

BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

In re:

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

EPA Docket No.

EPA-HQ-OAR-2009-01

FIFTH 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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**FIFTH 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 submits this Fifth 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”), as follows:

This Fifth Supplement to the CHECC Petition provides new highly relevant information that invalidates oft-repeated alarmist claims that human emissions of Greenhouse Gases (“GHGs”) will cause calamitous changes in other state variables of the climate system such as sea level, ocean acidification, and extreme events.

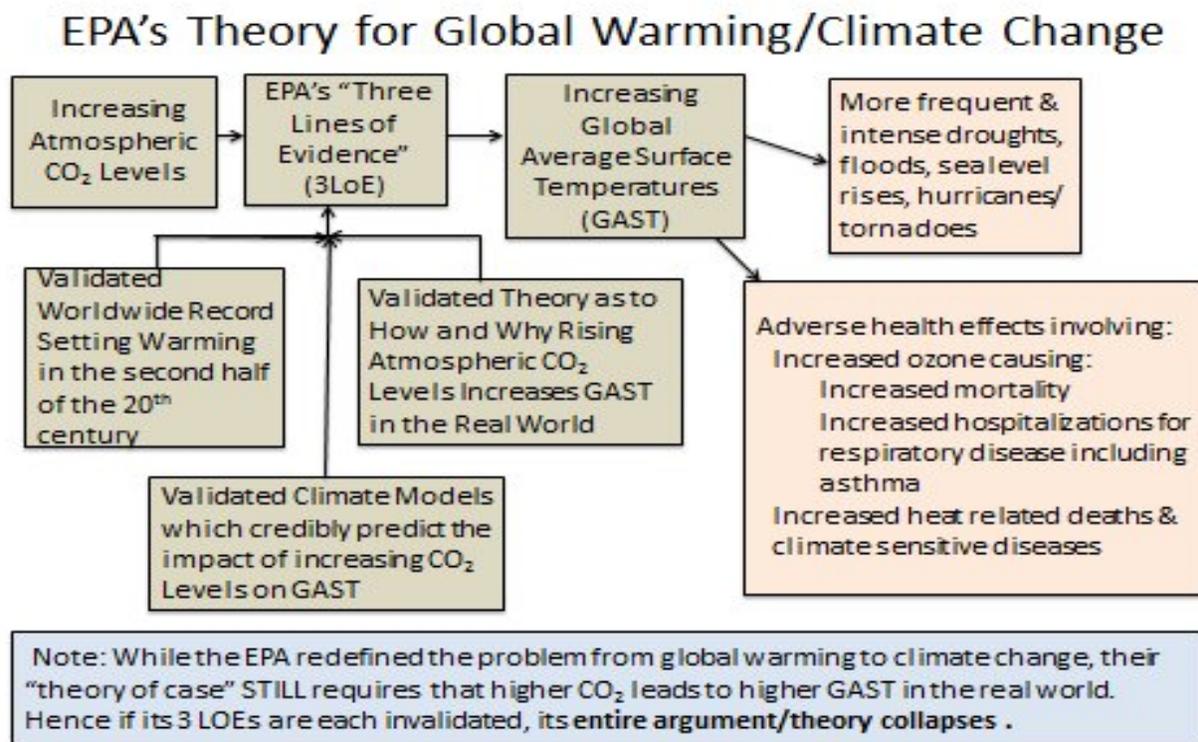
As demonstrated in CHECC’s original Petition and its first two supplements, *each* of the three lines of evidence upon which EPA relies to attribute global warming to human GHG emissions has been invalidated. As a result, EPA has no proof whatsoever, and no scientist has devised an empirically validated theory, that CO₂ has had a statistically significant impact on global temperatures.

