

# CEI's Monthly Planet

## Fighting For Freedom

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## On the Ground in Cancún

### NGOs No Longer on the Outside Looking in at the WTO

by Ivan G. Osorio

Ever since rowdy protesters disrupted its 1999 Ministerial meeting in Seattle, the World Trade Organization (WTO) has tried to be seen as accommodating to the views of so-called non-governmental organizations (NGOs) that claim to represent the protesters' views. As a result, the WTO has hampered its mission to liberalize world trade by inviting everybody who wants to throw up roadblocks to trade into its deliberations, as evidenced by its recent Ministerial meeting in Cancún, Mexico.

CEI attended the WTO's Fifth Ministerial meeting, held September 10-14 in Cancún, as an accredited NGO. At international conferences like this, NGO events are the "show across town," in which various groups push their agendas. In Cancún, the WTO set up an official NGO Center, where, as a pro-free-market NGO, we were far outnumbered by protectionists and statist of various stripes. However, even facing such odds, CEI and the few free market organizations that did attend—Consumer Alert, International Consumers for Civil Society (ICCS), and others—managed to break through the leftist NGO

cacophony.

Upon our arrival in Cancún, the far Left's presence was evident. At the NGO credential pickup center, a literature table sported flyers from Public Citizen, whose Global Trade Watch project was one of the main organizers of the Seattle protests, and Third World Network, a radical Malaysia-based

organization opposed to economic liberalization of any kind. And at the hotel, a sign on the registration counter welcomed Friends of the Earth (FoE) to Holiday Inn Express. (Idea for ad campaign: "Anti-globalizers prefer Holiday Inn!")

Security was tight, especially at entrances to the island of the hotel zone. On the island, metal barricades lined the streets around the convention center, police presence was heavy, and even some Mexican naval frigates

were parked offshore. These measures kept the rowdy street demonstrators—whom locals called *globalicríticos* and *globalifóbicos*—away from the conference. But there

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*Barun Mitra (right), head of India's Liberty Institute, argues with anti-biotech protesters during a food delivery to a poor Mexican village, which the protesters tried to disrupt, as reporters look on.*

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## FROM THE PRESIDENT

### BOB ABPLANALP (1922-2003)

by Fred L. Smith, Jr.



**B**ob Abplanalp, son of Swiss immigrants, entrepreneur, and champion of free enterprise and sound science, died from cancer on August 30—too soon to have chuckled over Russian President Vladimir Putin’s recent statement that Siberia might benefit from a 2 to 3 degree increase in temperature. He would have felt vindicated and hopeful that rationality on this environmental issue might yet prevail.

I met Bob many years ago to discuss an earlier global environmental policy, the ban on chlorofluorocarbons (CFCs). CFCs were an inert, non-flammable, and inexpensive replacement for high-risk refrigerants like sulfur dioxide and ammonia. They rapidly reduced the risks and costs of air conditioning and played important roles in the development of foaming plastics and as propellants for aerosol cans. It was the threat to this latter role that most concerned Bob because he knew the benefits of aerosols intimately—indeed, he had made the aerosol revolution possible!

While serving in the South Pacific during World War II, Bob’s unit received cases of DDT bug bombs that saved thousands of GIs from malaria—and also chilled down as many cases of beer! There was only one problem: The grenade-style canisters were too costly for civilian use.

After the war, Bob, trained as an engineer, came back to the States and set about making this technology affordable. He invented a valve that reduced the containers’ manufacturing costs from tens of dollars to a few cents per container, and the aerosol age was born. His firm, Precision Valve, manufactured a large fraction of the valves used around the world to deliver deodorants, insecticides, hair spray, and other personal care products. People liked them. Moreover, CFCs were the perfect propellant—stable, non-flammable, heavy, odorless, and inexpensive.

But in the 1970s, environmentalists seeking a chemical-free planet raised fears of ozone layer depletion and targeted CFCs for elimination. In a blitzkrieg campaign, green activists developed a plan that has served them well since: Relying on weak but alarmist science, media headlines, and rent-seeking business pressures, they were able to persuade populist politicians to enact new restrictions to “save the planet.”

Europe—which had little air conditioning and relied little on aerosols—moved quickly to ban CFCs, and America eagerly followed suit. Under first Presidents Carter and then Reagan and the first President Bush, restrictions on CFC use became ever more severe.

Then, in 1987, the Montreal Protocol on Substances that Deplete the Ozone Layer was enacted to ban CFCs from all uses forever; and it became the template for global green activism: speculative science to generate alarmist media hype to panic the world’s political leaders into draconian actions whose anti-competitive impacts will attract powerful “socially responsible” business supporters.

The evidence suggests that the CFC ban achieved few environmental or health gains. Indeed, none of the predictions of depletion-induced harm—skin cancers, crop losses, environmental damage—has ever been documented. But the ban did raise the costs of air conditioning and refrigeration, slowing the diffusion of these life-saving technologies into poorer parts of the world, leading to needless deaths from food spoilage and summer heat spells.

Many businessmen surrendered to the green lobby—but not Bob; he fought back. He funded scientists to examine other sources of atmospheric chlorine. He also questioned the wisdom of banning a valuable substance because of some inherent risks. Bob also funded those willing and capable to challenge the wisdom of these Luddite policies—including CEI. He did not do this because of business interests. His firm complied with the new regulations and adapted its operations to use more expensive and less efficient propellants. But Bob recognized that focusing on the risk associated with technology while ignoring the risk that technology reduces would threaten America’s future.

