

To: Jackson, Ryan[jackson.ryan@epa.gov]
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Energy and Climate Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night.

Scientists Skeptical of Pruitt's Call for Climate Debate

Posted July 03, 2017, 04:03 P.M. ET

By [David Schultz](#) and [Andrew Childers](#)

Climate change scientists see little upside to engaging in EPA Administrator Scott Pruitt's interest in additional debate on the merits of their research, fearing it will only validate the agency's plans to roll back regulations.

"There's nothing that's going to help science in this. If they really want to know what the scientists think, why don't they get a team through the [National Academies of Science] to look at this?" Donald Wuebbles, an atmospheric sciences professor at the University of Illinois, told Bloomberg BNA.

Pruitt expressed an interest in "honest, open discussion" of climate science in a recent [interview](#) with Breitbart News Daily. In that interview, he cited a Wall Street Journal [opinion piece](#) by Steven Koonin, director of the Center for Urban Science & Progress at New York University, that called for a "red team versus blue team" debate on climate science.

Those exercises, which originated with the military, pit two groups of experts against each other to attack or defend a proposition, in this case climate change. That approach would highlight any lingering uncertainties with climate science, according to Pruitt.

But where Pruitt sees an open debate on the Environmental Protection Agency's climate change work, advocates fear it's the first step toward delaying or blocking more attempts to curb greenhouse gas emissions.

"Is this a true, valid scientific process, or is this a charade to attack the well-established global scientific consensus and justify decisions that have already been made?" Thomas Burke, a Johns Hopkins professor and past EPA science adviser and deputy assistant administrator of the agency's research office, said to Bloomberg BNA.

The EPA did not respond to requests for comment, but proponents of the exercises said they will promote transparency in the agency's work.

"I think that Mr. Pruitt recognizes that red-blue exercises have worked very well," William Happer, a

Princeton physicist who has argued that a warmer planet would be beneficial, told Bloomberg BNA. “He’s had the courage to apply it where it would make an enormous difference. It will give an answer that people will look at with their own eyes.”

Will Minds Change?

While critics of climate change see this as an opportunity to course correct the dogma around carbon dioxide, the exercises—if it happens—is unlikely to change minds on either side of the debate.

“Science is not done by people voting and determining whether something is right or not,” Wuebbles said. “And you certainly don’t do that with scientists going against a team of nonexperts.”

Whether the debates change minds, proponents said the exercises are useful because an adversarial approach can catch and correct institutional biases or blind spots. Both sides agree that how the analysis is structured is critical, however.

“I hope there would be a lot of discussion about how to set this up in a way that is fair and trustworthy, because otherwise it will fail to convince anybody,” said Judith Curry, president of Climate Forecast Applications Network who recently retired from the Georgia Institute of Technology citing the politicization of climate science. “A lot of deliberation needs to go into that and it should be public,” she told Bloomberg BNA.

How Far Will Analysis Go?

Some critics of the EPA’s climate change regulations said the scientific review could be a prelude to the agency walking back its scientific finding on the harms of greenhouse gases that underpin its regulations.

“If they’re going to address the science at all in a way that supports their policies, this would be the only way to do it,” Marlo Lewis Jr., a senior fellow at the Competitive Enterprise Institute, told Bloomberg BNA. “You can’t go back to the same people at EPA who are already in the tank for the Paris Agreement and are convinced that this is the end of the world. If you’re going to have a debate, you’ve got to have two sides.”

The institute, a free-market advocacy group, has petitioned the EPA to undo the greenhouse gas endangerment finding.

“All of these issues have been discussed in great detail in the [Intergovernmental Panel on Climate Change], outside the IPCC, in the literature, in the policy world. I think there’s nothing new that would come out,” D. James Baker, director of forest and land-use measurement at the Clinton Climate Initiative and past administrator of the National Oceanic and Atmospheric Administration, told Bloomberg BNA. “All of the issues have been discussed in detail. We know what carbon dioxide does: It warms the atmosphere.”

Court Revives EPA Methane Regulation on Oil, Gas Drillers

Posted July 03, 2017, 01:32 P.M. ET

By David Schultz

A federal appeals court has revived an Obama-era EPA methane regulation on the oil and gas industry after the Trump administration tried to place it on hold.

This means oil and gas drillers may have to comply with this regulation despite earlier indications they wouldn't have to.

The regulation at issue requires oil and gas drillers to boost their monitoring for leaking methane, a potent greenhouse gas. It was enacted in the final months of the Obama administration as part of its Climate Action Plan.

Earlier this year, the Environmental Protection Agency announced that it will reconsider this regulation and moved to place its upcoming compliance deadlines on hold. A three-judge panel in the U.S. Court of Appeals for the D.C. Circuit, however, ruled July 3 that the EPA could not impose a three-month delay on implementing the regulation, which means its upcoming compliance deadlines may go into effect after all.

Obama in Indonesia Takes Swipe at Trump on Paris Climate Accord

Posted July 03, 2017, 8:40 A.M. ET

By [Karlis Salna](#)

Former U.S. President Barack Obama has pointed to the importance of the Paris climate accord while criticizing Donald Trump for pulling the world's biggest economy out of the pact.

Trump said last month he would withdraw from the pact and seek to negotiate a better deal, in a move that attracted widespread criticism from counterparts in Europe and elsewhere. The decision by Trump to walk away from the 2015 agreement was also criticized by business leaders, with some describing it as a setback for the environment.

"In Paris, we came together around the most ambitious agreement in history to fight climate change," Obama said July 1 in a speech at the opening of the Fourth Congress of the Indonesian Diaspora in Jakarta. He said it was "an agreement that even with the temporary absence of American leadership will still give our children a fighting chance."