If the causal link between higher atmospheric CO₂ concentrations and higher global average surface temperature (“GAST”) is broken by invalidating each of EPA’s three lines of evidence, then EPA’s assertions that higher CO₂ concentrations also

cause loss of Arctic ice¹, sea-level increases² and more frequent severe temperatures,³ storms,⁴ floods,⁵ and droughts⁶ are also necessarily disproved.

EPA's faulty chain of reasoning is depicted in Figure 1:

Figure 1



¹ Technical Support Document for Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act ("TSD"), pp. ES-4 ("Sea ice extent is projected to shrink in the Arctic under all IPCC emissions scenarios") See also *id.* at pp. 52; 73.

² *Id.* at p. ES-4 ("By the end of the century, global average sea level is projected by IPCC to rise between 7.1 and 23 inches."); See also *id.* at 52, 73.

³ *Id.* at pp. ES-4 ("It is very likely that heat waves will become more intense, more frequent, and longer lasting in a future warm climate, whereas cold episodes are projected to decrease significantly."); See also *id.* at pp. 44-45; 73-74.

⁴ *Id.* at ES-4 ("It is likely that hurricanes will become more intense").

⁵ *Id.* at ES-4 ("Intensity of precipitation events is projected to increase in the United States and other regions of the world. More intense precipitation is expected to increase the risk of flooding.")

⁶ *Id.* at p. ES-6 (Reduced snowpack, earlier spring snowmelt, and increased likelihood of seasonal summer droughts are projected in the Northeast, Northwest, and Alaska. More severe, sustained droughts and water scarcity are projected in the Southeast, Great Plains, and Southwest."); 45-46; 73-74.

Such causality assertions require a validated theory that higher atmospheric CO2 concentrations cause increases in GAST and in turn cause these other phenomena. Lacking such a validated theory, EPA's conclusions 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.

Below are a series of rebuttals of typical climate alarmists' claims regarding other state variables of the climate system, such as those mentioned above and those made in the recently released Fourth National Climate Assessment Report.⁷ The authors of these rebuttals are all recognized experts in the relevant scientific fields. The rebuttals demonstrate the falsity of EPA's claims merely by citing the most credible empirical data on the topic.

For each alarmist claim, we quote in full the summary of the relevant rebuttal, list the credentials of the authors of each rebuttal, and provide a link to the full text of the rebuttal (which is incorporated herein by reference).

ALARMIST CLAIM REBUTTALS

1. ***CLAIM: HEAT WAVES ARE INCREASING AT AN ALARMING RATE AND HEAT KILLS.***

Summary of Rebuttal

There has been no detectable long-term increase in heat waves in the United States or elsewhere in the world. Most all-time record highs here in the U.S. happened many years ago, long before mankind was using much fossil fuel. Thirty-eight states set their all-time record highs before 1960 (23 in the 1930s!). Here in the United States, the number of 100F, 95F and 90F days per year has been steadily declining since the 1930s. The Environmental Protection Agency Heat Wave Index confirms the 1930s as the hottest decade.

James Hansen while at NASA in 1999 said about the U.S. temperature record "In the U.S. the warmest decade was the 1930s and the warmest year was 1934".

When NASA was challenged on the declining heat records in the U.S, the reply was that the U.S. is just 2% of the world. However, all 8 continents recorded their all-time record highs before 1980.

⁷ <https://science2017.globalchange.gov>

Interestingly while the media gives a great deal of coverage to even minor heat waves to support the case that man-made global warming is occurring, the media tends to ignore deadly cold waves. But in actual fact worldwide cold kills 20 times as many people as heat. This is documented in the “Excess Winter Mortality” which shows that the number of deaths in the 4 coldest winter months is much higher than the other 8 months of the year. The USA death rate in January and February is more than 1000 deaths per day greater than in it is July and August.

Clearly, there is no problem with increased heat waves due to Climate Change.

