From: Harry MacDougald <hmacdougald@cpdlawyers.com>
Sent: Friday, March 01, 2019 4:35 PM
To: Wheeler, Andrew <wheeler.andrew@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Francis Menton Jr. <fmenton@manhattancontrarian.com>
Subject: 6th Supplement to CHECC Motion for Reconsideration of GHG Endangerment Finding

Dear Administrator Wheeler:

Attached please find the Sixth Supplement to Petition For Reconsideration of "Endangerment And Cause Or Contribute Findings For Greenhouse Gases Under Section 202(A) Of The Clean Air Act" of the Concerned Household Electricity Consumers Counsel (CHECC).

A hard copy will follow by mail.

With best regards,

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BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In re:

EPA Docket No.

Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act

EPA-HQ-OAR-2009-01

SIXTH SUPPLEMENT TO PETITION FOR RECONSIDERATION OF "ENDANGERMENT AND CAUSE OR CONTRIBUTE FINDINGS FOR GREENHOUSE GASES UNDER SECTION 202(a) OF THE CLEAN AIR ACT"

Filed by

Concerned Household Electricity Consumers Council, consisting of Joseph D'Aleo, Clement Dwyer, Jr., Russell C. Slanover, Scott M. Univer, James P. Wallace III, Robin D. Weaver, and Douglas S. Springer

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SIXTH SUPPLEMENT TO PETITION FOR RECONSIDERATION OF "ENDANGERMENT AND CAUSE OR CONTRIBUTE FINDINGS FOR GREENHOUSE GASES UNDER SECTION 202(A) OF THE CLEAN AIR ACT"

Pursuant to Section 307(d) of the Clean Air Act, 42 U.S.C. § 7607(d) and 5 U.S.C. § 553(e), the Concerned Household Electricity Consumers Council ("CHECC"), consisting of Joseph D'Aleo, Clement Dwyer, Jr., Russell C. Slanover, Scott M. Univer, James P. Wallace III, Robin D. Weaver and Douglas S. Springer, hereby submit this sixth supplement to their January 20, 2017 Petition ("Petition") to the U.S. Environmental Protection Agency ("EPA" or "the Agency") to convene a proceeding for reconsideration of the "Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act" published by the Agency on December 15, 2009 (74 F.R. 66496, Dec. 15, 2009) (original EPA Docket No. Docket EPA-HQ-OAR-2009-171) ("the Endangerment Finding"), by submitting the following:

CHECC and its members submit this Sixth Supplement to their Petition to provide new information that is relevant to the credibility of the three lines of evidence upon which EPA relies to attribute observed global warming to human emissions of greenhouse gases.¹

We submit herewith a May 2018 Research Report by Dr. James P Wallace III, Dr. Joseph S. D'Aleo (honorary) and Dr. Craig D. Idso, titled "Comment on 'Examination of space-based bulk atmospheric temperatures used in climate research' by Christy et al.," Research Report, Third Edition, May, 2018 (Wallace 2018). This report (Wallace 2018) is available at <u>EF DATA Comment on</u> <u>Christy et al Paper Final 042818V4</u> and is incorporated herein by reference.

This recently released peer reviewed Climate Science Research Report (Wallace 2018) has once again proven that it is all but certain that EPA's basic claim that CO_2 is a pollutant is totally false. All research was done pro bono.

¹ At 74 C.F.R. page 66,518, EPA sets out the three "lines of evidence" upon which it has attributed "observed climate change" to "anthropogenic activities." They are the "basic physical understanding" of the climate system, temperature records, and climate modeling.

This research was carried out using as its temperature data the UAH TLT 6.0 atmospheric temperature data gathered via satellite. UAH data has been clearly shown to be the very best data available². Wallace 2018 involved the use of mathematical methods of econometrics specifically designed for structural analysis of time series data. These methods have been demonstrated to be highly credible when applied to data such as the UAH temperature data³.

The Christy et al (2018) paper discussed in Wallace 2018 does mathematically derive a linear temperature trend having a positive slope parameter estimate that is lower than that obtained by other researchers. However, quite properly, Christy et al (2018) does not claim that this particular research report finding <u>implies anything whatsoever</u> regarding a proof that CO_2 has had a statistically significant impact on the Earth's temperature over the last 50 years or so³.

Wallace 2018 argues that this statistical significance issue must be addressed using appropriate mathematical methods. Such methods are once again used in this new research and prove that the increasing atmospheric CO_2 concentrations did not have a statistically significant impact on the UAH TLT 6.0 temperature data set over the period 1979 to 2016.

