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WEDNESDAY, DEC. 21, 2005

# THE YEARLY CLOSER

**SELECTIONS FROM THE WEEKLY CLOSERS**

SENATE ENVIRONMENT AND PUBLIC WORKS COMMITTEE MAJORITY PRESS OFFICE

2005 ISSUE

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## QUOTES OF THE YEAR...

"Global-warming opportunists and their media allies could not even wait for authorities to clear the bloated corpses from the water. They are no better than the loudmouths who seized upon the Asian tsunami in December."

*"Exploiting Katrina"*  
*The Washington Times*  
September 11, 2005

"One problem right now, which I know you're acutely aware of, is our lack of refinery capacity – to try to do something to bring down high gasoline prices. And part of the reason we don't have more refineries is our environmental regulations have been so burdensome, so difficult that companies have simply abandoned hope of doing much to put in place new facilities."

Dr. Margo Thorning  
Senior Vice President and Chief Economist  
American Council for Capital Formation  
Kyoto Protocol: Assessing the Status of Efforts to Reduce Greenhouse Gases  
October 5, 2005

"If animal-rights nuts can get away with this brand of personal intimidation, extremists of all ideologies will take note. What began in the rat-hugging left will grow on the extreme right and the extreme left."

Debra J. Saunders  
*"Kill the researcher"*  
*The San Francisco Chronicle*  
October 27, 2005

"Clinton also failed to note that so great was his faith in the need for Kyoto that he never submitted the treaty for ratification after signing it in 1998. He knew then what he won't acknowledge now: that Kyoto couldn't be ratified because it was all pain and no gain."

*"Kyoto's Bill"*  
Investor's Business Daily  
December 13, 2005

## **INHOFE PRAISES AGREEMENT REACHED IN HIGHWAY BILL CONFERENCE**

*SAFETEA-LU Significantly Improves the Nation's Transportation*

- [Inhofe And Voinovich Call For An End To Clear Skies Obstruction In The Senate](#)
- [Senate Rejects Mercury Regulation Rollback, Affirms Support For Market-Based Approach](#)
- [Delaying Cuts In Mercury Emissions?](#)
- [Inhofe Cautions Stock Exchange Not To Capitulate To Eco-Terror Threats](#)
- [Inhofe Introduces Animal Enterprise Terrorism Act](#)
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- [Gas PRICE Act Introduced](#)
- [Inhofe, EPW Committee Majority Reject Minority's Push To Socialize Gas Production](#)
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- [Inhofe Briefs Majority Leader And Committee Chairmen On Katrina Response](#)
- [Statement By Chairman James M. Inhofe At The Stakeholder Meeting On Coastal Louisiana](#)
- [Bi-Partisan Legislation Introduced To Facilitate Katrina Relief](#)
- [Inhofe Introduces Legislation Ensuring Regulatory Certainty To Facilitate Katrina Clean-Up](#)

## *Infrastructure, Creates Jobs, Ensures Safety and Protects the Environment*

Senator Inhofe praised the agreement reached by Senate and House conferees July 27<sup>th</sup> on the Safe, Accountable, Flexible, and Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU).

“As much as this is legislation that will significantly boost and enhance our nation’s transportation system, it is also a jobs bill that will create employment opportunities for millions of Americans,” Senator Inhofe said. “According to the Department of Transportation, every \$1 billion of federal money invested in highway improvements creates more than 47,500 jobs. That \$1 billion also yields \$500 million in new orders for the manufacturing sector and \$500 million spread throughout other sectors of the economy. A safe and effective transportation infrastructure will only help grow our economy, and I’m delighted we’re on the verge of delivering this important victory to Oklahomans and all Americans.

“This bill is historic for Oklahoma. I am extremely proud of the increase in funding the state will receive from this legislation. Under the formulas, our bill includes about 32 percent more funding over the previous highway authorization bill. As I’ve often said, one of my top priorities as Chairman of the EPW Committee has been to increase the rate of return for donor states such as Oklahoma. This highway bill increases Oklahoma’s formula rate of return to 92 cents per dollar in 2008.”

The House of Representatives passed the SAFETEA-LU conference report 412-8, and the Senate approved the legislation 91-4. The Senate version of the bill passed by an 89 to 11 vote in May. Senator Inhofe managed its consideration on the Senate floor.

The bill will now go to the President’s desk for his signature.

## **The Safe, Accountable, Flexible, and Efficient Transportation Equity Act – A Legacy for Users:**

- Provides \$244 billion in guaranteed spending over the 2005-2009 period (\$286.4 billion including 2004) for maintenance, and improvement of the nation’s roads, bridges, mass transit, and safety which creates millions of job opportunities across the country.
- Includes nearly \$90 billion more funding over TEA-21 levels (current law).
- Provides a rate of return phased in to 92 percent by 2008 for donor states.
- Dedicates 2007 revenue-aligned budget authority (RABA) to increasing donor states’ rates of return up to 92 percent from 91.5 percent.
- Treats all states fairly, guaranteeing a minimum of a 19 percent growth rate over TEA-21 levels.

➤ [\*\*Inhofe Applauds House Approval Of Endangered Species Legislation\*\*](#)

➤ [\*\*Increasingly Irrelevant: The Decline Of Old Environmentalism Is In The Numbers\*\*](#)

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

➤ [\*\*Clean Air: Only Some Of The News That's Fit To Print?\*\*](#)

➤ [\*\*La. DEQ backs Inhofe hurricane bill, as enviros raise questions\*\*](#)

➤ [\*\*Big Board Caves In\*\*](#)

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

➤ [\*\*Terror Road Show \(Christopher Byron, New York Post, October 31, 2005\)\*\*](#)

➤ [\*\*NYSE feels the bite of animal rights extremists \(Debra J. Saunders, San Francisco Chronicle Podcast\)\*\*](#)

➤ [\*\*Category 5 hot air \(Walter E. Williams, The Washington Times, October 5, 2005\)\*\*](#)

➤ [\*\*Few benefits to Climate Act \(letter to the editor, The Miami Herald, June 23, 2005\)\*\*](#)

➤ [\*\*Greenhouse Hypocrisy \(Robert J. Samuelson, The Washington Post, June 29, 2005\)\*\*](#)

➤ [\*\*Bush's unheralded energy triumph \(Robert D. Novak, July 14, 2005\)\*\*](#)

➤ [\*\*Discover Dialogue:\*\*](#)

- Provides more than a 39 percent average annual increase over TEA-21 levels for Indian reservation roads and bridges, including new funding categories and increased flexibility, for which Oklahoma tribes are among the largest recipients.

- Consolidates existing safety programs into a new core Highway Safety Improvement Program (HSIP) to provide increased funding and greater flexibility to states. The HSIP is designed to meet the growing safety needs and fatality and injury rates in each state through a strategic highway safety plan.

- Improves the Environmental Review Process for transportation projects.

- Authorizes the EPA's Clean School Bus Program.

- Increases the effectiveness of the Congestion Mitigation and Air Quality (CMAQ) improvement program.

- Provides funding for a variety of important projects in Oklahoma, including:

- \$220 million for improvements to Interstates 40 and 44;

- \$50 million to improve bridges in the State; and

- \$35 million to widen and make improvements to the Ports-to-Plains Corridor.

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## ***INHOFE APPLAUDS PASSAGE OF ENERGY BILL CONFERENCE REPORT BY THE SENATE***

### *Notes Inclusion of Key Requested Provisions*

On July 29<sup>th</sup>, Senator Inhofe applauded the Senate's passage of the conference report for H.R. 6, the Energy Policy Act of 2005. The Senate approved the legislation, which will soon be presented to the President for his signature, 74-26.

“Our nation has been in need of a comprehensive national energy policy since the Reagan era,” Senator Inhofe said. “The Energy Bill, while not perfect, is an important step forward in fulfilling that need. Specifically, we need to enhance our energy reliability and improve the nation's energy security. This bill will help accomplish that.

“I am very pleased that the bill's conferees saw fit to include a number of provisions I had requested. With these additions, we'll be able to expand refinery capacity, expand the use of nuclear energy and strengthen security at nuclear facilities, and improve permitting processes so we can explore our

**Meteorologist William Gray (Kathy A. Svitil, Discover, September 2005)**

- **Requiem for Kyoto: The vast majority of countries are unwilling to join the Kyoto approach of binding carbon targets with tradable emissions (Hans H.J. Labohm, National Post's Financial Post [Canada], November 3, 2005)**
- **Kyoto's Bill (Investor's Business Daily, December 13, 2005)**
- **Defining Prosperity Down (Jack Kemp, The New York Sun, December 14, 2005)**

domestic resources in an environmentally-conscious manner. These provisions will benefit Oklahoma and the nation as a whole.”

Key provisions requested by Senator Inhofe include:

- Tax incentives for the expansion of refinery capacity and to encourage new facility construction;
- Improvement of the environmental permitting process on federal lands;
- Clarification of Congressional intent with regard to uncontaminated stormwater runoff from oil and natural gas sites;
- Clarification of the Federal Energy Regulatory Commission’s exclusive jurisdiction to site LNG infrastructure and improvements in the permitting process under the National Environmental Policy Act;
- LUST program reforms to ensure proper inspection of tanks and operator training to prevent tanks from leaking and contaminating groundwater; and
- Language from three bills recently passed by the EPW Committee that will strengthen nuclear security and safety, and help expand the use of nuclear power.

The Environment and Public Works Committee has held a series of hearings that focused on the use of domestic natural resources and energy production. In May 2005, the committee held an **oversight hearing** to review the permitting of energy projects. Last year, the committee reviewed **environmental regulations in oil refining** and the **environmental impacts of U.S. natural gas production**.

In June, Senator Inhofe also released a new report, **Energy and the Environment: The Future of Natural Gas in America**, which demonstrates that environmental policies are driving demand for natural gas while, at the same time, other policies are restricting supply, thus resulting in high prices.

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## ***INHOFE APPLAUDS SENATE’S SOUND REJECTION OF MANDATORY CAPS ON CARBON DIOXIDE EMISSIONS***

On June 22<sup>nd</sup>, Sen. Inhofe applauded the Senate’s 38-60 rejection of the McCain-Lieberman climate change amendment to the energy bill.

“The Senate’s sound rejection of mandatory carbon caps is a victory for American families and businesses large and small. With the addition of five votes against the measure beyond the previous 43-55 vote in 2003, the momentum is clearly moving against mandatory caps. The defeat of the McCain-Lieberman amendment today also puts the country one step closer to

a badly needed national energy policy that will improve our energy security and boost energy reliability.

Most recognize that the science simply does not support the need for mandatory carbon caps. A rush to judgment in favor of caps would have cost our country more than one million jobs and hundreds of billions of dollars in reduced GDP.

As the G8 Summit approaches, our delegation would be wise to remember that Prime Minister Tony Blair himself does not ‘believe the way to tackle global warming is by introducing policies that will undermine our prosperity or economic growth.’”

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## ***INHOFE DISMISSES CLAIM ABOUT CO2 CONTROL COSTS***

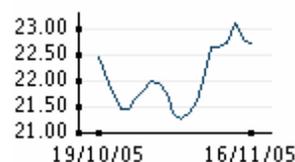
### ***\$1 Assumption is Unrealistic, Current Trading Prices Demonstrate the Realities***

Sen. James Inhofe (R-Okla.), Chairman of the Environment & Public Works Committee, dismissed a claim made by the ranking member of the Clean Air, Climate Change and Nuclear Safety Subcommittee on the Senate floor with regard to multi-emissions legislation pending in Congress.