Bob was unpretentious, down-to-earth, and used salty language. He was a friend of powerful people but had neither a love of politics nor any interest in its pomp and privileges. He cared about science, about America, about business, and about loyalty. Like me, he could be described as a Despairing Optimist. He also realized that change is slow and difficult; and for this reason he would have surely welcomed President Putin’s announcement as an important victory and as evidence that the fight is worth it. Bob was a rare and wonderful individual—CEI and I personally will miss him.

*Fred Lee Smith, Jr.*

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(Left to Right) Former chief Australian GATT negotiator Alan Oxley, CEI Director of Global Warming and Environmental Policy Myron Ebell, and CEI President Fred Smith speak at a CEI-sponsored event, "Trade-Environment Linkage: Its Threat to Global Prosperity," during the WTO Ministerial meeting in Cancún.

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was plenty of rabble-rousing and obnoxious behavior in store, from NGO activists from both inside and outside the meeting.

On September 11, the meeting's second day, the WTO restricted NGOs' access to certain events at the convention center after Greenpeace activists disrupted a briefing by U.S. Undersecretary of Farm and Foreign Agricultural Services J.B. Penn. And the next day, a Singapore-registered ship sailed back to New Orleans after Greenpeace blocked it from delivering its cargo of 40,000 tons of genetically modified corn by having two activists chain themselves to the ship's anchor chain. Greenpeace is a WTO-accredited NGO.

**Fighting the Leftist Tide**

The NGO Center's literature tables featured mostly official WTO publications and leftist NGO flyers. Leftist NGOs replenished their literature piles every day, but CEI and a few other free market groups kept up in dropping off literature consistently. And, through several events, we kept the banner of freedom flying amidst the leftist NGO tide.

On Friday, September 12, CEI and Consumer Alert co-hosted a briefing on environmental linkages in trade treaties, featuring CEI President Fred L. Smith, Jr. and Alan Oxley, former Australian ambassador to the General Agreement on Tariffs and Trade, the precursor to the WTO. CEI's Myron Ebell moderated.

These events also allowed us to meet and interact with pro-free market researchers, politicians, and activists in other countries—in this instance, in Colombia, Costa Rica, India, Kenya, Nigeria, and South Africa—with whom it may be fruitful to ally in the future.

**Greens Against Food for the Poor**

On September 12, CEI, along with ICCS, the Congress of Racial Equality, and the Center for a Constructive Tomorrow (CFACT), in conjunction with a local charity, La Ciudad de la Alegría (City of Joy), donated two tons of food to Valle Verde, a poor village near Cancún. We left for the village early in the morning in a series of vans, and had a lot of media along, including BBC and Reuters, among others.

However, some of the "media" people along for the trip turned out to be Friends of the Earth activists, who unfurled their banners and started shouting slogans soon after we got there. Also along were some members of a Mexican anti-biotech NGO, many of whom had press credentials. The FoE protesters were loud and actually tried to scare people away from taking the food by telling them it was poisoned! However, hardly any of the villagers listened to them, and they took the food packages, which included beans and other local staples. The event made the late local news that night.

Several of the FoE activists drove away in a large, gas-guzzling, socially irresponsible SUV. Hypocritical? Yes, but there's more. The food packages were handed out in clear plastic bags, and the most visible item in each bag was a large box of Kellogg's Corn Flakes, available at any local grocery store. A *Tech Central Station* reporter told us that the FoE protestors called the Corn Flakes "pig food." However, many of these same FoE activists stayed at our same hotel; and the next morning they did not make any fuss about the Corn



Local children pose for the camera at Valle Verde, the Mexican village to which CEI and other free market groups made a food donation.



In a gross act of social irresponsibility, green activists load onto a large SUV to head back to Cancún—but after they virtuously attempted to disrupt the food donation to a Mexican village.

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# Two and a Half Cheers for EPA!

## Agency Follows the Law in Not Regulating CO<sub>2</sub>

by Marlo Lewis, Jr.

In what may be the “man bites dog” story of the year, the U.S. Environmental Protection Agency (EPA) recently pulled the rug out from under green activists seeking to litigate the United States into virtual compliance with the Kyoto Protocol, the non-ratified United Nations global warming treaty.

Kyoto, let us recall, would require participating countries to reduce their emissions of greenhouse gases, most notably carbon dioxide (CO<sub>2</sub>), the inescapable byproduct of the fossil fuels that supply 87 percent of all the energy Americans use. The Senate preemptively rejected Kyoto as too costly and unfair to the United States when, in July 1997, it passed the

several CAA regulatory provisions were “potentially applicable” to CO<sub>2</sub>. Both the AGs and ICTA relied heavily on Cannon’s memorandum for their reading of the CAA.

The AGs immediately cried foul over EPA’s disavowal of its earlier views, and vowed to sue EPA again, this time on behalf of ICTA. But EPA is to be commended for recanting the errors of its Clintonite past. Because CO<sub>2</sub> is the most ubiquitous byproduct of industrial civilization, authority to regulate CO<sub>2</sub> would vastly increase EPA’s control over the U.S. economy. It is not every day that an agency puts candor

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It is not every day that an agency puts candor and the rule of law ahead of its ambition for power.

Byrd-Hagel resolution by a vote of 95-0. Ever since then, green activists have hoped to bypass Congress and foist Kyoto-style energy rationing on the U.S. economy by means of “creative” legalisms.

### EPA's CO<sub>2</sub> Triple Play

On August 28, 2003, EPA took three actions to squelch all such attempts at “implementation without ratification.”