In fact, Wallace 2018 demonstrated that there was a "Pause" in UAH TLT temperature trend increases (i.e., the underlying linear trend was flat) over the 1995 to 2016 period. This is a time period during which atmospheric CO_2 concentrations increased by over 12.0%.

Moreover, based on a well-known solar activity forecast (Abdussamatov 2015⁴) and specific assumptions on the other natural explanatory variables (i.e., volcanic and oceanic/ENSO activity), Wallace 2018 also provides a long-term forecast that UAH TLT (i.e., lower tropospheric) temperatures are very likely to exhibit a declining trend over the period through 2026 at the least.

⁴ See:

² See: <u>https://www.tandfonline.com/doi/full/10.1080/01431161.2018.1444293</u>

³ See: <u>https://thsresearch.files.wordpress.com/2017/04/ef-data-research-report-second-editionfinal041717-1.pdf</u>, for structural analysis methodology see Preface, pages 7-12

http://www.doiserbia.nb.rs/(X(1)A(O911W9Dm0gEkAAAANjcxNWQ2NGEtM2ExNy00MTkwL WI3YTgtYTQ1N2QzMzI1NzgxAg7CGrxyf6_S075rvy0gkboWe-c1))/img/doi/0354-9836/2015/0354-98361500018A.pdf, page S282

Furthermore, Wallace 2018 also points out that, even if UAH temperature data had happened to have had a statistically significant downward sloping linear trend, it would not have guaranteed that CO₂ had not had a statistically significant positive impact on temperature. It simply would have required the use of the proper mathematical tools to have obtained the statistical results to have proved it. This is why all of the focus on the magnitude of the slope of linear temperature trends by most climate scientists makes no sense to analysts experienced in the use of the mathematically proper econometrics-based structural analysis tools.

Finally, making another key technical point, Wallace 2018 argues against the use of *reanalysis data⁵* in structural analysis since its use makes mathematically rigorous hypothesis testing virtually impossible.

The enormous advantages of the econometrics-based structural analysis methodology used in Wallace 2018 and its predecessors over the methodology used in developing the Climate Models relied upon in EPA's CO₂ Endangerment Finding become more obvious every day, the explanation for which has been further discussed in highly relevant Congressional Testimony quoted at length in this Comment⁶.

CONCLUSION

No scientists have yet devised an empirically validated theory proving that higher atmospheric CO_2 levels have led to higher global temperatures. Moreover, if the causal link between higher atmospheric CO_2 concentrations and higher temperatures is broken, then EPA's assertions that higher CO_2 concentrations also cause sea-level increases and more frequent and severe storms, floods, and droughts and other deleterious effects on human health and welfare are also disproved. Such causality assertions require a validated theory that higher atmospheric CO_2 concentrations cause increases in temperatures.

Professor of Atmospheric Science, University of Alabama in Huntsville

⁵ Reanalysis data can be thought of as raw data adjusted by climate modelers to be more consistent with a particular theory or theories.

⁶ See: U.S. House Committee on Science, Space & Technology

March 29, 2017, Testimony of Dr. John R. Christy, pages 10-11

Alabama State Climatologist

Lacking such a validated theory, EPA's CO₂ Endangerment Finding cannot stand. In science, credible empirical data always trump proposed theories, even if those theories are claimed to (or actually do) represent the current consensus, or, in this case, a finding made by EPA.

The invalidated CO₂ Endangerment Finding, combined with the mandated use of the therefore fundamentally flawed Social Cost of Carbon estimates by the regulators and the courts, are now driving numerous crippling state and federal CO₂ -related decisions. For example, decisions involving pipeline construction, mineral leasing on federal land and the mandated use of wind and solar for electric power generation are already having numerous very serious negative impacts on the Nation's Energy, Economic and National Security. If this continues, achieving and maintaining U.S. Energy Dominance is out of the question. How could it be otherwise with many state regulators and politicians in the federal government even now calling for eliminating all use of America's enormous fossil fuel reserves? Continuing down this path will without any doubt cause U.S. energy prices to skyrocket to the enormous detriment of human health and welfare.

To stop this fundamentally misguided regulatory process, EPA should therefore promptly convene a proceeding to reconsider the CO₂ Endangerment Finding.

Respectfully submitted, this 1st day of March, 2019.

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