Blue Book Midseason

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***Resolved: That the United States Federal Government should significantly reform its environmental policy.***

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NEGATIVE BRIEF: ALIEN TORT CLAIMS ACT

SOLVENCY

Circumvention #1 - Creative Compliance. Successful corporate accountability through lawsuits is more than Aff can deliver

Paddy Ireland and Renginee Pillay (Kent Law School, University of Kent at Canterbury), 2008, "Corporate Social Responsibility and the New Constitutionalism" <http://kar.kent.ac.uk/11696/1/Corporate_Social_Responsibility.pdf> (ellipses in original)

As Doreen McBarnet has pointed out, however, the corporate accountability movement may be asking more of law than law can deliver, for corporations are very adept at circumventing regulatory control and creatively complying with the law. As powerful economic and political actors, they are also very adept at getting any progressive legal changes that are secured diluted or reversed. As Utting says, ‘the route to justice through liability is fraught with obstacles…’ (Utting 2008). Indeed, McBarnet argues that ‘the pervasive nature of such an approach to law in business suggests the need for some further, extra-legal driver not only to secure a commitment in business to socially responsible policies *beyond* the law, but to secure business’s responsible compliance *with* the law’ (McBarnet 2007:13).

2. Circumvention #2 - Abandon America. Countries targeted by these suits have two ways to solve them. First, they could stop doing business in countries where rights are being violated - that's what the Affirmative wants and expects will happen. But there's another way to avoid liability in US courts: Stop doing business in the US. With no US presence, there's no one to sue and no assets to collect from.

Prof. Gary Clyde Hufbauer (former Prof. of international finance diplomacy at Georgetown Univ; former deputy assistant secretary for international trade and investment policy at US Dept of the Treasury) and Nicholas K Mitrokostas J.D. (attorney; former editor-in-chief of Georgetown Univ. "Law & Policy in International Business,") 2003, Awakening monster: the Alien Tort Statute of 1789, [http://books.google.com/books?id=UohNKn1eTU0C&dq=Hufbauer+%2B+Mitrokostas+%2B+%22Alien+tort%22&printsec=frontcover&source=bl&ots=49zETlJfwK&sig=LOb5cvuHfWXieMp6EhYkrR0wa7c&hl=en&ei=SSHjSvr4KMjO8QbZ8KnpAQ&sa=X&oi=book\_result&ct=result&resnum=2&ved=0CBEQ6AEwAQ#v=onepage&q=&f=false](http://books.google.com/books?id=UohNKn1eTU0C&dq=Hufbauer+%2B+Mitrokostas+%2B+%22Alien+tort%22&printsec=frontcover&source=bl&ots=49zETlJfwK&sig=LOb5cvuHfWXieMp6EhYkrR0wa7c&hl=en&ei=SSHjSvr4KMjO8QbZ8KnpAQ&sa=X&oi=book_result&ct=result&resnum=2&ved=0CBEQ6AEw) (brackets added)

As table 5.1 shows, as of 2000, non-US-based MNCs [multi-national corporations] had invested $1,016 billion in all potential target countries taken as a group, compared to $1,214 billion invested in the United States. Seen in this light, the balance does not so clearly favor divesting in target countries, since some foreign-based MNCs would have a larger presence in "all targets" than in the United States. Moreover, between 1990 and 2000, the incremental FDI [foreign direct investment] placed by non-US-based MNCs in potential target countries taken as a group was $866 billion versus $819 billion incremental FDI placed by the same firms in the United States. If the trends of the 1990s continue, target countries will attract substantially more FDI from foreign-based MNCs than the United States in the next decade. At the margin, some of these MNCs may simply decide to avoid the United States in order to avoid ATS [Alien Tort statute] liability. That decision will deprive the US economy of the benefits that come from inward foreign investment.

3. Foreign policy failures. Foreign policy-making by courts cannot be justified because courts don't have the resources or methods to properly resolve foreign policy issues

Prof Jack I. Garvey (served on the U.S. Senate staff ; was a Visiting Scholar at Harvard Law School and a Fellow of the Graduate Institute of International Studies, Geneva. He has been a Parker Fellow at University of Sydney Law School, Australia, and the East China Institute of Politics and Law, Shanghai ) 1993 Law and Policy in International Business, Vol. 24, Judicial Foreign Policy-Making in International Civil Litigation: Ending the Charade of Separation of Powers <http://www.questia.com/googleScholar.qst;jsessionid=Kb3Wv4Bg1PJhBLZ6xtQ1LnyTsQ10dtQj2hTRLLmw3vPTPnNp2pdp!-1760292326!-82436048?docId=5000179079>

In contemporary international litigation, however, there is critical foreign policy-making by the courts that cannot be justified, historically or functionally, as within the capacities of the judicial branch. The relevant considerations are those underlying the political question doctrine(3) and its related formulation in the international context, most importantly in Banco Nacional de Cuba v. Sabbatino.(4) As Justice Harlan explained in Sabbatino and as the judiciary often does recognize in international cases, the courts lack the necessary informational resources, the ability to adjust to diplomatic nuance and timing, and the appropriate remedial resources to respond to the international political dynamic.(5) Their public nature inherently conflicts with the requirements of international political dispute resolution.(6) Their process, the methodology of the common law, is fundamentally at odds with the dynamic process of power adjustment that is the stuff of international diplomacy.

4. Mass confusion when States get in the game

Link: Affirmative sets a new legal precedent by allowing Alien Tort claims over environmental policy – it's in their plan. Nothing in the plan blocks the States from acting.

Link: States will follow the precedent and will create mass confusion – 50 different interpretations of the law.

Impact/Analysis: No way to know what the Aff plan will do when all these conflicts spin through the courts after the plan is enacted.    
Note: not arguing that the Aff plan fiats the states. Simply arguing that once the Aff's federal plan is enacted, the States on their own will mess things up.

Prof. Gary Clyde Hufbauer (former Prof. of international finance diplomacy at Georgetown Univ; former deputy assistant secretary for international trade and investment policy at US Dept of the Treasury) and Nicholas K Mitrokostas J.D. (attorney; former editor-in-chief of Georgetown Univ. "Law & Policy in International Business,") 2003, Awakening monster: the Alien Tort Statute of 1789, [http://books.google.com/books?id=UohNKn1eTU0C&dq=Hufbauer+%2B+Mitrokostas+%2B+%22Alien+tort%22&printsec=frontcover&source=bl&ots=49zETlJfwK&sig=LOb5cvuHfWXieMp6EhYkrR0wa7c&hl=en&ei=SSHjSvr4KMjO8QbZ8KnpAQ&sa=X&oi=book\_result&ct=result&resnum=2&ved=0CBEQ6AEwAQ#v=onepage&q=&f=false](http://books.google.com/books?id=UohNKn1eTU0C&dq=Hufbauer+%2B+Mitrokostas+%2B+%22Alien+tort%22&printsec=frontcover&source=bl&ots=49zETlJfwK&sig=LOb5cvuHfWXieMp6EhYkrR0wa7c&hl=en&ei=SSHjSvr4KMjO8QbZ8KnpAQ&sa=X&oi=book_result&ct=result&resnum=2&ved=0CBEQ6AEw)

The problem is not confined to federal courts. Unless Congress confers exclusive jurisdiction on federal courts to hear alien tort claims, solely as defined in federal statutes, state courts may get involved through their interpretation of both state and federal laws. Some of this has already happened in the Unocal case. The potential for confusion and mischief grows exponentially once 50 state jurisdictions, in addition to the 12 circuits, hear alien tort claims and expound on the "law of nations."

DISADVANTAGES

1. Separation of powers violation

Link: Foreign policy is reserved to the executive and legislative branches of government (President & Congress) -- NOT the courts

Lee A. Casey and David B. Rivkin Jr. (served in the U.S. Justice Department under Presidents Ronald Reagan and George H.W. Bush and are now partners in the Washington, D.C., office of Baker & Hostetler) 14 Aug 2009, "Judges who would be King," SLATE, <http://www.slate.com/id/2224943/pagenum/all/>

First and foremost is the venerable political question doctrine. Under this rule, federal courts have refused to resolve questions involving matters committed by the Constitution to Congress or the president. The doctrine has been applied both out of prudence, because judges are ill-suited to develop and assess the information relevant to formulating foreign and national-security policy, and because the Constitution established a genuine separation of powers among the three branches of government. The conduct of American foreign-policy and military actions overseas is, of course, at the very core of those powers reserved to the political branches.

Link: Alien Tort suits against corporations = judicial meddling in foreign policy

Prof Curtis A. Bradley (Duke Law School) and Prof Jack L. Goldsmith (Harvard Law School, has participated in Alien Tort Statute cases in support of defendants) 19 Apr 2009, WASHINTON POST, Rights Case Gone Wrong [www.washingtonpost.com/wp-dyn/content/article/2009/04/17/AR2009041702859.html](http://www.washingtonpost.com/wp-dyn/content/article/2009/04/17/AR2009041702859.html) (brackets added)

Plaintiffs started suing corporations [under Alien Tort law] on the theory that the firms "aided and abetted" foreign regimes and should be liable for those regimes' actions. These cases are not merely symbolic -- the U.S. corporations have deep pockets and U.S. bank accounts -- and present enormous opportunities for judicial meddling in foreign relations.

Link: Judicial meddling in foreign policy = abdicating (leaving behind) our constitutional legacy

Prof Jack I. Garvey (served on the U.S. Senate staff ; was a Visiting Scholar at Harvard Law School and a Fellow of the Graduate Institute of International Studies, Geneva. He has been a Parker Fellow at University of Sydney Law School, Australia, and the East China Institute of Politics and Law, Shanghai ) 1993 Law and Policy in International Business, Vol. 24, Judicial Foreign Policy-Making in International Civil Litigation: Ending the Charade of Separation of Powers <http://www.questia.com/googleScholar.qst;jsessionid=Kb3Wv4Bg1PJhBLZ6xtQ1LnyTsQ10dtQj2hTRLLmw3vPTPnNp2pdp!-1760292326!-82436048?docId=5000179079>

These are all areas where courts are deciding whether to abstain from adjudication or otherwise limit its scope. Whether deciding to adjudicate or to abstain, United States courts are divining foreign policy. The phenomenon is little understood. But the need to understand it is great. Judicial foreign policy-making through the very doctrines thought to be the tools of judicial restraint is a fundamental abdication of our constitutional legacy.

Brink: Constraints on judicial power have been eroded

Lee A. Casey and David B. Rivkin Jr. (served in the U.S. Justice Department under Presidents Ronald Reagan and George H.W. Bush and are now partners in the Washington, D.C., office of Baker & Hostetler) 14 Aug 2009, "Judges who would be King," SLATE, <http://www.slate.com/id/2224943/pagenum/all/>

If there is no aspect of government over which the courts do not have the final say, then under the guise of saying "what the law is," as the 1803 case Marbury v. Madison put it, judges become the little kings they so often remind the president he is not. This is especially the case today because a number of the traditional constraints on judicial power have been severely eroded.

Impact: Separation of powers is vital to protection of individual rights

Jery Taylor (DIRECTOR OF NATURAL RESOURCE STUDIES, THE CATO INSTITUTE) 12 Sept 1996, testimony before the SUBCOMMITTEE ON COMMERCIAL AND ADMINISTRATIVE LAW, COMMITTEE ON THE JUDICIARY on THE ROLE OF CONGRESS IN MONITORING ADMINISTRATIVE RULEMAKING <http://www.cato.org/testimony/ct-jt091296.html>

The separation of legislative, executive, and judicial powers is the central principle of our Constitution's architecture. This structural principle, according to legal scholar Rebecca Brown, is "a vital part of a constitutional organism whose final cause is the protection of individual rights." Indeed, it was because the powers of the federal government were both enumerated and separated that most of the delegates to the Constitutional Convention thought that individual liberty could be preserved without a Bill of Rights.

2. Anti-American backlash.

Link: cross-apply Solvency 2; Courts fail at foreign policy

Link: Alien Tort lawsuits over human rights increase friction with other countries

Prof Curtis A. Bradley ( Duke Law School) and Prof Jack L. Goldsmith (Harvard Law School, has participated in Alien Tort Statute cases in support of defendants) 19 Apr 2009, WASHINTON POST, Rights Case Gone Wrong <http://www.washingtonpost.com/wp-dyn/content/article/2009/04/17/AR2009041702859.html>

The Alien Tort Statute was designed to allow diplomatically sensitive tort cases to be brought in federal court in the hopes of avoiding the friction with foreign governments that could arise if state courts failed to provide a fair hearing. The statute hid in obscurity for almost 200 years before a federal appellate court in New York invoked it in 1980 to allow victims of human rights abuses committed abroad to sue foreign officials in U.S. courts. This holding turned the statute on its head by creating, rather than reducing, friction with other countries. It also spawned a cottage industry of human rights litigation.

Link: Foreign countries become outraged at alien tort litigation

Nathan Koppel (journalist), 27 Aug 2009, WALL STREET JOURNAL <http://online.wsj.com/article/SB125133677355962497.html?mod=djkeyword>

Some legal experts raise a broader concern that alien tort litigation can interfere with American foreign policy. "I regularly heard from legal advisers and ambassadors that they were outraged that our federal courts were judging conduct in their country," says John Bellinger III, the chief legal adviser to the U.S. Department of State from 2005 to early 2009.

Impact 1: Anti-Americanism hurts business & trade

Jess T. Ford (Director of International Affairs & Trade at Government Accountability Office, 26 Apr 2007, "US Public Diplomacy: Strategic Planning Efforts Have Improved but Agencies Face Significant Implementation Challenges," <http://foreignaffairs.house.gov/110/for042607.pdf>

According to Business for Diplomatic Action, anti-Americanism can hurt U.S. businesses by causing boycotts of American products, a backlash against American brands, increased security costs for U.S. companies, higher foreign opposition to U.S. trade policies, and a decrease in the U.S.’s ability to attract the world’s best talent to join the American workforce. Additionally, a report from the Princeton-based Working Group on Anti-Americanism generally echoes the possibility that anti-Americanism may harm U.S. business interests in these same areas. Further, as reported by the Travel Business Roundtable during previous hearings before this subcommittee, the U.S. travel industry has reported significant declines in the U.S. market share of the worldwide travel market and a decline in overseas visitors to the United States since 9/11. Further, the State Department’s 2003 report on *Patterns of Global Terrorism* recorded 67 attacks on American business facilities and 7 business casualties. In 2006, the Overseas Security Advisory Council noted that more threats against the private sector occurred in 2006 than in 2004 or 2005 in most of the industries it reports on.

 Impact 2: Anti-Americanism hurts our foreign policy and blocks success in war on terror

Jess T. Ford (Director of International Affairs & Trade at Government Accountability Office, 26 Apr 2007, "US Public Diplomacy: Strategic Planning Efforts Have Improved but Agencies Face Significant Implementation Challenges," <http://foreignaffairs.house.gov/110/for042607.pdf>

According to the Defense Science Board, the Brookings Institution, and others, anti-Americanism around the world may reduce the U.S.’s ability to pursue its foreign policy goals, including efforts to foster diplomatic relationships with other foreign leaders and to garner support for the global war on terror. For instance, in October 2003, the Advisory Group on Public Diplomacy for the Arab and Muslim World reported that "hostility toward the U.S. makes achieving our policy goals far more difficult." Specifically, according to a paper from the Working Group on Anti-Americanism, foreign leaders may seek to leverage anti-American sentiment in pursuit of their own political goals, which may then limit their future support for U.S. foreign policy. As these leaders achieve personal political successes based on their opposition to the United States, they may then be less likely to support U.S. foreign policy going forward. Further, the 9/11 Commission, the Council on Foreign Relations, and others have reported on the possibility that anti-Americanism may also serve as a barrier to success in the global war on terror and related U.S. military operations.

Impact 3: Anti-Americanism increases risk of terrorism

Jess T. Ford (Director of International Affairs & Trade at Government Accountability Office, 26 Apr 2007, "US Public Diplomacy: Strategic Planning Efforts Have Improved but Agencies Face Significant Implementation Challenges," <http://foreignaffairs.house.gov/110/for042607.pdf>

The Council on Foreign Relations also has identified potential consequences of anti-Americanism on the security of individual Americans, noting that Americans now face an increased risk of direct attack from individuals and small groups that wield increasingly more destructive power. According to State’s *Country Reports on Terrorism* for 2005, 56 private U.S. citizens were killed as a result of terrorism incidents in 2005.

Impact 4: Anti-Americanism hurts efforts to promote democracy

Prof. Joseph S. Nye Jr. (international relations, Harvard Univ.) 25 June 2006, "Why Do They Hate Us?" (Book Review), WASHINGTON POST <http://www.washingtonpost.com/wp-dyn/content/article/2006/06/22/AR2006062200972.html> (brackets added)

Anti-Americanism obviously feels unpleasant, but does it really hamper American power? [Dr Julie] Sweig [PhD in International Studies and Director for Latin American Studies at Council on Foreign Relations] argues that it does. She points out that after favorable attitudes toward the United States dropped from 52 percent in 2000 to 12 percent in 2003, Turkey -- a NATO ally -- refused to let U.S. troops cross its territory to fight in Iraq. Similarly, anti-Americanism inhibited pro-American leaders such as Vicente Fox of Mexico and Ricardo Lagos of Chile from supporting U.S. policies on Iraq at the U.N. Security Council. Moreover, foreign perceptions of U.S. hypocrisy continue to undercut the Bush administration's efforts to promote democracy. Being admired, Sweig writes, makes it easier to be effective.

 3. Economic root cause masking. Expanding the definition of "human rights" actually sets back the goal of solving the root cause, which is economic injustice.

Analysis/Impact: Solution of the root cause is set back, Affirmative harms are turned - they get worse long-term.

Prof. David Kennedy (Harvard Law School) 2002, "The International Human Rights Movement: Part of the Problem?" <http://www.law.harvard.edu/students/orgs/hrj/iss15/kennedy.shtml>

Putting these narrowings together often means defining problems and solutions in ways not likely to change the economy. Human rights foregrounds problems of participation and procedure, at the expense of distribution, implicitly legitimating the existing distributions of wealth, status and power in societies once rights have been legislated, formal participation in government achieved, and institutional remedies for violations provided. However useful saying "that’s my right" is in extracting things from the state, it is not good for extracting things from the economy, unless you are a property holder. Indeed, a practice of rights claims against the state may actively weaken the capacity of people to challenge economic arrangements.

4. US job losses

Link: ATS (Alien Tort Statute) lawsuits disrupt trade

Prof Curtis A. Bradley ( Duke Law School) and Prof Jack L. Goldsmith (Harvard Law School, has participated in Alien Tort Statute cases in support of defendants) 19 Apr 2009, WASHINTON POST, Rights Case Gone Wrong <http://www.washingtonpost.com/wp-dyn/content/article/2009/04/17/AR2009041702859.html> (brackets added)

Much worse, these [Alien Tort] lawsuits threaten to deepen the economic distress of U.S. and foreign firms by imposing an enormous tax on investment in developing countries at a time the world desperately needs such investment. Judicially made corporate human rights litigation is a luxury we can no longer afford.

Link: ATS litigation = big trade disruption

Prof. Gary Clyde Hufbauer (former Prof. of international finance diplomacy at Georgetown Univ; former deputy assistant secretary for international trade and investment policy at US Dept of the Treasury) and Nicholas K Mitrokostas J.D. (attorney; former editor-in-chief of Georgetown Univ. "Law & Policy in International Business,") 2003, Awakening monster: the Alien Tort Statute of 1789, [http://books.google.com/books?id=UohNKn1eTU0C&dq=Hufbauer+%2B+Mitrokostas+%2B+%22Alien+tort%22&printsec=frontcover&source=bl&ots=49zETlJfwK&sig=LOb5cvuHfWXieMp6EhYkrR0wa7c&hl=en&ei=SSHjSvr4KMjO8QbZ8KnpAQ&sa=X&oi=book\_result&ct=result&resnum=2&ved=0CBEQ6AEwAQ#v=onepage&q=&f=false](http://books.google.com/books?id=UohNKn1eTU0C&dq=Hufbauer+%2B+Mitrokostas+%2B+%22Alien+tort%22&printsec=frontcover&source=bl&ots=49zETlJfwK&sig=LOb5cvuHfWXieMp6EhYkrR0wa7c&hl=en&ei=SSHjSvr4KMjO8QbZ8KnpAQ&sa=X&oi=book_result&ct=result&resnum=2&ved=0CBEQ6AEw) (brackets added; parentheses in original)

A parameter that can help size up the potential damage to trade flows can be drawn from the analysis of economic sanctions. Gravity model estimates indicate that extensive economic sanctions depress US trade (merchandise imports and exports) with target countries by more than 95 percnet. ATS [Alien Tort Statute] litigation would not depress trade to mearly the same extent, but billion-dollar awards, predicated on corporate trade with the target country, would certainly dampen commerce. Trade tainted with links to the foreign government -- oil and mineral imports, and exports to government agencies -- would be most affected by the ATS.

Impact: Massive US economic and job losses

Prof. Gary Clyde Hufbauer (former Prof. of international finance diplomacy at Georgetown Univ; former deputy assistant secretary for international trade and investment policy at US Dept of the Treasury) and Nicholas K Mitrokostas J.D. (attorney; former editor-in-chief of Georgetown Univ. "Law & Policy in International Business,") 2003, Awakening monster: the Alien Tort Statute of 1789, [http://books.google.com/books?id=UohNKn1eTU0C&dq=Hufbauer+%2B+Mitrokostas+%2B+%22Alien+tort%22&printsec=frontcover&source=bl&ots=49zETlJfwK&sig=LOb5cvuHfWXieMp6EhYkrR0wa7c&hl=en&ei=SSHjSvr4KMjO8QbZ8KnpAQ&sa=X&oi=book\_result&ct=result&resnum=2&ved=0CBEQ6AEwAQ#v=onepage&q=&f=false](http://books.google.com/books?id=UohNKn1eTU0C&dq=Hufbauer+%2B+Mitrokostas+%2B+%22Alien+tort%22&printsec=frontcover&source=bl&ots=49zETlJfwK&sig=LOb5cvuHfWXieMp6EhYkrR0wa7c&hl=en&ei=SSHjSvr4KMjO8QbZ8KnpAQ&sa=X&oi=book_result&ct=result&resnum=2&ved=0CBEQ6AEw) (brackets added)

Illustrative damage to the United States from ATS litigation   
Impact on US jobs  
 - More than 180,000 export-related jobs are at risk  
 - As many as 130,000 US jobs supported by inward FDI [foreign direct investment] are at risk  
 - Estimated loss of pay for dislocated workers could reach $4,000 per worker per year Impact on US trade and FDI  
 - Potential loss of $23 billion in US exports  
 - A quarter of all US oil and minerals imports, valued at $37 billion could be disrupted   
 - US FDI stocks in target countries could decline by $55 billion

 Impact: ATS lawsuits could cause severe damage from trade loss

Prof. Gary Clyde Hufbauer (former Prof. of international finance diplomacy at Georgetown Univ; former deputy assistant secretary for international trade and investment policy at US Dept of the Treasury) and Nicholas K Mitrokostas J.D. (attorney; former editor-in-chief of Georgetown Univ. "Law & Policy in International Business,") 2003, Awakening monster: the Alien Tort Statute of 1789, [http://books.google.com/books?id=UohNKn1eTU0C&dq=Hufbauer+%2B+Mitrokostas+%2B+%22Alien+tort%22&printsec=frontcover&source=bl&ots=49zETlJfwK&sig=LOb5cvuHfWXieMp6EhYkrR0wa7c&hl=en&ei=SSHjSvr4KMjO8QbZ8KnpAQ&sa=X&oi=book\_result&ct=result&resnum=2&ved=0CBEQ6AEwAQ#v=onepage&q=&f=false](http://books.google.com/books?id=UohNKn1eTU0C&dq=Hufbauer+%2B+Mitrokostas+%2B+%22Alien+tort%22&printsec=frontcover&source=bl&ots=49zETlJfwK&sig=LOb5cvuHfWXieMp6EhYkrR0wa7c&hl=en&ei=SSHjSvr4KMjO8QbZ8KnpAQ&sa=X&oi=book_result&ct=result&resnum=2&ved=0CBEQ6AEw) (brackets added)

The collateral damage from ATS litigation could be severe. Innocent victims will be harmed both in the United States and in target countries. Our calculations separately examine potential US losses from diminished trade and FDI [foreign direct investment] and potential target-country losses.

5. Foreign jobs lost

Link: Cross apply DA 4 link above: Alien Tort lawsuits disrupt trade

Impact: 1.9 million foreign jobs at risk

Prof. Gary Clyde Hufbauer (former Prof. of international finance diplomacy at Georgetown Univ; former deputy assistant secretary for international trade and investment policy at US Dept of the Treasury) and Nicholas K Mitrokostas J.D. (attorney; former editor-in-chief of Georgetown Univ. "Law & Policy in International Business,") 2003, Awakening monster: the Alien Tort Statute of 1789, [http://books.google.com/books?id=UohNKn1eTU0C&dq=Hufbauer+%2B+Mitrokostas+%2B+%22Alien+tort%22&printsec=frontcover&source=bl&ots=49zETlJfwK&sig=LOb5cvuHfWXieMp6EhYkrR0wa7c&hl=en&ei=SSHjSvr4KMjO8QbZ8KnpAQ&sa=X&oi=book\_result&ct=result&resnum=2&ved=0CBEQ6AEwAQ#v=onepage&q=&f=false](http://books.google.com/books?id=UohNKn1eTU0C&dq=Hufbauer+%2B+Mitrokostas+%2B+%22Alien+tort%22&printsec=frontcover&source=bl&ots=49zETlJfwK&sig=LOb5cvuHfWXieMp6EhYkrR0wa7c&hl=en&ei=SSHjSvr4KMjO8QbZ8KnpAQ&sa=X&oi=book_result&ct=result&resnum=2&ved=0CBEQ6AEw) (brackets added)

Illustrative damage to target countries from ATS litigation Impact on trade, FDI, and external debt   
- Merchandise trade with the United States could be reduced by $60 billion  
- Target countries could lose $270 billion of world FDI [foreign direct investment]   
- Public external debt might be cut by more than $100 billion Impact on jobs and GDP [gross domestic product, measure of the total goods & services produced]  
- Reduced world FDI in target countries could put 1.9 million jobs at risk - Reduced US commerce could diminish target country GDP by $20 billion  
- Reduced world FDI stocks could diminish target contry GDP by more than $50 billion

 6. Environmental harms turn

Link: Cross apply DA 5. Foreign countries targeted under the Alien Torts statute get hurt economically because companies being sued pull out, and other companies are afraid to invest there. Poor countries lose jobs and economic growth.

Link: Economic growth creates the conditions necessary for environmental improvement

Jerry Taylor ( among the most widely cited and influential critics of federal energy and environmental policy in the nation; frequent contributor to the Wall Street Journal and National Review and appears regularly on CNBC, NPR, Bloomberg Radio, the BBC, and Fox News; essays on energy policy have appeared in The Georgetown Journal of Law & Public Policy, The Columbia Journal of International Affairs; served on several congressional advisory bodies and has testified frequently on Capitol Hill regarding various energy and environmental policy matters) 2009 Cato Handbook for Policymakers, 7th Edition, <http://www.cato.org/pubs/handbook/hb111/hb111-44.pdf>

Economic growth is thus indirectly responsible for improving environmental quality in that it creates the conditions necessary for increased demand for (and the corresponding increase in supply of) environmental quality. Third, advances in technology, production methods, and manufacturing practices—both a cause and a consequence of economic growth—have historically resulted in less, not more, pollution. Even advances in nonenvironmental technologies and industries have indirectly resulted in more efficient resource consumption and less pollution.