Detailed Rebuttal: [EF RRT AC - Heat Waves](#)

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2. *CLAIM: GLOBAL WARMING IS CAUSING MORE HURRICANES AND STRONGER HURRICANES.*

Summary of Rebuttal

There has been no detectable long-term trend in the number and intensity of hurricane activity globally. The activity does vary year to year and over multidecadal periods as ocean cycles including El Nino/La Nina,

multidecadal cycles in the Pacific (PDO) and Atlantic (AMO) favor some basins over others.

The trend in landfalling storms in the United States has been flat to down since the 1850s. Before the active hurricane season in the United States in 2017, there had been a lull of 4324 days (almost 12 years) in major hurricane landfalls, the longest lull since the 1860s.

Harvey was the first hurricane to make landfall in Texas since Ike in 2008 and the first Category 4 hurricane in Texas since Hurricane Carla in 1961. There has been a downtrend in Texas of both hurricanes and major hurricanes. Texas is an area where Gulf Tropical Storms and hurricanes often stall for days, and 6 of the heaviest tropical rainfall events for the U.S. have occurred in Texas. Harvey's rains were comparable to many of these events. Claudette in 1979 had an unofficial rainfall total greater than in Harvey.

In Florida, where Irma hit as a category 4 on the Keys, it came after a record 4339 days (just short of 12 years) without a landfalling hurricane. The previous record lull was in the 1860s (8 years). There has been no trend in hurricane intensity or landfalling frequency since at least 1900.

Detailed Rebuttal: [EF RRT AC - Hurricanes](#)

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Dr. Neil Frank

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Longest Standing Director of the National Hurricane Center (1974–1987)

Chief Meteorologist at KHOU-TV in Houston ,1989 Texas Press Awards for the Best weathercast, 2004 recipient of the [Belo](#) William H. Seay Award.

Councilor, American Meteorological Society,

Roy W. Spencer

Ph.D. in meteorology at the University of Wisconsin-Madison

Before becoming a Principal Research Scientist at the University of Alabama in Huntsville in 2001, he was a Senior Scientist for Climate Studies at NASA's Marshall Space Flight Center, where he and Dr. John Christy received NASA's Exceptional Scientific Achievement Medal for their global temperature monitoring work with satellites.

Dr. Spencer's work with NASA continues as the U.S. Science Team leader for the Advanced Microwave Scanning Radiometer flying on NASA's Aqua satellite.

Dr. Spencer's research has been entirely supported by U.S. government agencies: NASA, NOAA, and DOE.

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Icecap

3. CLAIM: GLOBAL WARMING IS CAUSING MORE AND STRONGER TORNADOES.

Summary of Rebuttal

Tornadoes are failing to follow "global warming" predictions. Big tornadoes have seen a decline in frequency since the 1950s. The years 2012, 2013, 2014, 2015 and 2016 all saw below average to near record low tornado counts in the U.S. since records began in 1954. 2017 to date has rebounded only to the long-term mean. This lull followed a very active and deadly strong La Nina of 2010/11, which like the strong La Nina of 1973/74 produced record setting and very deadly outbreaks of tornadoes. Population growth and expansion outside urban areas have exposed more people to the tornadoes that once roamed through open fields.

Tornado detection has improved with the addition of NEXRAD, the growth of the trained spotter networks, storm chasers armed with cellular data and imagery and the proliferation of cell phone cameras and social media. This shows up most in the weak EF0 tornado count but for storms from moderate EF1 to strong EF 3+ intensity, the trend has been flat to down despite improved detection.

Detailed Rebuttal: [EF RRT CA - Tornadoes](#)

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4. ***CLAIM: GLOBAL WARMING IS INCREASING THE MAGNITUDE AND FREQUENCY OF DROUGHTS AND FLOODS.***

Summary of Rebuttal

Our use of fossil fuels to power our civilization is not causing droughts or floods. NOAA found there is no evidence that floods and droughts are increasing because of climate change. The number, extend or severity of these events does increase dramatically for a brief period of years at some locations from time to time but then conditions return to more normal. This is simply the long-established constant variation of weather resulting from a confluence of natural factors.