“I understand my friend from Delaware still holds to the belief that carbon dioxide emissions can be controlled for \$1 a ton,” Senator Inhofe said. “When the EPA recently released its new modeling data on clean air legislation, I noted that the modeling made unrealistic assumptions about the future costs of natural gas. My colleague’s assumptions for the costs of controlling CO2 emissions are also unrealistic as yesterday, the trading price for CO2 in Europe closed at €22.70 (Euros) per ton, which at the current rate of exchange is about \$26.62. That is over 26 times more than the estimate the junior Senator from Delaware touted today in favor of capping CO2 emissions with his legislation. In fact, EPA analysis shows that utilities would not reduce even a single ton of CO2 emissions under his bill.

“If Congress is serious about further improving air quality in this country, we simply must set aside the debate over controlling CO2 emissions and start talking again about cutting real pollution from power plants – mercury, sulfur dioxide and nitrogen oxides. Our Clear Skies legislation will accomplish that.”

#### **EU Price Over the Last 30 Days**



(source: PointCarbon.com)

## “COMEDY OF ERRORS”

According to Laurie David, who has been called a “Hollywood eco-crusader,” when it comes to environmental issues it’s not the size of your house that matters, it’s the size of your big green heart. As part of an awareness campaign, David recently worked with TBS to produce a global warning comedy show, “Earth to America,” highlighting the Hollywood Elites’ cooperative efforts with liberal special interest lawyers.

Now, numerous uncertainties remain regarding the science of climate change – as acknowledged by the National Academy of Sciences. The United States Senate, in a unanimous, bipartisan fashion, rejected the approach of the Kyoto Protocol nearly a decade ago because of the lack of credible science and the severe economic consequences of its provisions. Amazingly, the Hollywood Elites and their liberal lawyer friends, by way of the new “Earth to America” comedy show, continue to lobby the American public to support the costly Kyoto approach. Yet despite being a true believer in global warming herself, Laurie David, like so many others in their crusade, refuse to make the sacrifices in their own personal lives:

- “Sure, I have a big house, but I use it to gather hundreds of people for eco-salons. That’s not to justify the size of it, but it does create opportunities to spread knowledge and raise money for the greater environmental good. Sure, I could always cut down on clothes and dry-cleaning, but the point is not necessarily what more you could do - - we could all do more -- the point is that we do our part. And even with the house and clothes, I think I can do, and am doing, my part.”
- “My philosophy about this stuff is, it’s not all or nothing. A lot of people have that attitude: So you drive a fuel-efficient car, what about your giant house? What about this, what about that? I just got asked that on *Paula Zahn* and I was like, I’m not looking for perfection in any of this. We’re an imperfect people. But I really feel strongly that if everyone did one thing, we would be well on our way to a better planet. And I try to do more than one thing in my personal life.”

Well, Earth to *Hollywood* – those living with large houses and hybrid cars **would not be the ones facing the harsh economic realities** of the efforts to cap carbon dioxide emissions as required by Kyoto and other similar approaches. Wharton Econometrics Forecasting Associates estimates that the costs of implementing Kyoto would cost an American family of four \$2,700 annually. The reality is however, that events like this serve really only one purpose: to raise big money for special interest groups – the big business of Old Environmentalism. *USA Today* reported that, “Smaller previous versions of the event, which weren’t televised, raised funds for the NRDC.” It would seem therefore, that Laurie David, a trustee of the NRDC, is just doing her small part to help liberal special interests.

*Eco-salons?*

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## ***INHOFE APPLAUDS U.K.'S CONTINUING SHIFT AWAY FROM KYOTO PROTOCOL***

On November 2<sup>nd</sup>, Senator Inhofe recognized British Prime Minister Tony Blair's continuing shift away from the Kyoto Protocol and mandatory caps on carbon dioxide emissions toward an approach based on advancing the science and developing new technology, similar to that of the Bush Administration's policy.

“Prime Minister Blair continues to make clear that the British government will no longer support a climate change policy that will hinder its opportunities for economic growth and its competitiveness in the global markets,” Senator Inhofe said. “After all, according to Kyoto proponents in the EU such as Commissioner Margot Wallstrom, the Kyoto Protocol was never about the environment, but instead was intended to level the global economic playing field.”

“Under Kyoto, and other similar proposals, we'd only be sacrificing our economy for an objective that hasn't even been scientifically and definitively proven necessary.”

“Climate alarmists in our own country, the likes of self-proclaimed ‘experts’ Barbra Streisand and Robert F. Kennedy, Jr., should take a lesson from Mr. Blair's willingness to understand and accept the flaws of the Kyoto Protocol and mandatory caps on CO<sub>2</sub>. We saw the beginnings of the shift in policy at the G-8 summit earlier this year, and we certainly saw more of it in Mr. Blair's most recent remarks yesterday when he said, ‘the blunt truth about the politics of climate change is that no country will want to sacrifice its economy in order to meet this challenge.’”

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## ***THE FAILURE OF THE KYOTO PROTOCOL***

### **Statement of Senator James M. Inhofe**

#### **Kyoto Protocol: Assessing the Status of Efforts to Reduce Greenhouse Gases**

**October 5, 2005**

#### **Webcast**

(Excerpt)

Shortly after the Kyoto Protocol came into force on February 16th, the President stated that “the Kyoto debate is beyond us, as far as I'm concerned.” Nevertheless, some policymakers continue to clamor for the United States to join in Kyoto or in creating a follow-on to Kyoto. Perhaps more importantly,

the Kyoto framework forms the basis of several legislative proposals to mandate unilateral cuts in carbon dioxide emissions in the United States. If our nation were to follow Europe down the path it has chosen, we should understand whether their efforts are working or not. And they are not.

Let me be clear at the outset. I believe the countries that have ratified the Kyoto Protocol are wasting their economic resources because the science does not justify it – anthropogenic climate change is the world’s greatest hoax. Even if humans were causing global warming – and we are not – but even if we were, Kyoto would do nothing to avert it. At most, Kyoto is projected to reduce temperature growth by 0.07 degrees Celsius by 2050, which is negligible – and again, that’s assuming anthropogenic global warming is happening. And also that parties were meeting their targets. But they will not meet their targets.

I will not mince words – the Kyoto Protocol is a failure. And the basic approach it embodies is a failure. The European Union was the primary champion of the Protocol as the best approach to deal with global warming. Yet all but two of the original 15 European Union countries, as well as Canada and Japan, will fail to meet their emission reduction targets. In fact, some countries are increasing emissions by more than 40 or 50 percent, as these charts show.

Canada, for instance, has a Kyoto target of 6 percent below 1990 levels. But as of 2003, it was already 24 percent above 1990 levels and is projected to be up at least 45 percent in 2010. Meanwhile, New Zealand, which had thought it would have surplus credits of 54 million tons instead will have a credit deficit of 36 tons, leading the National Party to call for an immediate formal review of the country’s participation in Kyoto.

Serious questions are being raised not only by critics, but by government agencies that support the Kyoto Protocol. As the European Environment Agency stated in a release in June:

Modest total greenhouse gas emission reductions since 1990 were the result of a combination of one-off structural changes and specific policies and measures. Since 2000, CO<sub>2</sub> emissions in the [original 15 EU countries] have been rising. On present policies, this rise will continue after 2010 with a projected overall 14% rise above 1990 levels by 2030.

Some have dismissed these problems by suggesting that these countries would be able to meet their targets by adopting aggressive additional measures. But that ignores economic realities. Europeans are complaining about the high cost of gasoline. Businesses are complaining as well. For instance, on June 28th, the International Federation of Industrial Energy Consumers wrote that the EU emissions trading scheme has caused systemic problems with serious negative consequences to the economy and markets. It hinders competition, but does not provide clear incentives to reduce carbon dioxide.

These problems have not gone unnoticed at the political level. On September 15th, in speaking of the Kyoto Protocol and efforts to reduce emissions, Prime Minister Tony Blair stated that – and I quote – “we have got to start from the

brutal honesty about the politics of how we deal with it. The truth is no country is going to cut its growth or consumption substantially in light of a long-term environmental problem.”

This and other comments he made that day have caused quite a bit of hand-wringing in the environmental community and some have tried to say his comments were out of context, but they were not. I have his full comments here and am entering his full comments into the record.

Prime Minister Blair had it right. Countries will not sacrifice their economies, and now when reality is setting in, they are demonstrating that fact. Clearly, Kyoto’s approach to capping the economy by capping carbon is not working.

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## ***INHOFE STATEMENT ON CLINTON SPEECH IN MONTREAL***

Senator Inhofe issued the following statement in the wake of remarks made by former President Bill Clinton’s in Montreal during the United Nations Conference on Climate Change:

“It is astonishing to me that former President Clinton, the same President Clinton who refused to submit the Kyoto Treaty to the United States Senate for ratification, today attacked President Bush for his approach to climate change. Even more astonishing is that the former President defended the ‘Kyoto approach,’ now recognized by the international community as a failure. Instead of being trapped in the failed Kyoto politics of the past, I continue to support President Bush’s approach of continued scientific research and commitment to developing new technologies.”

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## ***STATEMENT REGARDING U.S. DISTRICT COURT DECISION ON GREENHOUSE GAS NUISANCE CASE***

Bill Holbrook, communications director for the Senate Environment & Public Works Committee, issued the following statement with regard to the September 16<sup>th</sup> decision by Judge Loretta Preska of the U.S. District Court for the Southern District of New York to dismiss a lawsuit brought by several states and special interest groups, led by New York Attorney General Eliot Spitzer (D), that sought to force several utilities to curb greenhouse emissions:

“It’s refreshing to know that the U.S. District Court for Southern New York believes that Eliot Spitzer’s climate change nuisance case was just that, a nuisance to the court. Judge Preska says the issue is in the domain of Congress and the Administration, and we certainly agree with that precedent.”

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## SCIENCE AND STANDARDS

*Dr. David Legates: "Scientists Must Demand That Results and Conclusions Stand Up To Independent Verification."*

On Tuesday, Canada's *National Post* printed an op-ed by Dr. David R. Legates titled **"Where's the data?: Holding science to prospectus standards would stop climate researchers from launching misrepresentations like the 'Hockey Stick'"**. Legates discussed the need for improved standards for science, pointing specifically to the June 2005 query by the U.S. House Energy and Commerce Committee. The Committee is looking at how a number of climate studies receiving federal funding have been reviewed – or not properly reviewed as the case may be.

Legates firmly believes that such a query is warranted, stating, "Although critics contend the issue is about scientific freedom, the questions actually pertain to disclosure, due diligence and the need for access to publicly funded scientific data when public policy is at stake. In reality, the investigation is not only entirely proper, but long overdue."