Impact: Turn the Affirmative's harms of environmental problems in poor countries. Since the plan hurts these countries economically (Disad 5), these countries now get worse environmentally. They needed economic growth to improve their economies and the Affirmative plan killed it.

7. Oil Shock

Link: Alien Tort suits would disrupt oil supplies

Prof. Gary Clyde Hufbauer (former Prof. of international finance diplomacy at Georgetown Univ; former deputy assistant secretary for international trade and investment policy at US Dept of the Treasury) and Nicholas K Mitrokostas J.D. (attorney; former editor-in-chief of Georgetown Univ. "Law & Policy in International Business,") 2003, Awakening monster: the Alien Tort Statute of 1789, [http://books.google.com/books?id=UohNKn1eTU0C&dq=Hufbauer+%2B+Mitrokostas+%2B+%22Alien+tort%22&printsec=frontcover&source=bl&ots=49zETlJfwK&sig=LOb5cvuHfWXieMp6EhYkrR0wa7c&hl=en&ei=SSHjSvr4KMjO8QbZ8KnpAQ&sa=X&oi=book\_result&ct=result&resnum=2&ved=0CBEQ6AEwAQ#v=onepage&q=&f=false](http://books.google.com/books?id=UohNKn1eTU0C&dq=Hufbauer+%2B+Mitrokostas+%2B+%22Alien+tort%22&printsec=frontcover&source=bl&ots=49zETlJfwK&sig=LOb5cvuHfWXieMp6EhYkrR0wa7c&hl=en&ei=SSHjSvr4KMjO8QbZ8KnpAQ&sa=X&oi=book_result&ct=result&resnum=2&ved=0CBEQ6AEw)

To the extent the United States imports less oil and minerals from target countries, it will become more dependent on other suppliers. For oil imports in particular, the United States benefits from diversified and competitive sources of supply. A wave of ATS litigation could affect one-fourth of US imports of oil (total imports of oil and minerals were around $150 billion in 2002). The economic consequences -- higher oil prices (owing to greater transaction costs) and less diverse sources -- while hard to calculate, could be significant.

Brink: Oil production is under considerable strain - big risk to global economy

Securing America's Future Energy (SAFE) (nonpartisan, not-for-profit organization committed to reducing America's dependence on oil and improving U.S. energy security in order to bolster our national security and strengthen the economy) Nov 2006, Oil Dependence - A Threat to U.S. Economic & National Security, <http://www.secureenergy.org/reports/Briefing-OilDependence.pdf>

Today, however, surplus conditions are fading fast. Spare production capacity is at its lowest level in three decades, with most estimates currently between 1 and 2 million barrels per day (mbd)—very little in a world that consumes approximately 84 mbd. Though world production may not peak anytime soon, the production system is under considerable strain—creating a tremendous amount of risk to the global economy.

Impact: Even small disruption in oil = massive US economic impact

Securing America's Future Energy (SAFE) (nonpartisan, not-for-profit organization committed to reducing America's dependence on oil and improving U.S. energy security in order to bolster our national security and strengthen the economy) Nov 2006, Oil Dependence - A Threat to U.S. Economic & National Security, <http://www.secureenergy.org/reports/Briefing-OilDependence.pdf>

Oil ShockWave, a crisis simulation developed to explore the vulnerability of the global energy system,showed that even relatively small supply disruptions can cause the price of oil to rise dramatically. **>** In one exercise, a roughly 4 percent global shortfall in daily supply caused a 177 percent increase in the price of oil. As a result, consumer spending plunged, GDP dropped, and the economy went into recession. The current account deficit rose to unprecedented levels and there was an historically significant decline in the S&P 500.

8. Imperialism

Link: Alien Tort cases are an imperialistic imposition of US law on foreign countries

Prof. Gary Clyde Hufbauer (former Prof. of international finance diplomacy at Georgetown Univ; former deputy assistant secretary for international trade and investment policy at US Dept of the Treasury) and Nicholas K Mitrokostas J.D. (attorney; former editor-in-chief of Georgetown Univ. "Law & Policy in International Business,") 2003, Awakening monster: the Alien Tort Statute of 1789, [http://books.google.com/books?id=UohNKn1eTU0C&dq=Hufbauer+%2B+Mitrokostas+%2B+%22Alien+tort%22&printsec=frontcover&source=bl&ots=49zETlJfwK&sig=LOb5cvuHfWXieMp6EhYkrR0wa7c&hl=en&ei=SSHjSvr4KMjO8QbZ8KnpAQ&sa=X&oi=book\_result&ct=result&resnum=2&ved=0CBEQ6AEwAQ#v=onepage&q=&f=false](http://books.google.com/books?id=UohNKn1eTU0C&dq=Hufbauer+%2B+Mitrokostas+%2B+%22Alien+tort%22&printsec=frontcover&source=bl&ots=49zETlJfwK&sig=LOb5cvuHfWXieMp6EhYkrR0wa7c&hl=en&ei=SSHjSvr4KMjO8QbZ8KnpAQ&sa=X&oi=book_result&ct=result&resnum=2&ved=0CBEQ6AEw)

ATS [Alien Tort Statute] cases create enormous problems that, when added together, amount to unilateral justice bordering on imperialism.    
- ATS decisions will conflict with the jurisdictional claims of other states, particularly when both parties are citizens of the same foreign state.  
 - ATS cases will inflame relations between the United States and foreign governments, especially when foreign-based MNCs are subjected to large American-style damage awards    
  
**Hufbauer and Mitrokostsas go on to say later in the same context:**     
  
Adjudication of purely foreign claims under the ATS will severely interfere with the foreign state's jurisdiction and, in turn, its sovereignty. Allowing these plaintiffs to sue in the US courts essentially results in the assertion of US jurisdiction and US law as the supreme law for the world.

Impact: Third World poverty

Paul Driessen ( BA in geology and field ecology from Lawrence University, law degree from the Univ of Denver College of Law; senior fellow with the Committee for a Constructive Tomorrow, Center for the Defense of Free Enterprise, Frontiers of Freedom, and Atlas Economic Research Foundation, and is director of the Economic Human Rights Project; senior policy advisor to the Congress of Racial Equality ) Nov 2003 ECO-IMPERIALISM: GREEN POWER, BLACK DEATH, [http://books.google.com/books?id=NC4k7GpF--sC&dq=paul+driessen+eco-imperialism&printsec=frontcover&source=bl&ots=6klTuoaE2e&sig=LzMwSZ-s4friwsdiLvQk\_9Jc00U&hl=en&ei=6TbkSoTkMcPf8QbNyMiIBw&sa=X&oi=book\_result&ct=result&resnum=2&ved=0CBQQ6AEwAQ#v=onepage&q=&f=false](http://books.google.com/books?id=NC4k7GpF--sC&dq=paul+driessen+eco-imperialism&printsec=frontcover&source=bl&ots=6klTuoaE2e&sig=LzMwSZ-s4friwsdiLvQk_9Jc00U&hl=en&ei=6TbkSoTkMcPf8QbNyMiIBw&sa=X&oi=book_result&ct=result&resnum=2&ved=0CBQQ6AEwAQ#v=onepage&q=&)

The Third World's poor increasingly want to trade their huts for modern homes, and enjoy running water, refrigeration, electrical lighting and other basic necessities taken for granted by westerners (and by intellectual and government elites in their own countries). They want to see their children live past the age of five, and look forward to even better lives for their grand kids. They recognize that electricity and energy are *power* – economic and political power to:   
 - determine their own destinies;   
 - build modern schools and industries, to foster better educational and employment opportunities;   
 - provide sufficient food to make malnutrition and famine a distant memory; and   
 - improve their health and environmental quality, by powering modern hospitals, water purification and sewage   
 treatment plants, manufacturing centres, and other facilities that are commonplace in the developed world.   
They resent having their choices dictated by First World environmental activists, under the guise of sustainable development, the precautionary principle and corporate social responsibility.

  9. Massive lawsuits and court clog

Link: Alien Tort liability = incentive for mass lawsuits

  Prof. Gary Clyde Hufbauer (former Prof. of international finance diplomacy at Georgetown Univ; former deputy assistant secretary for international trade and investment policy at US Dept of the Treasury) and Nicholas K Mitrokostas J.D. (attorney; former editor-in-chief of Georgetown Univ. "Law & Policy in International Business,") 2003, Awakening monster: the Alien Tort Statute of 1789, [http://books.google.com/books?id=UohNKn1eTU0C&dq=Hufbauer+%2B+Mitrokostas+%2B+%22Alien+tort%22&printsec=frontcover&source=bl&ots=49zETlJfwK&sig=LOb5cvuHfWXieMp6EhYkrR0wa7c&hl=en&ei=SSHjSvr4KMjO8QbZ8KnpAQ&sa=X&oi=book\_result&ct=result&resnum=2&ved=0CBEQ6AEwAQ#v=onepage&q=&f=false](http://books.google.com/books?id=UohNKn1eTU0C&dq=Hufbauer+%2B+Mitrokostas+%2B+%22Alien+tort%22&printsec=frontcover&source=bl&ots=49zETlJfwK&sig=LOb5cvuHfWXieMp6EhYkrR0wa7c&hl=en&ei=SSHjSvr4KMjO8QbZ8KnpAQ&sa=X&oi=book_result&ct=result&resnum=2&ved=0CBEQ6AEw)

Foreign grievances arising from the unilateral nature of ATS suits will be amplified by the American invention of mass tort lawsuits: class actions, punitive damages, unpredictable awards, and large contingent fees. Unlike Nuremberg-style trials, ATS lawsuits are civil actions, and domestic awards reflect American-style justice. Punitive damages and class actions are an exception in the judicial systems of the world. So are huge contingency fees that create an incentive for lawyers to bring strike suits. These aspects of the American tort system are intensely disliked abroad. For example, in the Loewen case (Krauss 2000), a Mississippi jury granted a huge punitive damages award against a Canadian corporation, thus bankrupting it. This could happen often in ATS litigation.

Impact: Court clog delays justice for people with legitimate claims

Judge Alex Bonavitacola, 2000, quoted by Administrative Office of Pennsylvania Courts, "Judicial District Awarded Attorney’s Fees for Defending Against Frivolous Lawsuits" [www.aopc.org/NR/rdonlyres/4A8BF74E-8818-4DBF-8F4D-D7633EE90A3A/0/prrel00810.pdf](http://www.aopc.org/NR/rdonlyres/4A8BF74E-8818-4DBF-8F4D-D7633EE90A3A/0/prrel00810.pdf)

 "As administrators of the Philadelphia County courts, we know the harm caused by frivolous litigation all too well," said Alex Bonavitacola, president judge of Philadelphia Common Pleas Court and chairman of the FJD's Administrative Governing Board. "Lawsuits with no legal or factual merit clog up the court system, waste the time of judges and juries and delay justice for people with legitimate claims."

NEGATIVE BRIEF: CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO)

Negative brief against plan to regulate non-CAFO farms like CAFOs. CAFO=Concentrated Animal Feeding Operation. CAFOs are already heavily regulated; the plan says non-CAFO farms should be regulated the same way. Non-CAFO farm pollution is sometimes labeled "non point source" pollution because it is spread out, not concentrated like CAFOs.

INHERENCY

States can do it: States have key leadership role in regulating animal feeding operations

Federal Register, Vol. 68, No. 29 , 12 Feb 2003 (Official list of all Federal Rules and Regulations enacted by US Government agencies), "National Pollutant Discharge Elimination System Permit Regulation and Effluent Limitation Guidelines and Standards for Concentrated Animal Feeding Operations (CAFOs)" <http://www.epa.gov/npdes/regulations/cafo_fedrgstr.pdf>

The States, including their environmental, agriculture, and conservation agencies, have the key leadership role in implementing programs to ensure that AFOs take the important steps needed to implement sound management practices that protect water quality. State regulatory agencies will play a central role in implementing today’s final rule while supporting the voluntary efforts of other State programs and agencies.

States *are* doing it: EPA funding through Section 319 of Clean Water Act

Louisiana Dept of Agriculture & Forestry, 2007, "Soil & Water Conservation - EPA/Agricultural Nonpoint Source Abatement Program" <http://www.ldaf.state.la.us/portal/Offices/SoilWaterConservation/EPAAgricultureNonpointSourceAbatementProgram/tabid/304/Default.aspx>

Typical agricultural nonpoint source pollutants include sediment, pesticides, nutrients, and oxygen demanding organic matter. With EPA funding provided through Section 319 of the Clean Water Act, the OSWC [Louisiana Office of Soil and Water Conservation] helps to address agricultural activities that can result in the discharge of these pollutants into receiving water bodies.

HARMS

Farms exceed government safety standards

Dr. Jay Lehr, Ph.D. (science director for The Heartland Institute; editor of many leading scientific reference books, most recently the six-volume Water Encyclopedia) 4 May 2006, "Media Advisory: Don't Know Much About Fast Food: <http://www.newcoalition.org/Article.cfm?artId=18987>

The bottom line is that our environment and our food supply have never been cleaner or safer in man's history. Cancer rates are declining and life expectancy continues to increase. Farmers and food producers understand that the safety of America's food supply is the number one priority for American agriculture, which is why their investments in food safety exceed the requirements of the government.

American agriculture leads the world in safety

Dr. Jay Lehr, Ph.D. (science director for The Heartland Institute; editor of many leading scientific reference books, most recently the six-volume Water Encyclopedia) 4 May 2006, "Media Advisory: Don't Know Much About Fast Food: <http://www.newcoalition.org/Article.cfm?artId=18987>

To start with, American agriculture leads the world in safety, quality, and production. America's food supply is safer today than it has ever been. If Upton Sinclair, author of the 1906 anti-meat industry novel we all had to read in high school, *The Jungle*, were alive today, he'd be amazed by the progress that has been made in the treatment of animals, working conditions, transportation and storage, and on and on.

Farm groundwater pollution is a thing of the past

Dr. Jay Lehr, Ph.D. (science director for The Heartland Institute; editor of many leading scientific reference books, most recently the six-volume Water Encyclopedia) 4 May 2006, "Media Advisory: Don't Know Much About Fast Food: <http://www.newcoalition.org/Article.cfm?artId=18987>

Hundreds of millions of dollars have been invested by America's farmers and food producers in technologies that restrict and prevent the growth and spread of food-borne pathogens. Just to clear up one point: Today's farmers are much better stewards of the land than the farmers of just a few decades ago. Point- and nonpoint-source pollution of groundwater in America's heartland are essentially things of the past.

Regulation not justified yet: We need more data about health impacts of air emissions and how to measure them

Dr. Walter Armbruster (Ph.D., Agricultural Economics, Oregon State University, 1970; M.S., Agricultural Economics, Purdue University, 1964; B.S., Agricultural Economics, Purdue University, 1962; Co-chair, Project Steering Committee) Farm Foundation, 2006, The Future of Animal Agriculture in North America [www.farmfoundation.org/news/articlefiles/373-finalenglishreport1156973539.pdf](http://www.farmfoundation.org/news/articlefiles/373-finalenglishreport1156973539.pdf)

Litigation or legislative outcomes must provide legal rights and responsibilities that balance business practices with environmental concerns to resolve the issues. In the environmental arena, uncertainty is a greater problem than the level or type of environmental regulation. *What We Need to Know* What are the costs and benefits of various regulatory systems? General trends are known, but more detailed information is needed, such as the impacts of regulation on different sized operations. What are the public health impacts of possible pathogens in air emissions from animal production facilities? How do we best measure the level of pathogens and their impacts?

SOLVENCY:

1. Hard to hold CAFOs liable for pollution

Heather Dowding (BA in Environmental Science from Alma College ; Masters of Public Affairs with concentrations in Environmental Policy and Policy Analysis from Indiana Univ.) 2008 "Concentrated Animal Feeding Operation (CAFO)" Encyclopedia of Earth, [www.eoearth.org/article/Concentrated\_Animal\_Feeding\_Operation\_%28CAFO%29](http://www.eoearth.org/article/Concentrated_Animal_Feeding_Operation_%28CAFO%29)

These hefty pollution mitigation costs are often passed on to the US Environmental Protection Agency (EPA) because of the difficulty of holding CAFOs liable. While communities have the legal right to sue a CAFO to remove its pollution, they often have trouble holding CAFOs liable for pollution mitigation costs because CAFOs often are integrated horizontally, where multiple owners own shares of the company.

2. CAFO regulations not adequate to protect people in rural areas

Dr. John Ikerd (PhD in agricultural economics; Professor Emeritus, University of Missouri) 14 Mar 2009, conference for Food Sovereignty, Self-Determination, and Democracy, sponsored by Family Farm Defenders, Valley Stewardship Network, Crawford Stewardship Project, Westby, WI <http://web.missouri.edu/~ikerdj/papers/WI%20--%20CAFOs%20%20Democracy.htm>

Government certainly has not been an ally of those opposing CAFOs, at least not up to now. Obviously, existing environmental and health regulations are not adequate to protect the people of rural areas, as verified by the widespread and persistent health and environmental problems associated with CAFOs. Most politicians have not been willing to defy the economic and political power of corporate agriculture. So, rural people have been left with no alternative other than to stand up for themselves and proclaim their basic democratic rights of self-defense and self-determination.

DISADVANTAGES:

1. Small farms crushed

Link: Small farms get crushed under the weight of regulations that big farms can handle

*Taryn Luntz (journalist), 3 Apr 2009, NEW YORK TIMES, "Small farms fear bearing brunt of new food safety regulations,"*

<http://www.nytimes.com/gwire/2009/04/03/03greenwire-small-farms-fear-bearing-brunt-of-new-regulati-10431.html>

But small-scale farmers say the big companies have the funds and staff to comply with the rules, and that factory farms that specialize in mass-producing one item are better positioned to comply with mandates to establish food safety plans for every product they sell. "A small farm is much more likely to grow multiple things and have a diversified approach," Lavera said. "So if they have to take 19 steps for each of those crops, it's much harder for them than a large farm that only grows one or two things." Small farmers argue that they are already much more accountable to their customers for the quality of their product than are mass-production facilities, and that they will be crushed under the weight of well-meaning laws aimed at large industrial offenders.

Impact: Small Farms go out of business

Holding small farms to same standards as large ones will force them to stop livestock production

Prof. Charles Abdalla (PhD in resource economics; Chair/lead writer of Farm Foundation Environmental Issues working group, Penn. State Univ.) Farm Foundation, 2006, The Future of Animal Agriculture in North America [www.farmfoundation.org/news/articlefiles/373-finalenglishreport1156973539.pdf](http://www.farmfoundation.org/news/articlefiles/373-finalenglishreport1156973539.pdf)

In most states, smaller confined and unconfined operations are currently not held to the same water quality standards as larger operations. If stricter regulations were enacted, many of these operations may not be able to afford the costs of compliance and would likely stop livestock production.

Economic harm in Kentucky

Prof. Larry L. Burmeister (Dept of Sociology, Univ of Kentucky), 2002, LAGOONS, LITTER AND THE LAW: CAFO REGULATION AS SOCIAL RISK POLITICS, Southern Rural Sociology, Vol 18(2) p. 56-87; [www.ag.auburn.edu/auxiliary/srsa/pages/Articles/SRS%202002%2018%202%2056-87.pdf](http://www.ag.auburn.edu/auxiliary/srsa/pages/Articles/SRS%202002%2018%202%2056-87.pdf)

Loss of tobacco revenue requires diversification into other commodities if farm income is to be maintained. Mainstream agricultural interest groups argued that livestock production is one of the most viable alternatives to tobacco in Kentucky, and that stringent CAFO regulations will foreclose this option at least in the hog and poultry industries. CAFO regulations, in essence, were said to threaten a direct material loss to Kentucky agriculture by reducing potential growth in livestock inventories and by foreclosing a potential in-state feedgrain market for CAFOs.

2. Outsourcing

Link: EPA CAFO regulations require costly manure management standards

Marc Ribaudo (economist at the Economic Research Service, U.S. Department of Agriculture) and Jean Agapoff (statistician at the Farm Services Agency, U.S. Department of Agriculture) 1 Oct 2005, Agricultural and Resource Economics Review, Importance of Cost Offsets for Dairy Farms Meeting a Nutrient Application Standard, Northeastern Agricultural and Resource Economics Association, [www.allbusiness.com/agriculture-forestry-fishing-hunting/1000923-1.html](http://www.allbusiness.com/agriculture-forestry-fishing-hunting/1000923-1.html)

The U.S. Environmental Protection Agency requires concentrated animal feeding operations to develop and implement a comprehensive nutrient management plan. Changes in manure management to meet nutrient application standards will generally increase production costs.

Link, Brink and Uniqueness: If US costs rise, potential exists for substantially more foreign outsourcing

Prof. Larry L. Burmeister (Dept of Sociology, Univ of Kentucky), 2002, LAGOONS, LITTER AND THE LAW: CAFO REGULATION AS SOCIAL RISK POLITICS, Southern Rural Sociology, Vol 18(2) p. 56-87; [www.ag.auburn.edu/auxiliary/srsa/pages/Articles/SRS%202002%2018%202%2056-87.pdf](http://www.ag.auburn.edu/auxiliary/srsa/pages/Articles/SRS%202002%2018%202%2056-87.pdf)

Although cross-national commodity chains in the pork and poultry subsectors of animal agriculture are not yet as pronounced as in many other commodities (Gereffi and Korzeniewicz 1994), the potential exists for substantially more out-sourcing of inputs and final products by agribusiness multinationals headquartered in the United States if costs of U.S. production were to increase relative to other world regions.

Link + Brink: Agribusinesses want to expand overseas

Dr. Douglas H. Constance (Dept of Sociology; Sam Houston State Univ), 2009, "CONTESTED GLOBALIZATION OF THE AGRIFOOD SYSTEM: A MISSOURI SCHOOL ANALYSIS OF SANDERSON FARMS AND SEABOARD FARMS IN TEXAS" SOUTHERN RURAL SOCIOLOGY, <http://www.ag.auburn.edu/auxiliary/srsa/pages/Articles/SRS%202009%2024%202%2048-86.pdf>

For example, after NAFTA deregulated foreign direct investment, through vertical and horizontal integration Pilgrim’s Pride and Tyson Foods, Inc. expanded their market share to become the number two and three poultry firms in Mexico, respectively, where domestic consumer markets are growing rapidly and the costs of production are much lower that in the U.S. (Constance 2008). Pilgrim is also the largest poultry firm in Puerto Rico. With its acquisition of IBP in 2002, Tyson became the world’s largest meat company. Tyson’s official corporate motto is: "Segment, Concentrate, and Dominate" (Tyson Foods, Inc. 2004-2005). While the success in Mexico attests to the implementation of this business strategy, "Tyson’s real future overseas lies in the companies it is quietly building in emerging nations like China. Next frontiers of expansion: rebounding Brazil, and Eastern Europe" (Morais 2004:6).

Impact 1: American communities left in shambles

Dr. John Ikerd (PhD in agricultural economics; Professor Emeritus, University of Missouri) 14 Mar 2009, conference for Food Sovereignty, Self-Determination, and Democracy, sponsored by Family Farm Defenders, Valley Stewardship Network, Crawford Stewardship Project, Westby, WI <http://web.missouri.edu/~ikerdj/papers/WI%20--%20CAFOs%20%20Democracy.htm>

However, the only responsibilities large corporations feel obligated to fulfill are their economic responsibilities to their stockholders. They have every intention of moving elsewhere as soon as they find someplace else where people willing to work even harder for less money or are less concerned about pollution and health risks. Corporate industry routinely has moved its operations to other "less-developed" countries, leaving thousands of American communities in shambles. There is every reason to believe that corporate agribusiness will do the same with its CAFOs.

Impact 2: Environmental tradeoff - the harms happen overseas instead of in the US when the livestock operations move to countries with lower standards

Livestock industry moves overseas and environmental conditions degrade there

Prof. Charles Abdalla (PhD in resource economics; Chair/lead writer of Farm Foundation Environmental Issues working group, Penn. State Univ.) Farm Foundation, 2006, The Future of Animal Agriculture in North America [www.farmfoundation.org/news/articlefiles/373-finalenglishreport1156973539.pdf](http://www.farmfoundation.org/news/articlefiles/373-finalenglishreport1156973539.pdf)

Environmental conditions may improve in North America, but degrade elsewhere in the world if livestock and poultry industries expand in regions with lower environmental standards.

China has agricultural environmental problems: non-compliance with regulations, lax environmental controls, untreated waste in fields and waters

Geoffrey S. Becker (Specialist in Agricultural Policy; Resources, Science, and Industry Division) 9 Oct 2007, Congressional Research Service, "Food and Agricultural Imports from China" <http://ncseonline.org/NLE/CRSreports/07Nov/RL34080.pdf>

Some analysts contend that China’s problems in complying with other — usually more developed — countries’ safety requirements are typical of those faced by most developing countries. They point to a number of specific obstacles the Chinese have encountered in upgrading their safeguards, including:  
 - the difficulty of standardizing and monitoring production practices at the farm production level, to which many safety problems can be traced due to widespread noncompliance with existing regulations such as environmental rules, and which is composed of 200 million households typically farming on plots of one to two noncontiguous acres;  
 - heavy use of fertilizers and pesticides to counteract intensively cultivated soils and large pest pressures;  
 - wide use of antibiotics to control diseases in intensive livestock, poultry, and aquaculture systems;  
 - industrialization, lax environmental controls, and untreated human and animal waste in fields and waters, which raise concerns about toxic, metal, and microbial contaminants in food;

3. Farm consolidation & risk of catastrophic accidents

Link: Regulations raise costs. Cross-apply DA-1 cards 1 and 2.

Link + Brink: Small to mid-size farms have serious survival challenges - costs are driving consolidation

Prof. Mike Boehlje PhD (Distinguished Professor in the Department of Agricultural Economics and the Center for Food and Agricultural Business at Purdue Univ; Economics of Production, Processing and Marketing Working Group, Chair/lead writer) Farm Foundation, 2006, The Future of Animal Agriculture in North America [www.farmfoundation.org/news/articlefiles/373-finalenglishreport1156973539.pdf](http://www.farmfoundation.org/news/articlefiles/373-finalenglishreport1156973539.pdf)

In summary, the consolidation trend to fewer and larger livestock and poultry operations is expected to continue. The economies of scale in production and processing are significant and will drive the optimal size of the facility, as well as the firm. Firm-level economies will be captured through effective supply chain management that improves cost efficiency and control, food safety and quality, and the ability to respond to consumer demands. Quality concerns will also drive more systemized, micro-managed production and distribution processes to reduce product variability and improve conformance with quality standards and consumer expectations of uniform product attributes. Technology will provide new efficiencies and information to better manage the system. Concerns about food safety and a drive to qualified suppliers and traceback will increase pressures and payoffs of tighter coordination along the production and distribution chain. Successful small to mid-size producers face serious survival challenges in determining how they fit into integrated supply chain structures.

Brink: Farms not currently under the big-farm regulatory structure have higher costs

Prof. Mike Boehlje PhD (Distinguished Professor in the Department of Agricultural Economics and the Center for Food and Agricultural Business at Purdue Univ; Economics of Production, Processing and Marketing Working Group, Chair/lead writer) Farm Foundation, 2006, The Future of Animal Agriculture in North America [www.farmfoundation.org/news/articlefiles/373-finalenglishreport1156973539.pdf](http://www.farmfoundation.org/news/articlefiles/373-finalenglishreport1156973539.pdf)

Scale economies for beef cow operations are more difficult to distinguish because many production units are part time and subsidized with off-farm income. A recent Iowa study of feedlot environmental regulations indicates that operations just large enough to fall under the environmental regulation requirements had higher per-head costs of production than did large feedlots with environmental regulation requirements and small feedlots exempt from feedlot environmental regulations.

