

PRESS RELEASE

Embargoed for Release on March 20, 2018 at 12:01 AM EDT

The Concerned Household Electricity Consumers Council in its Comment Calls on President Trump and EPA to Repeal and Not Replace the Clean Power Plan(CPP).

[CHECC CPP ANPRM Replacement Comment Overview FINAL 022718 PDF](#)

Key Comment Conclusions*:

- **CO₂ is a Beneficial Gas, not a Pollutant. As a result, the Social Cost of Carbon is Negative since CO₂ is so very critical to plant growth and therefore human life.**
- **The 2009 Endangerment Finding must be reconsidered and rescinded/vacated. Thus, the CPP would not be replaced.**
- **All future Federal, State and private sector decisions regarding the Nation's electric power grid must focus solely on minimizing consumer electricity prices as well as maximizing Grid Reliability and Resilience. No consumer electricity price increases should be permitted by regulators that result from increased Renewables/Energy Storage Grid penetration.**
- **The Current Reconsideration of future vehicle MPG Standards must treat CO₂ reduction as a cost, not a benefit, so that only consumer preferences matter, not climate change issues. Currently, with low gasoline price expectations, most consumers prefer trucks & SUVs.**

***Based on the Concerned Household Electricity Consumers Council (CHECC) Comment in response to EPA's ANPRM CPP Replacement**

[CHECC CPP ANPRM Replacement Comment FINAL to EPA 022618 \(1\)](#)

Filed February 26, 2018

March 24, 2018

The Concerned Household Electricity Consumers Council (CHECC) announces that on February 26, 2018 it filed a Comment in response to EPA's Advanced Notice of Proposed Rule Making (ANPRM) Clean Power Plan (CPP) Replacement. (see [CHECC CPP ANPRM Replacement Comment FINAL to EPA 022618 \(1\)](#))

This Comment provided EPA and the Trump Administration with Legal, Climate Science and Energy Economic analysis findings, each robustly supporting the conclusion that **EPA should Repeal and Not Replace the Clean Power Plan.**

SUMMARY OF RECOMMENDATIONS

Based on the Legal Analysis: The CPP should not be replaced with anything at all until a lawful, scientifically robust, highly influential scientific assessment (HISA)-compliant positive endangerment finding has been made. The 2009 EF analysis process was fundamentally flawed requiring that it must be rescinded and reconsidered.

Based on the Climate Science Analysis: The scientific basis for the 2009 Endangerment Analysis has been invalidated – in fact, by two separate and distinct analyses. Hence, a GHG endangerment reconsideration is highly unlikely to yield a new endangerment finding. And, thus CPP replacement would have no legal basis and then should not be replaced.

Based on the Energy Economic Analysis: The current Federal, State and private sector policies that are now increasing the fraction of electricity generation from Intermittent Renewables must be stopped/reversed in order to avoid/mitigate very severe micro and macroeconomic impacts and National Security ramifications involving skyrocketing electricity prices as well as dramatically reduced power grid reliability and resilience. The climate science findings suggest that taking such action will have no impact on the climate.

Legal Findings

The legal analysis contained in the Comment is written to satisfy lawyers conversant in “Administrative Law,” but the bottom line is that the 2009 Endangerment Finding, upon which all current CO₂ regulation is predicated, was rammed through EPA and the courts and shown in the Comment to have not been carried out consistent with statute law.

The 2009 Endangerment Finding did not comply with the requirements for highly influential scientific assessments (HISA), and Obama’s endangerment finding supporting the CPP is demonstrated to be grossly deficient. In short, the CO₂ Endangerment Finding must be reconsidered because the 2009 finding was not made consistent with easy to understand statute law – a point made to EPA by its Inspector General but ignored by EPA and both the D.C. and Supreme Courts.

The only lawful way to regulate GHG emissions is to prepare a proper, HISA-compliant positive endangerment finding. Until that has been completed, and a lawfully conducted and scientifically robust positive finding returned, the CPP should not be replaced with any regulation at all.

Climate Science Findings

New research findings now make it all but certain that CO₂ is not a pollutant but rather a beneficial gas that should not be regulated. This is because at this point, there is no statistically valid proof that past increases in atmospheric CO₂ concentrations have caused what have been officially reported as rising, or even record setting, temperatures.

Moreover, new research findings demonstrate that adjustments by government agencies to the Global Average Surface Temperature (GAST) data render that data totally inconsistent with many other published and credible temperature data sets and therefore totally useless for any policy analysis purpose.

Adjustments over time to previously reported official data that imparted an ever-steeper upward trend in the data by removing the natural cyclical temperature patterns previously present in the data. These adjustments have deprived the GAST data from NOAA, NASA and Hadley CRU of the credibility required for policymaking or climate modeling. This is

particularly true when such data are relied on to drive trillions of dollars in expenditures.

