)

- **Correction:**

“A June 22 *Style* article attributed to Sen. James Inhofe (R-Okla.) a statement that the Kyoto Protocol on greenhouse gases ‘would deal a powerful blow on the whole [of] humanity similar to the one humanity experienced when Nazism and Communism flourished.’ It should have noted that Inhofe was quoting a remark by Andrei Illarionov, former economic adviser to Russian President Vladimir Putin.” (*The Washington Post*, June 29, 2005)

#### ***The Chicago Tribune:***

“And last October, Sen. James Inhofe (R-Okla.) said the Kyoto Protocol on global warming ‘would deal a powerful blow on the whole humanity similar to the one humanity experienced when Nazism and communism flourished.’” (Editorial, “When harsh words backfire,” *The Chicago Tribune*, June 23, 2005)

- **Correction:**

“A June 23 editorial and June 26 *Perspective* article mistakenly attributed to Sen. James Inhofe (R-Okla.) the opinion that the Kyoto Protocol on global warming ‘would deal a powerful blow on the whole humanity similar to the

one humanity experienced when Nazism and communism flourished.' Inhofe was quoting a statement by Andrei Illarionov, a former economic adviser to Russian President Vladimir Putin." (*The Chicago Tribune*, June 30, 2005)

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## ***IN CASE YOU MISSED IT...***

### **The Washington Post**

#### **Greenhouse Hypocrisy**

By Robert J. Samuelson

Wednesday, June 29, 2005; Page A21

Almost a decade ago I suggested that global warming would become a "gushing" source of political hypocrisy. So it has. Politicians and scientists constantly warn of the grim outlook, and the subject is on the agenda of the upcoming Group of Eight summit of world economic leaders. But all this sound and fury is mainly exhibitionism -- politicians pretending they're saving the planet. The truth is that, barring major technological advances, they can't (and won't) do much about global warming. It would be nice if they admitted that, though this seems unlikely.

Europe is the citadel of hypocrisy. Considering Europeans' contempt for the United States and George Bush for not embracing the Kyoto Protocol, you'd expect that they would have made major reductions in greenhouse gas emissions -- the purpose of Kyoto. Well, not exactly. From 1990 (Kyoto's base year for measuring changes) to 2002, global emissions of carbon dioxide (CO<sub>2</sub>), the main greenhouse gas, increased 16.4 percent, reports the International Energy Agency. The U.S. increase was 16.7 percent, and most of Europe hasn't done much better.

Here are some IEA estimates of the increases: France, 6.9 percent; Italy, 8.3 percent; Greece, 28.2 percent; Ireland, 40.3 percent; the Netherlands, 13.2 percent; Portugal, 59 percent; Spain, 46.9 percent. It's true that Germany (down 13.3 percent) and Britain (a 5.5 percent decline) have made big reductions. But their cuts had nothing to do with Kyoto. After reunification in 1990, Germany closed many inefficient coal-fired plants in eastern Germany; that was a huge one-time saving. In Britain, the government had earlier decided to shift electric utilities from coal (high CO<sub>2</sub> emissions) to plentiful natural gas (lower CO<sub>2</sub> emissions).

On their present courses, many European countries will miss their Kyoto targets for 2008-2012. To reduce emissions significantly, Europeans would have to suppress driving and electricity use; that would depress economic growth and fan popular discontent. It won't happen. Political leaders everywhere deplore global warming -- and then do little. Except for Eastern European nations, where dirty factories have been shuttered, few countries have cut emissions. Since 1990 Canada's emissions are up 23.6 percent; Japan's, 18.9 percent. ...

What we have now is a respectable charade. Politicians and advocates make speeches, convene conferences and formulate plans. They pose as warriors against global warming. The media participate in the resulting deception by treating their gestures seriously. One danger is that some of these measures will harm the economy without producing significant environmental benefits. Policies motivated by political gain will inflict public pain. Why should anyone applaud?

Click [here](#) for the full text of the op-ed.

## **Canadian Scientists Dismiss Threat of Climate Change**

By Alexa Moutevelis

CNSNews.com Correspondent

June 27, 2005

(CNSNews.com) - Some Canadian scientists have rejected the so-called "global warming" threat, insisting that climate change is normal and isn't even caused by humans.

A new video, produced by the Calgary, Alberta-based group, Friends of Science, is titled, "Climate Catastrophe Cancelled: What you are NOT being told about the science of Climate Change!"

In the video, Prof. Ross McKittrick from the University of Guelph in Ontario claims that advocates of the "global warming" theory used flawed computer models to try to prove their case. He describes a study "that appeared in the world's top science journal and yet years went by and they never noticed that the data description that had accompanied the paper was wrong, that there were very important methodological issues that weren't described in the paper."

Climate models, if used accurately, would show that the temperatures from hundreds of years ago were similar to the temperatures of today, adds Dr. Sallie Baliunas, a scientific advisory board member for the Friends of Science.

"Past climate researchers have found out that over much of the world between about 1400 and in some places as late as 1900, there was a period of colder than average temperatures over many regions of the world, called the Little Ice Age," Baliunas asserts in the video.

"Before that, there was a period of unusual warmth, so warming and cooling are the norm. The 20th century is not out of balance compared to the past," she adds.

Baliunas, who is also a research scientist at the Harvard-Smithsonian Centre for Astrophysics in Cambridge, Mass., maintains in the video that she has no quarrel with the idea of climate change. "Climate always changes," Baliunas says in the video. "It always has and it always will, no matter what humans are doing. ...

As for man-made carbon dioxide, enemy number one of "global warming" activists

and the focus of the Kyoto Protocol - the international emissions reduction treaty -- it has not been shown to affect temperature levels, according to Dr. Tim Patterson, professor of geology and paleoclimatology at Carleton University in Ottawa, Ontario.

“We actually had a decline in temperature from the 1940s through about the late 1970s to 1980. All this while, CO2 levels were increasing like crazy all around the world,” he said.

Prof. Ian Clark, from the department of earth sciences at the University of Ottawa, asserts in the Friends of Science video that his research into naturally-occurring CO2, tracked over the earth’s history, showed that “CO2 acts as a result of temperature rise and [is] not a cause of temperature rise.”

Baliunas defends carbon dioxide in the video, saying that as the level “has increased in the air over the last 50 years, plants have grown better, more vigorously, faster. Farmers have gotten a little extra bounty in their crops for free because there is more carbon dioxide in the air,” she adds. ... .

Click [here](#) for the full text of the story.

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Bill Holbrook, Communications Director  
Matt Dempsey, Deputy Press Secretary