Impact: Concentrated Animal Feeding Operations raise risk of catastrophic accidents.

Analysis: Raising costs for small farms will force them to either go out of business (DA-1) or consolidate into big farms (DA-3). If they avoid going out of business by consolidating, that will be bad because big consolidated farms are more dangerous to the environment than small farms.

David M. Holt (has an MA in Sociology from East Carolina University; PhD student in the Department of Sociology at Michigan State University and is a Research Assistant in the Food Safety Policy Center) 2008, "Unlikely allies against factory farms: animal rights advocates and environmentalists " AGRICULTURE AND HUMAN VALUES, Food Safety Policy Center, Michigan State University, <http://www.springerlink.com/content/d201172428735340/>

Increased exploitation of natural resources in agriculture has led to growing attention of the costs associated with the modern food and fiber production (Buttel 2003; Koc and Dahlberg 1999). CAFOs represent a focal point of criticism and policy activism. The increased concentration of animals in a confined area and the associated environmental consequences represent a threat to human health. Moreover, because CAFOs are tightly coupled, complex industrial production systems, they have all the criteria Perrow lays out to be at high risk for ‘normal accidents’ (Burmeister 2002; Perrow 1999). Simply put, the scale of the operations, as well as their integration in society, make them inherently vulnerable to catastrophic events.

EXTRA EVIDENCE ABOUT FARM REGULATION COSTS

Specific details/quantification: Average large dairy operation in the South would cost $105,000 for nitrogen and $190,000 for phosphorous management

Marc Ribaudo (economist at the Economic Research Service, U.S. Department of Agriculture) and Jean Agapoff (statistician at the Farm Services Agency, U.S. Department of Agriculture) 1 Oct 2005, Agricultural and Resource Economics Review, Importance of Cost Offsets for Dairy Farms Meeting a Nutrient Application Standard, Northeastern Agricultural and Resource Economics Association, [www.allbusiness.com/agriculture-forestry-fishing-hunting/1000923-1.html](http://www.allbusiness.com/agriculture-forestry-fishing-hunting/1000923-1.html) (parentheses in original; values inside parentheses are for phosphorous; outside parentheses=Nitrogen)

The average large dairy operation in the South contains 2,066 dairy cows and has 320 acres of spreadable land. Manure produced by its animals is spread on 310 acres of land on the farm. Having to meet a nitrogen (phosphorus) standard would require spreading manure on 661 (2,000) acres of cropland, given the nitrogen (phosphorus) uptake of the crops grown, meaning that 341 (1,680) acres of land off the farm are needed for spreading manure, assuming that the mix of crops is the same as on the farm. Manure would have to be hauled an average of 8 (14) miles to reach enough spreadable land, given the land use in the surrounding county and an assumed landowner willingness to accept manure of 10 percent (manure can be used on only 10 percent of spreadable land). The cost of developing and implementing a nutrient management plan and hauling and applying manure to the additional 351 (1,690) acres is $105,711 ($190,830).

Many farms don't have enough land to meet phosphorous and nitrogen standards

Marc Ribaudo (economist at the Economic Research Service, U.S. Department of Agriculture) and Jean Agapoff (statistician at the Farm Services Agency, U.S. Department of Agriculture) 1 Oct 2005, Agricultural and Resource Economics Review, Importance of Cost Offsets for Dairy Farms Meeting a Nutrient Application Standard, Northeastern Agricultural and Resource Economics Association, [www.allbusiness.com/agriculture-forestry-fishing-hunting/1000923-1.html](http://www.allbusiness.com/agriculture-forestry-fishing-hunting/1000923-1.html) (brackets added; parentheses in original)

When land requirements were compared with the amount of land reported as having received manure, we found that most large and medium farms were not spreading it on enough land to meet a nitrogen standard, and few farms were spreading it on enough land to meet a phosphorus standard (Table 1). Farms not spreading manure on enough land would incur additional hauling and application costs in order to meet a nutrient application standard. Most small dairy farms (90 percent) have enough land to meet an N[nitrogen]-standard, but only about a quarter of large farms do. A majority of small farms (65 percent) still have enough land to meet a P [phosphorous] standard, but few medium (18 percent) or large farms (2 percent) do. Farms needing to move manure off the farm could incur substantial hauling costs to reach enough suitable land, more so than if they had enough land of their own. Small and medium farms in the North generally have more land available per animal than similar-sized farms in the South. For example, while 90 percent of small farms in the North have enough land to meet an N standard, only 33 percent of small farms in the South do.

NEGATIVE BRIEF: BALLAST WATER

(Micah Edelblut contributed some of the evidence in this brief)

TOPICALITY

1. Minor Repair, not Significant Reform. Affirmative team is closing the NOBOB loophole -- only a minor improvement to a large body of existing regulations.

Status Quo already highly regulates shipping in the Great Lakes with regard to Ballast Water

Eugene H. Buck (Specialist, Natural Resources Policy Resources, Science, and Industry Division), Ballast Water Management to Combat Invasive Species, Updated 2 Oct 2006, Congressional Research Service, <http://ncseonline.org/NLE/CRSreports/06Oct/RL32344.pdf>

Under these regulations, the Coast Guard enforced mandatory requirements for ballast water management only for the Great Lakes. Ballast water reporting data for inbound vessels was submitted via fax either directly to the Captain

of the Port (COTP) Buffalo or U.S. Coast Guard’s Marine Safety Detachment (MSD) Massena, or via the Saint Lawrence Seaway Development Corporation (SLSDC) to MSD Massena at least 24 hours before arrival (33 CFR 151.2040). Compliance with these requirements was essentially 100%. Every vessel that reports that it is carrying ballast water on board (BOB) while transiting to the Great Lakes underwent ballast water inspections by either MSD Massena at the locks in Massena, NY, or by the SLSDC in Montreal. Compliance with the mandatory ballast water requirements averaged approximately 92% in the late 1990s and early 2000s for those vessels declaring BOB. Those vessels found to not have conducted proper exchange were ordered not to discharge ballast water in the Lakes. For these vessels, or if the vessel declared that it intended to retain its ballast water on board while in the Great Lakes system, then MSD Massena again boarded the vessel after it has made port calls in the Lakes and passed the lock in Massena on its outbound transit to ensure the vessel had not discharged while in the Lakes. Vessel compliance with the order not to discharge has been excellent.

HARMS

1. VHS (Viral Hemorrhagic Septicemia): No impact on human illness

Wisconsin Dept of Health & Family Services, May 2007, quoted by Wisconsin Department of Natural Resources, last updated 2 April 2008, "VHS 101," <http://dnr.wi.gov/fish/vhs/vhsfacts.html>

Anglers can continue to enjoy catching and eating their catch because the VHS virus has never been associated with human illness since first being discovered in European fish decades ago (Department of Health and Family Services, May 2007).

2. Zebra mussels (an invasive species in the Great Lakes) are good: they improve water quality

US Geological Survey Nonindigenous Aquatic Species Database, quoted by Ronald Bailey, Aug/Sept 2000, "Bio-Invaders," REASON magazine, http://reason.com/archives/2000/08/01/bio-invaders (parentheses in original)

"There has been a striking difference in water clarity improving dramatically in Lake Erie, sometimes six to four times what it was before the arrival of the zebra mussels," according to the U.S. Geological Survey's Nonindigenous Aquatic Species Database. "With this increase in water clarity, more light is able to penetrate deeper allowing for an increase in macrophytes (aquatic plants). Some of these macrophyte beds have not been seen for many decades due to changing conditions of the lake mostly due to pollution. The macrophyte beds that have returned are providing cover and acting as nurseries for some species of fish."

Zebra mussel is good for fish populations

Wallace Kaufman (award-winning science writer) and Dr. Sylvan Ramsey Kaufman PhD (plant ecologist; PhD in ecology from Rutgers Univ.), 2007, (brackets added) Invasive Plants: a guide to indentification and the impacts and control of common North American species, [http://books.google.com/books?id=ljaCnHUeew0C&pg=PA14&lpg=PA14&dq=Sagoff+invasive&source=bl&ots=4bxYixCjME&sig=qBxo6\_ZgW8rTP4TVZxWdmlJC-MQ&hl=en&ei=5GzsSuOON5DKlAfs4LT\_BA&sa=X&oi=book\_result&ct=result&resnum=3&ved=0CBAQ6AEwAg#v=onepage&q=Sagoff%20invasive&f=false](http://books.google.com/books?id=ljaCnHUeew0C&pg=PA14&lpg=PA14&dq=Sagoff+invasive&source=bl&ots=4bxYixCjME&sig=qBxo6_ZgW8rTP4TVZxWdmlJC-MQ&hl=en&ei=5GzsSuOON5DKlAfs4LT_BA&sa=X&oi=book_result&ct=result&resnum=3&ved=0CBAQ6AEwAg#v=onepage&q=Sagoff%20invasive&)

The zebra mussel, notorious for clogging power plant intakes, also provides water filtering and clarifying that benefits some plant and fish populations.

3. No extinction problem: Invasive species are not significant causes of extinction.

Wallace Kaufman (award-winning science writer) and Dr. Sylvan Ramsey Kaufman PhD (plant ecologist; PhD in ecology from Rutgers Univ.), 2007, (brackets added) Invasive Plants: a guide to indentification and the impacts and control of common North American species, [http://books.google.com/books?id=ljaCnHUeew0C&pg=PA14&lpg=PA14&dq=Sagoff+invasive&source=bl&ots=4bxYixCjME&sig=qBxo6\_ZgW8rTP4TVZxWdmlJC-MQ&hl=en&ei=5GzsSuOON5DKlAfs4LT\_BA&sa=X&oi=book\_result&ct=result&resnum=3&ved=0CBAQ6AEwAg#v=onepage&q=Sagoff%20invasive&f=false](http://books.google.com/books?id=ljaCnHUeew0C&pg=PA14&lpg=PA14&dq=Sagoff+invasive&source=bl&ots=4bxYixCjME&sig=qBxo6_ZgW8rTP4TVZxWdmlJC-MQ&hl=en&ei=5GzsSuOON5DKlAfs4LT_BA&sa=X&oi=book_result&ct=result&resnum=3&ved=0CBAQ6AEwAg#v=onepage&q=Sagoff%20invasive&)

He [Prof. Mark Sagoff, Pew Scholar in Conservation and the Environment at Univ. of Maryland] also argues against the level of alarm about extinctions, saying that "there is no evidence that nonnative species, especially plants, are significant causes of extinction, except for predators in certain lakes and other small island-like environments." Sagoff argues that excluding nonnative species from definitions of biodiversity or ecosystem integrity feeds the idea that these species are harmful when in fact they might be innocuous or even beneficisl (Sagoff 2005).

4. Many invasive species, like Kudzu, are net beneficial

Wallace Kaufman (award-winning science writer) and Dr. Sylvan Ramsey Kaufman PhD (plant ecologist; PhD in ecology from Rutgers Univ.), 2007, (brackets added) Invasive Plants: a guide to indentification and the impacts and control of common North American species, [http://books.google.com/books?id=ljaCnHUeew0C&pg=PA14&lpg=PA14&dq=Sagoff+invasive&source=bl&ots=4bxYixCjME&sig=qBxo6\_ZgW8rTP4TVZxWdmlJC-MQ&hl=en&ei=5GzsSuOON5DKlAfs4LT\_BA&sa=X&oi=book\_result&ct=result&resnum=3&ved=0CBAQ6AEwAg#v=onepage&q=Sagoff%20invasive&f=false](http://books.google.com/books?id=ljaCnHUeew0C&pg=PA14&lpg=PA14&dq=Sagoff+invasive&source=bl&ots=4bxYixCjME&sig=qBxo6_ZgW8rTP4TVZxWdmlJC-MQ&hl=en&ei=5GzsSuOON5DKlAfs4LT_BA&sa=X&oi=book_result&ct=result&resnum=3&ved=0CBAQ6AEwAg#v=onepage&q=Sagoff%20invasive&)

While the problems are often large and even scary (e.g. West Nile virus), the negatives are not the whole story. A complete balance sheet would also note that many introduced, including some that invade natural areas, have had economic and social benefits. In fact, many species, like kudzu (used for erosion control in the Southeast), were introduced for their benefits and have provided those benefits even as escapees.

5. No impact: The theory that invasive species harm the environment has no meaning and no impact

Prof. Mark Sagoff PhD (environmental ethicist, Acting Director and Senior Research Scholar at the Institute for Philosophy and Public Policy in the School of Public Policy at the University of Maryland; Pew Scholar in Conservation and the Environment and past President of the International Society of Environmental Ethics; has published widely in journals of philosophy, law, economics, and public policy, including Amicus Journal, Atlantic Monthly, EPA Journal, Nature Conservancy) 11 Oct 2008, JOURNAL OF AGRICULTURAL ENVIORNMENAL ETHICS, "Environmental Harm: Political not Biological" <http://www.springerlink.com/content/k85k9p50766611g4/fulltext.pdf>

In their fine paper, Evans et al. (2009) discuss the proposition that invasive non-native species (INS) are harmful. The question to ask is, ‘‘Harmful to whom?’’ Pathogens that make people sick and pests that damage their property—crops, for example— cause harms of kinds long understood in common law and recognized by public agencies. The concept of ‘‘harm to the environment,’’ in contrast, has no standing in common law or legislation, no meaning for any empirical science, and no basis in a political consensus other than might be drawn from the Endangered Species Act. As a generalization, the proposition that INS cause ‘‘environmental harm’’—since this concept is empty of legal, scientific, and political meaning—must rest on definition, diktat, or diatribe.

6. Even if biodiversity were reduced, it would have no impact

Prof. Mark Sagoff PhD (environmental ethicist, Acting Director and Senior Research Scholar at the Institute for Philosophy and Public Policy in the School of Public Policy at the University of Maryland; Pew Scholar in Conservation and the Environment and past President of the International Society of Environmental Ethics; has published widely in journals of philosophy, law, economics, and public policy, including Amicus Journal, Atlantic Monthly, EPA Journal, Nature Conservancy) 11 Oct 2008, JOURNAL OF AGRICULTURAL ENVIORNMENAL ETHICS, "Environmental Harm: Political not Biological" <http://www.springerlink.com/content/k85k9p50766611g4/fulltext.pdf>

I am sympathetic to the view that native is better but not that science can tell why. ‘‘The words ‘good’ and ‘bad’ constitute value judgments and so lie beyond the bounds of science,’’ Rosenzweig (2001) has written. ‘‘Were exotic species to reduce diversity by 30%, no ecologist could test whether that loss of species would be a bad thing.’’ The term ‘‘environmental harm,’’ as Rosenzweig suggests, may possess an aesthetic, religious, spiritual, historical, cultural, or some other meaning to society; perhaps it can be explicated on these grounds. The concept of ‘‘environmental harm,’’ however, has no referent in biology or in any other science. Science on occasion may be able to tell us what is false or true but it can never tell us what is bad or good.

7. Costs of controlling a species are not a measure of the benefits of controlling it

Analysis: What if we just ignored the invasive species? In that case, the cost of controlling it is zero. The only way to measure the real impact is the actual damage it is doing to someone's property or life.

Prof. Mark Sagoff PhD (environmental ethicist, Acting Director and Senior Research Scholar at the Institute for Philosophy and Public Policy in the School of Public Policy at the University of Maryland; Pew Scholar in Conservation and the Environment and past President of the International Society of Environmental Ethics; has published widely in journals of philosophy, law, economics, and public policy, including Amicus Journal, Atlantic Monthly, EPA Journal, Nature Conservancy) 11 Oct 2008, JOURNAL OF AGRICULTURAL ENVIORNMENAL ETHICS, "Environmental Harm: Political not Biological" <http://www.springerlink.com/content/k85k9p50766611g4/fulltext.pdf>

Many governmental agencies might want to bloat their budgets by obtaining millions of taxpayer dollars to control a pretty non-native species like purple loosestrife, and, for that reason, they may put up scary web pages about it. The more the agency spends to control an organism, the higher ‘‘control costs’’ become, thus creating ‘‘economic costs’’ to justify more spending. Except when people spend their own money, however, the costs of controlling a species cannot be taken as a measure of the benefits.

8. Invasive species create more biodiversity

Prof. Mark Sagoff PhD (environmental ethicist, Acting Director and Senior Research Scholar at the Institute for Philosophy and Public Policy in the School of Public Policy at the University of Maryland; Pew Scholar in Conservation and the Environment and past President of the International Society of Environmental Ethics; has published widely in journals of philosophy, law, economics, and public policy, including Amicus Journal, Atlantic Monthly, EPA Journal, Nature Conservancy) 11 Oct 2008, JOURNAL OF AGRICULTURAL ENVIORNMENAL ETHICS, "Environmental Harm: Political not Biological" <http://www.springerlink.com/content/k85k9p50766611g4/fulltext.pdf>

Separated from their former populations, introduced species diverge in morphology and in behavior, forming new kinds of populations. Exotic species also hybridize with natives to produce novel lineages (Allendorf and Lunquist 2003). For many reasons, ‘‘the net consequence of these invasions is generally an increase in total species richness’’ (Sax et al. 2007, 466). New varieties emerge; homogenous populations diverge; evolution accelerates; biodiversity flourishes.

Marine environments benefit from new species

Prof. Mark Sagoff PhD (environmental ethicist, Acting Director and Senior Research Scholar at the Institute for Philosophy and Public Policy in the School of Public Policy at the University of Maryland; Pew Scholar in Conservation and the Environment and past President of the International Society of Environmental Ethics; has published widely in journals of philosophy, law, economics, and public policy, including Amicus Journal, Atlantic Monthly, EPA Journal, Nature Conservancy) 11 Oct 2008, JOURNAL OF AGRICULTURAL ENVIORNMENAL ETHICS, "Environmental Harm: Political not Biological" <http://www.springerlink.com/content/k85k9p50766611g4/fulltext.pdf>

According to Sax and Gaines (2008, 11,492), ‘‘the average increase observed across oceanic islands is highly regular, with most islands showing a strikingly consistent doubling in net plant richness.’’ The naturalization of introduced species is continuing at such a pace that ‘‘many islands are now coming close to matching the species richness levels of continental environments’’ (Sax and Gaines 2008, 11,493). The same trend applies to animals. ‘‘In Hawaii, for example, 40 new species of freshwater fish have become established, and the 5 native species are still present’’ (Zimmer 2008).

9. Humans are an invasive species.

Since humans originated in the Garden of Eden, not the Great Lakes region, any fish that get killed by human fishermen or by invasive viruses are both being killed by invasive species. Harms related to "loss of fishing industry" are simply a conflict between two invasive species over who gets to kill the fish first, humans or the virus. Eliminating invasive species who kill native creatures in the Great Lakes would require the evacuation of all humans living there.

INHERENCY

1. VHS ( Viral Hemorrhagic Septicemia ): No one knows if it came from ballast water

Wisconsin Department of Natural Resources, last updated 2 April 2008, "VHS 101," <http://dnr.wi.gov/fish/vhs/vhsfacts.html>

VHS virus is considered an invasive species (not native to the Great Lakes), but scientists are not sure how the virus arrived. It may have come in with migrating fish from the Atlantic Coast, or may have hitch-hiked in ballast water from ships.

SOLVENCY

1. Treatment methods don't work

Corrina Chase, Christine Reilly, and Judith Pederson, Ph.D., 7 Sept 2007,Massachusetts Institute of Technology, Sea Grant Coastal Resources"Ballast Water Treatment Options", [http://docs.google.com/gview?a=v&q=cache:QZba0A2rQfoJ:massbay.mit.edu/resources/pdf/ballast-treat.pdf+%22by+killing+the+organisms+in+ballast+water%22&hl=en&gl=us&pid=bl&srcid=ADGEESgAEIvL3TOlK5OpAws6MSBTPVKG\_qUQN7v9spqqMF4bcyz1-iQwak8nBAF2rfDD4PtPYL2aU4vK9UCBfxj5dJcBNLi5GGGpZG235sIHBqsm91eeAXklWicersuMUNK2F\_IGnKQZ&sig=AFQjCNFmT27tB1j3aEcGUuTRtQDxZ1uPEQ](http://docs.google.com/gview?a=v&q=cache:QZba0A2rQfoJ:massbay.mit.edu/resources/pdf/ballast-treat.pdf+%22by+killing+the+organisms+in+ballast+water%22&hl=en&gl=us&pid=bl&srcid=ADGEESgAEIvL3TOlK5OpAws6MSBTPVKG_qUQN7v9spqqMF4bcyz1-iQwak8nBAF2rfDD4PtPYL2aU4vK9)

"Unfortunately no single ballast water management technique has been able to remove all organisms or all types of organisms from ballast tanks. A combination of different methods may prove to be more effective than one method alone, however little research has been conducted into this possibility. It is difficult to implement treatments because ship owners are understandably reluctant to install technology that is expensive, unreliable, or time consuming. If a treatment method slows down the journey of a vessel or causes excess fuel consumption the journey will be more expensive."

2. Ballast Water Convention (BWC) ratification gap

Link: BWC requires ratification by 30 countries + 35% of shipping to take effect

*Miller Associates Charter & Ship brokerage, CQD Journal for the Maritime Environment Industry, 13 Feb 2004,*

<http://cqdjournal.com/Hot_Events/ballast_feb04/ballast_feb04.htm>

The BWC will enter-into-force 12 months after ratification by 30 states representing 35% of the world's merchant shipping tonnage (Article 18).

Link: Only 18 countries with 15% of world shipping have ratified

"Status of Conventions", International Maritime Organization, updated 2 Oct 2009, [www.imo.org/Conventions/mainframe.asp?topic\_id=247](http://www.imo.org/Conventions/mainframe.asp?topic_id=247) (BWM=Ballast Water Management, another name for BWC)

Instrument Date of entry into force Number of Contracting States % world tonnage

BWM Convention 2004 18 15.36

Impact: Ratifying the BWC will have no effect on the United States because 12 more countries have to ratify the treaty in order for it to come into force.

DISADVANTAGES

1. BioDiversity Turn

Link: "Invasive" species increase ecosystem richness & stability

Wallace Kaufman (award-winning science writer) and Dr. Sylvan Ramsey Kaufman PhD (plant ecologist; PhD in ecology from Rutgers Univ.), 2007, Invasive Plants: a guide to indentification and the impacts and control of common North American species, [http://books.google.com/books?id=ljaCnHUeew0C&pg=PA14&lpg=PA14&dq=Sagoff+invasive&source=bl&ots=4bxYixCjME&sig=qBxo6\_ZgW8rTP4TVZxWdmlJC-MQ&hl=en&ei=5GzsSuOON5DKlAfs4LT\_BA&sa=X&oi=book\_result&ct=result&resnum=3&ved=0CBAQ6AEwAg#v=onepage&q=Sagoff%20invasive&f=false](http://books.google.com/books?id=ljaCnHUeew0C&pg=PA14&lpg=PA14&dq=Sagoff+invasive&source=bl&ots=4bxYixCjME&sig=qBxo6_ZgW8rTP4TVZxWdmlJC-MQ&hl=en&ei=5GzsSuOON5DKlAfs4LT_BA&sa=X&oi=book_result&ct=result&resnum=3&ved=0CBAQ6AEwAg#v=onepage&q=Sagoff%20invasive&)

The case that America is overreacting to invasive species has been summed up by Professor Mark Sagoff, Pew Scholar in Conservation and the Environment at the University of Maryland. Sagoff argues that "the concept of 'harm to the environment' may not be definable in scientific terms," and that "introduced species typically add to the species richness of ecosystems; studies suggest, moreover, that increased species richness correlates with desirable ecosystem properties, such as stability and productivity."

Impact: Turn Aff's bio-diversity harms. Fewer invasive species = less biodiversity

2. Human Safety Risk K/DA

Link: Open-Ocean ballast exchange has safety issues

Japan Association for Prevention Maritime Accidents, 2003 <http://sciencelinks.jp/j-east/article/200412/000020041204A0403815.php>

"Only one method carrying out for measures of ballast water problem at present is its exchanging at open sea. However, this method has a number of troubles not only on sea weather and meteorological conditions, loading conditions, and safety accompanied with them, but also on difficulty of its execution at short distance navigation and increasing labor of sailors."

Value Kritik: Affirmative values the intrinsic value of ecology above human life

Impact: "Intrinsic value" view of nature leads to disregard of human life

Prof. George Reisman (Professor Emeritus of economics at Pepperdine Univ.), 17 Nov 2006, Standards of Environmental Good and Evil: Why Environmentalism Is Misanthropic, <http://blog.mises.org/archives/005910.asp>

The doctrine of intrinsic value is present in such statements as the North Slope of Alaska is "a sacred place" that should never be given over to oil rigs and pipelines. It is present in such statements as, "There is a need to protect the land not just for wildlife and human recreation, but just to have it there." It is present in all instances in which forests, rivers, canyons, hillsides, or any other natural formation is presented as automatically deserving to be preserved, irrespective of its value in being put to use by human beings. And, of course, it is present in all the numerous cases in which human life or well-being have been sacrificed for the sake of the preservation of this or that species of animal or plant. Such cases range from the sacrifice of the property rights of human beings for the sake of snail darters and spotted owls, to the sacrifice of untold millions of actual human lives. This last has occurred as the result of the resurgence of malaria because the use of DDT was prohibited in order to preserve the alleged intrinsic value of some species of birds.

3. Ballast Treatment methods cause health risks

Corrina Chase, Christine Reilly, and Judith Pederson, Ph.D., 7 Sept 2007 "Ballast Water Treatment Options", [http://docs.google.com/gview?a=v&q=cache:QZba0A2rQfoJ:massbay.mit.edu/resources/pdf/ballast-treat.pdf+%22by+killing+the+organisms+in+ballast+water%22&hl=en&gl=us&pid=bl&srcid=ADGEESgAEIvL3TOlK5OpAws6MSBTPVKG\_qUQN7v9spqqMF4bcyz1-iQwak8nBAF2rfDD4PtPYL2aU4vK9UCBfxj5dJcBNLi5GGGpZG235sIHBqsm91eeAXklWicersuMUNK2F\_IGnKQZ&sig=AFQjCNFmT27tB1j3aEcGUuTRtQDxZ1uPEQ](http://docs.google.com/gview?a=v&q=cache:QZba0A2rQfoJ:massbay.mit.edu/resources/pdf/ballast-treat.pdf+%22by+killing+the+organisms+in+ballast+water%22&hl=en&gl=us&pid=bl&srcid=ADGEESgAEIvL3TOlK5OpAws6MSBTPVKG_qUQN7v9spqqMF4bcyz1-iQwak8nBAF2rfDD4PtPYL2aU4vK9)

"Because many treatment methods work by killing the organisms in ballast water, the method itself may pose a risk to human health or to the environment if the treatment is not properly contained in the ballast tanks. These risks and costs need to be evaluated and compared to the risk of introducing species to a port."