- First, EPA rejected an October 19, 1999 petition by the International Center for Technology Assessment (ICTA) and other advocacy groups to regulate motor vehicle emissions of CO<sub>2</sub> under Section 202 of the Clean Air Act (CAA or Act).
- Second, EPA filed a motion to dismiss a June 4, 2003 lawsuit by the attorneys general (AGs) of Maine, Massachusetts, and Connecticut to set national ambient air quality standards (NAAQS) for CO<sub>2</sub> under CAA Section 108.
- Third, EPA General Counsel Robert Fabricant issued a legal memorandum concluding that, “the CAA does not authorize regulation to address global climate change.” Fabricant formally withdrew an April 10, 1998 memorandum by Clinton-Gore Administration EPA General Counsel Jonathan Cannon, which claimed that

and the rule of law ahead of its ambition for power.

The Fabricant memorandum and EPA’s rejection of the ICTA petition elegantly restate arguments first presented by Peter Glaser, an attorney for the National Mining Association Legal Foundation, and then further developed, applied, and disseminated by former Rep. David M. McIntosh (R-Ind.) and the Competitive Enterprise Institute, among others. Here are a few pearls of EPA’s newfound wisdom.

### CAA Provides No Authority to Regulate CO<sub>2</sub>

Many individuals submitted comments to EPA challenging the legal basis of the ICTA petition. EPA finds that, “those commenters correctly note that (1) no CAA provision specifically authorizes global climate change regulation, (2) the only CAA provision specifically mentioning CO<sub>2</sub> authorizes only ‘non-regulatory’ measures, (3) the codified CAA provisions related to global climate change [sections 103(g) and 602(e)] expressly preclude the use of those provisions to authorize regulation, (4) a Senate committee proposal to include motor vehicle CO<sub>2</sub> standards in the 1990 CAA amendments failed, (5) federal statutes expressly addressing global climate change do not authorize regulation, and (6) numerous congressional actions [e.g., the Byrd-Hagel resolution and the “Knollenberg” provision prohibiting agencies from proposing or issuing rules to implement or

*Continued on next page*



prepare to implement Kyoto] suggest that Congress has yet to decide that such regulation is warranted.”

### NAAQS Program Is Unsited to Address Global Atmospheric Issues

EPA finds that the NAAQS program is “fundamentally ill-suited to addressing these [CO<sub>2</sub> and other greenhouse] gases in relation to global climate change.” The NAAQS program, with its state-by-state implementation plans and county-by-county attainment and non-attainment designations, was designed to address pollutants that vary regionally and even locally in their ambient concentrations. Carbon dioxide, by contrast, because of its long residence time (50-200 years), is almost uniformly mixed throughout the global atmosphere. Consequently, explains EPA, “A NAAQS for CO<sub>2</sub>, unlike any pollutant for which a NAAQS has been established, could not be attained by any area of the U.S.

and the AGs define CO<sub>2</sub> as a “pollutant” and infer from this definition authority to regulate carbon-based energy use. In *Brown & Williamson*, the Court partly based its decision on “common sense as to the manner in which Congress is likely to delegate a policy decision of such...magnitude to an administrative agency.”

The Court’s reasoning applies even more strongly to claims that EPA may regulate CO<sub>2</sub>. As Fabricant explains, “The production and use of fossil fuel-based energy undergirds almost every aspect of the nation’s economy. For example, approximately 75 percent of the electric power used in the U.S. is generated from fossil fuel, and the country’s transportation sector is almost entirely dependent on oil...In view of the unusually profound implications of global climate change regulation, it is unreasonable to believe that Congress intended ‘to delegate a decision of such...significance...in so cryptic a fashion’ [*Brown & Williamson*]. An administrative

EPA’s motion to dismiss the state attorneys’ general lawsuit correctly rejects the AGs’ claim that the alarmist *Climate Action Report 2002* constitutes a formal “determination,” for regulatory purposes, that CO<sub>2</sub> emissions endanger public health and welfare.

until such a standard were attained by the entire world as a result of emission controls implemented in countries around the world...The globally-pervasive nature of CO<sub>2</sub> emissions and atmospheric concentrations presents a unique problem that fundamentally differs from the kind of environmental problem that the NAAQS system was intended to address and is capable of solving.” Thus, Congress cannot be presumed to have intended for EPA to regulate CO<sub>2</sub> when it created the NAAQS program.

In addition, EPA notes, “The CAA provisions addressing stratospheric ozone depletion demonstrate that Congress has understood the need for specially tailored solutions to global atmospheric issues.” Both part B of Title I of the 1977 CAA Amendments and Title VI of the 1990 CAA Amendments, which address stratospheric ozone depletion, “provide for coordination with the international community” and “contain express authorization for EPA to regulate as scientific information warrants.” EPA concludes: “In light of this CAA treatment of stratospheric ozone depletion, it would be anomalous to conclude that Congress intended EPA to address global climate change under the CAA’s general regulatory provisions, with no provision recognizing the international dimension of the issue and any solution, and no express authorization to regulate.”

### Semantic Arguments Won’t Fool the Courts

EPA finds that the AGs rely on the same type of semantic argument that the Supreme Court shot down in *FDA v. Brown & Williamson Tobacco Corp.* (2000). FDA defined nicotine as a “drug” and tobacco products as “drug delivery devices,” and inferred from those definitions authority to regulate cigarette sales and advertising. Similarly, the Clinton-Gore EPA, ICTA,

agency properly awaits congressional direction before addressing a fundamental policy issue such as global climate change, instead of searching for authority in an existing statute that was not designed or enacted to deal with the issue.”

### Two and a Half Cheers

EPA’s motion to dismiss the AGs’ lawsuit correctly rejects the AGs’ claim that the Bush Administration’s alarmist *Climate Action Report 2002* (CAR) constitutes a formal “determination,” for regulatory purposes, that CO<sub>2</sub> emissions endanger public health and welfare. So why does EPA merit only two and half cheers, not three? Because as long as the Bush Administration continues to disseminate that document, it will be vulnerable to attack by those, like the AGs, who note the contradiction between the Administration’s alarmist analysis and its non-alarmist policies.