Legates pointed to the example of the Mann "Hockey Stick" graph that purports to show a tie between anthropogenic emissions and global warming:

- "The Hockey Stick stands in stark contrast to a long-held view, amply supported by work of other researchers, that the last 1,000 years were characterized by a warm beginning (the Medieval Warm Period), a rapid cooling around A.D. 1500 (the Little Ice Age), and a latter-day recovery from this cooler period. The Hockey Stick became entwined with energy policy when the [Intergovernmental Panel on Climate Change] replaced this traditional view and featured the Hockey Stick prominently in its 2001 assessment of climate science -- in a section written by Mann himself. It surprises many to learn that the IPCC assessment often is written by scientists who dominate the debate about specific issues."
- "Clearly such scientists have axes to grind and, in Mann's case, he used the IPCC as a forum to promote his own research. Other IPCC authors admonished Mann to include other, less Hockey Stick-like representations in his assessment. They were ignored in the final report, however, and, owing to the influence that the IPCC reports carry, the Hockey Stick became a public icon, enthusiastically promoted by supporters of the hypothesis of greenhouse warming."
- "Nature took the extremely unusual step of requiring Mann and co-authors to provide a new archive of data and a new verbal description of their methodology. But even with this revised release, key aspects of the Hockey Stick remain impossible to replicate -- and replication is a hallmark of scientific inquiry. Mann continues to refuse requests for full disclosure, telling *The Wall Street Journal* that to do so would amount to 'giving in to intimidation.'"

- “Moreover, since Mann was the author of the section of the IPCC that touted his own research before others had the opportunity to critically re-examine his work, serious questions must be raised about conflicts of interest within the IPCC and how it came to promote speculative findings that had not been independently evaluated and which since have been shown to be flawed.”

Legates closed his piece by stating that the House Energy and Commerce Committee has “uncovered a real problem in science -- one that extends far beyond the climate-change issue,” and suggested that “[s]cientists must demand that results and conclusions stand up to independent verification. Yet since the climate-change community has failed to impose such standards on itself, it cannot be surprised if legislators have opted to do the job for them.”

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## **WHAT WE LEARNED WEDNESDAY**

How could a national bestseller evoke such narrow-minded, even hateful commentary?

“‘More silly than scary,’ the flier dropped off by the Natural Resources Defense Council said. ‘Notable mainly for its nuttiness,’ an analysis from the Brookings Institution said. ‘Does not reflect scientific fact,’ the Union of Concerned Scientists said.” (Michael Janofsky, “Michael Crichton, Novelist, Becomes Senate Witness,” *The New York Times*, September 29, 2005)

Is Dr. Michael Crichton’s *State of Fear* destined to become the left wing’s *Da Vinci Code*, the book many love to hate but still, to their chagrin, lingers on the bestseller list? Perhaps we’ll know when Crichton’s latest work in the emerging eco-thriller genre is released in paperback later next month (if you can’t wait, the British mass market paperback is already available online).

The reaction against *State of Fear* only reflects environmental special interests’ own state of fear – the fear of becoming irrelevant and out of work as new innovations and cooperative partnerships between federal, state and local authorities and the private sector become the norm for advancing environmental progress. This is a view Dr. Crichton himself embraces – if you take the time to read his Author’s Message and appendices, the non-fiction sections in the back of the book:

We need a new environmental movement, with new goals and new organizations. We need more people working in the field, in the actual environment, and fewer people behind computer screens. We need more scientists and many fewer lawyers. (p. 572, *State of Fear*, hardback edition)

Dr. Crichton echoed that ideal in an interview with *The New York Times*’ Michael Janofsky: “Still, [Crichton] retains enough of his scientific background to thrust himself into the debate, insisting that the environmental movement ‘did a fabulous job in the first 10 years, a pretty good job in the second 10 years and a lousy job in the last 10 years.’” It’s time for a change, and that is a perspective gaining momentum globally, as even Britain’s Tony Blair, the once

staunch supporter of the Kyoto Protocol, steers his country's climate change policy in line with that of the Bush Administration's embrace of technology and innovation. Success after success in converting nations – both developed and developing – to the concept of New Environmentalism translates into certain defeat for Old Environmentalism – the way of trial lawyers, mass fundraising campaigns, Beltway lobbying and, sadly, to the deadly extreme, eco-terror.

Old Environmentalism has itself morphed into “big business” since the movement gained momentum with the first Earth Day celebration in the early 1970s. Today's movement fills its coffers with money reaped by television and print advertisements promoting fear with the swiftness and shortsightedness of a Chicken Little, LLC. The result? Lobbying, and political contributions, overwhelmingly to Democrat candidates in support of a broader, liberal agenda. Why does the League of Conservation Voters (LCV), for example, include in its annual “scorecard” a vote related to funding for global family planning programs in State Department reauthorization bills? To the LCV, more people mean more pollution. Could it be actually read as veiled support for abortion rights? Unfortunately, many in today's movement would seemingly prefer to plant a political distortion in the press, by way of skewed “scorecards,” “ratings,” sound bites and op-eds, over planting a new tree in a city park. To those, it is *constructive* to be *destructive*.

Dr. William Gray, an esteemed Colorado State University scientist widely recognized as a hurricane prediction pioneer, called attention to the emerging “cottage industry” of climate change modelers, those who make a living with numbers and predictions. Dr. Gray was unfairly badgered by senators who were opposed to his conclusions regarding global warming causation. One senator sharply accused him of not answering questions before he could even utter a reply. Those accusing Dr. Gray of shattering reputations were themselves guilty of that very crime.

We should not disparage the function of climate modelers, and Dr. Gray would agree; rather we should be mindful of the uncertainties in current modeling and ensure that modelers' work is free from outside influence and potential manipulation that would support a specific agenda or political path. At the moment, there are a number of uncertainties with regard to climate modeling.

In a 2000 edition of *Nature*, four climate modelers noted that, “A basic problem with all such predictions to date has been the difficulty of providing any systematic estimate of uncertainty.” This problem stems from the fact that “these [climate] models do not necessarily span the full range of known climate system behavior.” According to the National Academy of Sciences (NAS), “...without an understanding of the sources and degree of uncertainty, decision-makers could fail to define the best ways to deal with the serious issue of global warming.” This fact should temper the enthusiasm of those who support Kyoto-style regulations that would harm the American economy.

Unfortunately, rarely does any scrutiny accompany model simulations. But based on what we know about the physics of climate models, as well as the questionable assumptions built into the models themselves, we should be

skeptical of their results. This is exactly the view of the National Academy of Sciences. According to NAS, “Climate models are imperfect. Their simulation skill is limited by uncertainties in their formulation, the limited size of their calculations, and the difficulty of interpreting their answers that exhibit as much complexity as in nature.”

At this point, climate modeling is still a very rudimentary science. As Richard Kerr wrote in *Science* magazine, “Climate forecasting, after all, is still in its infancy.” Models, while helpful for scientists in understanding the climate system, are far from perfect. According to climatologist Gerald North of Texas A&M University, “It’s extremely hard to tell whether the models have improved; the uncertainties are large.” Or as climate modeler Peter Stone of the Massachusetts Institute of Technology put it, “The major [climate prediction] uncertainties have not been reduced at all.” Based on these uncertainties, cloud physicist Robert Charlson, professor emeritus at the University of Washington, Seattle, has concluded: “To make it sound like we understand climate is not right.”

There is much that we as policy makers, lobbyists, activists, reporters and, yes, even scientists do not understand, hence the scheduling of the Committee’s hearing. Even beyond the global warming debate, scientific uncertainties or the misuse of science have led to bad, shortsighted policy decisions. The Committee learned of the tragedy the swift ban against the use of DDT has wrought on public health and society in developing nations. Dr. Donald R. Roberts of the Uniformed Services University of the Health Sciences stated that “DDT science has been misrepresented, [and we, as policy makers] first must understand why this misrepresentation has not helped, but rather harmed, millions of people every year all over the world. Specifically [we] need to understand why the misrepresentation of DDT science has been and continues to be deadly.” Dr. Roberts emphasized that “[t]he misuse of science ... has found fullest expression in the collection of movements within the environmental movement that seek to stop production and use of specific man-made chemicals. Operatives within these movements employ particular strategies to achieve their objectives. By characterizing and understanding the strategies these operatives use, we can identify their impact in the scientific literature or in the popular press.”

Even before a word was uttered by Dr. Crichton, the Old Environmentalists produced fact sheet after fact sheet, talking point after talking point. Committee staff received a mass e-mail from Environmental Defense at 6:28 p.m. Tuesday night disparaging *State of Fear* and the hypotheses woven into its plot. The e-mail was immediately disregarded as the hearing was never intended to celebrate and promote the fiction of Dr. Crichton. It was a narrow-minded assumption on the part of Environmental Defense and those organizations that left their fliers strewn about the press table in Dirksen 406. It was, in reality, Dr. Crichton’s philosophy toward science that was the focus of his testimony, and his basis for writing the novel in the first place. He reminded us that “in the end, it is the proper function of government to set standards for the integrity of information it uses to make policy, and to ensure that standards are maintained. Those who argue government should refrain from mandating quality standards for scientific research—including some professional organizations—are merely self-serving. In an information society,

public safety depends on the integrity of public information. And only government can perform that task.”

As Dr. Roberts concluded his statement Wednesday, “How long will support continue for policies and programs that favor phantoms over facts?”

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## **INHOFE AND VOINOVICH CALL FOR AN END TO CLEAR SKIES OBSTRUCTION IN THE SENATE**

Sen. Inhofe and Senator George Voinovich (R-Ohio), Chairman of the Clean Air, Climate Change, and Nuclear Safety Subcommittee, issued the following statement June 27<sup>th</sup> 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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## **SENATE REJECTS MERCURY REGULATION ROLLBACK, AFFIRMS SUPPORT FOR MARKET-BASED APPROACH**

*EPW Chairman Inhofe Encouraged by Senate’s Support for Cap-and-Trade Solution to Reducing Mercury Emissions, Welcomes Democrats Back to the Table to Move Forward With Clear Skies Legislation*

Senator Inhofe applauded the Senate's defeat of S. J. Res. 20, which would have disapproved the Bush Administration's mercury regulation under the guidelines of the Congressional Review Act.

"I am extremely encouraged by the Senate's resolve to support a market-based approach to reducing mercury pollution and not to impede clean air progress by rolling back the existing regulation," Senator Inhofe said. "While today's vote was purely political and essentially meaningless given the President's veto threat and the poor prospects for House consideration, a bipartisan majority does feel that a cap-and-trade approach is the best solution to significantly reducing emissions from power plants. This is a victory for public health and a victory for American families and businesses.

"I have said consistently that our Clear Skies legislation is stronger and more effective than a piecemeal regulatory approach. With today's vote in mind, and considering the sound rejection of carbon dioxide caps by the Senate earlier this summer and the continuing failure of costly clean air litigation, we welcome Democrats back to the table to begin honest discussions on how to proceed with moving the Clear Skies Act forward. Senator Voinovich and I presented a good compromise earlier in the year. Delays and continued obstruction are hardly solutions to providing our constituents with healthier air."

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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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## ***INHOFE CAUTIONS STOCK EXCHANGE NOT TO CAPITULATE TO ECO-TERROR THREATS***

### ***The New York Stock Exchange’s Decision to Postpone Corporate Listing Would Set a Dangerous Precedent for Both Future and Current Listings***

Upon learning of the New York Stock Exchange’s (NYSE) decision to postpone its listing of Life Sciences Research, Inc. (LSR) due to threats of eco-terror, Senator Inhofe cautioned NYSE chairman John Thain and president Catherine Kinney not to capitulate to the demands of environmental extremists.