4. Property Rights & Federal Power Abuse K/DA

Link: Anti-trade mindset. Environmental activists want to use invasive species as an excuse to stop global trade

Wallace Kaufman (award-winning science writer) and Dr. Sylvan Ramsey Kaufman PhD (plant ecologist; PhD in ecology from Rutgers Univ.), 2007, Invasive Plants: a guide to indentification and the impacts and control of common North American species, http://books.google.com/books?id=ljaCnHUeew0C&pg=PA14&lpg=PA14&dq=Sagoff+invasive&source=bl&ots=4bxYixCjME&sig=qBxo6\_ZgW8rTP4TVZxWdmlJC-MQ&hl=en&ei=5GzsSuOON5DKlAfs4LT\_BA&sa=X&oi=book\_result&ct=result&resnum=3&ved=0CBAQ6AEwAg#v=onepage&q=Sagoff%20invasive&f=false

For environmental pessimists the damage done is one more proof that humankind has ruined nature and should not disturb nature's landscape plan. Some have projected present rates of spread into the future ad infinitum without allowing for saturation, the development of natural controls, or other vectors that might slow or stop an invasive. The invasive species issue also has a convenient link to one of the great bugaboos of social activists of all sorts -- globalization. Increased global trade has indeed accelerated the movement of biological agents between countries and radically accelerated its ancient role in the spread of invasive species. Some environmentalists have already nominated free trade as the primary villain.

Link + Brink: We must stop invasive species regulations NOW - or else the Feds will abuse power

Wallace Kaufman (award-winning science writer) and Dr. Sylvan Ramsey Kaufman PhD (plant ecologist; PhD in ecology from Rutgers Univ.), 2007, Invasive Plants: a guide to indentification and the impacts and control of common North American species, [http://books.google.com/books?id=ljaCnHUeew0C&pg=PA14&lpg=PA14&dq=Sagoff+invasive&source=bl&ots=4bxYixCjME&sig=qBxo6\_ZgW8rTP4TVZxWdmlJC-MQ&hl=en&ei=5GzsSuOON5DKlAfs4LT\_BA&sa=X&oi=book\_result&ct=result&resnum=3&ved=0CBAQ6AEwAg#v=onepage&q=Sagoff%20invasive&f=false](http://books.google.com/books?id=ljaCnHUeew0C&pg=PA14&lpg=PA14&dq=Sagoff+invasive&source=bl&ots=4bxYixCjME&sig=qBxo6_ZgW8rTP4TVZxWdmlJC-MQ&hl=en&ei=5GzsSuOON5DKlAfs4LT_BA&sa=X&oi=book_result&ct=result&resnum=3&ved=0CBAQ6AEwAg#v=onepage&q=Sagoff%20invasive&)

While farmers are well aware of the costs of invasive species, they are also frightened by the potential for eco pessimists to capture the issue. "Unless farmers and ranchers become active in their approach to this issue now, due to heavy environmental influence, federal controls could far surpass the type of abuses of power already experienced with the Endangered Species Act," says Michele Dias, California Farm Bureau Federation attorney.

Link: Endangered Species Act conflicts with private property rights

Leigh Raymond and Andrea Olive (Purdue Univ. Dept of Political Science). June 2006, Protecting Biodiversity on Private Property: The Role of Landowner Norms and Beliefs, <http://www.cpsa-acsp.ca/papers-2006/Raymond-Olive.pdf>

In the United States, the primary mechanism for preventing extinction is the Endangered Species Act, passed on the heels of two ineffective statutory precedents in 1973. Yet the Endangered Species Act (ESA) has struggled in its efforts at conservation for a plethora of reasons, most importantly its conflicts with private property.

Impact: Property rights are the basis of justice and of every other right

Prof. Steven J. Eagle (George Mason Univ. School of Law), 2008, Case Western Reserve Law Review, " THE ROLE OF THE COMMON LAW IN DEFINING AND PROTECTING THE ENVIRONMENT: A PROLEGOMENON", (italics, brackets and ellipses in original) <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1103984&rec=1&srcabs=1124487>

The principal drafter of the Constitution, James Madison, declared that "[g]overnment is instituted to protect property of every sort; . . . This being the end of government, that alone is a *just* government, which *impartially* secures to every man, whatever is his *own*." In contemporary scholarship, property rights have been termed the "great focus" of the Framers, and the "guardian of every other right."

NEGATIVE BRIEF: BEES/CCD COLONY COLLAPSE DISORDER - not a problem

SOURCE INDICTMENT: NRDC (Natural Resources Defense Council)

(probably one of the key sources cited for the "Bees extinct soon" argument and other aspects of the Affirmative case)

NRDC admits they're an advocacy group, not scientists

Ronald Bailey (Science journalist), 21 May 2009, "Are Chemicals Killing Us?" REASON magazine, <http://reason.com/blog/2009/05/21/are-chemicals-killing-us>

During the question and answer session, a representative from the NRDC complained that the survey results were being released before peer review during the press conference. STATS president Robert Lichter pointed out that survey results are generally released without peer review, although the SOT and STATS plan to publish their results in a peer reviewed journal in the future. Lichter then archly asked if the NRDC ever released data without peer review. The NRDC representative replied, "We're an advocacy group and we don't hold ourselves out as scientific researchers. We don't do peer reviewed science. Everybody knows that."

NRDC makes money by scaring people

Ronald Bailey (Science journalist), 15 Jan 2003, "Activists Decry Corporate Misinformation... ...While spreading a bit themselves" REASON magazine, <http://reason.com/archives/2003/01/15/activists-decry-corporate-misi>

Wanna bet what would happen to their foundation funding if CSPI all of a sudden announced that biotech crops are fine and NRDC declared that synthetic chemicals don't pose a major cancer risk? Other activist groups of course raise money by sending out bulk junk mail warning little old people that if they don't send in their $25 contribution, the world will come to an end. Reporters need to remember that however sincere, environmental activists make a living by scaring people—if there's no scare, there's no livelihood. And media attention to the causes they're pushing is just another way to raise money.

HARMS

1. Crisis overblown: American beekeepers are resilient and the press exaggerated the problem

Kim Flottum (editor of Bee Culture magazine and the author of "The Backyard Beekeeper" and "The Backyard Beekeeper’s Honey Handbook") 2 Sept 2009, quoted by NEW YORK TIMES editors, "Saving Bees: What We Know Now," <http://roomfordebate.blogs.nytimes.com/2009/09/02/saving-bees-what-we-know-now/>

Meanwhile, individual beekeeping operations have been damaged, some beyond repair because of this malady. Others have been able to recover. The overall picture is, however, not quite as bleak as the press and the blogosphere might lead you to imagine. Colony numbers in the U.S. show the resiliency of American beekeepers.

2. CCD peaked in 2007 - conditions have changed for the better since then. Bee forage was more plentiful in 2008

Joe Traynor (bee broker for apiarists and almond growers in Bakersfield, Calif.) 2 Sept 2009, quoted by NEW YORK TIMES editors, "Saving Bees: What We Know Now," <http://roomfordebate.blogs.nytimes.com/2009/09/02/saving-bees-what-we-know-now/>

Colony collapse disorder peaked during 2007, which was also a year, due to drought conditions in many areas of the U.S., that good bee forage was in short supply; as a result, honeybees suffered nutritionally, making them more susceptible to viruses (carried and transmitted by varroa mites) and to a new (to the U.S.) fungus, nosema ceranae, believed to have been introduced here in 2007. Bee forage was more plentiful during 2008 and as a result there were less incidences of CCD (we won’t know for a while how 2009 will turn out). Beekeepers that have kept their bees in top shape nutritionally have had lower than normal problems with colony collapse disorder.

3. No danger of bees going extinct

Dr. Diana Cox-Foster (Biochemistry researcher at Penn. State University; expert on bees and CCD), 1 Sept 2009, "Dr. Diana Cox-Foster Answers Your Questions," [www.pbs.org/engage/blog/%E2%80%9Csilence-bees%E2%80%9D-expert-dr-diana-cox-foster-answers-your-questions](http://www.pbs.org/engage/blog/%E2%80%9Csilence-bees%E2%80%9D-expert-dr-diana-cox-foster-answers-your-questions)

Honey bees are truly the world’s domesticated insect livestock and are now found world wide. The native host-range of several species and sub-species of honey bees is found in Europe, Africa, and Asia. At this time, there is no danger of the various species of honey bees themselves going extinct.

4. No decline in pollinator-dependent crop yields

Lucas A Garibaldi (Laboratorio Ecotono; INIBIOMA-CONICET and Centro Regional Bariloche; Universidad Nacional del Comahue, Argentina; Cátedra de Métodos Cuantitativos Aplicados; Facultad de Agronomía; Universidad de Buenos Aires, Argentina) Marcelo A Aizen (Laboratorio Ecotono; INIBIOMA-CONICET and Centro Regional Bariloche; Universidad Nacional del Comahue, Argentina) Saul A Cunningham (CSIRO Entomology; Canberra Australia) and Alexandra M Klein(Environmental Sciences Policy and Management; Univ of California, Berkeley; Agroecology; University of Goettingen, Germany) Jan/Feb 2009, Pollinator shortage and global crop yield, COMMUNICATIVE & INTERACTIVE BIOLOGY, [www.ncbi.nlm.nih.gov/pmc/articles/PMC2649299/](http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2649299/)

In a recent paper, we tested the hypothesis that a reduction in pollinator abundance is limiting crop yield at the global scale. We compared 45 year series (1961–2006) in yield, production and cultivated area of pollinator-dependent and nondependent crops. These temporal trends could differ between the developed and developing world because of differences in agricultural intensification, and socioeconomic and environmental conditions. We found that crop yield (Mt/ha) has increased on average by 1.5% per year from the values shown in 1961. This trend was similar for pollinator-dependent and nondependent crops in either the developed or developing worlds, thus providing no evidence that pollinator decline has yet affected crop yield at a global scale.

No crisis in agriculture - pollinated crops are doing fine

Marcelo Aizen (researcher at the National Scientific and Technical Research Council of Argentina) and Prof. Lawrence Harder (pollination ecology at the University of Calgary in Alberta, Canada) 26 Oct 2009, NEW SCIENTIST, "The truth about the disappearing honeybees," [www.newscientist.com/article/mg20427316.800-the-truth-about-the-disappearing-honeybees.html](http://www.newscientist.com/article/mg20427316.800-the-truth-about-the-disappearing-honeybees.html)

However, contrary to what we would expect if pollinators were in decline, the average yield of pollinator-dependent crops has increased steadily during recent decades, as have those of non-dependent crops, with no sign of slowing. Overall, we must conclude that claims of a global crisis in agricultural pollination are untrue.

Analysis/Impact: If bees are becoming more scarce and if that is having an impact on the world, it should be seen in a reduction in crop yields for crops that depend on pollination. They should be declining as bees become scarce. In fact, the reverse is happening - yields are going up. Even if the decline in bees were true, it is having no impact.

5. Humanity will not starve without bees - worst case 4-6% reduction in global agricultural production

Marcelo Aizen (researcher at the National Scientific and Technical Research Council of Argentina) and Prof. Lawrence Harder (pollination ecology at the University of Calgary in Alberta, Canada) 26 Oct 2009, NEW SCIENTIST, "The truth about the disappearing honeybees," [www.newscientist.com/article/mg20427316.800-the-truth-about-the-disappearing-honeybees.html](http://www.newscientist.com/article/mg20427316.800-the-truth-about-the-disappearing-honeybees.html)

The first tenet - that bees are responsible for the production of a large fraction of our food - is simply untrue. Pollinators are important for many crops, but it is a myth that humanity would starve without bees. About 70 per cent of the 115 most productive crops, including most fruits and oilseeds, are animal-pollinated. These account for nearly 2.5 billion tonnes of food a year, about a third of global agricultural production. However, few of these crops depend on animal pollination completely, owing largely to their capacity for self-pollination. On top of that, production of many staple foods does not depend on pollinators at all: carbohydrate crops such as wheat, rice and corn are wind-pollinated or self-pollinated. If bees disappeared altogether, global agricultural production would decrease by only 4 to 6 per cent.

6. CCD is just a scare story not a real long-term trend

Marcelo Aizen (researcher at the National Scientific and Technical Research Council of Argentina) and Prof. Lawrence Harder (pollination ecology at the University of Calgary in Alberta, Canada) 26 Oct 2009, NEW SCIENTIST, "The truth about the disappearing honeybees," <http://www.newscientist.com/article/mg20427316.800-the-truth-about-the-disappearing-honeybees.html>

There have also been scare stories about "colony collapse disorder" and the spread of Varroa mites in the US and Europe. Again, these are real phenomena, but they are short-term blips rather than the driving forces of long-term trends. Instead, the long-term declines seem to be consistent with the economic dynamics of the honey industry, which seems to be shifting to developing countries in search of cheaper production.

INHERENCY

1. Pollinator Habitat Protection Act was passed in 2008 as part of the Farm Bill

[If AFF plan enacts the Pollinator Habitat Protection Act, cross-apply under Topicality: Not a significant reform - the law has already been passed]

US Dept of Agriculture, Natural Resources Conservation Service, 1 May 2009, "Pollinator Conservation Workship Scheduled," <http://www.me.nrcs.usda.gov/news/News_PollinatorWorkshop09.html>

The 2008 Farm Bill, passed by Congress in June 2008, supports pollinator conservation in the United States. Money will be available to support research, as well as on-the-ground establishment and management of pollinator habitat. The bill makes pollinators a central concern of Farm Bill conservation programs and makes pollinators and their habitat a priority for every USDA land manager and conservationist.

They go on to say later in the same context:

US Dept of Agriculture, Natural Resources Conservation Service, 1 May 2009, "Pollinator Conservation Workship Scheduled," <http://www.me.nrcs.usda.gov/news/News_PollinatorWorkshop09.html>

The Pollinator Habitat Protection Act, included in the 2008 Farm Bill, targets pollinator conservation as a national priority for USDA conservation programs. These programs include the Environmental Quality Incentives Program, Conservation Reserve Program, Grassland Reserve Program, Wetland Reserve Program, and Wildlife Habitat Incentives Program. NRCS is to encourage producers to develop and protect habitat beneficial to pollinators, and to provide financial incentives using conservation programs for habitat development.

2. Crisis is over: CCD is caused by an infection that is already curable

Science Daily, 14 Apr 2009, "Cure for Honey Bee Colony Collapse?" <http://www.sciencedaily.com/releases/2009/04/090414084627.htm>

For the first time, scientists have isolated the parasite *Nosema ceranae (Microsporidia)* from professional apiaries suffering from honey bee colony depopulation syndrome. They then went on to treat the infection with complete success.

3. US Government recently started new bee-health research program

Kim Kaplan, US Dept of Agriculture, Agricultural Research Service, 19 May 2009, "Survey Reports Latest Honey Bee Losses," <http://www.ars.usda.gov/IS/pr/2009/090519.htm>

To strengthen the beekeeping industry, ARS [Agricultural Research Service] recently began a five-year areawide research program to improve honey bee health, survivorship and pollination. Honey bee pollination is critical to agriculture, adding more than $15 billion to the value of American crops each year.

4. CCD is decreasing - agricultural crop pollination fees are solving

Joe Traynor (bee broker for apiarists and almond growers in Bakersfield, Calif.) 2 Sept 2009, quoted by NEW YORK TIMES editors, "Saving Bees: What We Know Now," <http://roomfordebate.blogs.nytimes.com/2009/09/02/saving-bees-what-we-know-now/>

The costs of keeping bees in good condition to ward off colony collapse disorder have increased dramatically over the past two years. A main reason CCD has decreased this past year is that beekeepers are spending much more time and money keeping their bees healthy. Increased pollination fees for agricultural crops requiring honeybees are paying for these increased bee maintenance costs.

5. Bee populations are increasing - claims of decline are local and offset by global increases

Marcelo Aizen (researcher at the National Scientific and Technical Research Council of Argentina) and Prof. Lawrence Harder (pollination ecology at the University of Calgary in Alberta, Canada) 26 Oct 2009, NEW SCIENTIST, "The truth about the disappearing honeybees," <http://www.newscientist.com/article/mg20427316.800-the-truth-about-the-disappearing-honeybees.html>

What of pollinator decline? Claims of global bee disappearance are based on collections of (often extreme) regional examples, which are not necessarily representative of global trends. These examples tend to come from parts of Europe and North America where little natural or semi-natural habitat remains. Stocks of domesticated honeybees, the most important crop pollinator of all, have also decreased considerably in the US and some European countries in recent decades. However, these declines have been more than offset by strong increases in Asia, Latin America and Africa. Indeed, the number of managed honeybee hives worldwide has increased by about 45 per cent in the past five decades.

6. Affirmative Inherency argument: "US Dept of Agriculture got funding in 2007 but didn't produce any results".

Negative Response: Actually, they published a big report with lots of results. Here are some of them:

Result 1: Beta Plant Acid treatment for Varroa Mite control. (Varroa mites are pests that infect and damage bees)

Kevin Hackett, National Program Leader, USDA/Agricultural Research Service, 5 Jan 2009, "2008 ANNUAL REPORT ON USDA/ARS RESEARCH ON BEES AND POLLINATION" <http://www.ars.usda.gov/SP2UserFiles/Program/305/FY08ARSReporttoBeekeepers122808_Final.pdf> (brackets added)

2007-2008: Beta plant acids and 2-heptanone tested for varroa mite control. ARS [US Dept of Agriculture Agricultural Research Service] scientists at Tucson are testing beta plant acids for varroa mite control under a CRADA with J. I. Haas, Inc., and are formulating 2-heptanone as a miticide in collaboration with the ARS Bioproducts Chemistry and Engineering Laboratory in Albany, California. Field testing of these products began in Spring 2008 as part of the Areawide Project on Bee Health.

Result 2: Patent for new biopesticide to kill Varroa Mites

Kevin Hackett, National Program Leader, USDA/Agricultural Research Service, 5 Jan 2009, "2008 ANNUAL REPORT ON USDA/ARS RESEARCH ON BEES AND POLLINATION" <http://www.ars.usda.gov/SP2UserFiles/Program/305/FY08ARSReporttoBeekeepers122808_Final.pdf>

2007: Microbial control of varroa using fungi naturally occurring in beehives. In 2005 scientists at the ARS laboratory in Montpellier, France, isolated and identified naturally-occurring strains of *Beauveria bassiana*, a known insect pathogen, from varroa mites. The fungus was formulated into a binary compound containing plant wax powder, and the resulting biopesticide was shown to increase varroa mortality with no observed negative impact on colony health. Since then, experiments have been conducted using different kinds of plant wax powder and with multiple treatments to assess mortality and fungal dosage. A patent for the biopesticide was filed in November 2007, and further work is being conducted to optimize dosage and number of applications. This research has attracted the attention of the European bee industry.

Result 3: Reducing "Small Hive Beetles"

Kevin Hackett, National Program Leader, USDA/Agricultural Research Service, 5 Jan 2009, "2008 ANNUAL REPORT ON USDA/ARS RESEARCH ON BEES AND POLLINATION" <http://www.ars.usda.gov/SP2UserFiles/Program/305/FY08ARSReporttoBeekeepers122808_Final.pdf>

2008: Comparatively fewer small hive beetle found among Russian honey bee colonies than Italian colonies. Small hive beetles (*Aethina tumida*) (SHB) began appearing in U.S. hives during the past 15 to 20 years and now infest bee colonies throughout the East. The comparative resistance of Russian colonies to the SHB was unknown. Studies done by ARS scientists in Baton Rouge showed that Russian colonies carried fewer SHB adults in their colonies, especially if entrance reducers were used in hives. This study provides a specific management tool for beekeepers to help control SHB.

Result 4: Russian bee breeding program (Russian bees are more resistant to mites)

Kevin Hackett, National Program Leader, USDA/Agricultural Research Service, 5 Jan 2009, "2008 ANNUAL REPORT ON USDA/ARS RESEARCH ON BEES AND POLLINATION" <http://www.ars.usda.gov/SP2UserFiles/Program/305/FY08ARSReporttoBeekeepers122808_Final.pdf>

2008: Full complement of Russian bee breeder lines released to the beekeeping industry. The need exists to provide a final transfer of all Russian bee breeder lines to industry. Working with the CRADA holder and a newly formed Russian Bee Breeders Association, ARS provided members systematically with breeder queens for queen lines and for drone sources so that each member could produce two of the eighteen lines. In the future, members will share stock to develop new drone source colonies and maintain their ability to develop all of the lines. This will permit the continued breeding and selection of Russian bees and provide mite-resistant Russian honey bee stock to the entire beekeeping industry for the foreseeable future.

Result 5: Sequenced the bee genome

Kevin Hackett, National Program Leader, USDA/Agricultural Research Service, 5 Jan 2009, "2008 ANNUAL REPORT ON USDA/ARS RESEARCH ON BEES AND POLLINATION" <http://www.ars.usda.gov/SP2UserFiles/Program/305/FY08ARSReporttoBeekeepers122808_Final.pdf>

2007: Honey bee genome sequenced and published. The sequencing of the honey bee genome was published in *Nature* this past year and reflects an enormous effort by the scientific community. ARS scientists in Beltsville, working with those in Weslaco, were instrumental in the conception and completion of this accomplishment. The full impact of the genome has yet to be realized, but recently the genome was used to analyze bees from CCD-associated colonies for exposure to pesticides and diseases in an attempt to uncover the causes of the disorder. The honey bee genome will open new opportunities to explore bee health, behavior, and physiology, and in turn improve beekeeping and pollination.

SOLVENCY

1. The only cause of CCD is a bacterial infection, the cure is an antibiotic

**Impact/Analysis: Affirmative's environmental plan won't work because it's not addressing the real cause**

Science Daily, 14 Apr 2009, "Cure for Honey Bee Colony Collapse?" <http://www.sciencedaily.com/releases/2009/04/090414084627.htm>

In a study published in the new journal from the Society for Applied Microbiology: *Environmental Microbiology Reports*, scientists from Spain analysed two apiaries and found evidence of honey bee colony depopulation syndrome (also known as colony collapse disorder in the USA). They found no evidence of any other cause of the disease (such as the Varroa destructor, IAPV or pesticides), other than infection with Nosema ceranae. The researchers then treated the infected surviving under-populated colonies with the antibiotic drug, flumagillin and demonstrated complete recovery of all infected colonies.

2. Pesticides are not the cause of CCD

Bob Grant (journalist), 24 Aug 2009, "Bee calamity clarified," <http://www.the-scientist.com/blog/display/55919/> (brackets added)

[Univ of Illinois entomologist Dr. May] Berenbaum's study does, however, rule out some of the previously suggested theories for the cause of CCD. For example, the screen failed to turn up elevated expression of pesticide response genes in CCD bees. "The pattern we saw was inconsistent with pesticides as a cause," said Berenbaum, adding that this will probably not stop some in the honeybee business from blaming pesticide manufacturers for the disorder.

NEGATIVE BRIEF: BIOCHAR

**(Jonathan Edelblut and Matthew Melanson contributed some of the evidence in this brief)**

INHERENCY

1. The 2008 Farm Bill: Biochar Research is already Federal policy.

International Biochar Initiative (IBI was formed in July 2006 at a side meeting held at the World Soil Science Congress (WSSC) in Philadelphia;, individuals and representatives from academic institutions, commercial ventures, investment bankers, non-governmental organizations, federal agency representatives, and the policy arena from around the world acknowledged a common interest in promoting the research…and commercialization of the promising technology of biochar production), 2009, "United States Biochar Policy," <http://www.biochar-international.org/policy/unitedstates>

Biochar Research and Extension Program in the 2008 Farm Bill -  
With both houses of the U.S. Congress having passed the 2008 Farm Bill (H.R. 2419, the Food and Energy Security Act of 2008) with a veto-proof margin, the bill was sent to the President on May 15, 2008, for his signature, and final enactment. The Farm Bill establishes the first federal-level policy in support of biochar production and utilization programs in the world, and is one of a handful of new, high-priority research and extension areas identified in the Research Title of the 2008 Farm Bill. **Biochar Program Bill Language:** "Biochar Research. Grants may be made under this section for research, extension, and integrated activities relating to the study of biochar production and use, including considerations of agronomic and economic impacts, synergies of co-production with bioenergy, and the value of soil enhancements and soil carbon sequestration."

SOLVENCY

1. Biochar advocate says: Stop calling it "Carbon Negative"

Vanessa Spedding (contributing editor, journalist) 10 June 2009, "Biochar – a burning issue," Environental Research Web, <http://environmentalresearchweb.org/cws/article/opinion/39442> (brackets added)

The first step to gaining public and industry trust, explained [biochar advocate and lecturer at the UK Biochar Research Centre, Simon] Shackley thinks, is to avoid presenting biochar as a "free lunch". He has particular reservations about the term "carbon-negative," often touted in biochar circles. "This is not a very useful concept," he observed. "There are too many assumptions and approximations."

2. Sweden Study: Humus breakdown cancels carbon benefits

Dr. Mae-Wan Ho (PhD Biochemistry from Hong Kong Univ., Postdoctoral Fellow in Biochemical Genetics, Univ Calif.-San Diego; Visiting Professor of Biophysics, Catania University, Italy) 9 July 2009, Beware the Biochar Initiative, Institute of Science in Society, [www.i-sis.org.uk/bewareTheBiocharInitiative.php](http://www.i-sis.org.uk/bewareTheBiocharInitiative.php)

A ten-year trial in Swedish forests showed that buried charcoal appear to promote the breakdown of humus, the decomposing plant matter on the forest floor, thus completely offsetting the carbon sequestered in the charcoal. David Wardle and colleagues at Umeå University started their experiment to investigate the effect of forest fires on soil ecology. They buried hundreds of litter bags containing humus, charcoal, or a 50–50 mixture of the two in several sites in the Swedish boreal forest. Periodically, they weighed the bags and measured the concentration of carbon and nitrogen. After just one year, they began to see an unexpectedly large decrease in mass from the bags containing the humus–charcoal mixture: 17 percent (the expected was 9 percent), compared to 18 percent in the bags with only humus and 2.5 percent in the bags with only charcoal.

3. Wrong Soil

Biochar works on thin acidic soil - like South America and Africa

Lisa Abend (journalist), 4 Dec 2008, TIME magazine, Carbon: The Biochar Solution, <http://www.time.com/time/magazine/article/0,9171,1864279,00.html>

When added to thin and acidic soil of the kind found in much of South America and Africa, char produces higher agricultural yields and lets farmers cut down on costly, petroleum-heavy fertilizers.

Midwest and Western states have alkaline soil (alkaline is the opposite of acid)

Dr Charles Ophardt (PhD in Inorganic Chemistry; Emeritus Professor of Chemistry, Elmhurst College), 2003, "Acid Rain - Soil Interactions," <http://www.elmhurst.edu/~chm/vchembook/196soil.html>

Alkaline or basic soils, such as those rich in limestone, calcium carbonate, can neutralize the acid directly. These types of soils are found in the Midwest, Great Plains, and most of the Western states.

Nutrient leaching and water retention evidence is slim and cannot be estimated to all soil types

Dr. Rachel Smolker (PhD in biology from the University of Michigan, researcher with the Global Justice Ecology Project and the Global Forest Coalitio) and Almuth Ernsting (Campaign against Climate Change) Feb 2009 Published by Biofuelwatch "Biochar for Climate Change Mitigation: Fact of Fiction?" [www.biofuelwatch.org.uk/docs/biocharbriefing.pdf](http://www.biofuelwatch.org.uk/docs/biocharbriefing.pdf)

"Biochar proponents argue that biochar can increase the water retention of soils, reducing the need for irrigation, resulting in greater plant growth, decreasing water run-off and thereby reducing soil erosion and leaching of agricultural nutrients (a major cause of freshwater and marine pollution). There is evidence that biochar does indeed increase the water retention of soils -- as in the case of Terra Preta. But this has been shown most clearly for sandy soils, and does not appear to hold true for loamy or clayey soils. In loamy soil, it does not change water retention while in clayey soil it actually reduces it. Additionally, there is some concern that charcoal has properties which over time and particularly after a fire could result in soils actually becoming water-repellent. The evidence regarding biochar and nutrient leaching is, once again, far from uniform, with Johannes Lehmann confirming that far more research is needed. One study found that when synthetic fertilizers are used on Terra Preta, nutrient leaching increases dramatically, well beyond what happens when synthetic fertilizers are added to lower carbon soils. In the same experiment, modern charcoal as well as synthetic fertilizers were applied to soil and this resulted in lower nutrient leaching compared to using synthetic fertilizers alone. This study again shows that soils with modern charcoal behave differently from Terra Preta and that serious uncertainties remain. Although in that particular experiment, modern charcoal did reduce nutrient leaching caused by synthetic fertilizers, the results cannot be extrapolated to all different soil types."

