ALEC EXPOSED

"ALEC" has long been a secretive collaboration between Big Business and "conservative" politicians. Behind closed doors, they ghostwrite "model" bills to be introduced in state capitols across the country. This agenda–underwritten by global corporations–includes major tax loopholes for big industries and the super rich, proposals to offshore U.S. jobs and gut minimum wage, and efforts to weaken public health, safety, and environmental protections. Although many of these bills have become law, until now, their origin has been largely unknown. With **ALEC EXPOSED**, the Center for Media and Democracy hopes more Americans will study the bills to understand the depth and breadth of how big corporations are changing the legal rules and undermining democracy across the nation.

ALEC's Corporate Board --in recent past or present

- AT&T Services, Inc.
- centerpoint360
- UPS
- Bayer Corporation
- GlaxoSmithKline
- Energy Future Holdings
- Johnson & Johnson
- Coca-Cola Company
- PhRMA
- Kraft Foods, Inc.
- Coca-Cola Co.
- Pfizer Inc.
- Reed Elsevier, Inc.
- DIAGEO
- Peabody Energy
- Intuit, Inc.
- Koch Industries, Inc.
- ExxonMobil
- Verizon
- Reynolds American Inc.
- Wal-Mart Stores, Inc.
- Salt River Project
- Altria Client Services, Inc.
- American Bail Coalition
- State Farm Insurance

For more on these corporations, search at www.SourceWatch.org.

DID YOU KNOW? Corporations VOTED to adopt this. Through ALEC, global companies work as "equals" in "unison" with politicians to write laws to govern your life. Big Business has "a VOICE and a VOTE," according to newly exposed documents. **DO YOU?**

Resolution in Opposition to EPA's Regulation of Greenhouse Gases from Mobile Sources

Did you know the trade group for the gas industry was a corporate co-chair in 2011?

Whereas, in Massachusetts v. EPA, the U.S. Supreme Court found in a 5-4 decision that Massachusetts had been harmed by global warming, that EPA has the authority to regulate greenhouse gases under § 202 of the Clean Air Act, and that EPA has failed to justify its decision to not already regulate greenhouse gases;

Whereas, the alleged harms found by the Supreme Court cannot reasonably be "anticipated to endanger public health or welfare" as required by § 202 of the Clean Air Act (§ 202 regulates emissions from new vehicles):

• The rise in carbon dioxide and greenhouse gases is not linked to a decline in welfare or public health—indeed, quite the opposite is true. While carbon dioxide levels have risen from 0.03 percent of the earth's atmosphere in pre-industrial times to 0.04 percent of the earth's atmosphere today, temperatures have risen just 1°F since the end of the Little Ice Age a little over 100 years ago. During the warming of the past 100 years, global GDP has increased 18-fold, average life span doubled, and per capita food supplies increased even though population almost quadrupled.

• The Supreme Court cited a "precipitate rise in sea levels" as a harm caused by an increase in greenhouse gas levels. However, global sea level is rising at a pace of less than 6 inches per century, which is consistent with the rate of sea level rise that has been occurring since the end of the last ice age epoch 15,000 years ago. Moreover, the rate of sea level rise has been decreasing during the past 50 years. Furthermore, in Massachusetts and other places in the United States it is difficult to discern a threat to public health or welfare from sea level rise. The value of waterfront real estate has dramatically increased, even as sea level has risen.

• The Supreme Court stated that "rising ocean temperatures may contribute to the ferocity of hurricanes." However, scientists at the National Hurricane Center (NHC) have documented that hurricane activity is no higher now than in decades past. "[W]e don't see any new trend. There's no link to global warming that you can see at all," NHC hurricane expert Chris Landsea reports. Also, the latest computer models show global warming will cause more wind shear, which restricts the formation of hurricanes. Furthermore, November 2006, the World Meteorological Association released a statement reflecting their consensus opinion on the possible link between hurricanes and global warming. They stated that "no firm conclusions could be made on this point" and that "no individual tropical cyclone [hurricane] can be directly attributed to climate change."

• The Supreme Court cited "the global retreat of mountain glaciers, reduction in snow-cover extent, the earlier spring melting of rivers and lakes" as harms. It is difficult to see how those events "endanger public health or welfare" as required by §202 of the Clean Air Act. Consider the opposite—advancing glaciers, increase in snow-cover extent, later spring melting of rivers and lakes. Those all sound like greater dangers to public welfare.

• The warming temperatures and increased precipitation of the 20th century have resulted in moister soil and less frequent and less severe drought than in centuries past. Scientists have likened the warmer, moister conditions of the 20th century to "literally becoming more like a garderner's greenhouse."

• The Supreme Court cites the spread of disease as a harm caused by global warming. But diseases such as malaria have become less prevalent in the United States as temperatures have increased. In the 1940s, malaria was endemic in 36 states, including Washington, Oregon, Montana, Minnesota, Ohio, New York, and New Jersey, as well as in the Netherlands and England. The reason that malaria was eradicated in the United States is because we used better medicine and insecticides to combat it. As Bjorn Lomborg explains, "malaria is a disease that is related strongly to economic development and weakly to climate change."