“It seems to me unimaginable that this country’s worldwide symbol of the integrity of the capital markets, the NYSE, would capitulate to threats, or even the mere threat of threats, from a single issue extremist group,” Senator Inhofe wrote in a letter to NYSE officials. “Indeed, I trust the NYSE will duly consider the potentially disastrous precedential effect of a decision not to list LSR. What happens then to the other companies in the same business as LSR that currently trade on the NYSE? Would you not expect activists to pressure the NYSE to delist those companies? Does this expose the NYSE to further pressure from groups opposed to a wide variety of activities and businesses conducted by NYSE listed companies, from defense, to tobacco, to firearms, to spirits? LSR could truly represent the proverbial tip of the iceberg.”

The Senate Environment and Public Works Committee is conducting an investigation into eco-terrorism involving environmental and animal rights extremists. In May 2005 the Committee held its first [hearing](#) on criminally based activism and plans further hearings specifically examining the campaign against LSR and its operating subsidiary, Huntingdon Life Sciences (HLS), by Stop Huntingdon Animal Cruelty (SHAC). SHAC has threatened the lives of corporate executives. A news report regarding the NYSE decision quoted SHAC spokesman Greg Avery as saying “It’s another humiliating slap in the face for HLS.” Avery was convicted in 2000 of threatening to murder an HLS executive.

## ***INHOFE INTRODUCES ANIMAL ENTERPRISE TERRORISM ACT***

Senator Inhofe has introduced legislation that will enhance the effectiveness of the U.S. Department of Justice's response to recent trends in the animal rights terrorist movement. S. 1926, the Animal Enterprise Terrorism Act, was drafted with technical assistance from counter-terror experts at the Department of Justice and the Federal Bureau of Investigation.

“The chilling testimony embracing assassination and destruction that we heard from the ‘spokesman’ of the Stop Huntingdon Animal Cruelty eco-terror group only points to the need for a tightening of current law for authorities to be able to prevent future activities, and to better investigate and prosecute eco-terror cases,” Senator Inhofe said. “S. 1926 specifically addresses the ‘tertiary targeting’ tactic employed by eco-terrorists by prohibiting intentional damage of property belonging to a person or organization with ties to an animal enterprise. Currently, only the animal enterprise itself is covered by law. The bill also increases penalties for intentional economic disruption or damage, and for intentionally causing bodily harm or placing a person in reasonable fear of death or bodily harm.”

On October 26<sup>th</sup>, the Committee convened a [hearing](#) on eco-terrorism, specifically examining the Stop Huntingdon Animal Cruelty group.

### **The Animal Enterprise Terrorism Act:**

- **Amends the Animal Enterprise Protection Act** and enhances the effectiveness of the Department of Justice's response to recent trends in the animal rights terrorist movement.
- Addresses the **“tertiary targeting” or “third party targeting” system** used by animal rights terrorists by prohibiting the intentional damaging of property of a person or entity having a connection to, relationship with, or transactions with an animal enterprise. Previously, only the animal enterprise itself was covered by the law.
- **Prohibits veiled threats** to individuals and their families. It prohibits intentionally placing a person in reasonable fear of death or serious bodily injury to that person or their family because of their relationship with an animal enterprise.
- **Increases penalties** for intentionally causing economic disruption or damage and for intentionally causing a person bodily injury or intentionally placing a person in reasonable fear of death or bodily injury.
- **Broadens the definition of animal enterprise** to include a commercial enterprise that uses or sell animals or animal products for

profit or otherwise including animal shelters, breeders, pet stores, and furriers.

- Makes crimes under the Animal Enterprise Terrorism Act eligible for **Title 3 electronic surveillance**.
- Defines the term “economic damage,” which includes the **loss of property, costs associated with a lost experiment, or lost profits**.
- Defines the term “economic disruption,” which means **losses or increased costs resulting from threats, acts of violence, property damage, trespass, harassment, or intimidation taking against a person or entity on account of their relationship with an animal enterprise**. This does not include lawful boycott.

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## ***INHOFE OUTLINES PLANS TO ADDRESS LOOMING ENERGY CONCERNS***

### ***Objective is to Increase Supplies of Clean Fuels to Meet Environmental and Consumer Demands***

Senator Inhofe outlined plans by the Committee to address existing energy concerns by reviewing several issues within its jurisdiction pertaining to refineries, national fuel policies and energy infrastructure.

“Hurricane Katrina exposed a number of deficiencies in our nation’s energy policy,” Senator Inhofe said. “In the coming days and weeks, the EPW Committee will review these deficiencies and consider their solutions or alternatives. We have to look at how our refineries are regulated, and examine closely the existing energy infrastructure to ensure that we will not be vulnerable to future catastrophes like Katrina.”

The Environment and Public Works Committee will examine the following:

- **Regulations impacting the refining industry.** Regulations can be better integrated to meet consumer and environmental requirements. Refineries are among the most complex and heavily regulated businesses in the world. As such, they must comply with a number of environmental laws, including the Clean Air Act, Clean Water Act, and Resource Conservation and Recovery Act. The industry must meet significant current and future requirements, and even more after implementation of the recently signed energy bill. Policies must be protective of human health and the environment while also ensuring a strong and vibrant American economy.
- **New refineries.** During its May 2004 hearing, the Committee learned that historic economic factors mixed with regulatory uncertainty have impeded new refinery construction. The EPW Committee has been reviewing those issues since, and Hurricane Katrina underscores the

need to diversify the nation's refining industry. One solution could be embracing President Bush's desire to consider current and former BRAC facilities for new refinery construction. The EPW Committee will consider more collaborative and certain permitting processes for new refineries on such sites as well as other locations.

- **Fuels Policy.** In response to the nation's largest natural disaster, EPA issued significant and broad waivers under the Clean Air Act to ensure a sufficient supply of transportation fuels for motorists, businesses, and consumers across the nation. The EPW Committee is reviewing the way in which States develop and the federal government approves special or "boutique fuels" to address air issues facing particular regions and whether these boutique blends affect the high gasoline prices facing Americans.
- **Energy Infrastructure.** The EPW Committee's hearing May 25, 2005 concerning energy project permitting demonstrated an uncertain permitting process for all manner of energy projects. Hurricane Katrina highlighted many lessons, including the vulnerable nature of critical infrastructure and the need to transport energy from and to all regions of the country. In light of the Committee's prior work, and today's need to rebuild and expand critical infrastructure, we will work to ensure a practical, certain, and efficient process.
- **Future Fuels.** The Committee is considering projects to develop new forms of non-polluting and domestic energy, including transportation fuels. The development of such new alternative forms of energy must be afforded expedited review and EPA certification to assist American families, and national security, in general. A clean, domestic, and affordable fuel is a possibility, and the Committee will work to make it a reality.

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## ***GAS PRICE ACT INTRODUCED***

### ***Legislation Will Help Expand U.S. Refining Capacity and Create Job Opportunities***

Senator Inhofe, with Senators George Voinovich (R-Ohio), John Thune (R-S.D.), Jim DeMint (R-S.C.) and Lisa Murkowski (R-Alaska), introduced The Gas Petroleum Refiner Improvement & Community Empowerment Act (Gas PRICE ACT), which will provide incentives to build refineries at Base Closure and Realignment Commission (BRAC) sites through the Economic Development Administration (EDA), thus expanding refining capacity in the United States while creating job opportunities in areas where a military facility has been closed or designated for closure. Senator Inhofe and several co-sponsors issued the following statements:

**Sen. Inhofe (R-Okla.), chairman, Environment and Public Works Committee:**

“The devastation caused by Hurricane Katrina and Hurricane Rita further emphasizes the need to address the weaknesses in our nation’s energy policy,” Senator Inhofe said. “This bill embraces President Bush’s proposal for building refineries on BRAC sites and will provide incentives through EDA which will, in turn, provide high paying jobs to the people who need them most. This is a win-win solution to a serious need. The Gas PRICE Act can go a long way in addressing the nation’s short-, mid-, and long-term fuels challenges. Furthermore, it does so by empowering local communities and States, establishing greater regulatory certainty without changing any environmental law, improving efficiency, and establishing a future for the use of ultra clean transportation fuels derived from abundant domestic resources.”

**Sen. Voinovich (R-Ohio), chairman, Clean Air, Climate Change and Nuclear Safety Subcommittee:**

“The fierce rise of gas prices resulting from the events of the last month have made it painfully clear how fragile our nation’s energy and economic security are. When a disaster hits, worries about gas prices and availability should be the last thing on the minds of those affected. I am pleased to join with Chairman Inhofe on this bill that attempts to revitalize the refining industry that has been dormant for 30 years. This vital piece of legislation responsibly addresses this issue and promotes job creation without eroding state rights or our environmental laws,” said Senator Voinovich.

**Sen. Thune (R-S.D.), chairman, Superfund and Waste Management Subcommittee:**

“As we’ve seen in recent weeks, America’s energy supply is one of our most vital yet vulnerable resources,” Senator Thune said. “Hurricane Katrina and Hurricane Rita showed Americans across the country what happens when too much of our existing oil refining capacity is located in harm’s way. I believe that we must make a concerted effort to increase our nation’s domestic refining capacity—including the use of more ethanol—to ensure consumers aren’t faced with high fuel prices. I am proud to cosponsor the Gas PRICE Act—a common-sense measure that will reinvigorate America’s refining capacity, which has not seen a new refinery added to its ranks in roughly 30 years. By encouraging the creation of new refineries on military bases across the country that have been designated for closure, we are delivering a two-pronged solution to safeguard our nation’s energy supply against future threats or crises and create jobs for American men and women affected by military closures.”

**Sen. DeMint (R-S.C.):**

“We will never have energy independence without a strong and diverse refinery system,” said Senator DeMint. “We must have reliable refineries to convert oil to usable gasoline. As Hurricanes Katrina and Rita have painfully shown us, we cannot concentrate all of our refineries in one region. Now is the time to get serious about building new capacity in new areas of the country.”

**Sen. Murkowski (R-Alaska):**

“This bill, especially the additional assistance to help make Fischer-Tropsche fuel production cost effective, could prove vital to the nation. While we need new energy sources, we also need to expand refinery capacity. Utilizing America’s huge coal reserves to make aviation and diesel fuels, using a process that can almost eliminate pollution, while also allowing for the sequestration of carbon dioxide – removing it from the atmosphere -- is an exciting prospect both economically and environmentally,” said Senator Murkowski of the provision.

During a May 2004 hearing, the Environment and Public Works Committee learned that historic economic factors mixed with regulatory uncertainty have impeded new refinery construction. The EPW Committee has been reviewing those issues since, and Hurricane Katrina underscores the need to diversify the nation’s refining industry. This bill embraces President Bush’s expressed desire to consider current and former BRAC facilities for new refinery construction.

The EDA, which falls under the jurisdiction of the Environment and Public Works Committee, is the civilian agency that assists BRAC communities transitioning to private use. Because refineries provide numerous high paying jobs that benefit the local communities and produce fuels that are in the national interest, the EDA should assist affected communities who consider new refineries.

In addition, the Gas PRICE Act addresses:

- **EPA Emergency Waivers and Boutique Fuels**

The supply disruptions caused by hurricane Katrina required EPA to issue fuel waivers to allow the use of conventional fuel in special or boutique fuel areas. The bill provides that states acting pursuant to an emergency will be held harmless under the law. Additionally, this legislation requires EPA to reduce the number of fuels that may be used in a Petroleum Administration for Defense District (PADD) whenever the market/states de-select them.