Impact: Plan offers no evidence that biochar works on soil types found in the US. AFF's solvency evidence is talking about the effectiveness of Biochar in tropical acidic soil, not the alkaline soil we have in the US. The impact is No Solvency.

SOLVENCY 4. Carbon Counterfeits

Modern imitations are not the same as terra preta

Analysis/Impact: Aff’s evidence on Amazon "terra preta" soil proves nothing about biochar solvency

Dr. Mae-Wan Ho (PhD Biochemistry from Hong Kong Univ., Postdoctoral Fellow in Biochemical Genetics, Univ Calif.-San Diego; Visiting Professor of Biophysics, Catania University, Italy) 9 July 2009, Beware the Biochar Initiative, Institute of Science in Society, [www.i-sis.org.uk/bewareTheBiocharInitiative.php](http://www.i-sis.org.uk/bewareTheBiocharInitiative.php)

Similarly, BC [black carbon] derived from terra preta sites in central Amazon differing in age from 600 to 8700 years were chemically, biologically and spectroscopically indistinguishable, as consistent with their "extremely slow" rate of decomposition. However, BC collected from 11 historical charcoal blast furnace sites from Quebec Canada to Georgia USA, were quite different from BC newly produced using rebuilt historical kilns. The historical BC samples were substantially oxidized after 130 years in soils compared to the new BC, or new BC incubated for one year at 30 C or 70 C. The major alterations were an increase in oxygen from 7.2 percent in new BC to 24.8 percent in historical BC; a decrease in carbon from 90.8 percent to 70.5 percent; formation of oxygen-containing function groups, particularly carboxylic acid and phenolic functional groups; and disappearance of surface positive charge, to be replaced entirely by negative charges.

Dr Mae-Wan Ho goes on in the same context to conclude:

So charcoal is *not* the same as terra preta that has been created over thousands of years by human intervention and natural geochemistry.

"Cation retention" problem: Modern biochar is not the same as Amazon "terra preta" soil

Analysis/Impact: Aff’s studies about Amazon soil don’t apply to their plan

Biofuelwatch (volunteer-led campaign group which receives no commercial or government funding which campaigns against industrial bioenergy) 2008 "Biochar: cooling the planet with charcoal?" (parentheses in original) [www.biofuelwatch.org.uk/docs/cnbe/climate\_geoengineering\_web221208\_section4.pdf](http://www.biofuelwatch.org.uk/docs/cnbe/climate_geoengineering_web221208_section4.pdf)

Terra preta is highly fertile, not just because it is rich in nutrients, but because it provides the nutrients to plants in an easily accessible form. This property is called high cation retention and high cation exchange capacity. Terra preta has a high cation exchange capacity, but this is not the case for modern, newly produced biochar which has low cation retention and a low cation exchange capacity, at least initially. At temperatures between 30 and 70C, it takes several months for soil with fresh biochar to develop good cation retention. Those temperatures are, of course, higher than under natural conditions. Nobody knows under what circumstances and during which time-scales those processes can happen in the tropics, let alone in cooler climates.

Modern techniques do not reproduce Amazonian terra preta

Rachel Smolker (PhD in biology from the University of Michigan, researcher with the Global Justice Ecology Project and the Global Forest Coalitio) and Almuth Ernsting (Campaign against Climate Change) Feb 2009 Published by Biofuelwatch "Biochar for Climate Change Mitigation: Fact of Fiction?" [www.biofuelwatch.org.uk/docs/biocharbriefing.pdf](http://www.biofuelwatch.org.uk/docs/biocharbriefing.pdf)

While it is true that Terra Preta was incredibly successful, the indigenous peoples in pre-colonial Amazonia developed their technique over a long period based on small-scale, biodiverse farming techniques and a knowledge base that is now largely lost. Charcoal was only part of their technique. Modern techniques, based on industrial monocultures and seeking instantaneous economic rewards are quite different.

No one has yet succeeded at recreating the Amazon Indians' soil

Fiona Harvey (Journalist), 27 Feb 2009, FINANCIAL TIMES, "Black is the new green," <http://www.ft.com/cms/s/2/67843ec0-020b-11de-8199-000077b07658.html> (brackets in original)

But Saran Sohi, a lecturer in soil science, warns that anyone hoping that biochar alone will solve fertility problems is probably deluded – biochar is not enough by itself to make the difference that terra preta does to thin Brazilian soils. "Terra preta soils also contain other nutrients, from the other substances they contain – things like bones, which are rich in phosphorus [essential for healthy plant growth]," he says. The biochar undoubtedly plays a role in holding these nutrients together, ensuring they remain available to plant roots, but the nutrients must be provided by other means. "No one has yet succeeded in recreating terra preta," Shackley adds.

SOLVENCY 5. Unproven science

Fiona Harvey (Journalist), 27 Feb 2009, FINANCIAL TIMES, "Black is the new green," <http://www.ft.com/cms/s/2/67843ec0-020b-11de-8199-000077b07658.html> (brackets added)

The Carbon Trust [UK government-funded body that helps businesses cut their greenhouse gas emissions] is not allowing companies applying to it for funding to count the biochar byproduct of pyrolysis as part of the carbon savings they produce. "We are a long way from having enough technical evidence to create a proper case for biochar," says [head of research & development Robert] Trezona. "Even the soil-improvement benefit is a new unexpected finding."

Technology not ready yet: Pyrolysis/Biochar is still in the Research & Development stage

Biofuelwatch (volunteer-led campaign group which receives no commercial or government funding which campaigns against industrial bioenergy) 2008 "Biochar: cooling the planet with charcoal?" (parentheses in original) [www.biofuelwatch.org.uk/docs/cnbe/climate\_geoengineering\_web221208\_section4.pdf](http://www.biofuelwatch.org.uk/docs/cnbe/climate_geoengineering_web221208_section4.pdf)

The cheapest and most advanced technology is a type of thermal conversion called pyrolysis, in which solid biomass is exposed to high temperatures (ideally 350-450C) for a short period of time in the absence of oxygen. This yields syngas, bio-oil and the by-product ‘biochar’. The bio-oil and syngas can be used as fuels for heat and power and bio-oil for ‘bunker fuel’. Syngas and bio-oil could also provide feedstocks for future agrofuel refineries that produce synthetic biodiesel for cars and possibly airlines, through a process called Fischer-Tropsch gasification. Syngas can also be used as a precursor for diesel-char (see main text) which can be used as a solid fuel, for use in steel manufacturing, in purification and filtration, tyre manufacturing, ink-jet printer ink, or as a soil supplement. All second generation agrofuels are still at the research and development stage.

Biochar advocate admits: As of June 2009, apppropriate use of biochar has not been defined yet

Vanessa Spedding (contributing editor, journalist) 10 June 2009, "Biochar – a burning issue," Environental Research Web, <http://environmentalresearchweb.org/cws/article/opinion/39442> (brackets added)

There is widespread agreement that biochar must be used appropriately if it is to be of measureable benefit – but much work is still needed to define "appropriately". "It's difficult to provide a generic definition of appropriate as it's very context specific," explained [biochar advocate and lecturer at the UK Biochar Research Centre, Simon] Shackley. "The indirect effects on land-use are of course very important; the controversy about biofuels has already reframed the debate in this area. We can't rule out the possibility of dedicated biofuel crop systems with a biochar element – for example sugar cane plantations where the waste is turned into biochar – but we consider that extreme biochar farming would be deeply problematic – in terms of its effects on biodiversity, water and other ecosystem services."

SOLVENCY 6. Brazil Experiment: No fertility increase. Plant growth stopped after 2 years!

Biofuelwatch (volunteer-led campaign group which receives no commercial or government funding which campaigns against industrial bioenergy) 2008 "Biochar: cooling the planet with charcoal?" [www.biofuelwatch.org.uk/docs/cnbe/climate\_geoengineering\_web221208\_section4](http://www.biofuelwatch.org.uk/docs/cnbe/climate_geoengineering_web221208_section4)

Virtually all of the findings about biochar and soil fertility and carbon storage rely on laboratory study and soil analyses, rather than on field experiments. A limited number of field experiments are ongoing but results have not yet been published. An exception is a field experiment near Manaus, Brazil, in which the effects of adding synthetic fertiliser, chicken manure, biochar, and organic compost were compared over four crop cycles. After four harvests, carbon retention was by far the highest where biochar was used. However, if no soil amendment other than biochar was applied then there was no plant growth at all after two harvests, proving that biochar on its own will not guarantee high or indeed any soil fertility and thus does not replicate terra preta.

7. Not enough organic residues for large-scale biochar projects to work

African Biodiversity Network (Kenya), Teresa Anderson, Gaia Foundation (UK), Tim Baster, Climate Outreach and Information Network (UK), Almuth Ernsting, Biofuelwatch (UK) Institute for Culture and Ecology (Kenya), Larry Lohmann, Cornerhouse (UK) Carolyn Marr, Down to Earth, Ecological Campaign for Ecological Justice in Indonesia (UK) Helena Paul, Econexus (UK), MELCA Mahiber (Ethiopia), Angie Zelter, Reforest the Earth (UK), Published by Biofuelwatch 28 Sept 2009 "Re: Defra Review on Biochar" [www.biofuelwatch.org.uk/docs/letter\_to\_defra\_280909.pdf](http://www.biofuelwatch.org.uk/docs/letter_to_defra_280909.pdf)

"There are no long-term peer-reviewed field studies to show what effects different biochars have on plant growth on different soils. Existing evidence is very mixed and by no means always positive -- and all of it is short term evidence. Terra preta involved additions of highly diverse organic residues to soil, as well as charcoal, over long periods. For biochar, conversion of organic residues to charcoal is being advocated. The effects of this on long-term soil fertility and soil microbes are not known. In addition, it is clear that residues are not sufficient for the huge-scale projects being promoted by many biochar proponents."

8. Not enough "waste and residues" available.

Analysis: If the Aff plan says they’ll use waste materials to generate biochar, it won’t work because there isn’t enough waste material to make a significant impact.

Rachel Smolker (PhD in biology from the University of Michigan, researcher with the Global Justice Ecology Project and the Global Forest Coalitio) and Almuth Ernsting (Campaign against Climate Change) Feb 2009 Published by Biofuelwatch "Biochar for Climate Change Mitigation: Fact or Fiction?" [www.biofuelwatch.org.uk/docs/biocharbriefing.pdf](http://www.biofuelwatch.org.uk/docs/biocharbriefing.pdf)

"Some ‘biochar’ advocates focus on the use of ‘wastes and residues’ and crops grown on ‘marginal and idle’ lands. The same claims have been made for other bioenergy technologies, but the reality is that there are no large quantities of wastes and residues lying around unclaimed; not on a scale that can supply facilities over time and substantially contribute to energy demands. Furthermore, removing residues and dead wood dangerously depletes soil nutrients, makes land more vulnerable to drought and reduces biodiversity.

DISADVANTAGES

1. Increased CO2 emissions

Pyrolysis emits CO2

Lisa Abend (journalist), 4 Dec 2008, TIME magazine, Carbon: The Biochar Solution, <http://www.time.com/time/magazine/article/0,9171,1864279,00.html>

"Biochar isn’t a silver bullet, not by a long shot," says Dominic Woolf, a researcher at Swansea University in Wales. "You have to look at the big picture: pyrolysis itself produces carbon dioxide emissions, and you have to consider that when you try to determine biochar’s capacity for sequestration."

Biochar stimulates bacteria that increase CO2 emissions from soil

George Monbiot (Journalist), 24 Mar 2009, THE GUARDIAN (British newspaper), "Woodchips with everything. It's the Atkins plan of the low-carbon world" [www.guardian.co.uk/environment/2009/mar/24/george-monbiot-climate-change-biochar](http://www.guardian.co.uk/environment/2009/mar/24/george-monbiot-climate-change-biochar)

As Almuth Ernsting and Rachel Smolker of Biofuelwatch point out, many of the claims made for biochar don't stand up. In some cases charcoal in the soil improves plant growth, in others it suppresses it. Just burying carbon bears little relation to the farming techniques that created terras pretas. Nor is there any guarantee that most of the buried carbon will stay in the soil. In some cases charcoal stimulates bacterial growth, causing carbon emissions from soils to rise.

Biochar increases greenhouse gas emissions

Fiona Harvey (Journalist), 27 Feb 2009, FINANCIAL TIMES, "Black is the new green," <http://www.ft.com/cms/s/2/67843ec0-020b-11de-8199-000077b07658.html>

Robert Trezona, head of research and development at the Carbon Trust, a UK government-funded body that helps businesses cut their greenhouse gas emissions, worries that seeing biochar as the main output from cooking biomass might be to miss the point. The Carbon Trust is running a competition to develop pyrolysis plants, but with the aim of manufacturing liquid transport fuels from biomass, using fast pyrolysis techniques, to which biochar is merely a byproduct of questionable usefulness. "Producing liquid biofuels for transport is going to be very important in cutting emissions. We don’t know the same about biochar," he says. In fact, encouraging small farmers to produce biochar by traditional, low-tech methods may actually result in more greenhouse gas emissions than simply burning the plants for fuel or discarding them, he says.

Impact: Turn Affirmative harms about greenhouse gases – they get worse under Aff’s plan

2. Black Carbon emissions

Link: Biochar causes carbon emissions while being tilled into the soil

Rachel Smolker (PhD in biology from the University of Michigan, researcher with the Global Justice Ecology Project and the Global Forest Coalitio) and Almuth Ernsting (Campaign against Climate Change) Feb 2009 Published by Biofuelwatch "Biochar for Climate Change Mitigation: Fact or Fiction?" [www.biofuelwatch.org.uk/docs/biocharbriefing.pdf](http://www.biofuelwatch.org.uk/docs/biocharbriefing.pdf)

"Airborne black carbon, or soot, is the second greatest contributor to global warming after carbon dioxide, according to James Hansen. It is emitted from fossil fuel and biomass burning. ‘Biochar’ proponents claim that charcoal-making stoves can play a major role in reducing black soot emissions which is also true for many different types of ‘clean’ biomass stoves. A review by Dominic Woolf warns that, if the charcoal is not transported, stored and added to the soil with care, the black carbon content could become airborne and thus contribute to global warming. This raises the question of how biochar is to be integrated into soils. Images from an Australian biochar trial suggest Best Energies, for example, simply lays the biochar on top of soil and vegetation without incorporating it. But to avoid the problem of airborne black carbon, it will likely be essential that biochar be tilled deep into soils, a disruptive process which results in carbon emissions from soil."

Impact: Black Carbon from biochar will spoil the climate

Dr. Mae-Wan Ho (PhD Biochemistry from Hong Kong Univ., Postdoctoral Fellow in Biochemical Genetics, Univ Calif.-San Diego; Visiting Professor of Biophysics, Catania University, Italy) 9 July 2009, Beware the Biochar Initiative, Institute of Science in Society, [www.i-sis.org.uk/bewareTheBiocharInitiative.php](http://www.i-sis.org.uk/bewareTheBiocharInitiative.php)

The claim that biochar is a "stable carbon pool" in the soil that does not degrade for thousands of years is not borne out by the study, nor by a number of other studies (see below). Naturally occurring black carbon has a far more complex relationship with the soil and the earth as a whole, as recent research is revealing. Moreover, black carbon pollution from fossil fuel and biomass burning associated with deforestation contribute as much to global warming as CO2, and climate scientist are proposing a reduction of black carbon emissions as a way of cooling the planet (see Black Carbon Warms the Planet Second Only to CO2, *SiS* 44). That’s another reason the biochar initiative will spoil the climate, by increasing BC emissions.

3. Soil Depletion

Link: Nobody knows how to stop biochar from eroding or depleting soil

Biofuelwatch (volunteer-led campaign group which receives no commercial or government funding which campaigns against industrial bioenergy) 2008 "Biochar: cooling the planet with charcoal?" [www.biofuelwatch.org.uk/docs/cnbe/climate\_geoengineering\_web221208\_section4.pdf](http://www.biofuelwatch.org.uk/docs/cnbe/climate_geoengineering_web221208_section4.pdf)

"Nobody knows how to incorporate biochar into the soil in a way which prevents it from eroding and, in the worst case, aggravating soil depletion."

Impact: Soil erosion turns farms to wasteland

Lester Brown (masters degree in Agricultural Economics; former administrator of US Dept of Agriculture’s International Agricultural Development Service; received the 1987 United Nations' Environment Prize, the 1989 World Wide Fund for Nature Gold Medal; was awarded the Presidential Medal of Italy, the Borgström Prize by the Royal Swedish Academy of Agriculture and Forestry ) quoted by Fiona Harvey (environmental journalist), 16 July 2008, "Soil Under Strain" London FINANCIAL TIMES, [www.ft.com/cms/s/0/30aedb4a-5364-11dd-8dd2-000077b07658.html?nclick\_check=1](http://www.ft.com/cms/s/0/30aedb4a-5364-11dd-8dd2-000077b07658.html?nclick_check=1)

"The world's cropland is losing topsoil through erosion faster than new soil is forming, thereby reducing the land's inherent productivity," warns Lester Brown, founder of the Earth Policy Institute, in his book Plan B. "Where losses are heavy, productive land turns into wasteland."

Impact: Lower yields and harvest failure

Biofuelwatch (volunteer-led campaign group which receives no commercial or government funding which campaigns against industrial bioenergy) 2008 "Biochar: cooling the planet with charcoal?" [www.biofuelwatch.org.uk/docs/cnbe/climate\_geoengineering\_web221208\_section4.pdf](http://www.biofuelwatch.org.uk/docs/cnbe/climate_geoengineering_web221208_section4.pdf)

"In the absence of detailed knowledge of the effects of biochar, in different circumstances and combinations, on soil fertility, encouraging farmers to adopt biochar for soil fertility, either on its own or as a soil amendment, could have very detrimental impacts. Farmers, persuaded by promises of high soil fertility, could well pay the price in terms of lower yields and harvest failure."

4. Oxygen depletion and mass extinctions

Dr. Mae-Wan Ho (PhD Biochemistry from Hong Kong Univ., Postdoctoral Fellow in Biochemical Genetics, Univ Calif.-San Diego; Visiting Professor of Biophysics, Catania University, Italy) 9 July 2009, Beware the Biochar Initiative, Institute of Science in Society, [www.i-sis.org.uk/bewareTheBiocharInitiative.php](http://www.i-sis.org.uk/bewareTheBiocharInitiative.php) (brackets added; parentheses in original)

It is clear that biochar has not lived up to its promises as a stable C [carbon] repository or enhancer of crop yields*.* On the other hand, the risk of oxygen depletion is real. Biochar itself is an oxygen sink in the course of degrading in the soil; adding to the depletion of oxygen that cannot be regenerated because trees have been turned into biochar for burial. And worse, as in the biofuels boom that has already apparently speeded up deforestation and oxygen depletion since 2003, if biochar is promoted under the Clean Development Mechanism, it will almost certainly further accelerate deforestation and destruction of other natural ecosystems (identified as ‘spare land’) for planting biochar feedstock, and swing the oxygen downtrend that much closer towards mass extinction.

5. Cancer risk

Link: Pyrolysis produces materials that may be carcinogenic (cause cancer)

Biofuelwatch (volunteer-led campaign group which receives no commercial or government funding which campaigns against industrial bioenergy) 2008 "Biochar: cooling the planet with charcoal?" [www.biofuelwatch.org.uk/docs/cnbe/climate\_geoengineering\_web221208\_section4.pdf](http://www.biofuelwatch.org.uk/docs/cnbe/climate_geoengineering_web221208_section4.pdf)

Different feedstocks and production conditions affect how many phytotoxic and possibly carcinogenic materials are produced during pyrolysis. This means that a full environmental risk assessment is needed, which must examine possible public health impacts.

Impact: Precautionary Principle. We should not do a new activity until it’s proven safe.

Analysis: There’s no provision in the AFF plan for the "full environmental risk assessment" that is needed, so we should wait until that’s done before voting Affirmative.

Dr Amy Dean, D.O. and Dr Jennifer Armstrong, M.D, statement reviewed and approved by the Executive Committee of the American Academy of Environmental Medicine, 8 May 2009, "Genetically Modified Foods" [www.aaemonline.org/gmopost.html](http://www.aaemonline.org/gmopost.html) (quotes and parentheses in original; brackets added)

Another often used definition [of precuationary principle] originated from an environmental meeting in the United States in 1998 stating: "When an activity raises threats to the environment or human health, precautionary measures should be taken, even if some cause and effect relationships are not fully established scientifically. In this context, the proponent of an activity, rather than the public, should bear the burden of proof (of the safety of the activity)."

6. Malfunctions, explosions and shutdowns

Ecowaste Coalition ( network of non-government and public interest groups promoting ecological waste solutions to achieve Zero Waste Goals) 21 June 2009, "Waste Incinerators: Harmful to People, Climate and Economy" <http://ecowastecoalition.blogspot.com/2009/06/waste-incinerators-harmful-to-people.html>

10 Reasons Why Gasification, Pyrolysis and Plasma Incineration Are Not "Green" Solutions" from "An Industry Blowing Smoke":  
Reason #1: When compared to conventional mass burn incinerators, incinerators emit comparable levels of toxic emissions.  
Reason #2: Emissions limits for incinerators don’t ensure safety. Also, emissions from incinerators are not measured sufficiently and thus overall emissions levels reported can be misleading. In addition, emission limits are not always adequately enforced.  
Reason #3: Gasification, pyrolysis and plasma incinerators have a dismal track-record plagued by malfunctions, explosions and shut-downs.

SOURCE INDICTMENTS

Joseph Kimetu, NSW (New South Wales, Australia) studies: lacking in experimental set-up or details

Biofuelwatch (volunteer-led campaign group which receives no commercial or government funding which campaigns against industrial bioenergy) 2008 "Biochar: cooling the planet with charcoal?" (brackets in original) [www.biofuelwatch.org.uk/docs/cnbe/climate\_geoengineering\_web221208\_section4.pdf](http://www.biofuelwatch.org.uk/docs/cnbe/climate_geoengineering_web221208_section4.pdf)

Various other recent ‘findings’ have been announced, based on press releases by scientists or on abstracts without full studies being publicly available and without clear information on methodology. For example, an abstract on ‘Soil Organic Matter Stabilization and Land-use Change in Tropical Ecosystems’ by Joseph Kimetu et al claims that ‘we demonstrate that highly weathered tropical soils possess great potential for C increase’, yet no information about the experimental set-up and methodology is given. Researchers at NSW Department of Primary Industries have press-released findings that ‘reinforce[d] the potential of ‘biochar’ to revolutionise climate mitigation and adaptation’, however no details are publicly available at present.

BioScience Magazine, Eprida corporation, and Johannes Lehmann

Biofuelwatch (volunteer-led campaign group which receives no commercial or government funding which campaigns against industrial bioenergy) 2008 "Biochar: cooling the planet with charcoal?" (ellipses and brackets in original) [www.biofuelwatch.org.uk/docs/cnbe/climate\_geoengineering\_web221208\_section4.pdf](http://www.biofuelwatch.org.uk/docs/cnbe/climate_geoengineering_web221208_section4.pdf)

Various other claims have been made about modern biochar which have even lessscientific backing than claims about long-term carbon storage and soil fertility. A 2007 article in the Bio Science Magazine, for example, written by two members of Eprida, a bioenergy company involved in biochar development, claimed for example: *"Because charcoal increases soil retention of water and nitrogen, runoff is reduced and nitrogen is prevented from leaching into groundwater and surface water."* Others make observational claims that biochar reduces emissions of nitrous oxide and eliminates methane emissions from agriculture. However, according to the 2007 article by J Lehmann, quoted above: *"No information exists at present whether this adsorption behavior would translate into a significant reduction of non-point source pollution of ground and surface waters by fertilizers or other pollutants in agricultural watersheds…The environmental benefits of bio-char applications other than C [carbon] sequestration are still poorly quantified externalities."* Even Lehmann’s assertion about biochar sequestering carbon is highly optimistic given the large number of uncertainties he himself has revealed.

NEGATIVE BRIEF: BOTTLE BILL

SIGNFICANCE

Note: CO2 (Carbon Dioxide) is a gas that includes Carbon+Oxygen, so the measurement of CO2 is not the same as the measurement of Carbon. If Aff is referring to Carbon Dioxide, use the 7.28 billion metric tons. If they are measuring just Carbon, the US total carbon emission is 12/44 x 7.28 billion = 1.968 billion metric tons.

Carbon = 12/44 x CO2

US Dept of Energy, Energy Information Administration, 3 Dec 2008, "Emissions of Greenhouse Gases Report " [www.eia.doe.gov/oiaf/1605/ggrpt/index.html](http://www.eia.doe.gov/oiaf/1605/ggrpt/index.html)

Carbon dioxide equivalent data can be converted to carbon equivalents by multiplying by 12/44.

1. Insignificant Carbon Impact

Total US CO2 emissions = 7.28 billion metric tons of CO2  
(which is 1.968 billion metric tons of Carbon 12/44 times 7.28 billion)

US Dept of Energy, Energy Information Administration, 3 Dec 2008, "Emissions of Greenhouse Gases Report " (brackets added, parentheses in original) [www.eia.doe.gov/oiaf/1605/ggrpt/index.html](http://www.eia.doe.gov/oiaf/1605/ggrpt/index.html)

Total U.S. greenhouse gas emissions in 2007 were 1.4 percent above the 2006 total. Total emissions growth—from 7,179.7 million metric tons carbon dioxide equivalent (MMTCO2e) in 2006 to 7,282.4 MMTCO2e [million metric tons carbon dioxide equivalent] in 2007—was largely the result of a 75.9-MMTCO2e increase in carbon dioxide (CO2) emissions. There were larger percentage increases in emissions of other greenhouse gases, but their absolute contributions to total emissions growth were relatively small: 13.0 MMTCO2e for methane (CH4), 8.2 MMTCO2e for nitrous oxide, and 5.6 MMTCO2e for the man-made gases with high global warming potentials (high-GWP gases) (Table 1 below).

Analysis/Impact: Divide the total carbon or CO2 savings estimated by the Aff plan by the total US CO2 or Carbon emissions to estimate the significance of the plan. For example, if they save 1 million tons of carbon per year, that's 1 million saved / 1.968 billion total = .05% reduction. Totally insignificant.

2. Insignificant Trash Impact. Beverage containers are <6% of the waste stream

Steven Schilling, P.E. (Assistant Executive Director Solid Waste Agency of Northern Cook County Illinois (Chicago)), June 2004, "Why a Bottle Bill is Bad for Illinois.", <http://www.swancc.org/pdfs/minutes/BottleBillWhitePaper.pdf>

Recycling programs are a balance between effectiveness and cost. We are fully capable of recycling 100% of our waste stream if we, as a society, decide it is worth the investment. The Bottle Bill proposal represents a high cost recycling system. Its results are dramatic if we focus solely on the type of materials collected. If we look at the entire wastestream, the results lose their luster when you consider that beverage containers represent less than 6% of the entire wastestream.

