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# THE SURGE

BY THE COMPETITIVE ENTERPRISE INSTITUTE

Welcome to the debut of CEI's "The Surge!"

This new biweekly publication is the successor to the Cooler Heads Digest. It is designed to provide you timely analysis and perspective on energy and environmental issues from CEI and like-minded organizations.

We want this to be the premier source for those who want to unleash America's energy potential and who recognize that human flourishing, not human deprivation, is the key to sound energy and environmental policy, along with free markets, limited government, and private property rights.

We will be archiving each edition of The Surge on the publication's own web site (coming soon) and in addition, each edition will be published on CEI's blog.

I hope you enjoy The Surge!

Best,

[Daren Bakst](#)

Director, Center for Energy and Environment

## CEI Special Briefing Series: Defending the Personal Energy Choices of Americans

### **The Biden Administration Blocks Oil and Gas Leases in Alaska**

There is an unprecedented attack on the personal energy choices of Americans. That's why CEI's Center for Energy and Environment is pleased

to debut a special briefing series entitled “[Defending the Personal Energy Choices of Americans](#).”

CEI’s [Ben Lieberman](#) wrote the first article in the series “[The Regulatory Assault on Gas Stoves – And Consumer Freedom](#).” He explains that the powerful public backlash against the idea to ban gas stoves led the administration to deny that it is targeting gas stoves, but the regulatory attacks have since been expanded and are now a key component of its all-encompassing climate change agenda. Fortunately, many in Congress are taking the side of gas stoves, and more to the point, taking the side of consumer freedom.

The House of Representatives recently passed two bills, one [forbidding CPSC](#) from moving ahead with restrictions on gas stoves and another doing the same [to DOE](#). Notably, both bills were bipartisan, with 29 House Democrats joining all Republicans in supporting them.

## In the Spotlight

### **Now the Biden administration is Targeting Your Next Water Heater**

The Biden administration Department of Energy (DOE) has proposed an avalanche of bad energy efficiency regulations impacting home appliances. In this year alone, the agency has targeted stoves, washing machines, refrigerators, dishwashers, and ceiling fans.

As CEI’s Ben Liberman explains in a new [article](#), the agency’s most recent proposal is for water heaters, and this week CEI submitted a [coalition comment](#) explaining why regulators are once again putting the administration’s costly climate agenda ahead of the best interests of consumers.

Specifically, the proposed rule would set new efficiency standards for water heaters and do so in a manner that threatens product choice. It is important to emphasize no two homes and no two homeowners are exactly alike – there are differing home sizes and configurations and venting requirements as well as different patterns of water heater use. Thus, having a wide variety of water heater types to choose from is best from a consumer standpoint. However, the proposed rule would limit options.

### **The Biden Administration Blocks Oil and Gas Leases in Alaska**

Recently, the Biden administration took two aggressive steps in its war on energy:

1) The US Department of the Interior (DOI) [announced](#) the cancellation of seven oil and gas leases in the Arctic National Wildlife Refuge (ANWR) that were issued by the Trump administration to the Alaska Industrial Development and Export Authority (AIDEA).

2) DOI also released a new [proposed rule](#) that would limit oil and gas leasing in the National Petroleum Reserve-Alaska (NPR-A). The agency [boasts](#) that it “would establish an outright prohibition on any new leasing in 10.6 million acres, more than 40 percent of the NPR-A.”

CEI’s [Patricia Patnode](#) discusses these developments in a new [article](#) and argues that these actions are bad policy, and considering America’s high gas [prices](#) and inflation more broadly, they are even more egregious. The last thing this administration should be doing is intentionally restricting access to energy and thereby driving up prices.

### **The House, in a Bipartisan Vote, Passes Legislation to Help Preserve Vehicle Choice for Americans**

Just over a week ago, the House of Representatives passed [H.R. 1435, the “Preserving Choice in Vehicle Purchases Act,”](#) by a bipartisan [vote](#) of 222-190. Eight Democrats voted for the bill. The legislation would prevent the Environmental Protection Agency (EPA) from granting waivers to states that directly or indirectly limit the sale or use of new vehicles with internal combustion engines.

CEI [supported](#) the bill and after passage Daren Bakst [explained](#): “This legislation will help to stop the continued governmental attack on Americans and their ability to choose what kind of cars they can buy. It will also help to ensure Americans can afford to buy cars in the first place and have the means to travel where they desire, from visiting relatives to going to medical appointments.”