In testimony before Congress Professor Roger Pielke, Jr. said: “It is misleading, and just plain incorrect, to claim that disasters associated with hurricanes, tornadoes, floods, or droughts have increased on climate timescales either in the United States or globally. Droughts have, for the most part, become shorter, less frequent, and cover a smaller portion of the U.S. over the last century.”

“The good news is U.S. flood damage is sharply down over 70 years,” Roger Pielke Jr. said. “Remember, disasters can happen any time...”. But it is also good to understand long-term trends based on data, not hype.”

Detailed Rebuttal: [EF RRT AC - Droughts and Floods](#)

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Dr. Madhav Khandekar
Madhav is a former research scientist from Environment Canada and is presently on the editorial board of the Journal of Natural Hazards (Kluwer). He is an environmental consultant on extreme weather events and a scientist with the Natural Resources Stewardship Project. He has worked in the fields of weather and climate for nearly 50 years and has published more than 120 papers, reports, and book reviews and a monograph on ocean surface wave analysis and modeling (Springer-Verlag 1989). Khandekar was one of the external reviewers for the Intergovernmental Panel on Climate Change’s 2007 Fourth Assessment Report and Editor of the Extreme Weather section of the NIPCC report.

5. ***CLAIM: GLOBAL WARMING HAS INCREASED U.S. WILDFIRES.***

Summary of Rebuttal

Wildfires are in the news almost every late summer and fall. The [National Interagency Fire Center](#) has recorded the number of fires and acreage affected since 1985. This data show the number of fires trending down slightly, though the acreage burned had increased before leveling off over the last 20 years. The NWS tracks the number of days where conditions are conducive to wildfires when they issue red-flag warnings. It is little changed.

2017 was an active fire year in the U.S. but my no means a record. The U.S. had 64,610 fires, the 7th most since in 11 years and the most since 2012. The 9,574, 533 acres burned was the 4th most in 11 years and most since 2015. The fires burned in the Northwest including Montana with a very dry summer then the action shifted south seasonally with the seasonal start of the wind events like Diablo in northern California and Santa Ana to the south.

Fires spread to northern California in October with an episode of the dry Diablo wind that blows from the east and then in December as strong and persistent Santa Ana winds and dry air triggered a round of large fires in Ventura County.

According to the California Department of Forestry and Fire Protection the 2017 California wildfire season was the most destructive one on record with a total of 8,987 fires that burned 1,241,158 acres. It included five of the 20 most destructive wildland-urban interface fires in the state's history.

When it comes to considering the number of deaths and structures destroyed, the seven-fold increase in population in California from 1930 to 2017 must be noted. Not only does this increase in population mean more people and home structures in the path of fires, but it also means more fires. Lightning and campfires caused most historic fires; today most are the result of power lines igniting trees. The power lines have increased proportionately with the population, so it can be reasoned that most of the damage from wild fires in California is a result of increased population not Global Warming. The increased danger is also greatly aggravated by poor government forest management choices.

Detailed Rebuttal: [EF RRT AC - Wildfires](#)

Authors:

John Coleman (d. 2018)
Founder and first CEO of The Weather Channel
61 years in Broadcast Meteorology with 20 years in the west
Meteorologist for Good Morning America
AMS Broadcast Meteorologist of the Year in 1983

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6. CLAIM: GLOBAL WARMING IS CAUSING SNOW TO DISAPPEAR.

Summary of Rebuttal

This is one claim that has been repeated for decades even as nature showed very much the opposite trend with unprecedented snows even to the big coastal cities. Every time they repeated the claim, it seems nature upped the ante more.

Alarmists have eventually evolved to crediting warming with producing greater snowfall, because of increased moisture but the snow events in recent years have usually occurred in colder winters with high snow water equivalent ratios in frigid arctic air.