3. No resource problems. Recycling isn't needed because oil and resources are increasing, not shrinking

Prof. Daniel K. Benjamin (economics at Clemson University, a senior associate of the Political Economy Research Center) Aug 2008, ECOWORLD, "Recycling Myths: Smothered in Garbage vs. More Landfill Capacity than Ever" [www.ecoworld.com/business/recycling-myths-smothered-in-garabage-vs-more-landfill-capacity-than-ever.html](http://www.ecoworld.com/business/recycling-myths-smothered-in-garabage-vs-more-landfill-capacity-than-ever.html)

In fact, available stocks of most natural resources are growing rather than shrinking, but the reason is not recycling. Market prices are the best measure of natural resource scarcity. Rising prices imply that a resources is getting more scarce. Falling prices imply that it is becoming more plentiful. Applying this measure to oil, we find that over the past 125 years, oil has become no more scarce, despite our growing use of it. Reserves of other fossil fuels as well as other natural resources are also growing.

INHERENCY

1. Private initiatives solve. Recycling will happen without government mandates

Prof. Daniel K. Benjamin (economics at Clemson University, a senior associate of the Political Economy Research Center) Aug 2008, ECOWORLD, "Recycling Myths: Smothered in Garbage vs. More Landfill Capacity than Ever" [www.ecoworld.com/business/recycling-myths-smothered-in-garabage-vs-more-landfill-capacity-than-ever.html](http://www.ecoworld.com/business/recycling-myths-smothered-in-garabage-vs-more-landfill-capacity-than-ever.html)

MYTH 8: WITHOUT FORCED RECYCLING MANDATES, THERE WOULDN’T BE RECYCLING. This view reflects ignorance about the extent of recycling in the private sector, which is as old as trash itself. Scavenging may, in fact, be the oldest profession. In the 19th century, people bid for the right to scavenge New York City’s rubbish, and Winslow Homer’s 1859 etching, Scene on the Back Bay Lands, reveals adults and children digging through the detritus of the Boston city dump.

2. Markets solve. Market prices are sufficient to obtain all the recycling we need

Prof. Daniel K. Benjamin (economics at Clemson University, a senior associate of the Political Economy Research Center) Aug 2008, ECOWORLD, "Recycling Myths: Smothered in Garbage vs. More Landfill Capacity than Ever" [www.ecoworld.com/business/recycling-myths-smothered-in-garabage-vs-more-landfill-capacity-than-ever.html](http://www.ecoworld.com/business/recycling-myths-smothered-in-garabage-vs-more-landfill-capacity-than-ever.html)

Recycling is a long-practiced, productive, indeed essential, element of the market system. Informed, voluntary recycling conserves resources and raises our wealth. In sharp contrast, misleading educational programs encourage the waste of resources when they overstate the benefits of recycling. And mandatory recycling programs, in which people are compelled to do what they know is not sensible, routinely make society worse off. Market prices are sufficient to induce the trashman to come, and to make his burden bearable, and neither he no we can hope for any better than that.

3. They tried it in Delaware: "Not very effective."

Delaware Governor Jack Markell, who was vetoing a proposal to repeal Delaware's bottle bill, nevertheless admits that the law he supports doesn't really work very well:

Delaware Governor Jack Markell, 20 July 2009 "Press Release: Markell Announces Veto of House Bill 201" <http://www.bottlebill.org/news/articles/2009/DE-7-20-MarkellAnnouncesVeto-pr.htm>

While the Bottle Bill does help reduce litter and promote recycling, the problems with this 29 year old initiative are notable. The use of plastic bottles in lieu of glass has grown significantly, but very few plastic bottles are returned. Cans are no longer included within the law’s scope and the program is otherwise cumbersome and costly to administer for retailers. There is also very little accountability in this program, so its effectiveness is difficult to measure. If one assumes a 30% return rate for glass bottles, this equates to 70% of the deposits being collected not being returned to consumers. In the end, consumers are paying for a recycling initiative that is not very effective.

4. No net job creation. Money shifted to "new jobs" by government simply subtracts from other parts of the economy

Dr. Daniel J. Mitchell PhD (Economics; former economist for Senator Bob Packwood and the Senate Finance Committee) 5 Dec 2008, "The Fallacy that Government Creates Jobs," <http://www.cato.org/pub_display.php?pub_id=9825>

The theory of government-instigated job creation overlooks the loss of resources available to the productive sector of the economy. Frederic Bastiat, the great French economist (yes, there were admirable French economists, albeit all of them lived in the 1800s), is well known for many reasons, including his explanation of the "seen" and the "unseen." If the government decides to build a "Bridge to Nowhere," it is very easy to see the workers who are employed on that project. This is the "seen." But what is less obvious is that the resources to build that bridge are taken from the private sector and thus are no longer available for other uses. This is the "unseen."

DISADVANTAGES

1. Trillions of dollars squandered on needless recycling

Prof. Daniel K. Benjamin (economics at Clemson University, a senior associate of the Political Economy Research Center) Aug 2008, ECOWORLD, "Recycling Myths: Smothered in Garbage vs. More Landfill Capacity than Ever" [www.ecoworld.com/business/recycling-myths-smothered-in-garabage-vs-more-landfill-capacity-than-ever.html](http://www.ecoworld.com/business/recycling-myths-smothered-in-garabage-vs-more-landfill-capacity-than-ever.html)

Recycling is not always the environmentally correct choice. Many items we recycle come from abundant raw materials and are inert and harmless when dumped. It costs more to recycle these than to bury the used and manufacture the new from scratch. Glass is a perfect example; plastic runs a close second. If throwing away glass and plastic causes us to ever run out of sand and oil byproducts we can mine the landfills and recycle them all at once – it would be cheaper and easier than perpetual recycling. There’s plenty of land for landfills, there’s very little hazard remaining in modern landfills, and the economics and the environment often favor using them. Trillions are squandered on needless recycling.

2. Waste Turn. Bottle deposits encourage waste of resources by misinforming the public

Prof. Daniel K. Benjamin (economics at Clemson University, a senior associate of the Political Economy Research Center) 2004, RECYCLING RUBBISH [www.environnement-propriete.org/english/2004/2004download\_pdf/Benjamin2004.pdf](http://www.environnement-propriete.org/english/2004/2004download_pdf/Benjamin2004.pdf)

Misinformation about the costs and benefits of recycling is as destructive as mandatory programs, for it induces people to engage in wasteful activity. Public service campaigns and "educational" programs that exaggerate the benefits of recycling fall into this category, but there are other offenders too. Bottle and can deposit laws, which effectively misinform people about the true value of used beverage containers, induce people to waste resources collecting and processing items that appear to be worth five (or even ten) cents, given their redemption prices, but in fact are worth a penny or less to society.

Coercive recycling is more wasteful than throwing things away

Prof. Julian Simon (PhD in economics; professor of business administration at the University of Maryland) 1996 quoted by Matthew Gunter, 2007, Econ Journal Watch, "Do Economists Reach a Conclusion on Household and Municipal Recycling? " [www.aier.org/ejw/archive/doc\_download/3623-ejw-200701](http://www.aier.org/ejw/archive/doc_download/3623-ejw-200701)

People voluntarily recycle valuable resources and throw away less valuable items that take more effort to recycle than they are worth. Coercive recycling is actually more wasteful than throwing things away. It wastes valuable labor and materials that could be put to better use—creating new life, new resources, a cleaner environment.

3. Recycling Turn. Bottle bill hurts existing curbside recycling programs

Jason DeRusha (journalist with WCCO TV station in Minnesota), 21 May 2008, "Good Question: Why Don't We Have Recycling Refunds" <http://www.bottlebill.org/news/articles/2008/MN-5-21-WhyDontWeHave.htm>

"Improving recycling needs to look beyond just beverage containers," said Joan Archer, a spokesperson for the beverage association. She said beverage containers typically represent just 3 to 4 percent of all trash. Plus, "a bottle bill would hurt our existing recycling system," she said. If consumers shifted their bottles and cans away from curbside recycling, the municipalities running curbside programs would lose that revenue.

NEGATIVE BRIEF: CALIFORNIA IRRIGATION

Background

What this case is about: Reduced irrigation water and opening the Red Bluff Diversion Dam to protect salmon and sturgeon species in California.

Colin Sullivan (journalist), 5 June 2009 "U.S. plans to toughen Calif. water restrictions," NEW YORK TIMES, <http://www.nytimes.com/gwire/2009/06/05/05greenwire-us-plans-to-toughen-calif-water-restrictions-91201.html> (brackets added)

Alongside the [National Marine Fisheries Service] directive for reducing irrigation supplies by another 5 to 7 percent a year, NMFS offered recommendations to help the troubled species. Among them is a decision to completely open the Red Bluff Diversion Dam on the Sacramento River to allow chinook salmon and sturgeon unimpeded passage.

SIGNIFICANCE/HARMS

1. Insignificant: 1.1% cut in irrigation water. 330,000 cut / 30 million total usage

Colin Sullivan (journalist), 5 June 2009 "U.S. plans to toughen Calif. water restrictions," NEW YORK TIMES, <http://www.nytimes.com/gwire/2009/06/05/05greenwire-us-plans-to-toughen-calif-water-restrictions-91201.html>

The new restrictions would cut deliveries to the San Francisco Bay Area, San Joaquin Valley, Central Coast and Southern California by about 330,000 acre feet per year, according to NMFS. Agricultural water use in the state is about 30 million acre-feet annually.

2. No Employment Harm: California farm employment has generally gone up over the last 3 years

Bill Jennings (Executive Director California Sport Fishing Alliance) 21 July 2009, "Despite drought, state agriculture doing better than rest of economy" ANDERSON VALLEY POST (California newspaper), <http://m.andersonvalleypost.com/news/2009/jul/21/despite-drought-state-agriculture-doing-better/>

According to official data collected by the California Economic Development Department, during three years of drought, from May 2006 through May 2009, farm employment generally went up. Only in the smallest agricultural county of Kings, was there a decline. While the present economic disaster has exacerbated conditions, farm unemployment has not fluctuated according to wet and dry years. Indeed, agriculture has fared far better in the current recession than other segments of the economy.

INHERENCY

1. Problem Solved: Obama turned the water back on

US Department of the Interior, Office of Communications, last updated 17 Sept 2009, "Reality Check: California's Water Crisis," ( bold characters in original) [www.doi.gov/documents/CA\_Water\_Reality\_Check.pdf](http://www.doi.gov/documents/CA_Water_Reality_Check.pdf)

Q**.** Some people are blaming the Obama Administration’s efforts to conserve salmon populations and the delta smelt, a threatened fish, for water shortages in the Central Valley. They are asking the federal government to turn on water pumps that deliver water through the Bay Delta to Central Valley users, but which - to protect the Bay Delta and fish populations - were recently subject to temporary pumping restrictions. **Why won’t the Obama Administration turn the pumps on?  
A. The pumps are on.** The temporary pumping restrictions that were required under the Endangered Species Act ended on June 30th. They accounted for approximately one-quarter of 2009 water delivery shortages to farms and water users; the other three-quarters of this year’s delivery shortage were the result of a lack of run-off.

2. New federal policies in place to provide relief: 600,000 acre-feet of water + over $440 million in federal money for water projects

US Department of the Interior, Office of Communications, last updated 17 Sept 2009, "Reality Check: California's Water Crisis," <http://www.doi.gov/documents/CA_Water_Reality_Check.pdf>

To help alleviate water shortages caused by the lack of precipitation and pumping restrictions, the federal government’s Bureau of Reclamation has helped move more than 600,000 acre feet of water to communities in most need, and is taking steps to prepare for a potential fourth year of drought. In addition, the Obama Administration is investing over $400 million (click here, here, and here) through the President’s economic recovery plan to help modernize California’s water infrastructure, including over $40 million through the Bureau of Reclamation in emergency assistance to help water-short Central Valley farmers through the construction of temporary pipelines and pumps, new water wells, well-enhancement projects, and a groundwater monitoring effort.

3. TCCA solves for Red Bluff Dam water diversion

US Department of the Interior, Office of Communications, last updated 17 Sept 2009, "Reality Check: California's Water Crisis," <http://www.doi.gov/documents/CA_Water_Reality_Check.pdf>

Interior’s Bureau of Reclamation has finalized a funding agreement with the Tehama-Colusa Canal Authority (TCCA) to build an interim pumping plant at Red Bluff Starting in May, 2009 this has allowed for pumping of an additional 500 cubic feet per second (cfs) of water to TCCA for irrigation. The interim pumping plant will allow the gates of the Red Bluff Diversion Dam to remain open, providing unimpeded fish passage for threatened and endangered salmon, steelhead, and green sturgeon, as well as other fish species.

4. Let's wait before we do more: Expert scientists have agreed to a new study of California water situation

Michael Doyle (journalist), 10 Nov 2009, "Top U.S. scientists to study California irrigation practices" MCCLATCHY NEWSPAPERS, <http://www.mcclatchydc.com/washington/story/78673.html>

Some of the nation's most esteemed scientists will review recent environmental decisions that have curtailed California irrigation water deliveries, officials affirmed Tuesday. Pressed by California lawmakers and the Obama administration, the National Research Council's governing board agreed to undertake a two-part, $1.5 million California water study. The study could lead to revised water delivery plans. "Getting the best scientific minds together to look at the problem is a good idea," Environmental Defense attorney Cynthia Koehler said. The new review will re-examine two "biological opinions" issued by the Interior and Commerce departments. The biological opinions are essentially management decisions, divvying up water to protect species including the Delta smelt, Chinook salmon and Central Valley steelhead.

DISADVANTAGES

1. Fisheries collapse

Link: National Marine Fisheries Service order conserves water to save collapsed fisheries

Colin Sullivan (journalist), 5 June 2009 "U.S. plans to toughen Calif. water restrictions," NEW YORK TIMES, <http://www.nytimes.com/gwire/2009/06/05/05greenwire-us-plans-to-toughen-calif-water-restrictions-91201.html> (brackets added)

The biological opinion is the latest wrinkle in a long battle over the Sacramento River's winter and fall-run salmon, which ultimately swim to the Pacific Ocean, but have fallen dramatically in recent years. The low numbers have led to collapsed fisheries and prompted the second straight closed fishing season this year. NMFS scientists said their order was directed to help the chinook, the Central Valley steelhead, the southern population of North American green sturgeon and southern resident killer whales, which feed on the salmon. The agency's directive is empowered by its authority under the Endangered Species Act.

Impact: Restoring California salmon fishery = $1.17 billion economic gain and 21,000 jobs

Southwick Associates (specializes in economic and business statistics related to fish & wildlife; Rob Southwick, Thomas Allen, Donna Leonard, Mario Teisl, Ph.D, Greg Leonard, PMP, John Whitehead, Ph.D, Eric Olds, Patricia Foster-Turley, Ph.D , Cortney Mycroft) , 24 June 2009, "Calculation of the Projected Economics and Jobs Impact of Salmon Recovery in California" [www.asafishing.org/newsroom/documents/salmon\_recovery\_economics.pdf](http://www.asafishing.org/newsroom/documents/salmon_recovery_economics.pdf)

To estimate the potential impacts from a restored salmon fishery, average landings for 2004 and 2005 are used as they represent rather steady harvests, with drops beginning in 2006 down to practically nothing in 2008. In 2004 and 2005, salmon on average represented 12% of the total value of California’s commercial fisheries landings. Assuming the mark-ups and value added from salmon processing, retail, etc is the same as for all other commercial fisheries in California, then the economic impacts for commercial salmon harvests – if they were at ‘normal’ 2004 and 2005 levels would have been:   
- Sales impacts (total sales that occur in the CA economy): $1.17 billion   
- Income impacts (salaries/wages/benefits, sole proprietor earnings): $608 million   
- Employment (full and part time): 21,480

2. Deeper water crisis. Over-riding environmental protections in California's water would block water crisis solutions and divert attention from the real need to fix the broken system

US Department of the Interior, Office of Communications, last updated 17 Sept 2009, "Reality Check: California's Water Crisis," <http://www.doi.gov/documents/CA_Water_Reality_Check.pdf>

Q. I have heard some say that the Administration should have convened a so-called "God Squad"of Cabinet officials with the power to manage California’s water crisis from Washington and override the Endangered Species Act’s protections on endangered wildlife. Is a "God Squad" the right solution for California?  
A. No. The creation of a "God Squad" would override protections on California’s watersheds – on which 25 million people depend for clean drinking water - and turn the state’s water crisis over to the courts. Moreover, a "God Squad" would undermine the ability of local communities, local water districts, and federal and state water experts to find collaborative, constructive solutions to deliver water where it is needed most in current drought conditions. Trying to force more water out of a dying system will only cause more human tragedy and environmental collapse, while diverting attention from the real need to fix the broken water system in California after decades of neglect.

NEGATIVE BRIEF: CARBON LABELING

INHERENCY

1. Markets solve: Lots of private company carbon label initiatives underway

Paul Brenton, Michael Jensen (at International Trade Dept., World Bank) and Gareth Edwards-Jones (School of the Environment and Natural Resources, Bangor University, Wales, Britain) 31 May 2008 Carbon Labelling and Low Income Country Exports: An Issues Paper <http://siteresources.worldbank.org/INTRANETTRADE/Resources/239054-1205871886383/Carbon_labeling_May_08_MPRA_paper_8971.pdf>

The initiatives of Wal-Mart, Patagonia and Timberland are being followed by a large number of initiatives from other leading companies (see Table 2). Most often activities to analyse and label the carbon emissions of products take place within the larger context of a declared company goal to reduce carbon footprint and is often coupled with carbon offsetting schemes that companies are using to proclaim an ultimate goal of carbon neutrality.

SOLVENCY

1. No accuracy

Label information can't be verified and the info is changing all the time

Stephen Stokes (AMR Research, comprehensive research and advisory services for supply chain and information technology executives) 4 Aug 2009. Sticker Shock – Walmart’s labeling scheme will be costly, but will it be effective?, CLIMATE INC, <http://climateinc.org/2009/08/sticker-shock-%E2%80%93-walmart%E2%80%99s-product-labeling-scheme-will-be-costly-but-will-it-be-effective/>

*Who will be able to judge environmental claims and* *performance*? An environmental label is not directly comparable to a nutritional label. A challenge to the accuracy of a nutritional claim can be readily verified via laboratory analysis of the contents concerned. There is no scope for direct back-calculation and tracking of carbon or environmental information once labeled and on the shelf. And the labels are trying to hit a moving target, because environmental impacts change as companies adjust their sourcing and processes. Manufacturing supply chains are dynamic and evolving systems whose impact or footprint cannot be quantified in a singular value.

Can't determine carbon count when goods have a mix of inputs from different sources

Paul Brenton, Michael Jensen (at International Trade Dept., World Bank) and Gareth Edwards-Jones (School of the Environment and Natural Resources, Bangor University, Wales, Britain) 31 May 2008 Carbon Labelling and Low Income Country Exports: An Issues Paper <http://siteresources.worldbank.org/INTRANETTRADE/Resources/239054-1205871886383/Carbon_labeling_May_08_MPRA_paper_8971.pdf>

If presented with a range of similar goods, each of which has different carbon footprints, then the concerned consumer may preferentially purchase the item with lowest footprint. This would then be a practical way to reward individual farmers for their low carbon footprints. However in order to achieve this it would be necessary to calculate the carbon footprint of each individual farm (and maybe each supply chain in which their produce is involved). Further, consumers could only really respond to carbon labels in this way for relatively unprocessed goods such as fruit, vegetables, primary cuts of meat and some dairy produce (e.g. liquid milk). Here the carbon label would be able to reflect the management practices on individual farms. However for goods which utilize produce from more than one farmer this becomes much more difficult to present.

No accurate data available for carbon impact of agriculture

Paul Brenton, Michael Jensen (at International Trade Dept., World Bank) and Gareth Edwards-Jones (School of the Environment and Natural Resources, Bangor University, Wales, Britain) 31 May 2008 Carbon Labelling and Low Income Country Exports: An Issues Paper <http://siteresources.worldbank.org/INTRANETTRADE/Resources/239054-1205871886383/Carbon_labeling_May_08_MPRA_paper_8971.pdf>

The net release of carbon from agricultural soils is a delicate balance of gains and losses across an entire growing season. For this reason accurate estimates of carbon emissions from food production systems require measurements to be made over long time periods (ideally a full calendar year) on a continuous, or very regular, basis (e.g. hourly). This intensity of measurement poses severe practical challenges and is rarely undertaken.

2. Customer Confusion

Only 20% want it and most get confused by carbon labels

Stephen Stokes (AMR Research, provides comprehensive research and advisory services for supply chain and information technology executives) 4 Aug 2009. Sticker Shock – Walmart’s labeling scheme will be costly, but will it be effective?, CLIMATE INC, <http://climateinc.org/2009/08/sticker-shock-%E2%80%93-walmart%E2%80%99s-product-labeling-scheme-will-be-costly-but-will-it-be-effective/>

At the same time, 78% of consumers indicated an awareness of carbon labeling but only 20% saw it as a positive development – it is hard to make the case that this issue is being driven by pull from end customers. Most report confusion in their attempts to interpret carbon labels at the granulated product level; green branding seem to be more of a market force at the company level – like the Body Shop, Wholefoods, Apple and Dell.

Tried & Failed in Britain: 83% of British consumers don't understand the carbon labels

Tobias Webb (journalist), 29 June 2007, ETHICAL CORPORATION, "Climate change labels: A step in the right direction" (brackets added) <http://www.ethicalcorp.com/content.asp?ContentID=5189>

So how helpful is carbon labelling for companies that want to measure and reduce their carbon footprint? One criticism that has been levelled at the [British] labelling scheme is that it gives consumers no context. How does the 75 grams in a packet of Walkers' crisps compare with those of other manufacturers? An online poll by industry magazine the Grocer last month found 83% of respondents did not understand the labelling scheme.

3. Consumers ignore the information

Alexander Kasterine (senior market development adviser for the International Trade Centre (ITC) in Geneva) 31 Mar 2009, BBC NEWS, Carbon labels present taxing problem <http://news.bbc.co.uk/2/hi/science/nature/7974972.stm>

Carbon labels look ineffective because the consumer can choose to ignore the information about the product's level of "embedded" carbon - just as we frequently ignore nutritional information, despite knowing that ice cream and oven chips might be bad for us. This is not a useful tool for driving emissions reductions of 80% over the next 30 years.

4. Need Boycott: Significant results would require mass consumer boycott – which won't happen

Ed Harris (postgraduate student researching food politics, with a background in human geography; recently completed Master of Science degree by Research in Human Geography with the Institute of Geography) 2008 "Would Carbon Labelling help us make good food choices?" <http://localfoods.wordpress.com/2008/01/28/would-carbon-labelling-help-us-make-good-food-choices/>

My criticism, however, is this: throughout the programme, there was an unquestioned and often-repeated assumption that the best way to reduce the carbon emissions associated with the food chain in the UK is to ‘help consumers to make better, more informed choices’. There is only limited evidence that consumers would make better choices with carbon labels, and certainly no indication that consumers would boycott carbon-heavy products en masse, as would be necessary to effect a significant change. This is market led, socio-environmental change, based on the aging premise that consumers would make better choices if only they were better informed.

5. Resistance to change. Even "green" consumers won't change their buying habits

Louise Gray (environment correspondent), 25 Aug 2009, gLow carbon label needs to improve,h TELEGRAPH (British newspaper), [www.telegraph.co.uk/earth/earthnews/6087719/Low-carbon-label-needs-to-improve.html](http://www.telegraph.co.uk/earth/earthnews/6087719/Low-carbon-label-needs-to-improve.html) (brackets added)

Dr Paul Upham, co-author of the [University of Manchester, England] study, said even those consumers who classified themselves as egreenf were sceptical that changes to their shopping habits could contribute to a reduction in carbon-emissions and were not willing to pay more for alternative lower-carbon products.

6. Tiny Impact: Consumers can't do enough to make a significant difference in carbon use

Louise Gray (environment correspondent), 25 Aug 2009, "Low carbon label needs to improve," TELEGRAPH (British newspaper), [www.telegraph.co.uk/earth/earthnews/6087719/Low-carbon-label-needs-to-improve.htm](http://www.telegraph.co.uk/earth/earthnews/6087719/Low-carbon-label-needs-to-improve.htm) (brackets added)

The idea [of carbon labeling] is to encourage consumers to buy lower carbon groceries to save the planet in the same way nutritional information encourages consumers to buy more healthy products. However a new study by the University of Manchester found that for an individual to reduce their annual tonnes of carbon emissions by 10 per cent, they would need to purchase at least 40 lower-carbon items per week. And a family would need to make at least 32 years of daily purchases of lower-carbon orange juice to esavef the same quantity of carbon emissions as could be avoided by travelling to a UK holiday destination by car or train instead of to Malaga [Spain] by plane.

DISADVANTAGES

1. Less efficient technologies and processes

A. Link: Carbon labeling is very expensive for corporations – big research costs

Note: "SKU" = Stock Keeping Unit = one unique type of item for sale in a retail store

Stephen Stokes (AMR Research, provides comprehensive research and advisory services for supply chain and information technology executives) 4 Aug 2009. Sticker Shock – Walmart’s labeling scheme will be costly, but will it be effective?, CLIMATE INC, <http://climateinc.org/2009/08/sticker-shock-%E2%80%93-walmart%E2%80%99s-product-labeling-scheme-will-be-costly-but-will-it-be-effective/> (brackets added; parentheses in original)

Pepsico UK told us last year that the cost of carbon footprinting their highly publicized Walkers potato crisps (chips for Americans!) was well in excess of $40,000 and took more than four years to complete – for one SKU. Moving forward they are anticipating costs on the order of $10,000 to $12,000 per SKU. At 20,000 to 25,000 SKUs per typical supermarket that's a $250M[illion] task just for carbon – and Wal-Mart Supercenters carry over 100,000 SKU's.

B. Link: Money spent on carbon research siphons funding away from efficiency improvements

Stephen Stokes (AMR Research, provides comprehensive research and advisory services for supply chain and information technology executives) 4 Aug 2009. Sticker Shock – Walmart’s labeling scheme will be costly, but will it be effective?, CLIMATE INC, <http://climateinc.org/2009/08/sticker-shock-%E2%80%93-walmart%E2%80%99s-product-labeling-scheme-will-be-costly-but-will-it-be-effective/>

Forcing portfolio-wide cataloguing at the SKU level may well siphon funding away from reinvestment in efficient technologies and processes. As energy price volatility continues to increase and continuous improvement forces year-on-year searches for waste and resource reduction, we can reasonably assume that all SKUs under some company or process or production line will over time benefit from the process improvement and investment. In any case, labels at the SKU level require estimating and allocating company and facility level environmental impacts, generating data that are not always useful for management trying to reduce these impacts.

C. Impact: Instead of spending money researching ways to use less carbon, companies spend money researching the information needed for carbon labeling. Turn the harms of carbon consumption from 1AC – we lose the opportunity to reduce carbon consumption with all that money we're spending on labels.

2. Poor countries' products driven from the market

A. Link: Carbon labeling standards give little or no voice to poor countries

Paul Brenton, Michael Jensen (at International Trade Dept., World Bank) and Gareth Edwards-Jones (School of the Environment and Natural Resources, Bangor University, Wales, Britain) 31 May 2008 Carbon Labelling and Low Income Country Exports: An Issues Paper <http://siteresources.worldbank.org/INTRANETTRADE/Resources/239054-1205871886383/Carbon_labeling_May_08_MPRA_paper_8971.pdf>

But the strong desire to act on carbon labelling has been running ahead of the challenges of measurement and the problems of effective communication through labeling that must be addressed for schemes to be successful. And a growing number of standards are being developed with little effort to coordinate and generally little or no voice given to small players, such as, low income countries.

