

January 9, 2025

# THE SURGE

---

BY THE COMPETITIVE ENTERPRISE INSTITUTE

This edition of *The Surge* includes:

- The United States has withdrawn from the United Nations Framework Convention on Climate Change
- The WOTUS rule needs significant improvements
- Grid reliability can't be sacrificed for green objectives
- One of the biggest flaws of ESA implementation may soon be addressed

If you are not subscribed already to this publication and special updates, please [subscribe here](#).

---

## 1) President Trump Withdraws US From 1992 UN Framework Convention on Climate Change

President Donald Trump announced Wednesday that the United States is [withdrawing](#) from many international agreements, including the [United Nations Framework Convention on Climate Change](#), signed in 1992 in Rio de Janeiro, Brazil.

This is great news! Here's what CEI's, Daren Bakst [has said](#) about this major development:

“Affordable and reliable energy is vital to growth and prosperity, as is removing harmful governmental policies that increase energy poverty. Unfortunately, misguided global climate policies, launched with the UN Framework Convention on Climate Change (UNFCCC) in 1992, make our most important and abundant sources of energy more expensive. They also fail to properly account for the harm associated with reducing economic prosperity and human

flourishing. CEI and many of our allies have been making these arguments since before the agreement was signed in Rio.

“The consequences of these harmful climate policies have only been getting worse. In recent years, efforts to eliminate the use of fossil fuels – our most affordable and reliable energy sources – have been gaining traction at the Conference of the Parties to the UNFCCC. This is just a sample of how extreme things have become.

“President Trump should be commended for getting the U.S. out of the UNFCCC and rejecting this extremism. His action is a clear signal that our country won’t be part of global efforts to tell people how to live their lives and how to produce and use energy. Freedom is paramount and necessary to allow individuals to improve their lives and fulfill their dreams.”

- [CEI commends President Trump for withdrawing US from 1992 UN Framework Convention on Climate Change](#) (Daren Bakst)

## **2) Waters of the United States (WOTUS) Rule Needs Significant Improvements**

The Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers [proposed](#) a new WOTUS rule that is a step in the right direction. But the proposal still needs significant improvements to be consistent with the rule of law, including *Sackett v. EPA* that finally provided clarity on what waters are regulable under the Clean Water Act. One of the big concerns is the concept of “wet season” introduced in the proposed rule. Using this concept, the rule asserts that “relatively permanent” waters can include waters that don’t even have surface water for most of the year. This is absurd and could threaten the legal viability of any final rule.

- [CEI Submits Comment to Properly Define Regulated Waters under the CWA](#) (Daren Bakst)

## **3) Policymakers Must Stop Attacking Grid Reliability**

The purpose of the nation’s [electricity](#) grid that powers our homes and businesses is to provide reliable electricity. That’s hardly a radical concept. But tell that to policymakers who spent decades imposing their anti-[energy climate](#) agenda on American electricity customers, threatening grid reliability.

The harmful policies include state renewable portfolio standards, market-distorting subsidies that prop up unreliable electricity, premature power plant shutdowns, and the barrage of federal regulations attacking reliable electricity.

At the state and federal levels, the issue of reliability must be front and center to ensure reliable generation is the top priority for the grid. If strong reliability requirements mean less wind, solar, coal, or whatever source, then so be it. The purpose of the grid is to ensure that when Americans flick on the switch, the lights come on. It isn't to promote specific energy sources and the special interests that benefit from foisting them onto the grid.

- [Electricity grid reliability diminished by bad government policies](#) (Daren Bakst & Paige Lambermont, Washington Examiner)

## 4) Fish and Wildlife Service Should Rescind Blanket Rule

The Fish and Wildlife Service (FWS) has recently [proposed](#) to rescind its Endangered Species Act (ESA) blanket 4(d) rule and restore common sense to species management. The ESA creates two categories of species: endangered and threatened. As the names suggest, species listed as endangered are at a higher risk of going extinct than threatened species.

However, despite this higher risk of extinction, threatened species are treated the same as endangered species when it comes to "take." They are supposed to be treated differently, but since 1975 the FWS has, inconsistent with the statute, extended the prohibition against take in the same way to threatened species as it does to endangered species through the blanket 4(d) rule. Not only does this violate the plain language of the statute, but it's bad for species recovery and often infringes on property rights.

While the proposed rule is a step in the right direction, it is now Congress' turn to get rid of the blanket 4(d) rule once and for all.

- [CEI Comments on the Proposed Rescission of the Blanket 4\(d\) Rule](#) (Jacob Tomasulo)
- [Rescinding the blanket 4\(d\) rule is good for species and people](#) (Jacob Tomasulo, Open Market)

## 5) Energy Additions, Not Energy Transitions

The Industrial Revolution was really, at the heart of it, an energy revolution. It was harnessing coal at first and then interestingly, the other so-called energy transitions were really not transitions so much as additions. For example, the government did not get rid of wood for energy use at that time. In fact, people are still using wood today in places like Vermont, where they burn a lot of wood for heat. So, when coal, oil, gas, hydropower, or nuclear entered the marketplace, it was not a transition from one energy source to the other. Rather, newer sources were added to existing sources. Nothing has been deleted from the mix. Certainly not fossil fuels, which have provided over 80 percent of global commercial energy for decades.

The people who are advocating that we somehow replace fossil fuels with wind and solar are gambling with human health and welfare on a gigantic scale. Without abundant, reliable, affordable energy, human life is really nasty, poor, brutal and short. The whole idea of achieving net-zero by 2050 is completely irresponsible. There's no way you can do that without putting the whole developing world on an energy diet.

And the developing world has many people who are already energy starved. There are still over a billion people who have no access to electricity. And then you have another billion who have insufficient electricity for industry. Also many millions still lack motorized transport, which people need in order to flourish.



*This story was adapted from a recent CEI "Free The Economy" podcast, featuring host Richard Morrison and CEI energy expert Marlo Lewis. The podcast was a wide-ranging discussion of the scientific case for repealing the EPA's 2009 Greenhouse Gas Endangerment Finding, the misincentives that distort climate science, and the perils of regulatory climate policy.*

- [Climate Policy Endangerment with Marlo Lewis Jr.](#) (Richard Morrison & Marlo Lewis Jr., *Free the Economy*)
- See [here](#) for a transcript of the full episode

## FEATURING OUR FRIENDS

[The North American Fire Deficit](#), Roger Pielke Jr., The Honest Broker.

[President Trump And The Doomsday Glacier](#), Steve Milloy, The Daily Caller.

[The Long Road Back to the Rule of Law on Waters of the United States](#), Kenny Stein, Institute for Energy Research.

[It's Time to Stop Treating Threatened and Endangered Species the Same](#), Property and Environment Research Center.

[The 2025 Los Angeles Wildfires: Lessons and Key Recommendations](#), Kristian Fors, Independent Institute.

Competitive Enterprise Institute  
1310 L Street NW, 7th Floor  
Washington, DC 20005  
[www.cei.org](http://www.cei.org)

[Manage Email Preference](#)