EPA should have repudiated the CAR as junk science, because, as CEI has documented, it violates Federal Data Quality Act Standards of objectivity and utility. As such, the CAR is inadmissible as a basis for agency rule makings. The CAR’s scary climate scenarios come straight out of the Clinton-Gore Administration’s discredited “National Assessment” report on climate change. Just as EPA disavowed Clinton-Gore’s legal analysis, so it should have disavowed Clinton-Gore’s scientific analysis.

Nonetheless, all things considered, EPA’s actions on August 28 were a great victory for limited government, the rule of law, and affordable energy.

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## Q & A with Patrick Moore:

### A Founder of the Environmental Movement on the Movement's Achievements, Where It Went Wrong, and How Common-Sense Solutions Can Help Bring About A Cleaner Environment

*As a co-founder of Greenpeace, Dr. Patrick Moore is one of the godfathers of the modern environmental movement. However, since the mid-1980s, he has become critical of the movement's direction, especially its commitment to confrontational tactics. Since leaving Greenpeace, Dr. Moore has focused on looking for consensus-based solutions to environmental problems. In 1991, he founded Greenspirit ([www.greenspirit.com](http://www.greenspirit.com)), a consultancy focusing on environmental policy and communications. In 2000, he published Green Spirit: Trees Are the Answer, a photo book that illustrates how forests work and how they can play a role in solving the world's energy problems.*



**CEI:** Which did you consider the greatest threat to the environment when you helped found Greenpeace? Which trend or event convinced you that the organization you co-founded had been taken over by extremists, and what prompted you to finally leave it?

**Patrick Moore:** Greenpeace evolved in the late 1960s and early 70s because of concern over nuclear testing and the threat of nuclear war. Greenpeace's first campaign was a voyage from Vancouver to Alaska to protest U.S. underground hydrogen bomb testing in November of 1971. We did not stop that test, but it was the last hydrogen bomb ever detonated. In retrospect, we felt that because this had happened at the height of the Cold War and Vietnam, it was a major turning point in the global arms race, and we had been directly involved.

In June 1985, the Rainbow Warrior was bombed by French commandoes in Auckland Harbor [New Zealand]. I happened to have been on the boat that day but was not a crew member. I was an international director visiting and welcoming the boat. It was on its way to a protest against French testing. The commandoes bombed it, sinking it and killing a photographer on board. That became a pretty big

international incident. But it was also about that time that I was moving away from Greenpeace. The parting of ways occurred partly because I had become aware of the concept of sustainable development—or sustainability—when I attended a meeting in Nairobi that marked the 10<sup>th</sup> anniversary of the Stockholm Environment Conference, in 1982. That's where I first heard this term, sustainable development. Over the next few years, I came to realize that this was the next logical step.

My transition at that time was from the confrontation approach to the consensus approach, from environmental activism to sustainability. At the same time, Greenpeace was beginning to adopt positions that I felt were too extreme and not based on science. The very first issue that came along those lines was their opposition to aquaculture. We had been campaigning on all sorts of marine issues: to end whaling, to prevent dolphin killing, and to end driftnet fisheries and deep sea trawlers. We had been against many different types of things, and personally I saw aquaculture as sustainable development that we could be in favor of. It seemed to me that sustainable aquaculture was a solution, whereas Greenpeace has more or less to this day remained opposed to many forms of aquaculture. I think they are way off base. First World environmental activists are campaigning against shrimp farming in Bangladesh, where hundreds of

thousands of people depend upon it for their livelihood.

**CEI:** You've noted that, "Sustainability is very much about what it is we want to sustain rather than some absolute or ideal state of being," yet many environmental activists today pursue such an "absolute or ideal state of being" with a quasi-religious fervor. What do you think motivates this mindset?

**Moore:** Ideologues have always been like that. Sustainability is not a Utopia or Garden of Eden. Sustainability is a work in progress, and we will always be attempting to move closer to a sustainable state. As I said in my book, nothing is sustainable indefinitely. Even the sun, our main source of energy, will burn out one day. If you become more humble when using this term, you start thinking in terms of 50 to 100 years rather than in two months or a year.

I find it difficult to accept the environmentalist movement's anti-wood, anti-forestry policy. Trees are among our most abundant renewable energy resources. Environmental activists say they're in favor of renewable energy, just not trees and hydro-dams, which together account for 95 percent of renewable energy in the world. The environmentalists like photocells, but I view them as expensive roofing tile. They would have us tear down dams and stop cutting trees, which would push us toward more toward fossil fuels and more CO<sub>2</sub> emissions. Their policy on forestry is logically inconsistent with their policy on climate change and renewable energy.

**CEI:** You've said that, today, the environmentalist establishment has become trapped by its own devotion to confrontation as a tactic, which has led them to adopt extreme positions as their more sensible proposals have gained wide public acceptance. What examples would you give of both environmentalist positions that have become so mainstream that we don't



notice them anymore and extreme positions that green activists push today, but which aren't based on science?

**Moore:** Reduction of toxic materials and waste streams going into water and air. No one argues that it is OK to put toxic waste into rivers anymore. On the other hand, our detection methods have become so sophisticated that we must accept the fact that low levels of nearly everything are going to be found everywhere. Dioxin is a classic example. Dioxin is produced both through natural

amount to pollution. They use it in terms of GM and in their anti-salmon farming and anti-aquaculture campaigns. If, for example, a fish escapes from a farm and interbreeds with a wild fish of the same species, they call that genetic pollution, and yet they don't realize that what they are saying in terms of science would be the same thing as saying that if a white person married a Chinese person, that would be genetic pollution.