B. Link: Carbon labeling puts heavy burdens on producers in poor countries

Paul Brenton, Michael Jensen (at International Trade Dept., World Bank) and Gareth Edwards-Jones (School of the Environment and Natural Resources, Bangor University, Wales, Britain) 31 May 2008 Carbon Labelling and Low Income Country Exports: An Issues Paper <http://siteresources.worldbank.org/INTRANETTRADE/Resources/239054-1205871886383/Carbon_labeling_May_08_MPRA_paper_8971.pdf>

The issue of measurement costs is a critical one for small stakeholders. Low income countries have predominantly small firms and tiny farms, hence any size bias in the carbon labelling schemes, in terms of the costs of measuring emissions and of verifying those measurements, will translate into a heavy burden on the competitiveness of such small players.

C. Link: Poor countries have low emissions! Labeling costs can drive them out of the market

Paul Brenton, Michael Jensen (at International Trade Dept., World Bank) and Gareth Edwards-Jones (School of the Environment and Natural Resources, Bangor University, Wales, Britain) 31 May 2008 Carbon Labelling and Low Income Country Exports: An Issues Paper <http://siteresources.worldbank.org/INTRANETTRADE/Resources/239054-1205871886383/Carbon_labeling_May_08_MPRA_paper_8971.pdf>

Similarly, there may be discrimination against imported products if the carbon emissions of particular products are indirectly derived using parameters based on data in the importing country and which may overestimate the emissions in the country of production (Deere 1999). Both of these concerns are likely to impact most heavily on low income countries where production processes tend to differ from those in rich countries and for whom parameters derived in rich countries will be most inappropriate. In addition, as noted above the costs of certification are likely to impinge especially heavily on producers in low income countries and if these costs lead to the exclusion of low emission producers from developed country markets, then the labelling scheme would be undermined.

D. Impact: Goal of labeling is undermined. Turn 1AC harms of carbon emissions – the low-emission producers are driven from the market, which is the reverse of the Affirmative's goal.

3. Self-deception. Consumers will be deceived into thinking they are helping the environment, which will block real solutions and mask anti-environmental behavior.

A. Link: Deception Part 1: Consumers think a label means carbon emissions are being reduced. Of course, since there's no mandate in the Affirmative plan to actually reduce carbon, this is false. Affirmative is labeling, not reducing, carbon.

Alexander Kasterine (senior market development adviser for the International Trade Centre (ITC) in Geneva) 31 Mar 2009, BBC NEWS, Carbon labels present taxing problem <http://news.bbc.co.uk/2/hi/science/nature/7974972.stm>

A UK survey by Populus for crisp manufacturer Walkers revealed that more than half of the 1,000 people interviewed were more likely to buy a product with a carbon label, and 69% thought the label demonstrated corporate commitment to reducing carbon emissions.

B. Link: Deception Part 2: Consumers get a false sense of doing something for the environment

Alexander Kasterine (senior market development adviser for the International Trade Centre (ITC) in Geneva) 31 Mar 2009, BBC NEWS, Carbon labels present taxing problem <http://news.bbc.co.uk/2/hi/science/nature/7974972.stm> (brackets added)

Driving to pick up a bag of low-carbon crisps for the kids' party won't stop climate change - quite the opposite. We are all prone to self deception; maybe that is why the consumers in Boots [British store chain] thought carbon labels were a good thing, as it gives them the sensation they are doing something about climate change, even as they drive home in their petrol-fuelled car.

C. Link: Carbon labeling entrenches the system that causes the carbon problem in the first place

Ed Harris (postgraduate student researching food politics, with a background in human geography; recently completed Master of Science degree by Research in Human Geography with the Institute of Geography) 2008 "Would Carbon Labelling help us make good food choices?" <http://localfoods.wordpress.com/2008/01/28/would-carbon-labelling-help-us-make-good-food-choices/>

For a final thought, compare the proposed labelling scheme with this quote from a recent article by Jamie Peck and Adam Tickell which examines the neoliberalization of space: "In the asymmetrical scale politics of neoliberalism, local institutions and actors were being given responsibility without power, while international institutions and actors were gaining power without responsibility" (Peck & Tickell, 2002: 386).The carbon labelling scheme reflects this situation in some way – all the responsibility to identify and purchase low-carbon food products is placed with consumers, while they're attributed little power to change the ways in which food is actually produced, distributed and retailed. One the other hand, agri-businesses retain their present level of control of the food system with no responsibility to stop producing food in such a carbon-intensive way.

D. Link: Mislabeling actions hides the real causes and turns attention away from solving the real problem

Analysis: When we take action about the environment that is ineffective, we divert attention away from solving the real problem of "sustainability" - which would require fixing our entire culture and economy and stopping the consumption of excessive amounts of resources. If we think we're on the way to fixing it, then we will never actually fix it.

Dr. John R. Ehrenfeld (Executive Director of the International Society for Industrial Ecology. He retired in 2000 as the Director of the MIT Program on Technology, Business, and Environment, an interdisciplinary educational, research, and policy program. In October 1999, the World Resources Institute honored him with a lifetime achievement award for his academic accomplishments in the field of business and environment. He holds a post as Senior Research Scholar at the Yale School of Forestry and Environmental Studies ) 19 Sept 2009, "The Business of Sustainability" <http://www.johnehrenfeld.com/>

My argument against mislabeling economic and social actions as contributing to sustainability is that it hides the real causes and turns attention away from attacking unsustainability at the roots. This is an old and universal problem. Marx and the critical thinkers that followed him showed us how difficult it is to dig deep enough to unearth the real factors that create social and natural dysfunction. He did not have a solution that has worked, but that cannot be used as an argument to stop digging down and discovering something that has promise in todayfs world. The business of sustainability only attacks the issues at the edges. Can it be that our existing political economy is not equipped to deal with the present globalized world where the limits and cracks have begun to show themselves? If I had to put this conundrum in a single sentence, it might be, can Wal-Mart be a leader in reducing levels of consumption?

E. Impact: Self-deception and diversion away from solving the root cause turn the Affirmative's harms. They get worse under the Aff's plan because work on real solutions is blocked.

4. African poverty

A. Link: African countries face higher costs for trade under carbon labeling scheme

Alexander Kasterine (senior market development adviser for the International Trade Centre (ITC) in Geneva) 31 Mar 2009, BBC NEWS, Carbon labels present taxing problem <http://news.bbc.co.uk/2/hi/science/nature/7974972.stm>

There is a potential development impact too. Africa still relies heavily on agriculture to generate wealth for its people; and it is quite feasible that retailers implementing carbon labels schemes will require African exporters to provide information on their carbon emissions and evidence of carbon emission "reduction plans". African countries risk losing out financially if they do not receive a premium price for carbon labelled goods. Africans have a carbon footprint on average 20 times lower than Europeans, yet they potentially face increased costs to trade in the name of climate change mitigation.

B. Link: Carbon labels discourage economic growth in Africa

Stacey R. O'Neill [J.D. Candidate, California Western School of Law; B.A., University of California, Santa Barbara, Political Science, minor in History, 2006] gConsuming for the Environment: A Proposal for Carbon Labels in the United Statesh California Western International Law Journal [39 Cal. W. Int'l L.J. 393], Spring, 2009 [www.cwsl.edu/content/journals/O%27Neill.pdf](http://www.cwsl.edu/content/journals/O%27Neill.pdf)

Another criticism of carbon labels is that they will discourage economic growth in poor foreign markets. This argument is based on the idea that goods with fewer food miles―that is, the miles needed to transport the good from where it was produced to where it will be sold―will emit less carbon into the environment because less fuel will be used to transport it; therefore, consumers will prefer those products. For example, fresh fruit and vegetables traded between the United Kingdom and Africa generate $400 million in revenue alone, which "supports one million people living in Africa." Trade between the United States and Africa totaled over $44 billion in 2004. Arguably, carbon labeling will result in a disadvantage to these poor, foreign markets that rely heavily on revenue from .

C. Impact: Poverty. Economic growth is the only way to reduce poverty in Africa

John B. Taylor (Under Secretary of Treasury for International Affairs) 16 Jan 2003, African Growth and Opportunity Forum, Mauritius, "Raising Productivity, Improving Standards of Living, and Promoting Job-Creating Economic Growth in Africa," [http://74.125.113.132/search?q=cache:MOETpYy23\_AJ:www.stanford.edu/~johntayl/taylorspeeches/Raising%2520Productivity%2520Growth%2520in%2520Africa%2520%2816%2520Jan%252003%29.doc+AFrica+%22economic+growth%22+poverty+lives+%22key+to%22&cd=5&hl=en&ct=clnk&gl=us](http://74.125.113.132/search?q=cache:MOETpYy23_AJ:www.stanford.edu/~johntayl/taylorspeeches/Raising%2520Productivity%2520Growth%2520in%2520Africa%2520%2816%2520Jan%252003%29.doc+AFrica+%22economic+growth%22+poverty+lives+%22key+to%22&cd=5&hl=en&ct=clnk&gl=)

Raising productivity--and ultimately, economic growth--is the only way of achieving substantial and sustained reductions in poverty. We define productivity as the quantity of goods and services that a worker produces per unit of time with the skills and tools available. Bluntly, the more high productivity jobs there are in a country, the richer the country. However, most African countries do not fare well on this score--there tend to be only a few high productivity jobs, with the overwhelming majority of jobs characterized by low productivity, resulting in pervasive poverty.

NEGATIVE BRIEF: CFC (CHLOROFLUOROCARBONS) LEGALIZATION/ MONTREAL PROTOCOL WITHDRAWAL

HARMS

1. Little medical difference between CFC and HFA inhalers

Lisette Hilton reviewed by Stacy Beller Stryer M.D., Revolution Health Group, 21 June 2007, "How is the Ban on CFC Inhalers Affecting Asthma Patients?" <http://www.revolutionhealth.com/conditions/asthma/treatments/inhalers-nebulizers/cfc-ban-effects>

There is little difference in terms of the "bang for the buck" between the two types of inhalants, says Sheldon Spector, M.D., clinical professor of medicine in the Department of Medicine at the University of California, Los Angeles (UCLA). "You're still using a metered-dose inhaler," he says. (A metered-dose inhaler is a propellant-driven delivery mechanism for inhalation of asthma medications, according to the American Academy of Allergy, Asthma & Immunology.) To prove to patients that they are getting the same effect with the HFA inhalers, Spector gives his patients a pulmonary function test that shows how both deliver the same results.

2. Low-priced generic HFA inhalers come out in 2010

Lisette Hilton reviewed by Stacy Beller Stryer M.D., Revolution Health Group, 21 June 2007, "How is the Ban on CFC Inhalers Affecting Asthma Patients?" <http://www.revolutionhealth.com/conditions/asthma/treatments/inhalers-nebulizers/cfc-ban-effects>

And more good news is on the horizon: The patent on HFA inhalers expires in 2010, at which point the lower-priced generic version should hit the market. That should help make everyone breathe a little easier.

3. HFA discounts available - just call the toll-free number

Lisette Hilton reviewed by Stacy Beller Stryer M.D., Revolution Health Group, 21 June 2007, "How is the Ban on CFC Inhalers Affecting Asthma Patients?" <http://www.revolutionhealth.com/conditions/asthma/treatments/inhalers-nebulizers/cfc-ban-effects>

To ease the cost, manufacturers of HFAs such as Schering-Plough Corporation, GlaxoSmithKline PLC, Teva Specialty Pharmaceuticals LLC and Sepracor Inc. are offering financial assistance programs, giveaways and cost-cutting coupons for people who are financially pressed or lacking prescription drug coverage. For more details, call the Partnership for Prescription Assistance (PPA) at 1-888-477-2669, or visit www.pparx.org. The PPA links more than 475 private and public programs that offer specific medications with patients who don't have prescription drug coverage as well as individuals who earn $19,000 or less a year and families of three or more who earn $32,000 a year or less annually.

4. Turn: HFA inhalers are better than CFC

Lisette Hilton reviewed by Stacy Beller Stryer M.D., Revolution Health Group, 21 June 2007, "How is the Ban on CFC Inhalers Affecting Asthma Patients?" <http://www.revolutionhealth.com/conditions/asthma/treatments/inhalers-nebulizers/cfc-ban-effects>

HFAs also have some little-known advantages over CFCs, says Richard W. Honsinger Jr., M.D., an internist, allergy and immunology specialist and clinical professor at The University of New Mexico in Albuquerque. HFAs, for example, work better than CFCs at high altitudes and also tend to hold their pressurization better in cold weather.

DISADVANTAGES

1. Skin cancer and cataracts

Link: CFC ban reverses destruction of ozone layer

Brink: Ozone recovery is beginning now that CFCs are banned

American Geophysical Union, 30 July 2003, "Destruction Of Ozone Layer Is Slowing After Worldwide Ban On CFC Release" SCIENCE DAILY, <http://www.sciencedaily.com/releases/2003/07/030730080139.htm>

The rate at which ozone is being destroyed in the upper stratosphere is slowing, and the levels of ozone-destroying chlorine in that layer of the atmosphere have peaked and are going down -- the first clear evidence that a worldwide reduction in chlorofluorocarbon pollution is having the desired effect, according to a new study. "This is the beginning of a recovery of the ozone layer," said Professor Michael Newchurch of the University of Alabama in Huntsville (UAH), the scientist who led the ozone trend-analysis research team. "We had a monumental problem of global scale that we have started to solve."

Link: Reduced ozone levels = more Ultra Violet B light (UVB) reaching the earth

Environmental Protection Agency, last updated 4 Aug 2009, "Health and Environmental Effects of Ozone Layer Depletion" [www.epa.gov/ozone/science/effects/index.htm](http://www.epa.gov/ozone/science/effects/index.htm)

Reductions in ozone levels will lead to higher levels of UVB reaching the Earth's surface. The sun's output of UVB does not change; rather, less ozone means less protection, and hence more UVB reaches the Earth. Studies have shown that in the Antarctic, the amount of UVB measured at the surface can double during the annual ozone hole. Another study confirmed the relationship between reduced ozone and increased UVB levels in Canada during the past several years.

Impact: Skin cancer and cataracts

Environmental Protection Agency, last updated 4 Aug 2009, "Health and Environmental Effects of Ozone Layer Depletion" [www.epa.gov/ozone/science/effects/index.htm](http://www.epa.gov/ozone/science/effects/index.htm)

Laboratory and epidemiological studies demonstrate that UVB causes nonmelanoma skin cancer and plays a major role in malignant melanoma development. In addition, UVB has been linked to cataracts. All sunlight contains some UVB, even with normal ozone levels. It is always important to limit exposure to the sun. However, ozone depletion will increase the amount of UVB and the risk of health effects.

Additional backup link evidence: CFC’s destroy ozone / ban on CFC’s saves ozone layer

Ozone destruction is caused by CFCs – not natural cycles

United Nations Environmental Programme, 2006, "The Environmental Effects Assessment Panel Report for 2006: FAQs," <http://ozone.unep.org/Assessment_Panels/EEAP/eeap-report2006-FAQ.pdf>

Natural environmental cycles often span thousands of years but most scientific measurements have been made only over the past 150 years. It is often not easy to accurately determine the influence of humans on any natural activity. In the case of the ozone layer, the depletion of the ozone over the Antarctica cannot be explained by natural cycles but is caused by the increase of synthetic chemicals in the stratosphere. The relationship between these chemicals (e.g. chlorofluorocarbons also known as CFCs) and ozone depletion has been proven by experiments in laboratories, numerical modelling studies and by direct measurements in the atmosphere.

NOAA says Montreal Protocol stops ozone loss

National Oceanic & Atmospheric Administration 10 May 2006, "International Treaty Designed To Restore, Protect Ozone Layer Working, Say Scientists" SCIENCE DAILY [www.sciencedaily.com/releases/2006/05/060510094508.htm](http://www.sciencedaily.com/releases/2006/05/060510094508.htm)

A paper by Betsy Weatherhead, a scientist working at the NOAA Earth System Research Laboratory in Boulder, Colo., and Signe Bech Andersen, of the Danish Meteorological Institute details an apparent leveling off of ozone loss as a result of the Montreal Protocol. This international agreement was first enacted in 1987 to control ozone-depleting chemicals in the atmosphere and was since signed by 180 countries.

Nobel Prize winning scientists proved: CFCs destroy ozone layer

American Geophysical Union, 30 July 2003, "Destruction Of Ozone Layer Is Slowing After Worldwide Ban On CFC Release" SCIENCE DAILY, <http://www.sciencedaily.com/releases/2003/07/030730080139.htm>

Ozone is a damaging pollutant in the lower atmosphere near the ground, but in the stratosphere, it shields the Earth from harmful ultraviolet solar radiation. Almost 30 years ago, scientists Mario Molina, F. Sherwood Rowland, and Paul Crutzen showed that chlorine released into the stratosphere from chlorofluorocarbons (CFC), chemicals used as refrigerants and aerosol propellants, was destroying the protective ozone layer. This discovery led to an international ban on CFC-based products and to the 1995 Nobel Prize in Chemistry for the three scientists.

2. Fisheries Destruction

Link: CFCs destroy ozone / Montreal Protocol saves ozone. Cross apply DA-1 link evidence.

Link: Ozone destruction = more UVB. Cross apply DA-1 evidence.

Link: UVB damages fish

Brink: Even small UVB increase could result in significant reduction

Environmental Protection Agency, last updated 4 Aug 2009, "Health and Environmental Effects of Ozone Layer Depletion" [www.epa.gov/ozone/science/effects/index.htm](http://www.epa.gov/ozone/science/effects/index.htm)

Solar UVB radiation has been found to cause damage to early developmental stages of fish, shrimp, crab, amphibians and other animals. The most severe effects are decreased reproductive capacity and impaired larval development. Even at current levels, solar UVB radiation is a limiting factor, and small increases in UVB exposure could result in significant reduction in the size of the population of animals that eat these smaller creatures.

Brink: World fisheries are on the brink of collapse

Warren Evans (Environment Director at the World Bank) 24 Aug 2005, "World Bank and Partners Launch Initiative to ‘Turn the Tide’ of Fisheries Depletion" World Bank News & Broadcast, <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20624610~pagePK:64257043~piPK:437376~theSitePK:4607,00.html>

"Rapidly growing coastal populations, poverty, rising demand for fish, changes in fishing technology and subsidies, habitat destruction, and weak governance of the shared fish resources all conspire to bring many of the world’s fisheries to the brink of collapse," said Warren Evans, Environment Director, The World Bank.

Impact: Fisheries collapse = Loss of food and jobs in Latin America, Asia and Africa

Jeremy Van Loon and Alex Emery (journalists), 5 Feb 2009, REUTERS news service, "Fisheries Collapse Imperils Developing Nations’ Food, Jobs" [www.bloomberg.com/apps/news?pid=20601086&refer=latin\_america&sid=az0dHysHjvPs](http://www.bloomberg.com/apps/news?pid=20601086&refer=latin_america&sid=az0dHysHjvPs)

The risk of fisheries collapsing in Peru, the world’s largest fishmeal producer, and developing nations such as Senegal that depend on fish for both food and jobs means economic hardship as climate change threatens fishing grounds. About 33 countries in Latin America, Africa and Asia are "highly vulnerable" to rising ocean temperatures, changes in river flows and less precipitation, said Allison Perry of the [World Fish Center](http://www.worldfishcenter.org" \t "_blank), who co-wrote a study that looked at the economic risks to fisheries in countries affected by changing weather. The world’s poorest countries are less able to adapt to these changes because they lack the financial resources to replace a food source and an industry that contributes more to economic activity than in wealthier nations. "Many of these countries are simply not in a position to adapt and implement measures," Perry said.

NEGATIVE BRIEF: ETHANOL is good

HARMS

1. Ethanol reduces oil consumption

Congressional Budget Office (an agency of the US Congress), Apr 2009, "The Impact of Ethanol Use on Food Prices and Greenhouse-Gas Emissions," <http://www.cbo.gov/ftpdocs/100xx/doc10057/04-08-Ethanol.pdf>

Ethanol production rose by 34 percent between 2006 and 2007 and by another 42 percent between 2007 and 2008. Last year, overall consumption of ethanol in the United States reached a record high, exceeding 9 billion gallons, which reduced the nation’s demand for gasoline by nearly 5 percent.

Even though ethanol does not have as much energy as gasoline, it still reduces gasoline use (just not at 1 for 1 ratio). 1.5 gallons of ethanol replaces 1 gallon of gasoline

Congressional Budget Office (an agency of the US Congress), Apr 2009, "The Impact of Ethanol Use on Food Prices and Greenhouse-Gas Emissions," <http://www.cbo.gov/ftpdocs/100xx/doc10057/04-08-Ethanol.pdf>

The more than 9 billion gallons of ethanol that Americans consumed during 2008 displaced about 6 billion gallons of gasoline. The difference in the number of gallons of ethanol on the one hand and gasoline on the other arises because the energy content of a gallon of gasoline is greater than that of a gallon of ethanol. About 1.5 gallons of ethanol are required to provide as much energy as 1 gallon of gasoline.

2. ANL Study: Ethanol = 20% reduction in Greenhouse Gases compared to gasoline

Congressional Budget Office (an agency of the US Congress), Apr 2009, "The Impact of Ethanol Use on Food Prices and Greenhouse-Gas Emissions," <http://www.cbo.gov/ftpdocs/100xx/doc10057/04-08-Ethanol.pdf>

Research conducted by the Argonne National Laboratory (ANL) and used by federal agencies suggests that in the short run, the production, distribution, and consumption of ethanol will create about 20 percent fewer greenhouse gas emissions than the equivalent processes for gasoline.

ANL Study: Ethanol reduced 14 million metric tons of CO2 from the atmosphere in 2008

Congressional Budget Office (an agency of the US Congress), Apr 2009, "The Impact of Ethanol Use on Food Prices and Greenhouse-Gas Emissions," <http://www.cbo.gov/ftpdocs/100xx/doc10057/04-08-Ethanol.pdf>

Looking at the entire life cycle of the two fuels, research conducted at Argonne National Laboratory (ANL) compared the greenhouse-gas emissions of ethanol and gasoline. That research, which has been widely accepted by federal agencies, found that the use of corn ethanol as it is currently produced—using coal-fired and natural gasfired plants—reduces life-cycle greenhouse-gas emissions by about 20 percent when compared with the use of gasoline. Calculated on the basis of the volume of ethanol used in the United States last year, that percentage reduction is equivalent to about 14 million metric tons of carbon carbon dioxide and equivalent gases, or CO2e. That amount is about 0.7 percent of the total greenhouse-gas emissions generated in the transportation sector during 2008.

3. Food prices - tiny impact: Only 0.5% - 0.8% increase in food prices caused by ethanol

Congressional Budget Office (an agency of the US Congress), Apr 2009, "The Impact of Ethanol Use on Food Prices and Greenhouse-Gas Emissions," <http://www.cbo.gov/ftpdocs/100xx/doc10057/04-08-Ethanol.pdf>

Pushed up in part by those effects and by surges in the price of energy, food prices rose by almost 2½ percent in 2006, by 4 percent in 2007, and by more than 5 percent in 2008. That those increases coincided with higher prices for corn raises questions about the link between ethanol production, the demand for corn, and food prices. CBO estimates that from April 2007 to April 2008, the rise in the price of corn resulting from expanded production of ethanol contributed between 0.5 and 0.8 percentage points of the 5.1 percent increase in food prices measured by the consumer price index (CPI). Over the same period, certain other factors—for example, higher energy costs—had a greater effect on food prices than did the use of ethanol as a motor fuel.

Future food price impacts may be reduced by: planting more acres of crops and better refinery productivity

Congressional Budget Office (an agency of the US Congress), Apr 2009, "The Impact of Ethanol Use on Food Prices and Greenhouse-Gas Emissions," <http://www.cbo.gov/ftpdocs/100xx/doc10057/04-08-Ethanol.pdf>

In the long run, upward pressure on prices caused by increasing ethanol production may be alleviated by planting additional additional acres in corn and soybeans, increasing crop yields per acre in the United States and abroad, and improving the technologies used at refineries to allow more ethanol to be produced from each bushel of corn.

Food prices - crisis is over: Food price increases were followed by big sell-off

Prof. Douglas G. Tiffany (assistant professor in the University of Minnesota Extension Service) 2009, published by Federal Reserve Bank of St. Louis, REGIONAL ECONOMIC DEVELOPMENT, <http://research.stlouisfed.org/publications/red/2009/01/Tiffany.pdf>

In 2008 alone, record high prices for corn and other grains were followed by a record sell-off of these commodities, which accompanied the stock market sell-off of October 2008, a consequence of faulty regulation of currencies and financial instruments.

4. Energy used in production of ethanol: Ethanol is better than gasoline

Analysis: Aff argues that ethanol consumes more energy than it yields. Actually, gasoline does that by returning .81 BTUs for every BTU of fossil fuel used in its production. Ethanol yields 1.25 to 1.36 BTUs per BTU of fossil fuel input.

Prof. Douglas G. Tiffany (assistant professor in the University of Minnesota Extension Service) 2009, published by Federal Reserve Bank of St. Louis, REGIONAL ECONOMIC DEVELOPMENT, <http://research.stlouisfed.org/publications/red/2009/01/Tiffany.pdf> (NEB=Net Energy Balance)

Argonne National Laboratory has reported the NEB of both gasoline and ethanol produced by the drygrind process. Gasoline produces 0.81 British thermal units (BTUs) for each BTU of fossil energy applied in the process. Ethanol produces 1.36 BTUs for every BTU of fossil fuel used when the entire process of ethanol production by the dry-grind process and the credits for the by-products are considered (Hofstrand, 2007). Figure 1 shows the analysis of a particular study (Hill et al., 2006) in which the NEB of corn ethanol was estimated at 1.25 to 1.0. This means that for every unit of energy applied in the process, 1.25 units of energy are recovered in fuel or feed.

5. Ethanol Acetaldehyde cancer risk: Uncertain and insignificant

Office of Environmental Health Hazard Assessment, State of California Environmental Protection Agency, Dec 1999, "Potential Health Risks of Ethanol in Gasoline" <http://www.oehha.org/air/pdf/etohR3.pdf>

Several sources of uncertainty result in a lower level of confidence in this estimate for acetaldehyde than for some of the other carcinogenic potency estimates, for example, the benzene and butadiene cancer risk estimates. The sources of uncertainty are similar to those facing other cancer potency estimates. They include reliance on animal studies due to the lack of human data, and the five orders of magnitude extrapolation from experimental animal exposure concentrations to current ambient levels. In the case of acetaldehyde, the extensive metabolism of the compound *in vivo* (and its occurrence as a normal intermediary metabolite) is an additional source of uncertainty with respect to the standard assumption in risk assessment that the dose-response curve is linear down to the low ambient levels of the compound. The upper bound estimate of the cancer risk resulting from exposure to the maximal predicted levels of acetaldehyde over a 70 year lifespan is seven to nine excess cancer cases per million people exposed. The real risk may in fact be considerably lower than this upper bound estimate. There are increased ambient concentrations of acetaldehyde from the ethanol-based fuel containing 3.5% oxygen, compared to the other formulations evaluated for the year 2003. This results in an increase of up to two in a million excess lifetime cancer cases in the upper bound estimate. However, in view of the uncertainties both in the emission and exposure predictions, and in the acetaldehyde lifetime cancer risk estimate, this predicted increase in risk may be regarded as of marginal significance when comparing the other consequences of the different fuel formulations.

6. Overall cancer risk of ethanol: Unlikely

Office of Environmental Health Hazard Assessment (OEHHA), State of California Environmental Protection Agency, Dec 1999, "Potential Health Risks of Ethanol in Gasoline" <http://www.oehha.org/air/pdf/etohR3.pdf> (brackets added, parentheses in original; "oral" ethanol means "drinking it"; OEHHA agrees that if you drink it you might get cancer, otherwise you won't.)