- **Development of Future Fuels**

The Gas PRICE Act requires EPA to establish a demonstration project to use Fischer-Tropsche (diesel and jet) as an emission control strategy; and authorizes EPA to issue up to two loan guarantees to demonstrate commercial scale F-T fuels production facilities using domestic petroleum coke or coal.

- **Improved Efficiency**

The Gas PRICE Act requires the EPA’s Natural Gas Star Program to provide grants to identify and use methane emission reduction technologies.

## ***INHOFE, EPW COMMITTEE MAJORITY REJECT MINORITY'S PUSH TO SOCIALIZE GAS PRODUCTION***

On October 26<sup>th</sup>, Senator Inhofe and the other Majority members of the Environment and Public Works Committee rejected an attempt by Senate Democrats to socialize petroleum refining in the United States, defeating a substitute amendment offered by Ranking Member Jeffords that would have placed the Environmental Protection Agency (EPA) in charge of designing, building and operating refineries at taxpayer expense.

“What the minority proposed today as a ‘solution’ to expanding refinery capacity amounts to socializing gas production in this country, essentially a Clinton Health Care prescription to control gas prices with the EPA in charge,” Senator Inhofe said. “I have said all along that opponents to sensible legislation that will expand refinery capacity and help lower gas prices only seek to politicize the issue for points leading into the next election cycle. We offered a solution to help alleviate the pain in the pocket book for all Americans, and the best solution our colleagues on the other side could offer in return was changing the name of the EPA to the ‘Environmental Petroleum Agency’ and anointing Administrator Johnson the next ‘Big Oil’ magnate. The last thing the American consumer needs is socialized gas production.”

The Committee rejected the Jeffords substitute amendment on a straight majority/minority line vote of 10-8.

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## ***COMMITTEE MINORITY REJECTS SENSIBLE APPROACH TO EXPAND REFINERY CAPACITY AND LOWER GAS PRICES***

Senator Inhofe indicated that he and Gas PRICE Act co-sponsors will continue to push for passage of the bill that would help encourage the expansion of refinery capacity in the United States, and stabilize and lower gas prices across the country.

“I am disappointed that the Committee’s minority decided to play politics with the pocket books of the American consumer in rejecting the sensible provisions contained within the Gas PRICE Act,” Senator Inhofe said. “Something needs to be done to encourage the expansion of refinery capacity, and we’ll continue to pursue a legislative remedy to that effect. As I’ve made clear, socializing gas production, as the Democrats in the Committee would have preferred in their failed substitute amendment today, is not the answer. We intend to regroup and determine in short order what our next step will be to move the Gas PRICE Act forward.

“During the meeting, I mentioned that one of the concerns we’ve been hearing about is the fear of a conference with the Barton Bill, which was actually referred to the Energy Committee. While the Gas PRICE Act is not a companion piece to any legislation, I would emphasize again that the fear of a

conference is no excuse not to legislate.”

Members of the Committee voted 9-9 to retain the legislation in the Committee.

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## ***INHOFE BRIEFS MAJORITY LEADER AND COMMITTEE CHAIRMEN ON KATRINA RESPONSE***

### **As Gulf Coast Situation Stabilizes, EPW Committee Will Engage in Oversight and Consider Potential Legislative Remedies to Remaining Issues**

As federal authorities continue their search and rescue efforts, the Senate Environment & Public Works (EPW) Committee will begin to consider what could potentially be described as the most catastrophic environmental disaster in American history. Senator James Inhofe (R-Okla.), Chairman of the EPW Committee, briefed Senate Majority Leader Bill Frist (R-Tenn.) and other Senate committee chairmen September 7<sup>th</sup> on the actions the EPW Committee will be taking and overseeing over the next several months.

“Additional legislation may be required to remedy some of the issues we’re facing in the Gulf States and also to hold in check the potential for trickle down effects on the rest of the country,” Senator Inhofe said before entering the chairmen’s meeting. “Most importantly, we also want to ensure that authorities have what they need to facilitate ongoing search and rescue activities in the area.”

Chairman Inhofe briefed the Majority Leader and fellow committee chairmen on the following topics (by agency of EPW jurisdiction):

#### **Army Corps of Engineers**

- Ongoing pumping of water in four areas (estimated timing based on current capacity/no rain)
  - downtown (French Quarter – Garden District) – 24 Days
  - Inner Harbor Canal – 36 Days
  - St. Bernard Parish – North and South – 80 Days
- Repair/reconstruction of the levee
  - An investigation will be conducted by Mississippi River Commission as to the design and construction of the levee and why it was breached.
  - The EPW Committee will conduct oversight of this investigation.
- Debris removal

- Navigation

### **Federal Highway Administration (FHWA)**

- Repair and reconstruction of highways

### **Environmental Protection Agency (EPA)**

- Clean up (ensuring there is clean water; removal of hazardous debris)
- Ensure property is safe for reoccupation (addressing mold, mildew and indoor air quality)
- Extension of fuel waivers

### **Economic Development Administration (EDA)**

- Will play a vital role in the redevelopment of the impacted areas

### **General Services Administration (GSA)**

- Will be responsible for the reconstruction and/or replacement of federal buildings

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## ***STATEMENT BY CHAIRMAN JAMES M. INHOFE AT THE STAKEHOLDER MEETING ON COASTAL LOUISIANA***

October 20, 2005

Good morning. I want to thank you all for coming to Washington today to talk about the future of Louisiana. I know that many of you are up from Louisiana and have been working tirelessly to recover from the devastation that followed Hurricane Katrina. I appreciate you taking time from that important mission to join us in the discussion of another very important mission.

I also want to thank Senator Vitter and Senator Landrieu for helping kick off this meeting. As you all know, Senator Vitter is a member of this Committee - he has been a valuable asset to me in understanding the challenges that coastal Louisiana faced prior to Katrina. Since Katrina, I have looked to him to help guide this committee in making decisions that impact Louisiana.

I want to thank Tom Gibson for agreeing to moderate this meeting. Tom is former senior staff of this Committee before becoming Chief of Staff at EPA. He is knowledgeable of the issues and is very highly regarded by all who know him.

This meeting is very important in that it will help Congress to begin to shape a plan for the protection of Louisiana. It is vital that we not only have a plan,

but that it be a detailed comprehensive approach to fulfilling the Army Corps' mission in coastal Louisiana – including hurricane and flood protection as well as navigation and wetlands restoration. We also have to ensure that there is proper oversight and cost controls – we cannot afford to do this wrong or for it to be a free spending boondoggle.

As everyone in this room knows, the Senate Environment & Public Works Committee has sole jurisdiction over the Civil Works mission of the Army Corps of Engineers, and that EPW will be the focal point for the development of this comprehensive plan. As Chairman of this Committee, I take that responsibility very seriously and I am pleased we have so many here willing to help us fulfill our mission. It will take hard work and a concerted effort on everyone's part to ensure that we put an effective comprehensive plan above any parochial or special interest project. This is a first step and will be followed by future hearings and detailed discussions – but we begin this process today.

I do want to add that before we get too far down the road of deciding what we should do when rebuilding, we must first know what happened to the levees and why the city was flooded. I know that a joint investigation has been launched, and this committee will monitor that investigation and study their results very carefully.

Once again, thank you all for coming today. I look forward to working with all of you and the EPW Committee to ensure that we put forward a comprehensive plan that is both effective and responsible to Louisiana and the taxpayers across this nation.

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## ***BI-PARTISAN LEGISLATION INTRODUCED TO FACILITATE KATRINA RELIEF***

Senator Inhofe, Ranking Member Sen. James Jeffords (I-Vt.) and Senator David Vitter (R-La.), introduced three bills to facilitate hurricane relief efforts with regard to highway reconstruction, additional flexibility for federal building leases, and wastewater projects and testing.

Sens. Inhofe, Jeffords and Vitter released the following statements:

### **Sen. Inhofe (R-Okla.), Chairman of the EPW Committee**

“These three bi-partisan bills will go a long way in helping to facilitate recovery in the aftermath of what is likely the largest natural disaster in American history. There are serious concerns with regard to highway rehabilitation, federal buildings and water infrastructure. The provisions in our legislation will help ensure that the Federal Highway Administration has the support and resources it needs for its relief efforts, that the General Services Administration has the flexibility it needs to relocate federal personnel in a timely fashion, that drinking water systems affected by the hurricane are immediately eligible for funding and that well water testing is available to homeowners.”

## **Sen. Jeffords (I-Vt.), Ranking Member**

“These three bills are small steps that we can take to help the Gulf Coast region recover. They are the first in a series of bills in this committee's jurisdiction that we hope to introduce in the coming weeks.”

## **Sen. Vitter (R-La.), Committee member**

“As a member of the Senate Environment and Public Works committee, I am particularly focused on how this legislative package addresses two major challenges Louisiana faces after Hurricane Katrina: reconstructing our roads and highways, and providing a clean water supply to our residents as they return to their homes. I look forward to working with my colleagues on this committee as we move into medium- and long-term recovery efforts.”

The three bills are:

### ➤ **Federal Highway Administration's Emergency Relief Program (S. 1714)**

This legislation, also co-sponsored by Sens. Kit Bond (R-Mo.), John Warner (R-Va.), Lincoln Chafee (R-R.I.), Lisa Murkowski (R-Alaska), John Thune (R-S.D.), Joseph Lieberman (D-Conn.), Tom Carper (D-Del.), Hillary Rodham Clinton (D-N.Y.), Thad Cochran (R-Miss.), Trent Lott (R-Miss.), and Mary Landrieu (D-La.) waives the current \$100 million limit on the amount any state may be reimbursed by the Federal Highway Administration's Emergency Relief program for damages resulting from any single disaster and extends the period of time the federal share is 100%. The bill provides \$2.9 billion dollars to the emergency relief program.

### ➤ **The Emergency Lease Requirements Act of 2005 (S. 1708)**

Current law provides authority to the Administrator of General Services to enter into leases of up to 180 days following a major disaster or other emergency. The General Services Administration (GSA) has found it difficult to secure such short term leases following previous disasters. The Emergency Lease Requirements Act of 2005, also co-sponsored by Sens. Lieberman, Bond, Carper, Warner, Clinton, Chafee, Landrieu, and Murkowski, extends the maximum emergency lease term to five years.

### ➤ **The Gulf Coast Water Infrastructure Emergency Assistance Act of 2005 (S. 1709)**

States currently are unable to forgive the principal on clean water loans. That is, however, possible with regard to drinking water loans. This legislation, also co-sponsored by Sens. Clinton, Chafee, Lieberman, Warner, Carper, Murkowski, Landrieu, and Barbara Boxer (D-Calif.), will provide the three states affected by Katrina with that authority. Currently states are only able to fund drinking water projects that appear on their annual intended use plan. The legislation will

waive that requirement to ensure drinking water systems affected by Katrina are immediately eligible for state funds. Finally, many homeowners may have difficulty testing their wells given the number of potential contaminants in the flood waters. With the provisions in this bill, EPA can conduct testing at their request.

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## ***INHOFE INTRODUCES LEGISLATION ENSURING REGULATORY CERTAINTY TO FACILITATE KATRINA CLEAN-UP***

### ***Bill Will Provide EPA Clarity Necessary to Guarantee Remaining Uncertainties Will Not Delay Actions That Affect Public Health***

Senators Inhofe and Vitter introduced legislation, S. 1711, which will provide the Environmental Protection Agency (EPA) with legal certainty for the purpose of avoiding delays in mitigation actions related to Hurricane Katrina. EPA offered several examples of where additional authority would help address issues ranging from the disposal of debris, discharge permits for contaminants in flood waters, and the sharing of information related to chemical products with state and local authorities.