Finally, it is therefore inescapable that: if the official GAST data from NOAA, NASA and Hadley CRU are invalid, then both the 'basic physical understanding' of climate and the associated climate models will also be invalid – resulting in tens of billions in wasted climate research funding.

The CHECC Comment also referenced two recent letters to the EPA Administrator from over 85 highly credentialed scientists. They stated as follows: “We the undersigned are individuals who have technical skills and knowledge relevant to climate science and the GHG Endangerment Finding. We each are convinced that the 2009 GHG Endangerment Finding is fundamentally flawed and that an honest, unbiased reconsideration is in order.”

The Comment's science findings section also presents rebuttals of ten typical climate change alarmists' claims. The authors of these rebuttals are all recognized experts in the relevant scientific fields. The rebuttals demonstrate the falsity of all ten of the claims merely by citing the most credible empirical data on the topic. The ten now rebutted alarmist claims are as follows:

- Heat Waves are increasing at an alarming rate and heat kills.
- Global warming is causing more hurricanes and stronger hurricanes.
- Global warming is causing more and stronger tornadoes.
- Global warming is increasing the magnitude and frequency of droughts and floods.
- Global Warming has increased U.S. Wildfires.
- Global warming is causing snow to disappear.
- Global warming is resulting in rising sea levels as seen in both tide gauge and satellite technology.
- Arctic, Antarctic and Greenland ice loss is accelerating due to global warming.
- Rising atmospheric CO₂ concentrations are causing ocean acidification, which is catastrophically harming marine life.
- Carbon pollution is a health hazard.

This parade of horrible calamities that the 2009 Endangerment Finding predicts and that a vast program of regulation seeks to prevent have been comprehensively and conclusively refuted by empirical data. The 2009 Endangerment Finding should be rescinded and the Clean Power Plan replaced with nothing at all.

Energy Economic Findings

The Energy Economic Argument for rescinding the 2009 Endangerment Finding is that the CPP should not be replaced with anything because increasing the Fraction of Electricity Generation from Intermittent Renewables causes Enormous Consumer Electricity Price Increases and Serious Negative Macroeconomic Impacts. Real world examples in the Comment demonstrate that jurisdictions that have succeeded in increasing the percent of electricity from renewables validate the proposition that the more their power grid relied on renewables, the higher the electricity price -with price increases accelerating as the percent of electricity from renewables gets higher than 20% or so.

These real world case studies are corroborated by a September 2017 study by IHS Markit, titled [*Ensuring Resilient and Efficient Electricity Generation: The Value of the Current Diverse U.S. Power Supply Portfolio*](#) which analyzed the economic effects of state and federal energy policies that are driving electric utilities away from coal, nuclear and hydroelectric and towards renewables and natural gas. Such policies are forecast by IHS Markit to lead to a tripling of the current roughly 7% reliance on wind, solar and other intermittent resources, with natural gas-fired resources supplying the majority of generation. (This assumption now appears optimistic for NG penetration; that is, current trends would favor higher renewable penetration.)

The Study's Findings are that current policy driven market distortions will lead to the: *U.S. power grid becoming less cost-effective, less reliable and less resilient, ... Id.* at p. 4 (Emphasis added). The study forecasts that these policies will cause a 27% increase in the retail price of electricity.

The following economic impacts of these policies were forecast:

The 27% retail power price increase associated with the less efficient diversity case causes a **decline of real US GDP of 0.8%, equal to \$158 billion** (2016 chain-weighted dollars).

Labor market impacts of the less efficient diversity case involve a reduction of **1 million jobs**.

A less efficient diversity case **reduces real disposable income per household by about \$845 (2016 dollars) annually**, equal to 0.76% of the 2016 average household disposable income.”

Id. at p. 5. (Emphasis added).

It should be noted that the Study’s projected 27% increase in average retail power prices is predicated on the wind and solar renewables share rising by three-fold from 7% to “only” about 21%. The case studies discussed in the Comment make very clear the enormous increases in power prices that would result as policy makers attempt to move the renewables grid penetration higher than that. Moreover, the study found that policies that promote increased use of wind and solar would likely result in little to no reduction in the level of electric sector CO₂ emissions.

Based on these Energy Economic findings, the CPP should not be replaced with anything because increasing the fraction of electricity generation from Intermittent Renewables will cause (1) enormous consumer electricity price increases, (2) the Grid to become even less reliable and less resilient, and (3) *even more* serious negative micro and macroeconomic impacts – but would have zero impact on the climate. Based on the Comment’s reported science findings, this would be true whether or not the CPP Replacement managed to significantly reduce U.S. CO₂ emissions from any and all sources.