Snowcover in the Northern Hemisphere, North America and Eurasia has been increasing since the 1960s in the fall and winter but declining in the spring and summer. However, as NOAA advised might be the case, snowcover measurement methodology changes at the turn of this century may be responsible for part of the warm season differences.

Detailed Rebuttal: [EF RRT CA - Snow](#)

Authors:

Herb Stevens, co-author Herb Stevens, has been skiing for 65 years at hundreds of the nation's ski areas. He has served as the skiing weatherman providing ski weather assessments and forecasts in broadcast form for many TV stations. He has worked with the ski area administrators at many resorts. He comments:

"In my 35 years working in the winter sports industry as a television snow reporter, I visited literally hundreds of ski areas in the U.S. I did not personally observe nor did any resort administrator ever express to me concern over any sort of dwindling seasonal snowfall in any region of this country. More importantly, the DATA speaks to the heart of this question...there is simply no support for the notion that any sort of decreasing trend in snowfall during the winter sports season exists. On the contrary, the data proves decisively that such a claim is utterly baseless."

Herb Stevens is a Penn State grad who was one of the original on-camera meteorologists at The Weather Channel. After moving on to become the chief meteorologist at WNYT-TV in Albany, New York, he created and produced weekly on-snow ski reports in addition to his daily on air duties. After 5 years, Stevens worked exclusively as a snow reporter, named the segment "The Skiing Weatherman", and travelled to different resort for taping each week through the winter. Over the following 25 years, Stevens expanded the reach of the reports to 35 television markets and a weekly audience of approximately 20 million viewers across the eastern half of the U.S., visiting hundreds of different ski areas along the way. Stevens, about to embark on his 65th year on skis, now forecasts for a number of winter sports resorts, as well as close to 100 golf course superintendents.

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7. ***CLAIM: GLOBAL WARMING IS RESULTING IN RISING SEA LEVELS
AS SEEN IN BOTH TIDE GAUGE AND SATELLITE TECHNOLOGY.***

Summary of Rebuttal

This claim is demonstrably false. It really hinges on this statement: “Tide gauges and satellites agree with the model projections.” The models project a rapid acceleration of sea level rise over the next 30 to 70 years. However, while the models may project acceleration, the tide gauges clearly do not.

All data from tide gauges in areas where land is not rising or sinking show instead a steady linear and unchanging sea level rate of rise from 4 up to 6 inches/century, with variations due to gravitational factors. It is true that where the land is sinking as it is in the Tidewater area of Virginia and the Mississippi Delta region, sea levels will appear to rise faster but no changes in CO₂ production would change that.

The implication that measured, validated, and verified Tide Gauge data support this conclusion remains simply false. All such references rely on “semi-empirical” information, which merges, concatenates, combines, and joins, actual tide gauge data with various models of the reference author’s choosing. Nowhere on this planet can a tide gauge be found, that shows even half of the claimed 3.3 mm Sea level rise rate in “Tectonically Inert” coastal zones. These are areas that lie between regions of geological uplift and subsidence. They are essentially neutral with respect to vertical land motion, and tide gauges located therein show between 1 mm/yr (3.9 inches/century) and 1.5 mm/yr (6 inches/century rise). The great Swedish Oceanographer, Nils-Axel Mörner, has commented on this extensively, and his latest papers confirm this ‘inconvenient truth.’

Further, alarmist claims that “Satellites agree with the model projection” are false. Satellite technology was introduced to provide more objective measurement of the sea level rise because properly adjusted tide gauge data was not fitting Alarmists’ claims. However, the new satellite and radar

altimeter data lacked the resolution to accurately measure sea levels down to the mm level. Moreover, the raw data from this technology also conflicted with Alarmists' claims. As a result, adjustments to this data were also made – most notably a Glacial Isostatic Adjustment (GIA). GIA assumes that basically all land is rebounding from long ago glaciations and oceanic basins are deepening. The assumption is that this rebounding is masking the true sea level rise. Alarmists continue to proclaim that their models project a rapid acceleration of sea level rise over the next 30 to 70 years, when those same models have failed to even come close to accurately measuring the past 25 years.