Sens. Inhofe and Vitter released the following statements:

#### **Sen. Inhofe, Chairman of the EPW Committee**

“This legislation will ensure that EPA has absolute certainty in its authorities with regard to Katrina recovery efforts and protecting public health in the Gulf region. Those who seek to criticize this legislation under the guise of environmental concerns have it backwards as the use of the authority is specifically to protect public health and can only be used when it is ‘in the public interest.’ Lack of action in an emergency situation is what puts people’s health and the environment at risk.”

#### **Sen. Vitter, Committee member**

“As Louisianians begin to return to their homes and work on rebuilding their lives, this legislation will ensure that public health concerns are addressed promptly to protect Louisiana families and our environment.”

S. 1711 requires EPA to make a determination of the need for a waiver, including consequences to public health and the environment. It gives the Administrator the authority to make a decision that is in the best interest of public health. Absent that authority, the impediments would exacerbate an already disastrous situation.

The legislation provides EPA with the authority to waive or modify regulatory or statutory requirements the Administrator believes is necessary to carry out recovery efforts in the Gulf states in the most effective and timely fashion. The waiver expires after 120 days and requires EPA to consult with the State.

The Administrator has the ability to extend the waiver an additional 18 months if deemed necessary.

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## ***INHOFE APPLAUDS HOUSE APPROVAL OF ENDANGERED SPECIES LEGISLATION***

Senator Inhofe issued the following statement regarding the House of Representatives' 229-193 approval of H.R. 3824, the Threatened and Endangered Species Recovery Act of 2005:

“I applaud the efforts of House Resources Chairman Richard Pombo for working so diligently to pass a bipartisan ESA bill, and I congratulate both the Republicans and Democrats in the House for passing this bill,” Senator Inhofe said. “I share Mr. Pombo's belief that the ESA has not achieved all of its objectives and has, in many cases, led to dire consequences for landowners and species alike. I believe that it is essential that Congress pass legislation that would update and improve the ESA to focus on the recovery of species, while safeguarding private property rights. We should do this by working cooperatively with all stakeholders, especially private land owners on whose land more than 70 percent of species depend for their habitat. It is critical that we make sound scientific decisions in an open and transparent manner with the assistance and support of states and localities. I look forward to receiving H.R. 3824 in the Environment and Public Works Committee and to working with my Senate colleagues on producing ESA legislation this year.”

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## ***INCREASINGLY IRRELEVANT: THE DECLINE OF OLD ENVIRONMENTALISM IS IN THE NUMBERS***

According to the latest polling numbers from Zogby International, the millions of dollars invested by special interests in attack campaigns and advertising against the Bush Administration's environmental policies have been all for naught. Zogby's poll, conducted from September 29 – October 1 and included 1,004 likely voters, indicated that 58% of Americans believe President Bush is doing a “fair” to “excellent” job handling the environment. Only 38% said he's doing a poor job, and 4% didn't know.

The numbers are extremely telling when one considers the various vitriolic anti-Bush Web sites online and the number of costly television and print ads that sprouted up during the 2004 campaign cycle. Simply stated, the results are not matching their rhetoric.

One year ago this week, Senator Inhofe stated on the Senate floor that “[w]hat we find now is the fleecing of the American public's pocketbooks by the environmental movement for their political use. What we find now is the exhausting litigation, instigation of false claims, misleading science, and scare tactics to fool Americans into believing disastrous environmental scenarios that are untrue.” The majority of Americans seems to agree with that assessment

and is now closing their pocketbooks.

According to the *San Diego Union-Tribune* “[Sierra] Club executive director Carl Pope ... prepared members for budget cutbacks next year because major donors from the past haven’t made commitments for 2006. Pope said people at the ‘upper end of the gift pyramid’ are reassessing their contributions in the wake of last fall’s failed attempt by the Sierra Club and a host of other left-leaning groups to unseat President Bush.” Which raises an interesting point. Did John Muir establish the Sierra Club to oppose Republicans instead of simply fostering greater environmental awareness? How would Theodore Roosevelt feel about that?

Consider Adam Werbach’s point of view, as expressed the during the Sierra Club’s convention last month in San Francisco: “It has always been my conviction that if the Sierra Club chooses to, it has the best chance of evolving beyond the staleness of the (current) environmental dialogue.” Werbach is a former Sierra Club president. Clearly there is a shift among at least some Old Environmentalists toward embracing a new approach. Whether the full organizations and members of their current leadership follow remains to be seen.

Over the last year, many, like Werbach, have prophesized the demise of the environmental movement as we have known it since the 1970s. Perhaps Nicholas Kristof summed it up best in his *New York Times* commentary last March: “The fundamental problem, as I see it, is that environmental groups are too often alarmists. They have an awful track record, so they’ve lost credibility with the public.”

For more information about the political activities of Old Environmentalists, visit <http://epw.senate.gov/repwhitepapers/Political.pdf>.

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

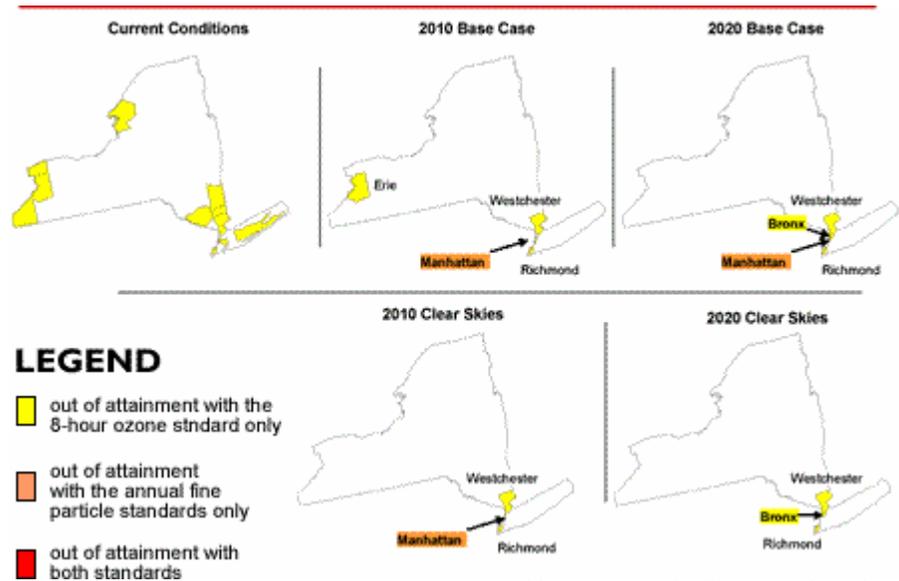
### **Clean Air: Only Some Of The News That’s Fit To Print?**

*The New York Times* cynically discussed the resignation of Jeffrey Holmstead from the EPA’s Office of Air and Radiation in an editorial titled, “The Clean-Air Wars.” The key question is why should there be any “clean air wars?” The goals of improving air quality and human health, growing our economy and preserving American jobs should be shared across ideological lines. Unfortunately, some are denying the opportunity to meet those objectives because a Republican happens to be the one who offered the best workable solution and would ultimately sign it into law – raw political obstruction that simply denies a key environmental and public health victory for the country.

### **Clear Skies Takes Manhattan... Out of Non-attainment**

For the past three years, the *Times* and others have ignored the importance of the fact that Manhattan itself will come into compliance with the new, more

stringent air quality standards implemented last year by the Bush Administration under the President's Clear Skies legislation currently pending in Congress.



(Source: <http://www.epa.gov/air/clearskies/state/ny.html>)

Under Clear Skies, the 1.537 million people of New York City's Manhattan Borough, including nearly 294,000 children, would be breathing air that meets the new National Ambient Air Quality Standards (NAAQS). That, of course, does not factor in the nearly 40 million annual visitors to New York City who spend roughly \$15 billion there. (NYC census data for Manhattan, [www.nyc.gov](http://www.nyc.gov); 2004 visitors statistics forecast from [www.nyvisit.com](http://www.nyvisit.com))

Here are the basic facts:

- New York State's sources would reduce emissions of sulfur dioxide (SO<sub>2</sub>) by 62%, nitrogen oxides (NO<sub>x</sub>) by 35%, and mercury by 72% by 2020 due to Clear Skies. Some of these reductions will occur as a result of New York's state rule. (Note: This is an important point – states will be allowed to enact their own regulations if they feel it is necessary.)
- The health benefits in the state would total \$6 billion (\$1.2 billion under the alternative estimate) and include approximately 800 fewer premature deaths (500 under the alternative estimate) and 1,400 fewer hospitalizations/emergency room visits.
- In addition, New York State would receive environmental benefits, including elimination of chronic acidity from Adirondack lakes and visibility improvements valued at \$170 million for New York residents who visit National Parks and Wilderness Areas nationwide.

(Source: <http://www.epa.gov/air/clearskies/state/ny.htm>)

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E&ENews PM

La. DEQ backs Inhofe hurricane bill, as enviros raise

# questions

September 20, 2005

By Darren Samuelsohn

Senate legislation that would give the U.S. EPA broad authority to waive laws and regulations during the Hurricane Katrina cleanup has garnered the initial backing of Louisiana officials.

Mike McDaniel, secretary of the Louisiana Department of Environmental Quality, said today his office supports the general ideas behind the GOP-written legislation under consideration on Capitol Hill. In a prepared statement provided to E&ENews PM, McDaniel said the bill from Senate Environment and Public Works Committee Chairman James Inhofe (R-Okla.) would apparently help his state avoid significant hurdles it faces in trying to restore electricity, drinking water and sewer services.

“It makes no sense to strangle recovery with the usual slow, bureaucratic processes common to our environmental regulatory programs,” said McDaniel, who was appointed to his post last year by Gov. Kathleen Blanco (D).

“There are ways to expedite the processes for environmental clearances without sacrificing the environment, and we are confident that with EPA and DEQ oversight we can proceed at an accelerated pace while maintaining appropriate levels of environmental protection,” McDaniel said.

Inhofe and Louisiana Republican Sen. David Vitter last week introduced the environmental waiver bill, S. 1711, and GOP aides have signalled that the measure could fast move toward law. “If the administration needs it, they’re going to get it,” said Andrew Wheeler, Inhofe’s staff director, in an interview Friday.

Amy Call, a spokeswoman for Senate Majority Leader Bill Frist (R-Tenn.), said today that legislative recommendations responding to Katrina are still coming in from top Republican and Democratic panel leaders, including Inhofe. But Call said no schedule has yet been released for moving the hurricane-related bills.

On Capitol Hill, several lawmakers said in brief interviews today that they were still getting up to speed on the Inhofe-led proposal. “I want to see what Jim has proposed and what the impact will be,” Missouri Republican Sen. Kit Bond said. “But it’s something we need to consider.” . . .

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

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New York Post

# Big Board Caves In

September 19, 2005

By Christopher Byron

DID I miss something, or weren't we supposed to have gotten out of the terrorist-appeasement business?

The question arises because of some disturbing recent developments at the New York Stock Exchange, where President Catherine Kinney has been field-testing a new approach to institutional leadership that is strange to say the least: Talk the talk, but don't walk the walk . . . and don't explain why.