• Hotter temperatures by themselves will not "endanger public health or welfare." The direct impact of climate change is fewer deaths due to heat than to cold. In the United States this means 175,000 fewer deaths per year.
Whereas, the Supreme Court noted that in 1999 the American automobile fleet "accounts for more than 6% of the worldwide carbon dioxide emissions," However:

• By 2004 the U.S. light duty vehicle fleet only was responsible for 4.2 percent of

global emissions. And if the entire country was to implement California's carbon dioxide regulation on motor vehicles, it would reduce the temperature by 0.01°C by 2100 —far too small of an amount to be measured, let alone affect climate in any way.

• Instituting California's carbon dioxide regulations as a remedy to combat climate change is no remedy at all because it would provide zero environmental benefits.

Whereas, the language of other sections of the Clean Air Act such as § 111 (regulating emissions from stationary sources), § 108 (creating a list of criteria air pollutants), § 109 (requiring EPA to establish National Ambient Air Quality Standards (NAAQS)), and § 110 (compelling states to develop State Implementation Plans to comply with NAAQS) are substantially similar to § 202; therefore, if EPA regulates carbon dioxide and other greenhouse gas emissions under § 202, it will be forced, through litigation, to regulate greenhouse gases from stationary sources, leading the absurd result of having states trying to reduce global ambient levels of carbon dioxide emissions through State Implementation Plans.

Therefore, be it resolved that because of the aforementioned lack of evidence that human-caused emissions of greenhouse gases will "endanger public health or welfare" as required by §202 of the Clean Air Act, the American Legislative Exchange Council urges EPA to not make an endangerment finding under § 202 of the Clean Air Act and regulate greenhouse gases from mobile sources.

Be it further resolved that that until and unless Congress enacts new statutory language clarifying and specifying EPA's legal and regulatory obligations with respect to carbon dioxide under the Clean Air Act, EPA should refrain from further deliberations on a possible endangerment finding regarding carbon dioxide regulation under § 202 of the Clean Air Act.

1. 42 U.S.C. § 7521(a)(1).
2. Encyclopædia Britannica, Global Warming, http://www.britannica.com/oscar/print?articleId=311438&fullArticle=true&tocId=256251.
3. Massachusetts v. EPA, 549 U.S. ?? at ?? (2007).
4. See, e.g. Simon J. Holgate, On the Decadal Rates of Sea Level Change During the Twentieth Century, 34 Geophysical Research Letters 1602 (Jan. 2007). One page summary is available at http://meteo.lcd.lu/globalwarming/Holgate/sealevel_change_poster_holgate.pdf.
5. United Press International. "Scientist doubts warming-hurricane link." (May 2, 2007) http://www.newsdaily.com/TopNews/UPI-1-20070502-19042700-bc-us-hurricanes.xml
6. Associated Press. "Hurricane forecaster: oceans, not CO2, cause global warming." (April 27, 2007) http://www.iht.com/articles/ap/2007/04/28/america/NA-GEN-US-Top-Forecaster-Global-Warming.php
7. World Meteorological Association, Summary Statement on Tropical Cyclones and Climate Change, Nov. 2006, http://sciencepolicy.colorado.edu/prometheus/archives/IWTC_Summary.pdf.
8. Mass. v. EPA, 127 S.Ct. at 1455.
9. Andreatis, K. M., and Lettenmaier, D. P. "Trends in 20th century drought over the continental United States. Geophysical Research Letters, VOL. 33, L10403, doi:10.1029/2006GL025711 (2006).
10. Farquhar, G. and Roderick, M. L. "Changes in Australian pan evaporation from 1970 to 2002." International Journal of Climatology, 24: 1077–1090 (2004).
11. See BJORN LOMBORG, COOL IT 95 (2007) citing Robert T. Boyd, Another Look at the "Fever and Ague" of Western Oregon, 22 ETHNOHISTORY 135 (1975); CDC, Eradication of Malaria from the United States (1947–1951), http://www.cdc.gov/malaria/history/eradication_us.htm (2004); Paul Reiter, From Shakespeare to Defoe: Malaria in England in the Little Ice Age, 6 Emerging Infectious Diseases 1 (2000) http://www.cdc.gov/ncidod/eid/vol6no1/pdf/reiter.pdf.
12. BJORN LOMBORG, COOL IT 101 (2007)
13. BJORN LOMBORG, COOL IT 38 (2007) citing Francesco Bosello et al., Economy-wide Estimates of the Implications of Climate Change: Human Health, 58 ECOLOGICAL ECON. 579, 582 (2006); A. Cagle & R. Hubbard, Cold-related Mortality in King County, Washington, U.S.A., 1980–2001, 32 ANNUALS OF HUMAN BIOL. 525 (2005).
14. Mass. v. EPA, 127 S.Ct. at 1457.
15. John R. Christy, Report 27 April 2007.
16. Id.

Center for Media and Democracy's quick summary

This Resolution expresses opposition to the 2007 decision Massachusetts v. EPA by the U.S. Supreme Court (which has a substantial majority of judges chosen by Republican presidents). In that case, twelve states and several cities brought suit to force the EPA to regulate carbon dioxide and greenhouse gases as pollutants. The Court held that, because the EPA has statutory authority to regulate air pollutants from vehicles that "endanger public health and welfare," it must be able to regulate carbon dioxide and other greenhouse gas emissions because they lead to climate change, which "endanger public health and welfare." This resolutions uses straw arguments and other rhetoric to dismiss climate change concerns.