Detailed Rebuttal: [EF RRT CA - Sea Level](#)

Authors:

Tom Wysmuller

Thomas Wysmuller, who did his college work in meteorology at NYU and Stanford, worked throughout NASA during Apollo's Moon Landings and still lectures at NASA Field Centers. He was highlighted in Horizons, the American Institute for Aeronautics & Astronautics' special NASA's 50th anniversary issue, and was the meteorologist member of 2012's NASA 49 and NASA 41.

In Nov 2016, Tom chaired the Oceanographic Section at the massive "World Congress of Oceans" in Qingdao, China, as the featured Sea-Level presenter. He keynoted at 2017's Rome Climate Conference.

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8. ***CLAIM: ARCTIC, ANTARCTIC AND GREENLAND ICE LOSS IS ACCELERATING DUE TO GLOBAL WARMING.***

Summary of Rebuttal

Satellite and surface temperature records and sea surface temperatures show that both the East Antarctic Ice Sheet and the West Antarctic Ice Sheet are cooling, not warming and glacial ice is increasing, not melting. Satellite and surface temperature measurements of the southern polar area show no warming over the past 37 years. Growth of the Antarctic ice sheets means sea level rise is not being caused by melting of polar ice and, in fact, is slightly lowering the rate of rise. Satellite Antarctic temperature records show 0.02C/decade cooling since 1979. The Southern Ocean around Antarctica has been getting sharply colder since 2006. Antarctic sea ice is increasing, reaching all-time highs. Surface temperatures at 13 stations show the Antarctic Peninsula has been sharply cooling since 2000.

The Arctic includes the Arctic Ocean, Greenland, Iceland, and part of Siberia and northern Alaska. Because of the absence of any land mass in the Arctic Ocean, most of area lacks glaciers, which require a land mass. Thus, most of the Arctic contains only floating sea ice. Greenland, Iceland, northern Alaska, and northern Siberia contain the only glaciers in the general Arctic region. Arctic temperature records show that the 1920s and 1930s were warmer than 2000. Records of historic fluctuations of Arctic sea ice go back only to the first satellite images in 1979. That happens to coincide with the end of the 1945–1977 global cold period and the maximum extent of Arctic sea ice. During the warm period from 1978 until recently, the extent of sea ice has diminished, but increased in the past several years. The Greenland ice sheet has also grown recently.

Detailed Rebuttal: [EF RRT AC - Arctic, Antarctic, Greenland 123117](#)

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9. ***CLAIM: RISING ATMOSPHERIC CO₂ CONCENTRATIONS ARE CAUSING OCEAN ACIDIFICATION, WHICH IS CATASTROPHICALLY HARMING MARINE LIFE.***

Summary of Rebuttal

As the air's CO₂ content rises in response to ever-increasing anthropogenic CO₂ emissions, more and more carbon dioxide is expected to dissolve into the surface waters of the world's oceans, which dissolution is projected to cause a 0.3 to 0.7 pH unit decline in the planet's oceanic waters by the year 2300. A potential pH reduction of this magnitude has provoked concern and led to predictions that, if it occurs, marine life will be severely harmed—with some species potentially driven to *extinction*—as they experience negative impacts in growth, development, fertility and survival.

This *ocean acidification hypothesis*, as it has come to be known, has gained great momentum in recent years, because it offers a second independent reason to regulate fossil fuel emissions in addition to that provided by concerns over traditional global warming. For even if the models are proven to be wrong with respect to their predictions of atmospheric warming, extreme weather, glacial melt, sea level rise, or any other attendant catastrophe, those who seek to regulate and reduce CO₂ emissions have a *fall-back* position, claiming that no matter what happens to the climate, the nations of the Earth must reduce their greenhouse gas emissions because of projected direct negative impacts on marine organisms via ocean acidification.