We'll get more deeply into Kinney's perplexing behavior. But for the moment it is enough to know that her actions have abruptly catapulted the NYSE into one of the strangest — and scariest — situations in its 213-year history.

Specifically, rumors were flying up and down the trading floor last week that Kinney herself had succumbed to a campaign of threats and intimidation from an international animal-rights fringe group called Stop Huntingdon Animal Cruelty (SHAC). Rumors had it that without seeking the approval of the board of directors, Kinney had ordered the Big Board to dump its planned listing of a New Jersey company that performs drug testing on animals.

The exchange clearly knew what it was letting itself in for when it agreed, early this summer, to consider Life Sciences Research Inc. for a listing. SHAC has for years been conducting a well-publicized international terrorist campaign to drive Life Sciences out of business.

SHAC had already been linked in press reports to an assault on Life Sciences' CEO in Britain four years ago, when three hooded men leaped from the bushes in front of his house as he was returning home one evening and beat him nearly to death with pickax handles. SHAC insists it was not involved. . . .

In recent weeks, the SHAC Web site has been listing the direct-dial office phone numbers and e-mail addresses of dozens of the NYSE's top officials.

For the NYSE to have agreed to list Life Sciences shares for trading on the Big Board may have been gutsy, but it was certainly unnecessary. And it was plainly idiotic, having issued a press release announcing that trading would begin on Sept. 7, to invite the company's top officials for a celebratory breakfast, only to inform them, mere minutes before the opening bell, that there'd been a change of plans and the listing would be "postponed" indefinitely.

According to Life Sciences' Chief Financial Officer Richard Michelson, who attended the traditional breakfast, the bombshell news of the exchange's about-face was delivered to the group by Kinney herself, who cleared her throat, looked at the Life Sciences brass seated around here and declared, "Well, there's no way to sugarcoat this, but the listing will not be taking place today. It is being postponed."

Once her stunned listeners were able to gather their thoughts, they began asking her to explain why. Had the Big Board found some skeleton in the company's closet? Some financial irregularity? Anything?

No, explained Kinney. It was nothing like that.

Well, what then?

“[Kinney] just wouldn't say,” Michelson said. “She kept questioning us about SHAC and the animal-rights people,” he said. “But she simply wouldn't say why the NYSE had changed its mind.” ...

TWO days later, I contacted a member of the board of directors who agreed to speak if not identified by name. The member said no one on the board was informed, adding, “Security is the biggest hot-button issue imaginable at the exchange, and I cannot believe something of this magnitude would have happened without the board being briefed.”

At week's end a wall of silence had descended around the exchange, with officials refusing to answer questions of any sort regarding the Life Sciences matter, from The Post or indeed any other media outlet.

The stonewalling even extended to the NYSE's seeming defiance of a U.S. Senate Committee, which early last week opened its own probe of the Big Board's behavior. Sources in Washington said the committee had been unable to get the exchange to even return phone calls.

This is certainly not the sort of behavior one would have expected from an institution that had been at the forefront of post-9/11 calls for Americans to show defiance of terrorists by going about their business unintimidated and unafraid.

Yet with the exchange suddenly in the crosshairs of a terrorist group, “going about one's business” seems to be the last thing on the minds of the Big Board's top brass. And as history teaches clearly enough, trying to appease lunatics simply brings on the need for more — and greater — appeasement to come.

Why the modern world has spawned a guerrilla movement of people who think that puppies are entitled to the same rights as people is beyond our purposes here — though the truth of the matter may be no more complicated than unraveling the politics of a generation of people raised on singing mice, sexless dogs, and all the other anthropomorphized creatures that sprang from the mind of Walt Disney.

How many children watched Bambi's father be gunned down by that despicable lower life form known as a Man, and grew up to believe that rats, cats and monkeys all ought to come within the embrace of the equal protection clause of the Constitution is anyone's guess. But beyond the world of animal rights loom even wackier belief systems — like the fair treatment for trees movement and the brown shirts of eco-terrorism.

These are the people Kinney and her bunch will hear from next: Delist Weyerhaeuser and Georgia Pacific or we'll blow up your house!

How foolhardy and shortsighted to have let this all happen. And ultimately how sad, for by seeming to appease SHAC — and not even attempting to spin the facts more favorably afterward — Kinney and Co. have hung a great big “Kick Me” sign around their necks and invited every wacko group on earth to come to the corner of Broad and Wall for a free kick.

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

### **New York Post**

#### **Terror Road Show**

By Christopher Byron

October 31, 2005

... In Room 406 of the Dirksen Office Building last Wednesday, Oklahoma Republican James Inhofe, chairman of the Senate Committee on Environment & Public Works, called a hearing to shed some much-needed light on the NYSE's apparent willingness to be bullied and pushed around by the animals rights crowd.

The animal crazies had been demanding for weeks that the Big Board reject a listing application from a New Jersey company called Life Sciences Research Inc. that engages in drug testing on animals.

Life Sciences has been in the crosshairs of extremists for years. In 2001 its CEO was beaten nearly to death in Britain by animal rights thugs wielding pick ax handles. Two years later, Deloitte & Touche dumped the company as an audit client after extremists stalked and harassed Deloitte employees for weeks.

Marsh & McLennan quit as Life Sciences' insurance broker, and Citicorp no longer serves as the company's banker, for the same reason. Aetna no longer writes insurance coverage for the company; Johnson & Johnson and Merck have stopped doing business with it as well.

Exchange officials paid no attention, distracted by their struggle to merge the Big Board with electronic trading platform Archipelago.

But the animal rights nuts were on a roll, and when the exchange said that Life Sciences had been accepted for a Big Board listing, the wackos simply intensified their campaign.

Within weeks, they got what they wanted. On Sept. 7, minutes before the company's shares were to begin trading, the NYSE reversed itself. According

to one rumor, the flip-flop came after floor specialists said they'd received threats of violence if they dared to trade the Life Sciences shares.

News of the NYSE flip-flop was delivered to the Life Sciences brass personally — but with no explanation — by the exchange's president, Catherine Kinney, and the stonewalling has gone on ever since.

When one of America's best known and highly regarded institutions soils itself in this way, the public has a right to know why — which is what last week's Senate hearing was all about: To force the NYSE to come clean. ...

After all, if the "mighty" Big Board can be buffaloed by a handful of puppy-preferring psychos, what happens when other extremists, who think trees and other forms of plant life also have rights, see for themselves that the exchange can be pushed around?

If the resulting threats get severe enough, will the Big Board's President Flip-Flop agree to de-list International Paper Co., or perhaps Georgia Pacific? ....

Click [here](#) for the full text of the article. (registration required)

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## San Francisco Chronicle Podcast

### Debra J. Saunders: [NYSE feels the bite of animal rights extremists](#)

*San Francisco Chronicle* columnist Debra Saunders [comments](#) on testimony given at the Senate EPW Committee hearing last Wednesday. (audio .mp3 file)

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## The Washington Times

### Category 5 hot air

Walter E. Williams

October 5, 2005

President Bush, in his post-Hurricane Katrina address to the nation, said, "And to the extent that the federal government didn't fully do its job right, I take responsibility."

Accepting blame for the federal response is one thing, but I hope he doesn't shoulder blame for the hurricane itself.

In a Sept. 9 speech to the National Sierra Club Convention in San Francisco, former Vice President Al Gore said Hurricane Katrina and global warming are

related: “We will face a string of terrible catastrophes unless we act to prepare ourselves and deal with the underlying causes of global warming.”

Our European allies, most of whom have signed the Kyoto Protocol, have made scathing attacks on President Bush. “Katrina should be a lesson to the U.S. on global warming,” read a headline of the German magazine Der Spiegel. ...

Six noted tropical cyclone experts wrote a paper in the Bulletin of the American Meteorological Society titled “Hurricanes and Global Warming.” Their three main points were: No connection has been established between greenhouse gas emissions and the observed behavior of hurricanes. The scientific consensus is that any future changes in hurricane intensities will likely be small and within the context of observed natural variability. Finally, the politics of linking hurricanes to global warming threatens to undermine support for legitimate climate research and could result in ineffective hurricane policies.

Stanley Goldenberg, a meteorologist at the Hurricane Research Division of the National Oceanic & Atmospheric Administration, says, “Katrina is part of a well-documented, multidecadal scale fluctuation in hurricane activity. This cycle was described in a heavily cited article printed in the journal Science in 2001.” His colleague Chris Landsea agrees, saying: “If you look at the raw hurricane data itself, there is no global warming signal. What we see instead is a strong cycling of activity. There are periods of 25 to 40 years where it’s very busy and then periods of 25 to 40 years when it’s very quiet.”

On the connection between hurricanes and global warming, Mr. Goldenberg concluded, “I speak for many hurricane climate researchers in saying such claims are nonsense.” The bottom line for Mr. Bush is that unless he’s God, he shouldn’t accept the blame for Hurricane Katrina.

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

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## The Miami Herald

### Few benefits to Climate Act

June 23, 2005

The Herald's June 13 editorial, Approve the Climate Stewardship Act, doesn't address the lack of a scientific consensus on the cause of global warming and ignores the impact that such legislation would have on Floridians.

According to a recent study from Charles River Associates, Florida's agriculture sector would suffer increases in fuel and fertilizer costs, and production would decline 1.6 percent to 3.4 percent. Production from energy-intensive sectors will decrease by 3.4 percent to 7.5 percent, and the service sector would lose 0.7-1.8 percent of its production in 2020.

The same study estimates that Florida would lose 2,400 and 17,200 jobs in 2010 and 2020 respectively, and anticipated tightening of caps will result in even greater numbers.

Perhaps the most disheartening statistic shows that the poorest 20 percent of households with annual incomes of \$14,600 or less will bear a 64-percent larger burden from energy-cost increases than the highest income households. The elderly will face a burden 14 percent greater than the population under 65.

All in the name of averting about .029-degrees Celsius in temperature by 2050 - - if one assumes climate alarmists are correct. Are Floridians willing to accept those astonishing costs in return for virtually no benefit?

SEN. JAMES M. INHOFE, chairman, Environment and Public Works Committee,

U.S. Senate, Washington, D.C.

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## The Washington Post

### Greenhouse Hypocrisy

By Robert J. Samuelson

June 29, 2005

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 CO2 emissions) to plentiful natural gas (lower CO2 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.

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## Bush's unheralded energy triumph

Thursday, July 14, 2005

Robert D. Novak

Overshadowed by the London terrorist attack and largely ignored by inattentive news media, the declaration on global warming at the G-8 summit of industrialized nations sounded far more like George W. Bush than Tony Blair and Jacques Chirac. Prime Minister Blair failed in his attempted coup at Gleneagles in Scotland to bring his close friend President Bush into conformity on the Kyoto protocol.

The British, French and Germans pushed hard for U.S. submission to binding carbon emission targets. To the amazement of the scientific community, Europe capitulated and backed away from immediate restraints on a growing American economy. Bush won agreement from the G-8 that the world should await further scientific conclusion rather than rush unwise decisions that could deflate economic growth and lose jobs.

Together with the rout of pro-Kyoto forces in the U.S. Senate two weeks ago, the outcome at Gleneagles constitutes a major energy triumph for Bush when he had seemed headed for defeat. The week before Gleneagles, the President displayed the stubbornness that often confounds allies but is his greatest

strength. In a speech at the Smithsonian, he said efforts to “oppose development and put the world on an energy diet” would condemn two billion people in the undeveloped world to poverty and disease. ...