### **Former NHTSA Administrator Nominee Still Serving as Acting Administrator, Raising Serious Issues**

On May 30, President Joe Biden [withdrew](#) the nomination of Ann Carlson to be the Administrator of the National Highway Traffic Safety Administration (NHTSA). This was after her nomination had received wide opposition and it had become clear she wouldn’t get confirmed. So why is she still serving as acting administrator of NHTSA? That’s a [good question](#) and one that Sen. Ted Cruz (R-TX), ranking member of the Senate Commerce Committee has asked, along with Committee Republicans. Last week they sent a [letter](#) to President Biden stating:

*...we write to express our deep concern with your decision to disregard the Senate's constitutional authority on appointments by naming failed-nominee Ann Carlson to serve as the acting administrator of the National Highway Traffic Safety Administration (NHTSA). In circumvention of the Senate's constitutional responsibility to provide advice and consent on presidential nominations, you appointed Ms. Carlson to lead the agency after her nomination to be NHTSA administrator failed in the face of significant Senate opposition due to her extreme policy views, radical environmentalist record, and lack of vehicle safety experience. Ms. Carlson's appointment as acting administrator not only violates the Federal Vacancies Reform Act (Vacancies Act) but also renders the agency's actions while she has held herself out as acting administrator invalid.*

### **President Biden Has Tapped Strategic Petroleum Reserve More than Any Other President**

Instead of actually addressing the root [causes](#) of [high gas prices](#), President Joe Biden is [depleting](#) the [Strategic Petroleum Reserve](#) (SPR). Compared to past Presidents in their first 32 months of office, Biden has tapped the SPR far more than any [other president](#) (see the chart below).

In the week that Biden took office, there were 638 million barrels of oil in the SPR. Last week, there were 351 million barrels, which is about 287 million fewer barrels since he took office. To put this in context, President Donald Trump released the second most amount of barrels (50 million) during that same period during his presidency.

President	Week taken office	Barrels week taken office	32 Months later (week 3, September)	Barrels 32 months later	Change in SPR after 32 months in office
Joe Biden	1/22/2021	638,086	9/15/2023	351,230	-286,856
Donald Trump	1/20/2017	695,081	9/20/2019	644,818	-50,263
Barack Obama	1/23/2009	702,796	9/16/2011	695,939	-6,857
George W. Bush	1/26/2001	540,678	9/19/2003	621,367	80,689
Bill Clinton	1/22/1993	575,145	9/15/1993	591,673	16,528
George H. W. Bush	1/20/1989	561,186	9/20/1991	568,503	7,317

### **Featuring our Friends**

#### **Center of the American Experiment Study Finds EPA's Power Plant Rule Rule Would Lead to Blackouts**

Center of the American Experiment recently published a [study](#) modeling the impact of the Biden administration's new EPA [rule](#) regulating greenhouse gas emissions from power plants. The Minnesota-based think tank

determined that these regulations would cause massive rolling blackouts at certain times of high demand in the Midwest.

In an [interview](#) with [Patricia Patnode](#), the co-author of the study [Isaac Orr](#) pointed out “our study found there would be massive winter blackouts in the Midwest if wind and solar perform as poorly as these resources have historically in 2019, 2020, 2021, and 2022. Some of these blackouts would be so large they would blackout the entire states of Minnesota and Wisconsin at the same time.”

He went on to say that, “Meeting the EPA’s emissions reduction targets while keeping the lights on would cost \$246 billion in incremental compliance costs, this is an annual cost of \$7.7 billion just for MISO, alone. That number is alarmingly high considering the annual net benefits for the entire country are just \$5.9 billion, meaning the cost of these regulations for just one regional system far exceeds the expected benefits to the nation.”

### **More from our Friends**

- [Electric Vehicles for Everyone? The Impossible Dream](#), Mark P. Mills, Manhattan Institute
- [What Do Wildfires and Hurricanes Say About Climate Change?](#), Heritage Explains featuring Diana Furchtgott-Roth, The Heritage Foundation
- [In the Tank: Grading State Biofuel Incentives and Mandates](#), Michael Bruce, The John Locke Foundation
- [175 Ways the Biden Administration and Democrats Have Made it Harder to Produce Oil & Gas](#), Thomas J. Pyle, Institute for Energy Research

### **Recent Event**

#### **The EPA’s Proposed Power Plant Rule: Will it Survive in the Courts?**

Last year, the United States Supreme Court struck down the Obama administration’s Clean Power Plan (CPP) based on the “major questions” doctrine. This week, in a Federalist Society [webinar](#) hosted by CEI’s Daren Bakst, panelists discussed numerous issues about the Biden administration’s proposed [power plant rule](#), including whether it will suffer a similar fate as the CPP. Another key question discussed during the program is whether the EPA is relying upon unproven technology in violation of the Clean Air Act requirement that its standards be based only

on the “best system of emission reduction” that “has been adequately demonstrated.”

## Regulatory Tracker

The following are some of the most important and current energy and environmental proposed rules:

### [National Environmental Policy Act Implementing Regulations Revisions Phase 2](#)

**Agency:** Council on Environmental Quality

**Comment Deadline:** September 29

### [Corporate Average Fuel Economy Standards for Passenger Cars and Light Trucks for Model Years 2027-2032 and Fuel Efficiency Standards for Heavy-Duty Pickup Trucks and Vans for Model Years 2030-2035](#)

**Agency:** National Highway Traffic Safety Administration (DOT)

**Comment Deadline:** October 16

### [Management and Protection of the National Petroleum Reserve in Alaska](#)

**Agency:** Bureau of Land Management (DOI)

**Comment Deadline:** November 7

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