"The challenges of our times, whether it's economic inequality, changing climate, terrorism, mass migration; these are really challenges and we're going to have to confront them together," he said.

Obama, who has been holidaying in Indonesia and on June 30 met with President Joko Widodo, also warned in remarks July 1 against rising sectarian politics around the world, as well as growing discrimination based on race and ethnicity.

"There are going to be some big decisions to make about Indonesia and about the United States and about the world in the years to come," he said. "It's been clear for a while that the world is at a crossroads, at an inflection point."

He said in Jakarta there had been "enormous progress" which had occurred "in part because of the stability that the United States helped support here in the Asia Pacific."

Global Challenges

But the former president said there are also challenges, and that globalization and technology had created problems and “shifts in the foundations of societies” and in politics both in developing and developed countries.

“The world is more prosperous than ever before, but this has also brought significant changes that are dangerous.”

“We start seeing a rise in sectarian politics, we start seeing a rise in an aggressive kind of nationalism, we start seeing both in developed and developing countries an increased resentment about minority groups and the bad treatment of people who don’t look like us or practice the same faith as us.”

“We start seeing discrimination against people based on race or ethnicity or religion.” Those threats must be confronted, Obama said.

Obama, who spent four years in Indonesia as a child, met with Widodo, known as Jokowi, at Bogor on the outskirts of the capital. “I always found Jokowi to be a man of quiet but firm integrity and somebody who sincerely wants what’s right by all Indonesians,” he said.

Their meeting touched on issues such as infrastructure and economic development, according to Obama, who said July 1 that the U.S. and Indonesia shared the common values of “pluralism and tolerance and openness and rule of law.”

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Justices Deny Town Review of Fired Cop’s Free Speech Claim

Posted January 17, 2017, 11:05 A.M. ET

By [Kevin McGowan](#)

The U.S. Supreme Court Jan. 17 declined to review a Louisiana town’s contention that it didn’t violate the First Amendment when it fired a local police officer who aided the FBI in a federal probe of town leaders (*Town of Ball, La. v. Howell*, U.S., No. 16-631, review denied 1/17/17).

The town of Ball, La., sought review of a federal appeals court [decision](#) allowing Thomas Howell to pursue a First Amendment retaliation claim.

The fired officer claimed his statements to the FBI about the town’s alleged fraud in applying for federal emergency funds were constitutionally protected speech. The town argued that Howell’s speech was part of his “ordinary” job duties and therefore lacked First Amendment protection.

Denial of review means the justices won’t decide the oft-litigated issue of whether public employees are speaking as citizens on matters of public concern or as employees performing their official job duties.

Man on a Wire.

At the FBI’s request, Howell wore a wire to record conversations in which the mayor and other officials discussed their bids for federal aid after two hurricanes. The FBI suspected fraud in the town’s applications. Ball’s mayor, police chief and four other town officials ultimately pleaded guilty

to federal charges.

Howell later was fired for purported insubordination. He alleged he actually was terminated for assisting the FBI. A district court dismissed his First Amendment retaliation claim, but the U.S. Court of Appeals for the Fifth Circuit revived it.

Broad Job Duties.

The Supreme Court has ruled that public employees lack First Amendment protection when speaking as part of their official duties. It said defining an employee's official duties is a "practical inquiry" focused on tasks an employee "actually is expected to perform."

The justices should resolve whether a local police officer sworn to uphold federal laws engages in First Amendment-protected speech by aiding an FBI investigation or if such conduct is unprotected because it falls within his broad job duties, Ball urged.

Howell waived his right to oppose review.

Borne Wilkes & Rabalais LLC represented the town. Broussard Halcomb & Vizzier represented Howell.

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Energy and Climate Report

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News

Climate Change

China 'Future Proofing' for Climate Change, Researcher Says

China is among the few countries preparing for a day when some coastal populations may need to move inland due to rising sea levels, according to a Cornell University study.

Corporate Responsibility

European Companies to Report Environmental Risks in 2018

Companies operating in the European Union can lean on non-binding guidance published by the European Commission June 26 when meeting an obligation to begin reporting environmental and social information starting in 2018.

Energy

Quorum Assured at Nuclear Regulatory Commission; Senate Approves Svinicki

The Senate June 26 approved Nuclear Regulatory Commission Chairman Kristine Svinicki for a third term at the agency, just days before her current term expired.

Energy

Tariffs on Solar Panels Seen Slowing Industry Growth by 66%

A trade complaint asking the Trump administration to impose tariffs on solar panels could devastate the U.S. industry, wiping out two-thirds of solar systems forecast to be installed over the next five years, according to a June 26 report by GTM Research.

Enforcement

EPA Targets Colorado Oil, Gas Firm in Early Enforcement Action

A Colorado oil and gas firm failed to control air pollution emissions from storage tanks throughout the Denver-Julesburg Basin, the EPA said in a lawsuit alleging violations of the Clean Air Act.

Environmental Justice

Former Environmental Justice Official's Records Sought in Lawsuit

A free-market advocacy group wants to know if a former EPA official has unduly influenced the agency's environmental justice work since leaving the Obama administration.

Natural Gas

Cheniere's LNG Market Share Expands as Korea Contract Starts

Add South Korea to the growing list of regulars buying America's shale gas.

Radioactive Waste

House Panel to Mark Up Yucca Mountain Nuclear Waste Bill

The House Energy and Commerce Committee will mark up legislation June 28 that would restart efforts to make Yucca Mountain the U.S. permanent repository for nuclear waste.

Renewable Energy

China Says Qinghai Province Beats Portugal's Clean-Power Record

The Chinese province of Qinghai in the nation's northwest set a record by using clean energy for seven continuous days, surpassing the previous title-holder Portugal.

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