The primary signature of propaganda is to take a word that was previously an objective descriptor—a term like “clear

cut,” as it is used in forestry, meaning that you cut all the trees down in a certain area—and you load it up with all sorts of negative associations like devastation, desecration, sacrilege, end of virginity. A very similar word like clearing—a clearing of the forest—has a positive connotation. Another example is GM. It is a very descriptive, objective term, but when you attach to it such terms as “Frankenfoods,” “killer tomato,” and “terminator seed,” you are basically trying to make it so that when people hear GM, the “scary” part of their brain comes on.

took care of itself; forests either burned lightly or heavily. One has to bear in mind that fire keeps forests in a state of health. While the wettest rainforests are not threatened by catastrophic wildfires, dry and semi-wet forests do face a threat, as they are choked with timber and deadwood. Ninety million of 190 million acres of federal forest lands are at high risk for catastrophic fire. And this year, we see these fires happening again. Here in British Columbia, we have the same problem: Our forest lands are not being managed properly for fire resistance. A story in *The New York Times* detailed how a fire spread quickly in forest that was not managed. However, when it reached managed forest land that had been thinned and made fire resistant, it just stopped. It demonstrates how easy it is for professionals to fire-harden a forest and make it fire resistant. Unfortunately, we have a 50-100 year backlog, which is estimated will cost between \$50 and \$100 billion to fix. Even if we adopt an aggressive program, it will take us 25-30 years to resolve the situation. Getting a bill through the Senate will be tough. Eastern urban Republicans could offset western Democrats who favor the President's plan.

Some naysayers complain that the only reason Bush is proposing this plan is to “give favors to his friends in the forest industry.” But International Paper, Georgia Pacific, and Weyerhaeuser are not interested in opening up federal lands to timber harvesting, as it would lead to increased competition. Big timber is lukewarm toward this proposal—they don't want to see all this fiber coming into market. Rather, it has been a grassroots movement and the Western governors and mayors pushing this thing through.

This is more of an East/West division than a Left/Right division. People in the West have become educated about the fire issue and a large majority in the West favors the President's plan. Those in San Francisco and Los Angeles are against the President's plan, as they do not have to deal with fire. This goes back to the constitutional dysfunction of the majority of politicians being in the East and the majority of federal lands being in the West.

## Sustainability is a work in progress. Nothing is sustainable indefinitely. If you become more humble when using this term, you start thinking in terms of 50 to 100 years rather than in two months or a year.

phenomena, like forest fires, and also through industrial processes, like steel recycling. It is, therefore, ubiquitous. You can find dioxin in practically every food product we eat, especially meat, as it accumulates in fat. You can find dioxin everywhere in the world, from the polar ice caps to the equator; therefore, some people take that as evidence that we are destroying the planet. The more logical analysis is that dioxin is naturally occurring. Any time something organic burns, dioxin is created. Humans have drastically reduced the amount of anthropogenic dioxin emissions by making incinerators more efficient. There is the issue of getting things in perspective and recognizing that the poison is in the dose and that the word “toxic” is relative.

What I really see as the problem is the fact that the environmental movement has become very propaganda-oriented. If you take a term used quite frequently these days, the term “genetic pollution,” otherwise referred to as genetic contamination, it is a propaganda term, not a technical or scientific term. Pollution and contamination are both value judgments. By using the word “genetic” it gives the public the impression that they are talking about something scientific or technical—as if there were such a thing as genes that

cut,” as it is used in forestry, meaning that you cut all the trees down in a certain area—and you load it up with all sorts of negative associations like devastation, desecration, sacrilege, end of virginity. A very similar word like clearing—a clearing of the forest—has a positive connotation. Another example is GM. It is a very descriptive, objective term, but when you attach to it such terms as “Frankenfoods,” “killer tomato,” and “terminator seed,” you are basically trying to make it so that when people hear GM, the “scary” part of their brain comes on.

**CEI:** Decades of over-aggressive fire prevention and logging restrictions have made U.S. national forests fire tinderboxes. Yet many environmental groups denounce forest thinning efforts to prevent fires—such as the Healthy Forests Initiative—as political favors for the logging industry. How dangerous is it to do nothing, especially for communities for which this is, literally, a life-and-death issue? What do we need to do to return heavily fire-damaged forests to a healthy state?

**Moore:** The single biggest challenge on federal lands is catastrophic wildfire, coupled with disease and insects. Before people settled the United States, nature



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Flakes served as part of the complimentary breakfast. Again, this behavior is from an accredited NGO.

On Saturday, September 13, Consumer Alert hosted a forum on biotechnology featuring CEI Director of Food Safety Policy Gregory Conko and Dean Kleckner of Truth About Trade. Some people from the Mexican anti-biotech NGO that crashed the food delivery event the day before showed up at this event, but they were quite civil on this occasion. They had press credentials, and videotaped the event.

On Sunday, September 14, CEI President Fred Smith spoke at an ICCS-hosted briefing, "The WTO—Where Are We Now?" along with Barun Mitra of India's Liberty Institute, Barbara Rippel of Consumer Alert, and Richard Tren of Africa Fighting Malaria. The discussion's tone was one of guarded optimism thanks to the circumventing of certain roadblocks, mainly environment and labor linkages.

However, later that day came the collapse of the talks, and with it some of the leftist NGOs' most obnoxious behavior. NGO activists literally sang and danced for the TV cameras in celebration of the talks' collapse. Why raise a ruckus on the street when the WTO will let you do it right in the convention center?