The ocean chemistry aspect of the ocean acidification hypothesis is rather straightforward, but it is not as solid as it is often claimed to be. For one thing, the work of a number of respected scientists suggests that the drop in oceanic pH will not be *nearly* as great as the IPCC and others predict. And, as with all phenomena involving *living* organisms, the introduction of life into the analysis greatly complicates things. When a number of interrelated biological phenomena are considered, it becomes much more difficult, if not impossible, to draw such sweeping negative conclusions about the reaction of marine organisms to ocean acidification. Quite to the contrary, when *life* is considered, ocean acidification is often found to be a *non-problem*, or even a *benefit*. And in this regard, numerous scientific studies have demonstrated the robustness of multiple marine plant and animal species to ocean acidification—when they are properly performed under realistic experimental conditions.

Detailed Rebuttal: [EF RRT CA - Ocean pH](#)

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10. CLAIM: CARBON POLLUTION IS A HEALTH HAZARD.

Summary of Rebuttal

The term “carbon pollution” is a deliberate, ambiguous, disingenuous term, designed to mislead people into thinking carbon dioxide is pollution. It is used by the environmentalists to confuse the environmental impacts of CO₂ emissions with the impact of the emissions of unwanted waste products of combustion. The burning of carbon-based fuels (fossil fuels – coal, oil, natural gas – and biofuels and biomass) converts the carbon in the fuels to carbon dioxide (CO₂), which is an odorless invisible gas that is plant food and it is essential to life on the planet.

Because the burning of the fuel is never 100% efficient, trace amounts of pollutants including unburnt carbon are produced in the form of fine particulates (soot), hydrocarbon gases and carbon monoxide. In addition,

trace amounts of sulfur oxides, nitrogen oxides and other pollutant constituents can be produced. In the US, all mobile and industrial stationary combustion sources must have emission control systems that remove the particulates and gaseous pollutants so that the emissions are in compliance with EPA's emission standards. The ambient air pollutant concentrations have been decreasing for decades and are going to keep decreasing for the foreseeable future because of existing non-GHG-related regulations.

Detailed Rebuttal: [EF RRT AC - Health](#)

Authors:

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John Dale Dunn, M.D., J.D.
Emergency physician in Brownwood, Texas.
Board-certified in emergency medicine and legal medicine and has been an inactive attorney for 35 years.
Conducted research, scholarship, and advocacy on environmental science and policy issues for 25 years.
Areas of professional and scholarly interest include human toxicology and epidemiology, scientific legal evidentiary issues, ethics, and research methodology.

CONCLUSION

The invalidation of the three lines of evidence upon which EPA attributes global warming to human GHG emissions breaks the causal link between human GHG emissions and global warming. This in turn necessarily breaks the causal chain between human GHG emissions and the alleged knock-on effects of global warming, such as loss of Arctic ice, increased sea level, and increased heat waves, floods, droughts, hurricanes, tornadoes, etc. These alleged downstream effects are constantly cited to whip up alarm and create demands for ever tighter regulation of GHG emissions. EPA explicitly relied on predicted increases in such events to justify the

Endangerment Finding. But there is no evidence to support such claims, and copious empirical evidence that refutes them.

The enormous cost and essentially limitless scope of the government's regulatory authority over GHG emissions cannot lawfully rest upon a collection of scary stories that are conclusively disproven by readily available empirical data.

The legal criteria for reconsidering the Endangerment Finding are clearly present in this case. The scientific foundation of the Endangerment Finding has been invalidated. The parade of horrible calamities that the Endangerment Finding predicts and that a vast program of regulation seeks to prevent have been comprehensively and conclusively refuted by empirical data. The Petition for Reconsideration should be granted.

Respectfully submitted this 9th day of February, 2018.

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*Francis Menton by Harry with
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