

Bryan Cave Energy Update

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Global Climate Talks

Leaked Emails Create Ethics Problem for Prominent Climate Change Research Center

Thousands of emails and documents were hacked recently from the Climate Research Unit at East Anglia University in the U.K. and posted on the internet, creating a controversy on how the scientists used data and appeared to conspire to suppress conflicting data and dissenting opinions. The emails indicate that scientists urged each other to present a unified view on the theory of man-made climate change. In addition, the emails indicate that scientists advised one another on how to ensure data did not compromise their hypothesis and on how to “hide the decline” of temperature in certain data. The emails also refer to efforts by scientists who believe that global warming is manmade to exclude dissenting views from scientific journals. Other emails indicate that climate scientists refused to make their data available to scientists with views contrary to their own. Pat Michaels, a climate scientist at the Cato Institute who is negatively mentioned in some of the emails, said, “This is horrible. This is what everyone feared. Over the years, it has become increasingly difficult for anyone who does not view global warming as an end-of-the-world issue to publish papers. This isn’t questionable practice, this is unethical.”

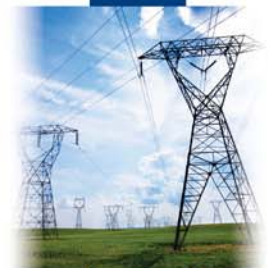
The American Association for the Advancement of Science, which maintains that “climate change is real” and related to human activities, expressed

concern that the emails would hinder efforts to reduce global greenhouse gas emissions.

Obama Administration Responds to Controversy

Obama Administration officials and Democratic lawmakers responded to the leaked e-mails by defending the science behind global warming and arguing that the controversy does not undermine the “strong scientific consensus” that global warming is occurring and that it is largely due to human activities. Jane Lubchenco, Administrator of the National Oceanic and Atmospheric Administration, said, “The e-mails do nothing to undermine the strong scientific consensus and independent scientific analysis of thousands of scientists around the world that tell us the Earth is warming and warming is largely a result of human activities.”

Republicans, however, said the emails indicate there is a pattern of oppression, manipulation and secrecy behind the data used to justify the administration’s climate policies. Rep. James



Sensenbrenner (R-WI) said the emails “read more like scientific fascism” and that the “scandal is the end of declarations that the science is settled.”

NASA Faces Possible Lawsuit to Force Release of Climate Data

The Competitive Enterprise Institute this week notified NASA it intends to sue the agency unless documents related to errors in temperature data records that were requested under the Freedom of Information Act are made available within 30 days. CEI senior fellow Christopher Horner said, “We sent three notices of intent to sue for long-running violations of the FOIA which we have serially pinged them on to remind them that they’re still out of compliance with the law.” The requested information is related to the University of East Anglia email controversy. Specifically, CEI is seeking email correspondence between a critic of NASA’s climate data who noted errors in the agency’s data and officials with the Goddard Institute for Space Studies. NASA has said it is reviewing the FOIA request and will release the information as soon as it has completed “all the proper reviews.”

In addition, Sen. James Inhofe (R-OK), ranking member of the Environment and Public Works Committee, said federal scientists should retain their communications with East Anglia University for a pending investigation. “The stakes in this controversy are significant, as it appears that the basis of federal programs, pending EPA rulemaking, and cap-and-trade legislation was contrived and fabricated,” he said.

India Will not Sign Binding Emissions Cuts Treaty During Copenhagen Talks

India’s Environment Minister, Jairam Ramesh, recently said that during the Copenhagen climate talks India will not agree to a legally binding emissions reduction or a peak year of carbon emissions. Instead, Ramesh said that India would accept international verification of reductions if they are supported by financing and technology transfers.

U.S. Proposes Fund to Help Poor Nations Transition to Low-Carbon Economies

The United States has proposed a new World Bank fund to help poor countries move toward low-carbon economies. Such countries are the most vulnerable to climate change and will be more vulnerable to droughts, rising sea levels and severe storms, according to some scientists. During the Copenhagen climate talks, negotiations will continue on how best to help defray the resulting costs and invest in sustainable energy. For example, funds could be used to build solar parks or create an insurance mechanism for disasters or crops. Countries are expected to offer between \$7 billion and \$10 billion for the immediate needs of poor countries. The United States is expected to contribute about \$1.3 billion of that amount, but it is not known what the U.S. will pledge for the long term. Officials from the Treasury Department said the fund should leverage private investment and public funds. A point of contention, however, will be the involvement of the World Bank. While the Treasury Department believes the World Bank has the ability to oversee the financing, environmental activists have said the bank funds too much fossil fuel development and favors richer nations.