**Local Reaction**

The leftist NGOs' behavior was in stark contrast to that of local residents, who were not enthusiastic about the closing down of streets and the tight security—and many blamed the situation on the anti-globalization protesters. On September 12, the local newspaper, *La Voz del Caribe*, featured several stories describing the losses that local business owners suffered due to security precautions taken in response to potential disturbances by people the paper described as "radicals," "extremists," and "vandals." One story reported that local owners of foreign franchises urged police to deploy extra security after a Pizza Hut was vandalized. The next day, at the NGO center, I overheard one of the local conference workers say, in Spanish: "They protest, protest, and protest, but never offer anything constructive." And that night, a local TV call-in show featured the mayor of Municipio Benito Juárez, the local government unit akin to a county that includes Cancún. The callers, all Cancún residents, overwhelmingly supported police removing protesters forcibly, and seemed impatient at the police's failure to do so.

Mexican police, to their credit, showed considerable restraint and managed to keep the peace, despite their being verbally abused and pelted with garbage and even bags of urine and fecal matter, according to *La Voz del Caribe*.

Finally, the local people of Cancún, despite the problems they endured during the WTO Ministerial, were great hosts: gracious, welcoming, and friendly beyond what anyone had any right to expect. Now if only globe-trotting professional activists could take their example in civility to heart.



*CEI Director of Food Safety Policy Gregory Conko poses with the mayor of Valle Verde—the village to which CEI and other free market groups made a food donation—and some local children.*



*The food donation to the Mexican village of Valle Verde, co-sponsored by CEI, in progress.*



*CEI's Gregory Conko speaks at a forum sponsored by Consumer Alert, "Agricultural Biotechnology and Sustainability," as Consumer Alert President Frances B. Smith, who moderated, listens.*

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# What and Where is Bias?

## Media Ownership Rules Do Not Serve the Public Interest

by Braden Cox

Since the Federal Communications Commission (FCC) raised the legal ownership limit for broadcast television but lowered it for radio this past summer, dozens of self-proclaimed “public interest” groups have come out against the new rules, and many have published editorials in national newspapers on this subject. The Center for Digital Democracy claims that, “Fewer owners of the mass media means fewer voices will be heard...the public at large will lose.” An Internet search of “media ownership rules” results in 54,000 web pages—a good indicator that this matter is of interest to the public. But are the rules themselves in the “public interest?”

The public is rightly interested. Media ownership rules affect companies leading the digital revolution in television, telephone, satellite, and cable. News reports talk of the rules being “eased” or “relaxed”—apt metaphors because the FCC media rules are a lot like a rubber band stretched to its breaking point. They are long overdue for an update. Newspaper and television ownership limits have not been updated since the mid-1970s, when cable television was still in its infancy and there was no Internet.

**FCC media rules are a lot like a rubber band stretched to its breaking point. They are long overdue for an update.**

Defenders of the old rules make their case on three premises. First, the owner of a media company will bias the published viewpoint. Second, the government must act to curb bias by limiting ownership. Third, limiting ownership will preserve “democracy” over the airwaves by preventing consolidation by a few large owners.

### Is Bias a Real Problem?

When people convey information, bias always comes through—sometimes it’s as subtle as the structure of a paragraph or the tone of delivery. Media critics have long recognized this as a problem in maintaining objectivity. But ownership isn’t the problem.

Studies have shown that ownership does not determine the diversity of people depicted in the news or range of topics discussed. A University of Wisconsin-Milwaukee study commissioned by the FCC found that cross-ownership (ownership by the same company) of a newspaper and a television station in a market does not result in a predictable pattern of news coverage and commentary about important political events.

A Pew Research Center for the People and the Press/Columbia University study on the effects of ownership structures on local TV news found that stations with cross-

ownership “tended to produce higher quality newscasts.” Further, local ownership “offered little protection against newscasts being very poor, and did not produce superior quality.” Oddly, however, this study goes on to parrot regulation advocates’ gloomy predictions by opposing increased legal ownership limits.

### Why Limit Ownership?

What is the correct ownership limitation? The debate is between the new rules (45 percent) and old rules (35 percent). But this brings up another question: What is the basis for these numbers in the first place? If they seem arbitrary, it is because they are. A market’s definition is open to interpretation, since it can overlap with other markets. And various media compete against each other—such as cable and broadcast TV, which the FCC treats as separate industries.

And is having a handful of companies competing against each other so bad? Economists are finding that market forces ensure fair competition in a market with just two or three companies as well as in a market with 20.

### Media Regulation Hurts Consumers

The FCC’s current command-and-control regime of spectrum allocation hurts consumers, regardless of what “consumer” groups say. When a supreme regulator, like the FCC, dictates the structure of an industry, companies will shift resources to the legislative and regulatory process and away from addressing the needs of consumers. Regulation ends up benefiting some companies at the expense of others—without regard to consumers’ interests.

Furthermore, ownership restrictions affect “democracy” by hurting those in small markets with few broadcasters. Communities with a financially struggling media company will benefit if a bigger, more prosperous station can step in to purchase the smaller station to continue its on-air efforts. There are also synergistic effects from being able to access content from a larger, more content-rich organization.

Finally, the FCC isn’t any more qualified than anybody else to keep a check on media bias. Different people perceive bias differently, so there is no consensus on how much and what kind of bias is out there. As FCC Commissioner Michael Powell points out: “You can’t have the NRA in the debate saying there are gun-hating media liberals, and at the same time, I’ve got Code Pink screaming about the conservative pro-war bias of the media. And then I’m supposed to somehow reconcile that?” The FCC shouldn’t have to reconcile this issue—instead, the consumers of radio, television, and other media should be the ultimate arbiters of the public interest.