Most surprising was what did get in the Gleneagles communiqué. It conceded that “uncertainties remain in our understanding of climate science,” rejecting the environmentalist dogma of “settled science” about global warming. The G-8 summit’s public conclusion in favor of stopping and slowing the growth of greenhouse gases “as the science justifies” lifts Bush’s language verbatim from 2002. ...

In the aftermath of the G-8, Blair did not emulate Chirac’s absurd claims of victory at Gleneagles and, in fact, had little to say publicly about global warming. Less than a month earlier on his visit to Washington, the British leader was preparing his last chance to get Bush’s reversal on Kyoto. Given Blair’s steadfast support of Bush on Iraq, the White House had to swallow its indignation that the prime minister was secretly lobbying U.S. senators.

Blair hoped that the Senate in late June would repudiate Bush on global warming for the first time, creating a momentum for Kyoto at the G-8 summit. Just the opposite occurred. The McCain-Lieberman bill actually lost ground; a nuclear energy provision added to attract conservatives lost four liberal Democratic senators. Sen. Pete Domenici, the Energy Committee chairman, withdrew support from an alternative proposal when a headcount showed 52 senators opposed. A non-binding resolution by Sen. John Kerry urging international negotiations on global warming had passed two years ago but was defeated this time.

All that passed in the Senate June 22 was a non-binding resolution, carried with 53 votes, that cautiously called for “market-based” limits on greenhouse gases that “will not significantly harm the United States economy.” For his first term and a half, Bush will have held the line against the global warming hysteria and even got his G-8 colleagues to go along with him.

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

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## Discover

### Discover Dialogue: Meteorologist William Gray

September 2005

By Kathy A. Svitil

Meteorologist William Gray may be the world’s most famous hurricane expert. More than two decades ago, as professor of atmospheric science and head of the Tropical Meteorology Project at Colorado State University, he pioneered the science of hurricane forecasting. ...

[Discover] You don't believe global warming is causing climate change?

[Gray]: No. If it is, it is causing such a small part that it is negligible. I'm not disputing that there has been global warming. There was a lot of global warming in the 1930s and '40s, and then there was a slight global cooling from the middle '40s to the early '70s. And there has been warming since the middle '70s, especially in the last 10 years. But this is natural, due to ocean circulation changes and other factors. It is not human induced.

That must be a controversial position among hurricane researchers.

G: Nearly all of my colleagues who have been around 40 or 50 years are skeptical as hell about this whole global-warming thing. But no one asks us. If you don't know anything about how the atmosphere functions, you will of course say, "Look, greenhouse gases are going up, the globe is warming, they must be related." Well, just because there are two associations, changing with the same sign, doesn't mean that one is causing the other.

With last year's hurricane season so active, and this year's looking like it will be, won't people say it's evidence of global warming?

G: The Atlantic has had more of these storms in the last 10 years or so, but in other ocean basins, activity is slightly down. Why would that be so if this is climate change? The Atlantic is a special basin? The number of major storms in the Atlantic also went way down from the middle 1960s to the middle '90s, when greenhouse gases were going up.

Why is there scientific support for the idea?

G: So many people have a vested interest in this global-warming thing—all these big labs and research and stuff. The idea is to frighten the public, to get money to study it more. Now that the cold war is over, we have to generate a common enemy to support science, and what better common enemy for the globe than greenhouse gases?

Are your funding problems due in part to your views?

G: I can't be sure, but I think that's a lot of the reason. I have been around 50 years, so my views on this are well known. I had NOAA money for 30 some years, and then when the Clinton administration came in and Gore started directing some of the environmental stuff, I was cut off. I couldn't get any NOAA money. They turned down 13 straight proposals from me.

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

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**National Post's Financial Post (Canada)**

**Requiem for Kyoto: The vast majority of countries are**

# unwilling to join the Kyoto approach of binding carbon targets with tradable emissions

Hans H.J. Labohm, Financial Post

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Gradually it has become clear that Kyoto's costs are excessively high and its benefits, in terms of net climate cooling, infinitesimal. Cost estimates for the first round of Kyoto, from now till 2012, are of the order of 500-billion to 1-trillion. The proponents of Kyoto have calculated (but never published) that this will result in a net cooling of less than 0.02 (two hundredths!) degrees Celsius in 2050. This is undetectable even with the most accurate thermometers of today. Moreover, the yearly fluctuations of temperatures are a multiple of this figure.

The vast majority of countries are unwilling to join the Kyoto approach of binding caps on carbon dioxide emissions in conjunction with tradable emission rights. The developing countries, which blame the industrial countries for most of the emissions, argue for exemptions: Countries like China, India and Brazil refused to participate in either the first round of Kyoto or follow-up rounds. Italy, which joined the first round of the treaty, recently announced that it will drop out when this round ends in 2012. If this happens, Russia, which Europe had bribed into Kyoto in exchange for European support of Russia's membership in the World Trade Organization (WTO), will have a perfect alibi to back out.

At the July G8 Summit at Gleneagles, the world leaders failed to agree on a follow-up round, although many months earlier, summit host Tony Blair had billed this as a major issue. Then a change in policy became evident. According to a September report by Jonathan Leake, environment editor of The Sunday Times, "Tony Blair has hinted Britain may pull out of attempts to draw up a successor to the Kyoto climate treaty because the economic price of cutting greenhouse gas emissions is too high. The prime minister told an international meeting in New York he was 'changing [his] thinking about this.' "

"We have got to start from the brutal honesty about the politics of how we deal with it," he said at the Clinton Global Initiative, hosted by the former president, Condoleezza Rice, the U.S. Secretary of State, and King Abdullah of Jordan. "The truth is no country is going to cut its growth or consumption substantially in the light of a long-term environmental problem. To be honest, I don't think people are going, at least in the short term, to start negotiating another major treaty like Kyoto."

Rather than rely on global agreements to reverse rising greenhouse gas emissions, Blair appeared to place faith in science, technology and the free market -- as President George W. Bush had in repudiating the Kyoto treaty in 2001.

This week, Blair seemed to move even further away from the target-based Kyoto approach. On Monday, at a summit of energy ministers in London, he

said the hard Kyoto-type targets made some people “very nervous and very worried.” He said the world faced a “very important moment” over climate change and needed to work towards “a better, more sensitive set of mechanisms to deal with this problem.”

Initially, Blair’s spectacular U-turn on Kyoto in New York met with deafening silence in his own backyard. Apparently, it was so unbelievable that it took the British press 10 days before it could break out of its spell of denial and start to report about it.

As Phillip Stott, one of Britain’s best-known climate skeptics, and webmaster of the very perceptive (and humorous) blog [EnviroSpin Watch](#), commented: “Much of the British media has invested enormous amounts of uncritical, emotional, soggy ‘left’ capital in support of the Kyoto Protocol over the last 10 or so years. They have too willingly failed to apply critical journalism to the politics of climate change, with far too many commentators and news broadcasters allowing their own prejudices show.” Even the BBC, which traditionally is regarded as the paragon of high journalistic standards, has been acting as a pro-Kyoto propaganda instrument, with its relentlessly one-sided coverage of the Kyoto debate, scaring its viewers with endless barrages of environmental doom and gloom. ...

Kyoto proponents have always asserted that Kyoto’s first round was only a modest first step, to be followed by many more rounds (estimates vary from 10 to 30). This perspective has been shattered.

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## Investor’s Business Daily

### Kyoto’s Bill

December 13, 2005

...[Former President] Clinton also failed to note [in Montreal] that so great was his faith in the need for Kyoto that he never submitted the treaty for ratification after signing it in 1998. He knew then what he won’t acknowledge now: that Kyoto couldn’t be ratified because it was all pain and no gain.

On July 25, 1997 -- Clinton’s watch -- the U.S. Senate voted 95 to 0 for a resolution saying the U.S. should not be a signatory to Kyoto. The main reason was that the treaty exempted developing countries and major polluters like China and India.

The resolution stated that “the Senate strongly believes that the proposals under negotiation, because of the disparity in treatment” between industrialized and developing nations “and the level of required emission reductions, could result in serious harm to the United States economy, including significant job loss, trade disadvantages, increased energy and

consumer costs.”

In July 1998, Tom Wigley of the National Center for Atmospheric Research calculated that Kyoto, if implemented on a consistent basis by all industrial countries, would avert only 0.07 degrees Celsius of global warming by 2050, an amount too small to matter or even verify.

In October 1998, the U.S. Energy Information Agency estimated that for this imperceptible reduction, the U.S. gross domestic product would be reduced by as much as \$397 billion annually. ...

Rather than chasing phantom and temporary reductions in what many consider to be a natural and cyclical phenomenon, money wasted on Kyoto enforcement could be better spent.

Bjorn Lomborg, Danish statistician and author of “The Skeptical Environmentalist,” once said: “For less than one year of (the cost of) meeting Kyoto, we could provide clean water and sanitation for all of the developing world forever.”

We’ll drink to that.

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## The New York Sun

### Defining Prosperity Down

December 14, 2005

By Jack Kemp

The United States government has wisely refused to yield to pressure by other industrialized nations to enter into formal negotiations that would create new binding limits on so-called “greenhouse-gas” emissions to take effect in 2012. The government did, however, agree to engage in “open and nonbinding” discussions with 200 other nations on global warming and carbon dioxide emissions.

The Bush administration deserves enormous credit for resisting this thinly disguised attempt to disadvantage America economically under the pretext of environmentalism and the pseudo-science of global warming. Scientists cannot even agree on whether global temperatures are rising, falling or staying the same, much less find scientific consensus on what might account for any changes in average temperatures. The administration should use these discussions to unmask the hostile, anti-American agenda that lies beneath this nonsense. ...

Britain’s chief scientific adviser Sir David King bellows, “Global warming is a

greater threat than terrorism” and “Antarctica is likely to be the world’s only habitable continent by the end of this century if global warming remains unchecked.” Yet the only basis for these claims - The Washington Post proclaimed that global warming constitutes “one of the world’s most far-reaching problems” - is a set of computer-model predictions.

The only problem is, the computer-model predictions are not backed up by independent data from weather satellites and balloons, which show no appreciable warming of the atmosphere. Worse yet, the same computer models that predict catastrophic global warming in the future also “predict” current climatic conditions almost the opposite of those that actually prevail. The computer models on which global-warming doomsayers rely insist the climate in the middle troposphere, i.e., above the surface, should be warming at the rate of about one degree Fahrenheit per decade right now.

If the models don’t even square with what’s going on now in the real world, how can any reasonable person place confidence in what they predict for the future, especially if taking action based on those dubious predictions means inflicting incredible damage on the economy and consigning people to a declining standard of living? ...

[Bill] McKibben revealed the real agenda behind Kyoto and its progeny when he said, “The goal of the 21st century must somehow be to simultaneously develop the economies of the poorest parts of the world and undevelop those of the rich - to transfer enough technology and wealth that we’re able to meet somewhere in the middle.”

Global warming is not really about the global climate at all; it’s about global government turning the whole world into Old Europe or stagnating Japan. This most recent round of eco-hysteria - along with its predecessors - is simply a thinly veiled effort to do by international treaty, and eventually global government, what Communism failed to do, namely define global prosperity down in the name of “equality.” The Bush administration is doing the right thing by standing astride the rush to environmental extremism and calling “stop.”

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Bill Holbrook, Communications Director  
Matt Dempsey, Deputy Press Secretary