Americans' Belief in Global Warming Drops

Belief in global warming among Americans has dropped to its lowest point in 12 years, with 51 percent of adults believing that carbon dioxide and other greenhouse gases cause the Earth's average temperature to increase, according to a new poll. The results indicate a sharp drop, as two years ago 71 percent linked greenhouse gases to global warming. By comparison, 90 percent of Europeans consider climate change to be a "serious problem." According to Julian Zelizer, a history and public affairs professor at Princeton University, the polling results are "a big problem for the president." She added, "One of the main tactics of opponents of environmental regulation since the 1940s has been to challenge the science." The poll also found an increasing partisan gap in the results, as 73 percent of Democrats believe that greenhouse gas emissions cause global warming, compared to 28 percent of Republicans and 49 percent of independents.

Congress

Kerry Indicates Bipartisan Climate Change Agreement May Be Released before U.N. Talks

Sen. John Kerry (D-MA) said a bipartisan agreement on climate change legislation may be released as soon as next week. Kerry said that senators may release an outline of their plan for cap-and-trade legislation "depending on where we are" in the negotiation process. Kerry said he is planning on attending the talks in Copenhagen, but the schedule on when senators will attend is uncertain due to the ongoing debate on health care, which will require all 60 members of the Democratic caucus to overcome Republican filibusters on procedural votes and on final passage. Senate Majority Leader Harry Reid (D-NV) said he would not suspend the health care debate to allow senators to travel to Copenhagen.

Key Senate Democrats 'Skeptical' of China's Carbon Pledge

In response to China's recent pledge to reduce carbon intensity 40 to 45 percent below 2005 levels, three Senate Democrats expressed skepticism and said that

verification is needed. For example, Sen. Robert Casey (D-PA) said, "There's a lot of verification we're going to have to see before I'd embrace it and say it's as positive a development as the Chinese would hope we'd say it is." Sen. Jay Rockefeller (D-WV) noted that the announcement is part of a pattern from the Chinese government. "They enter negotiations always with an advantage because nobody knows what they're going to do, what they're going to say, or whether they mean it."

China and other developing countries, including India, Brazil and South Africa, have threatened to walk out of the Copenhagen talks if there is an effort to impose legally binding emissions cuts on them.

However, Ned Helme, director of the Center for Clean Air Policy, characterized the recent Chinese announcement as a "fundamental shift." He added, "It's phenomenal what we've been hearing in the last few weeks in terms of announcements. The fundamental argument was these countries weren't doing anything."

Dorgan Advocates Increase in CCS funding

A panel of experts organized by Sen. Byron Dorgan (D-ND) recently issued a report that found cleaning up greenhouse gas emissions from coal in the United States could be as high as \$450 billion over 25 years, a significant increase over the current funding levels for such

activities. For example, the economic stimulus package provided \$3.4 billion for carbon capture and sequestration (CCS). While unable to reach a consensus on the cost of deploying CCS technology, the panel's conservative estimates of costs were \$110 billion between 2010 and 2035. Dorgan said the panel's findings should serve as a framework for the Senate's climate change legislation. He added he did not support a cap-and-trade system and instead would prefer a carbon "fee."

Industry

Oil Industry Launches Job Creation Plan

The American Petroleum Institute is submitting a set of legislative measures that could create hundreds of thousand of jobs if enacted. The move comes after the industry was excluded from President Obama's recent job summit. The API plan urges that any job-creation legislation include a requirement that the Interior Department proceed with an offshore leasing schedule that was started by the Bush administration. In addition, API proposed leasing in non-wilderness portions of the Arctic National Wildlife Refuge. API officials are frustrated they were excluded from the White House jobs summit and that President Obama's support for energy interests is directed at companies that produce renewable energy.