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# The Good, the Bad, AND THE UGLY

## The Good: Putin Backs Away from Kyoto

On September 30, Russian President Vladimir Putin shocked statist environmentalists worldwide when he declined to set a date by which Russia would ratify the Kyoto Protocol on Climate Change. Putin's announcement at the opening ceremony of the five-day U.N. World Climate Change Conference cast a pall over the proceedings, as it was expected that he would offer a timetable for ratification. Instead, he questioned whether scientists had sufficient data on the impact of global climate change. "Modern science needs to determine the actual degree of danger posed by global climate change," he said. "Scientists should also help answer another crucial question about the limits of the impact of industry on the climate system." The chair of the conference's organizing committee, Dr. Yury Izrael, a science adviser to Putin, stated that it was unclear whether passing Kyoto would improve, harm, or stabilize the climate.



Photo courtesy gazeta.ru

Although he did not reject the treaty outright, Putin's refusal to implement the plan at this time raises serious doubt about the future of the global climate treaty. The Kyoto Protocol must be ratified by countries responsible for at least 55 percent of the world's greenhouse gas emissions. Currently, 113 countries representing 44 percent of greenhouse gas emissions have endorsed the treaty. Russia has a 17 percent share of emissions; therefore, because the United States has already rejected Kyoto, Russia effectively has veto power over

the entire treaty. "Russia has effectively killed the dead-end Kyoto process—and thus saved the world's economy. At the same time, Russian scientists, recently freed from their own distorting pressures of political requirements, have fatally wounded the claim of a 'scientific consensus' that mankind is responsible for global warming," notes CEI Senior Fellow Iain Murray. "In fact, Russia's intent to ratify the Kyoto protocol became a dead letter when President Putin announced his ambition to double Russia's gross domestic product by 2010."

## The Bad: Western Governors Pander to Eco-Alarmists

There has been an alarming trend recently of governors signing pacts to reduce greenhouse gas emissions. The latest one was presented on September 22 by then-California Governor Gray Davis, and Governors Gary Locke of Washington and Ted Kulongoski of Oregon—all Democrats. The three did not establish a timeline to reduce these emissions, but enumerated their plan's goals, including using their combined purchasing power to obtain fuel-efficient vehicles, reducing diesel-fuel emissions from ships and trucks, promoting renewable energy, developing uniform efficiency standards, and improving measurement and reporting of greenhouse gas emissions.

Given the West Coast's large number of liberal voters and the fact that Davis was fighting for his political life at the time, the governors' action appears to be based on politics. When Governor George Pataki (R-N.Y.) developed an initiative to establish a regional cap-and-trade system—something that will undoubtedly harm the economies of the states involved—he was praised by groups like Environmental Defense. Davis, after announcing the agreement, accused the Bush Administration of being "in denial about global warning." Later that day, he signed a flurry of environmental bills, including one that increases fines for gross-polluting vehicles and one that tightens California air-quality standards. CEI's Myron Ebell explains that the action of the Western governors is akin to Pataki's: "This is a lot less ambitious than what [the Northeastern governors] are proposing to do. But it looks to me just like political grandstanding."

## THE UGLY: EARTH LIBERATION FRONT STEPS UP ATTACKS

From Detroit to Los Angeles to Philadelphia, no one is safe from attacks by the Earth Liberation Front (ELF). Since 1996, this international group of environmentalist thugs has caused more than \$100 million of property damage. The FBI has been largely unsuccessful in finding those responsible for ELF's strikes, so now the eco-terrorists are conducting bolder attacks in what has become an all-out war against civilization.

When ELF first started its attacks, it engaged in such tactics as putting glue in locks and spray-painting buildings. It then moved on to torching labs researching genetically modified organisms and vandalizing stores of politically incorrect corporations, such as Nike, Old Navy, and McDonalds. Recently, ELF attacks have become more insidious. On August 1, ELF members committed the largest act of environmental sabotage in U.S. history (\$50 million) by burning an unfinished five-story condominium complex in San Diego. A month later, ELF radicals set fire to four houses, also in San Diego. The group has also attacked SUV dealerships in Pennsylvania and New Mexico. While they have not harmed anybody yet, law enforcement officials believe that it is only a matter of time, and have made ELF a domestic terrorism priority.

In 2001, CEI Senior Fellow Christopher C. Horner wrote about the dangers of not aggressively targeting members of eco-terror organizations: "It seems at the same time both unnecessary yet imperative to point out the intolerable nature of such activity by civilized society, and that a policy of turning the other cheek towards such 'low level' terrorism irrefutably encourages escalation." Unfortunately, his words have proven prophetic.



**Director of Food Safety Policy Gregory Conko and Adjunct Scholar Henry Miller describe the results of the United Nations' overregulation of agricultural biotechnology:**

[T]he U.N. is supposed to be the watchdog of human rights, the most basic of which is the right to eat. When human rights are compromised, most often it is because people are desperately poor. One contributing factor to this poverty is the inability of people to feed themselves effectively. The U.N.'s mission ought to be self-sufficiency of food production for all. Instead, the self-interest of U.N. bureaucracies actually prevents the poor from bettering their lives—and even from surviving.

- *Taipei Times*, October 6

**Senior Analyst Solveig Singleton illuminates the debate over airlines sharing personal information about passengers with the federal government:**

Ho-hum, another tempest in the privacy teapot. JetBlue messed up; it promised in its privacy policy not to share passenger information with third parties, and it did. It was a bad call on the company's part on two levels. Obviously, JetBlue should not have shared information it said it would not share. More foolishly, the company promised too much.

Many privacy policies note that information-sharing with law enforcement authorities or for security purposes is allowed. This detail would have been fairer to passengers, though likely few passengers looked at the privacy policy, much less relied on it. Ultimately, there was no harm done, except perhaps to the hapless fellow whose personal data ended up in a defense contractor's presentation at a conference.

- *USA Today*, September 30

**Director of Clean Air Policy Ben Lieberman reveals the good news about air quality in the Washington, D.C. area:**

While this summer's air quality was typical of recent years, many residents got the impression that things have deteriorated. Local activists hyped each smog alert and predicted dire public health consequences, while the news coverage emphasized the Environmental Protection Agency's downgrade of the area's smog status from "serious" to "severe." But in truth, the air pollution pessimism misses the mark. Washington's air quality is not nearly as bad as claimed, and provisions are already in place that ensure substantial progress in the years ahead.

By virtually every measure, the Washington metropolitan area's air is far better today than it was during the 1970s. All of the six so-called criteria pollutants regulated under the 1970 Clean Air Act—carbon monoxide, lead, nitrogen dioxide, sulfur dioxide, particulate matter (soot), and ozone



(smog)—are measurably lower today than in the past.

- *The Washington Times*, September 18

**Senior Fellow Iain Murray takes unscrupulous scientists to task for condoning environmental alarmism:**

There is a crisis emerging in the scientific community. The ideals of science are being sacrificed to the god of political expediency. Environmental scientists are becoming so obsessed with the righteousness of their cause that they are damning those who wish to use science as an objective tool in public policy decisions. The latest example comes in a *Science* article that advocates nothing less than promoting alarmism over environmental hazards, on the basis that the end justifies the means.

The argument goes like this. Our society balances risks and benefits. In the area of the environment, these decisions are informed by environmental science. Many possible disasters have a very low risk of occurrence, which means that many warnings from scientists will turn out to be unfounded. When this happens, skeptics such as Bjørn Lomborg, author of *The Skeptical Environmentalist*, will argue that we should ignore similar warnings in future. The authors contend that this would be a mistake. The potential benefits of averting disaster are so great that scientists should continue to issue what they know may be false alarms.

- *Financial Times*, September 17

**Senior Fellow Christopher C. Horner warns, from Cancún, that U.S. trade authorities may be slipping in their opposition to linking trade liberalization with environmental agreements:**

As the World Trade Organization (WTO) continues its biennial Ministerial talks here, the European Union unveiled a startling new condition for future trade agreements: the inclusion of "Sustainable Impact Assessments" (SIA), a green analysis of proposed trade measures...The proposal is a transparent effort to hinder competition and impose EU policies rejected by others.

The U.S. and most of the rest of the world resists this unprecedented subservience of a pro-development trade regime to anti-growth environmental theories. Yet this week the U.S. announced an effort smacking alarmingly of a kind with the EU's "SIA" demand.

USTR's move seems to be either a buckling under the pressure from its role in opposing EU eco-protectionism, or the first step toward accepting it. But whatever its motivation, this step is a dangerous move by USTR in the direction of an EU increasingly bent on using environmental claims to gut trade liberalization measures inconvenient to its peculiarly green-obsessed policies.

- *Tech Central Station*, September 13



**PETA Scolds Roy Horn for Being Attacked by Tiger**

As legendary Las Vegas entertainer Roy Horn, of the duo Siegfried & Roy, fought for his life after being attacked by a tiger during a performance, People for the Ethical Treatment of Animals (PETA) faxed a letter to his hotel room expressing sympathy for...the tiger. In the October 6 letter, PETA Vice President Dan Mathews wished Horn a full recovery, but urged him and his partner Siegfried Fischbacher to discontinue acts involving animals—in a scolding “you had it coming” tone. “Perhaps Friday’s frightening incident will make you realize that a brightly lit stage with pounding music and a screaming audience is not the natural habitat for tigers, lions, or any other exotic animals,” wrote Mathews. “The only natural thing that happened on that stage was that this majestic animal lashed out against a captor who was beating him with a microphone because he wouldn’t do a trick.”

**EU Environment Commissioner’s Potty Mouth**

European Union (EU) Environment Commissioner Margot Wallstroem recently compared the EU’s proposed strict new chemical regulations to...toilet training. “It’s like wetting your pants,” she said. “It may be warm at first but then it gets cold very quickly.” Wallstroem argues that the European public needs “tough love” from regulators because not regulating chemicals might provide short-term benefit but long-term harm. Her statement, however, betrays many Eurocrats’ belief that regulators should treat adults like children.

**...END NOTES**



**“Liberated” Mink Attack Other Animals, Each Other**

About 10,000 mink released by a radical animal rights group from a fur farm in Washington state went on a carnivorous rampage, attacking a variety of animals, including exotic birds, chickens, dogs—and even each other. “The mink are fine when they’re litter mates, but when they’re not they’re quite vicious and they’re cannibals,” said Kate Roesler of Roesler Brothers Fur Farm. “They do eat each other, and that’s what we’re battling.” The Animal Liberation Front claimed responsibility for the August 25 break-in and releasing the mink. By early October, about 9,000

of the mink had been returned to the farm. Fur Commission USA offered a \$100,000 reward for information leading to the arrests and convictions of those responsible.

**Texas Cracks Down on Asthma Inhaler Threat**

A Texas teenager was threatened with expulsion and drug charges, under the state’s “zero tolerance” anti-drug policy, after he lent his prescription inhaler to his asthmatic girlfriend. On September 24, Andra Ferguson, 15, forgot to bring her asthma medication to school. Her boyfriend, Brandon Kivi, also 15, and who uses the same kind of asthma medication, accompanied Ferguson to the school nurse’s office and lent her his inhaler. “I didn’t want her to die on me right there because the nurse’s office (doesn’t) have breathing machines,” said Kivi. Adds Ferguson: “It made a big difference. It did save my life.” The school’s principal said, “Neither is any kind of problem student.”



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