It [ethanol] was considered by the Science Advisory Panel (predecessor of the current Carcinogen Identification Committee), who carefully reviewed a large amount of evidence as to the carcinogenic and co-carcinogenic effects of ethanol in humans and animals. Their conclusion was that it was inappropriate to recommend a listing implying that ethanol was carcinogenic at low doses or by routes other than oral. The exact wording of the listing (in July 1988) was specified by the Panel, and reflects their assessment of the nature of the hazard. OEHHA followed this assessment in concluding that levels of ethanol predicted to occur in air or water as a result of its use in gasoline were unlikely to result in a cancer risk to the exposed population.

INHERENCY

1. Corn Ethanol mandate is capped at 15 billion gallons

Analysis: There's a total "biofuels" mandate = 36 billion gallons by the year 2022, but the amount of those biofuels that can come from corn ethanol is capped at 15 billion gallons. The rest will have to come from other fuels. Don't let the Affirmative confuse the two numbers.

Congressional Budget Office (an agency of the US Congress), Apr 2009, "The Impact of Ethanol Use on Food Prices and Greenhouse-Gas Emissions," <http://www.cbo.gov/ftpdocs/100xx/doc10057/04-08-Ethanol.pdf>

The mandates enacted in the Energy Independence and Security Act of 2007, or EISA (Public Law 110-140), require that by 2022, a total of 36 billion gallons of renewable biofuels (fuels made from biological raw materials) be consumed annually. The law also requires that corn ethanol make up no more than 15 billion gallons of that total.

2. Policies are shifting away from corn-ethanol to advanced biofuels and cellulosic ethanol

Prof. Douglas G. Tiffany (assistant professor in the University of Minnesota Extension Service) 2009, published by Federal Reserve Bank of St. Louis, REGIONAL ECONOMIC DEVELOPMENT, <http://research.stlouisfed.org/publications/red/2009/01/Tiffany.pdf>.

The U.S. Congress has taken measures to ensure that production of ethanol from the starch in corn grain does not advance beyond 15 billion gallons per year, or approximately 10 percent of our national gasoline usage. This measure is an effort to preserve more corn for domestic livestock producers. In addition, the EISA’s performance standards and attractive subsidies and incentives for advanced biofuels and cellulosic ethanol may some day encourage production of ethanol without the use of corn grain.

SOLVENCY

1. Oil is heavily subsidized too

Analysis/Impact: If taxpayer subsidies of ethanol are a problem, the problem continues when Aff tells everyone to go back to gasoline, since oil is also subsidized.

Minnesota Gov. Tim Pawlenty quoted by Laura McCallum, journalist with Minnesota Public Radio, 26 Sept 2005, "Pawlenty pumps ethanol" <http://news.minnesota.publicradio.org/features/2005/09/26_mccalluml_ethanol/> (brackets added)

"Every other fuel is subsidized too," he [Gov. Pawlenty] says. "This notion that ethanol is subsidized and somehow it's therefore tainted is ridiculous, because we subsidize oil like crazy! Look at the federal tax code and the incentives we give to oil exploration and production and refining."

2. Univ. of Missouri Study: Insignificant benefit - Consumer food prices drop 0.3% without ethanol support

Food and Agricultural Policy Research Institute, Univ of Missouri, May 2009, "Impacts of Selected US Ethanol Policy Options," <http://www.fapri.missouri.edu/outreach/publications/2009/FAPRI_MU_Report_04_09.pdf>

The largest impacts occur in scenario 11, which removes all support for corn-based ethanol. Crop receipts decline by an annual average of more than $11 billion from baseline levels. Livestock receipts fall by almost $3 billion, but feed costs fall by $4 billion, suggesting an increase in livestock sector profitability (which is supported by estimates of livestock producer net returns reported in the Appendix tables). Net farm income falls by about $5 billion, as the benefits to livestock producers are far outweighed by reduced income to crop producers. Consumer food expenditures decline by about $4 billion, or 0.3%.

DISADVANTAGES

1. Lost jobs. Ethanol create 214,000 jobs

John Gartner, WIRED NEWS, 9 Sept 2003, "Congress Bets the Farm on Ethanol," <http://www.wired.com/news/politics/0,1283,60346,00.html>

This increased use of ethanol would cut America's dependence on foreign petroleum by reducing crude oil imports by 1.6 billion barrels over the next decade, according to Monte Shaw, Renewable Fuels' communications director. Shaw said 214,000 jobs would be created to grow the additional corn and process the needed ethanol, and farmers would receive an additional $6 billion in annual revenues. "Requiring the use of ethanol brings certainty to the market and encourages investment," said Shaw, who pointed out that the proposed bills do not use any government funds or subsidies to increase ethanol production.

2. Fuel shortages

Link: Lack of investment in biofuels could cause fuel shortages

Brink: Refiners have started reducing capacity - we need investment in biofuels now

*National Commission on Energy Policy (NCEP, a bipartisan group of representatives from leading industry,*

government, academic, labor, consumer and environmental protection organizations), Task Force on Biofuels Infrastructure, Chairman: Norm Szydlowski (former President and CEO of Colonial Pipeline and NCEP Commissioner) 2008, <http://ourenergypolicy.org/docs/2/biofuels-taskforce.pdf>

Faced with the prospect of a shrinking market, refiners are already beginning to review and, in some cases, defer investments in expanding refi nery capacity. If investments in biofuels production and distribution capacity do not materialize as anticipated, it is possible that the United States could confront domestic fuel shortages in the future.

Impact: Fuel shortages hurt the economy

Lieutenant Colonel Dennis Tewksbury (US Army War College, Carlisle PA), 15 Mar 2006, "PREEMPTIVE ENERGY SECURITY: AN AGGRESSIVE APPROACH TO MEETING AMERICA’S REQUIREMENTS" <http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA448259&Location=U2&doc=GetTRDoc.pdf>

The cost of heating oil and gasoline climbed significantly within the last year, impacting the consumer far beyond the gas pump. Vice President Richard Cheney acknowledged this in the National Energy Policy: "Current high prices and supply shortages are hurting U.S. consumers and businesses, as well as their prospects for continued economic growth." Unlike the cost of the War on Terrorism, energy costs directly impact each individual on a daily basis.

3. Oil dependence and economic disruption risk

Link: Ethanol reduces oil dependence. Cross apply Harm #1 card above

Brink: Oil production is under considerable strain - big risk to global economy

Securing America's Future Energy (SAFE) (nonpartisan, not-for-profit organization committed to reducing America's dependence on oil and improving U.S. energy security in order to bolster our national security and strengthen the economy) Nov 2006, Oil Dependence - A Threat to U.S. Economic & National Security, <http://www.secureenergy.org/reports/Briefing-OilDependence.pdf>

Today, however, surplus conditions are fading fast. Spare production capacity is at its lowest level in three decades, with most estimates currently between 1 and 2 million barrels per day (mbd)—very little in a world that consumes approximately 84 mbd. Though world production may not peak anytime soon, the production system is under considerable strain—creating a tremendous amount of risk to the global economy.

Impact: Even small disruption in oil = massive US economic impact

Analysis: Harm #1 card says Ethanol reduces oil consumption by 5%. This card says 4% shortfall in oil supply = huge economic impact.

Securing America's Future Energy (SAFE) (nonpartisan, not-for-profit organization committed to reducing America's dependence on oil and improving U.S. energy security in order to bolster our national security and strengthen the economy) Nov 2006, Oil Dependence - A Threat to U.S. Economic & National Security, <http://www.secureenergy.org/reports/Briefing-OilDependence.pdf>

Oil ShockWave, a crisis simulation developed to explore the vulnerability of the global energy system,showed that even relatively small supply disruptions can cause the price of oil to rise dramatically. **>** In one exercise, a roughly 4 percent global shortfall in daily supply caused a 177 percent increase in the price of oil. As a result, consumer spending plunged, GDP dropped, and the economy went into recession. The current account deficit rose to unprecedented levels and there was an historically significant decline in the S&P 500.

4. Net harm to farmers: Benefits to livestock producers outweighed by losses to crop producers

(Note: this is the same card as Solvency 2 above, just different parts of the context highlighted)

Food and Agricultural Policy Research Institute, Univ of Missouri, May 2009, "Impacts of Selected US Ethanol Policy Options," <http://www.fapri.missouri.edu/outreach/publications/2009/FAPRI_MU_Report_04_09.pdf>

The largest impacts occur in scenario 11, which removes all support for corn-based ethanol. Crop receipts decline by an annual average of more than $11 billion from baseline levels. Livestock receipts fall by almost $3 billion, but feed costs fall by $4 billion, suggesting an increase in livestock sector profitability (which is supported by estimates of livestock producer net returns reported in the Appendix tables). Net farm income falls by about $5 billion, as the benefits to livestock producers are far outweighed by reduced income to crop producers. Consumer food expenditures decline by about $4 billion, or 0.3%.

NEGATIVE BRIEF: EXOTIC PETS

**(Jonathan Edelblut contributed some of the evidence in this brief)**

HARMS

1. Harm to humans is exaggerated: Dogs are far more dangerous than exotic pets

Kristen Wyatt (journalist), 27 Dec 2005, ASSOCIATED PRESS, "Animal Advocates Push for Tighter Exotic Pet Laws in Md." <http://www.wtopnews.com/index.php?nid=25&sid=658644>

To Richard Hahn, director of the Catoctin Wildlife Preserve and Zoo in Thurmont, the fears of animal attacks or disease outbreaks are exaggerated. He doesn't keep any exotic animals as pets - and as a licensed animal exhibitor, he wouldn't be affected by the bill - but he pointed out that far more people are hurt by dogs than by exotic pets. "This is something that is much ado about nothing," Hahn said.

2. Pet trade harms are minimal and don't justify regulations: Risk assessment for every non-native species is unnecessary and unrealistic

Marshall Meyers, (Executive Vice President and General Counsel of the Pet Industry Joint advisory Council) 11 July 2008, testimony before the SUBCOMMITTEE ON FISHERIES, WILDLIFE AND OCEANS, HOUSE NATURAL RESOURCES COMMITTEE, <http://blogs.myspace.com/index.cfm?fuseaction=blog.view&friendId=315428419&blogId=413956642>

Thousands of non-native species have been in the pet trade for decades, yet the overwhelming majority of them have never established feral populations and even fewer have been demonstrated to have caused harm to the environment, economy, or human health. In rare instances where former pets have become invasive, the impacts have generally been to localized areas in urban and suburban contexts which are already heavily impacted by habitat loss and degradation. It is, thus, both unnecessary and unrealistic to conduct a risk assessment for every nonnative species in the pet trade (e.g., more than 1600 freshwater fish), let alone those brought in by other industries as well.

3. No extinction problem: Invasive species are not significant causes of extinction.

Wallace Kaufman (award-winning science writer) and Dr. Sylvan Ramsey Kaufman PhD (plant ecologist; PhD in ecology from Rutgers Univ.), 2007, (brackets added) Invasive Plants: a guide to indentification and the impacts and control of common North American species, [http://books.google.com/books?id=ljaCnHUeew0C&pg=PA14&lpg=PA14&dq=Sagoff+invasive&source=bl&ots=4bxYixCjME&sig=qBxo6\_ZgW8rTP4TVZxWdmlJC-MQ&hl=en&ei=5GzsSuOON5DKlAfs4LT\_BA&sa=X&oi=book\_result&ct=result&resnum=3&ved=0CBAQ6AEwAg#v=onepage&q=Sagoff%20invasive&f=false](http://books.google.com/books?id=ljaCnHUeew0C&pg=PA14&lpg=PA14&dq=Sagoff+invasive&source=bl&ots=4bxYixCjME&sig=qBxo6_ZgW8rTP4TVZxWdmlJC-MQ&hl=en&ei=5GzsSuOON5DKlAfs4LT_BA&sa=X&oi=book_result&ct=result&resnum=3&ved=0CBAQ6AEwAg#v=onepage&q=Sagoff%20invasive&)

He [Prof. Mark Sagoff, Pew Scholar in Conservation and the Environment at Univ. of Maryland] also argues against the level of alarm about extinctions, saying that "there is no evidence that nonnative species, especially plants, are significant causes of extinction, except for predators in certain lakes and other small island-like environments." Sagoff argues that excluding nonnative species from definitions of biodiversity or ecosystem integrity feeds the idea that these species are harmful when in fact they might be innocuous or even beneficial (Sagoff 2005).

4. Many invasive species are net beneficial. Examples:

Kudzu has economic and social benefit

Wallace Kaufman (award-winning science writer) and Dr. Sylvan Ramsey Kaufman PhD (plant ecologist; PhD in ecology from Rutgers Univ.), 2007, (brackets added) Invasive Plants: a guide to indentification and the impacts and control of common North American species, [http://books.google.com/books?id=ljaCnHUeew0C&pg=PA14&lpg=PA14&dq=Sagoff+invasive&source=bl&ots=4bxYixCjME&sig=qBxo6\_ZgW8rTP4TVZxWdmlJC-MQ&hl=en&ei=5GzsSuOON5DKlAfs4LT\_BA&sa=X&oi=book\_result&ct=result&resnum=3&ved=0CBAQ6AEwAg#v=onepage&q=Sagoff%20invasive&f=false](http://books.google.com/books?id=ljaCnHUeew0C&pg=PA14&lpg=PA14&dq=Sagoff+invasive&source=bl&ots=4bxYixCjME&sig=qBxo6_ZgW8rTP4TVZxWdmlJC-MQ&hl=en&ei=5GzsSuOON5DKlAfs4LT_BA&sa=X&oi=book_result&ct=result&resnum=3&ved=0CBAQ6AEwAg#v=onepage&q=Sagoff%20invasive&)

While the problems are often large and even scary (e.g. West Nile virus), the negatives are not the whole story. A complete balance sheet would also note that many introduced, including some that invade natural areas, have had economic and social benefits. In fact, many species, like kudzu (used for erosion control in the Southeast), were introduced for their benefits and have provided those benefits even as escapees.

Zebra mussels (an invasive species in the Great Lakes) are good: they improve water quality

US Geological Survey Nonindigenous Aquatic Species Database, quoted by Ronald Bailey, Aug/Sept 2000, "Bio-Invaders," REASON magazine, <http://reason.com/archives/2000/08/01/bio-invaders> (parentheses in original)

"There has been a striking difference in water clarity improving dramatically in Lake Erie, sometimes six to four times what it was before the arrival of the zebra mussels," according to the U.S. Geological Survey's Nonindigenous Aquatic Species Database. "With this increase in water clarity, more light is able to penetrate deeper allowing for an increase in macrophytes (aquatic plants). Some of these macrophyte beds have not been seen for many decades due to changing conditions of the lake mostly due to pollution. The macrophyte beds that have returned are providing cover and acting as nurseries for some species of fish."

Zebra mussel is good for fish populations

Wallace Kaufman (award-winning science writer) and Dr. Sylvan Ramsey Kaufman PhD (plant ecologist; PhD in ecology from Rutgers Univ.), 2007, (brackets added) Invasive Plants: a guide to indentification and the impacts and control of common North American species, [http://books.google.com/books?id=ljaCnHUeew0C&pg=PA14&lpg=PA14&dq=Sagoff+invasive&source=bl&ots=4bxYixCjME&sig=qBxo6\_ZgW8rTP4TVZxWdmlJC-MQ&hl=en&ei=5GzsSuOON5DKlAfs4LT\_BA&sa=X&oi=book\_result&ct=result&resnum=3&ved=0CBAQ6AEwAg#v=onepage&q=Sagoff%20invasive&f=false](http://books.google.com/books?id=ljaCnHUeew0C&pg=PA14&lpg=PA14&dq=Sagoff+invasive&source=bl&ots=4bxYixCjME&sig=qBxo6_ZgW8rTP4TVZxWdmlJC-MQ&hl=en&ei=5GzsSuOON5DKlAfs4LT_BA&sa=X&oi=book_result&ct=result&resnum=3&ved=0CBAQ6AEwAg#v=onepage&q=Sagoff%20invasive&)

The zebra mussel, notorious for clogging power plant intakes, also provides water filtering and clarifying that benefits some plant and fish populations.

5. No impact: The theory that invasive species harm the environment has no meaning and no impact

Prof. Mark Sagoff PhD (environmental ethicist, Acting Director and Senior Research Scholar at the Institute for Philosophy and Public Policy in the School of Public Policy at the University of Maryland; Pew Scholar in Conservation and the Environment and past President of the International Society of Environmental Ethics; has published widely in journals of philosophy, law, economics, and public policy, including Amicus Journal, Atlantic Monthly, EPA Journal, Nature Conservancy), 11 Oct 2008, JOURNAL OF AGRICULTURAL ENVIORNMENAL ETHICS, "Environmental Harm: Political not Biological" <http://www.springerlink.com/content/k85k9p50766611g4/fulltext.pdf>

In their fine paper, Evans et al. (2009) discuss the proposition that invasive non-native species (INS) are harmful. The question to ask is, ‘‘Harmful to whom?’’ Pathogens that make people sick and pests that damage their property—crops, for example— cause harms of kinds long understood in common law and recognized by public agencies. The concept of ‘‘harm to the environment,’’ in contrast, has no standing in common law or legislation, no meaning for any empirical science, and no basis in a political consensus other than might be drawn from the Endangered Species Act. As a generalization, the proposition that INS cause ‘‘environmental harm’’—since this concept is empty of legal, scientific, and political meaning—must rest on definition, diktat, or diatribe.

No way to tell if the impact of exotic species is "good" or "bad"

Prof. Mark Sagoff PhD (environmental ethicist, Acting Director and Senior Research Scholar at the Institute for Philosophy and Public Policy in the School of Public Policy at the University of Maryland; Pew Scholar in Conservation and the Environment and past President of the International Society of Environmental Ethics; has published widely in journals of philosophy, law, economics, and public policy, including Amicus Journal, Atlantic Monthly, EPA Journal, Nature Conservancy) 11 Oct 2008, JOURNAL OF AGRICULTURAL ENVIORNMENAL ETHICS, "Environmental Harm: Political not Biological" <http://www.springerlink.com/content/k85k9p50766611g4/fulltext.pdf>

I am sympathetic to the view that native is better but not that science can tell why. ‘‘The words ‘good’ and ‘bad’ constitute value judgments and so lie beyond the bounds of science,’’ Rosenzweig (2001) has written. ‘‘Were exotic species to reduce diversity by 30%, no ecologist could test whether that loss of species would be a bad thing.’’ The term ‘‘environmental harm,’’ as Rosenzweig suggests, may possess an aesthetic, religious, spiritual, historical, cultural, or some other meaning to society; perhaps it can be explicated on these grounds. The concept of ‘‘environmental harm,’’ however, has no referent in biology or in any other science. Science on occasion may be able to tell us what is false or true but it can never tell us what is bad or good.

6. Economic impact not specific to pets - Indictment of R. Brown/Indiana Law Journal figures

Brown admits that he has no data about what share of the invasive species harms is caused by pets

Impact/Analysis: If 1% of the harms are caused by pets and 99% are caused by other means by which exotic species are introduced into the country, then the harms of this case are insignificant. Affirmative has the burden to prove the significance of their harms, not just the total burden of lots of things that their plan isn't dealing with.

Robert Brown (J.D., Indiana University School of Law; Associate at the Arnold &amp; Porter LLP's real estate group; former editor of the Indiana Laws Journal) 2006 Indiana Law Journal "Exotic Pets Invade United States Ecosystems - Legislative Failure and a Proposed Solution" www.law.indiana.edu/ilj/volumes/v81/no2/6\_Brown.pdf

Data showing the relative share of economic costs attributable to the pet trade is not available; however, the aggregate yearly costs of invasive species in the United States is $137 billion.43

7. The Cornell Study. This study is cited by Affirmative plan advocate Robert Brown in Footnote 43 as referenced in the quote above and as shown below:

Robert Brown (J.D., Indiana University School of Law; Associate at the Arnold &amp; Porter LLP's real estate group; former editor of the Indiana Laws Journal) 2006 Indiana Law Journal "Exotic Pets Invade United States Ecosystems - Legislative Failure and a Proposed Solution" [www.law.indiana.edu/ilj/volumes/v81/no2/6\_Brown.pdf](http://www.law.indiana.edu/ilj/volumes/v81/no2/6_Brown.pdf)

43. Lovgren, *supra* note 1 (citing a 1999 Cornell University study).

This footnote refers to note 1, which is:

"Stefan Lovgren, Huge, Freed Pet Pythons Invade Everglades, NAT’L GEOGRAPHIC NEWS, June 3, 2004, <http://news.nationalgeographic.com/news/2004/06/0603_040603_invasivespecies.html>. "

But we got a look at the 1999 Cornell Study and we'd love to share it with you because it actually backfires and hurts the Affirmative's case.

David Pimentel, Lori Lach, Rodolfo Zuniga and Doug Morrison , College of Agriculture and Life Sciences, Cornell University, 1999, summarized & quoted by Roger Segelken, Cornell University Communications, "Alien Species Cost U.S. $123 billion per year," <http://www.eurekalert.org/pub_releases/1999-01/CUNS-ASCU-240199.php> "Annual economic costs of some introduced species in the United States" ("insects in Forests" was listed twice in the original; probably a typo)

|  |  |
| --- | --- |
| Weeds in crops | $29,000,000,000 |
| Diseases in crops | 23,500,000,000 |
| Rats | 19,000,000,000 |
| Insects in crops | 14,500,000,000 |
| Weeds in forages, gardens, etc. | 6,500,000,000 |
| Human diseases | 6,500,000,000 |
| Cats | 6,000,000,000 |
| Plant diseases in gardens | 3,000,000,000 |
| Zebra mussels | 3,000,000,000 |
| Insects in gardens | 2,500,000,000 |
| Insects in forests | 2,100,000,000 |
| Insects in forests | 2,100,000,000 |
| Birds | 2,100,000,000 |
| Asiatic clam | 1,000,000,000 |
| Fishes | 1,000,000,000 |
| Other plants | 250,000,000 |
| Pigs | 200,000,000 |
| Dogs | 136,000,000 |
| Elm disease | 100,000,000 |
| Mongoose | 50,000,000 |
| Green crab | 44,000,000 |
| Gypsy moth | 22,000,000 |
| Fire ants | 10,000,000 |
| Horses and burros | 5,000,000 |
| Reptiles and amphibians | 604,000 |

Impact/Analysis: Affirmative cannot indict or reject this study. Their plan advocate cited it in the article they used for their case.

1) If invasive species are really causing harm, look at what the species are: Weeds, insects in crops and gardens. Most of the problems are not coming from the species Affirmative is regulating in their plan as exotic pet imports.

2) The study made the mistake of citing "control costs" as a meaure of the economic harm they are doing.

David Pimentel, Lori Lach, Rodolfo Zuniga and Doug Morrison , College of Agriculture and Life Sciences, Cornell University, 1999 ENVIRONMENTAL AND ECONOMIC COSTS ASSOCIATED WITH NON-INDIGENOUS SPECIES IN THE UNITED STATES, <http://www.news.cornell.edu/releases/Jan99/species_costs.html>

The single-most serious pest bird in the United States is the exotic common pigeon (*Columba livia*) that exists in most cities of the world, including those in the United States (Robbins 1995). Pigeons are considered a nuisance because they foul buildings, statues, cars, and sometimes people, and feed on grain (Long 1981; Smith, 1992). The control costs of pigeons are at least $9 per pigeon per year (Haag-Wackernagel 1995).

But realize...

8. Costs of controlling a species are not a measure of the benefits of controlling it

Analysis: What if we just ignored the invasive species? In that case, the cost of controlling it is zero. The only way to measure the real impact is the actual damage it is doing to someone's property or life.

Prof. Mark Sagoff PhD (environmental ethicist, Acting Director and Senior Research Scholar at the Institute for Philosophy and Public Policy in the School of Public Policy at the University of Maryland; Pew Scholar in Conservation and the Environment and past President of the International Society of Environmental Ethics; has published widely in journals of philosophy, law, economics, and public policy, including Amicus Journal, Atlantic Monthly, EPA Journal, Nature Conservancy), 11 Oct 2008, JOURNAL OF AGRICULTURAL ENVIORNMENAL ETHICS, "Environmental Harm: Political not Biological" <http://www.springerlink.com/content/k85k9p50766611g4/fulltext.pdf>

Many governmental agencies might want to bloat their budgets by obtaining millions of taxpayer dollars to control a pretty non-native species like purple loosestrife, and, for that reason, they may put up scary web pages about it. The more the agency spends to control an organism, the higher ‘‘control costs’’ become, thus creating ‘‘economic costs’’ to justify more spending. Except when people spend their own money, however, the costs of controlling a species cannot be taken as a measure of the benefits.

Impact: The Cornell Study's estimates of the cost of invasive species are bogus because the "costs" are voluntary. If it costs a lot to try to eradicate an invasive species, stop trying to eradicate it. The cost goes to zero, problem solved. At the very least, Affirmative has to separate out the damage caused by the invasive species from the "control costs" in the studies they cite on the significance of their impact. "Control costs" are not the same as "economic costs" and Affirmative needs to distinguish them before they can claim billions of dollars in economic impacts.

9. Invasive species create more biodiversity

Prof. Mark Sagoff PhD (environmental ethicist, Acting Director and Senior Research Scholar at the Institute for Philosophy and Public Policy in the School of Public Policy at the University of Maryland; Pew Scholar in Conservation and the Environment and past President of the International Society of Environmental Ethics; has published widely in journals of philosophy, law, economics, and public policy, including Amicus Journal, Atlantic Monthly, EPA Journal, Nature Conservancy), 11 Oct 2008, JOURNAL OF AGRICULTURAL ENVIORNMENAL ETHICS, "Environmental Harm: Political not Biological" <http://www.springerlink.com/content/k85k9p50766611g4/fulltext.pdf>

Separated from their former populations, introduced species diverge in morphology and in behavior, forming new kinds of populations. Exotic species also hybridize with natives to produce novel lineages (Allendorf and Lunquist 2003). For many reasons, ‘‘the net consequence of these invasions is generally an increase in total species richness’’ (Sax et al. 2007, 466). New varieties emerge; homogenous populations diverge; evolution accelerates; biodiversity flourishes.

Marine environments benefit from new species

Prof. Mark Sagoff PhD (environmental ethicist, Acting Director and Senior Research Scholar at the Institute for Philosophy and Public Policy in the School of Public Policy at the University of Maryland; Pew Scholar in Conservation and the Environment and past President of the International Society of Environmental Ethics; has published widely in journals of philosophy, law, economics, and public policy, including Amicus Journal, Atlantic Monthly, EPA Journal, Nature Conservancy) 11 Oct 2008, JOURNAL OF AGRICULTURAL ENVIORNMENAL ETHICS, "Environmental Harm: Political not Biological" <http://www.springerlink.com/content/k85k9p50766611g4/fulltext.pdf>

According to Sax and Gaines (2008, 11,492), ‘‘the average increase observed across oceanic islands is highly regular, with most islands showing a strikingly consistent doubling in net plant richness.’’ The naturalization of introduced species is continuing at such a pace that ‘‘many islands are now coming close to matching the species richness levels of continental environments’’ (Sax and Gaines 2008, 11,493). The same trend applies to animals. ‘‘In Hawaii, for example, 40 new species of freshwater fish have become established, and the 5 native species are still present’’ (Zimmer 2008).

10. No harm from exotic fish

Carl Zimmer (journalist) 9 Sept 2008, "Exotic species may aid diversity, research suggests," NEW YORK TIMES, <http://www.nytimes.com/2008/09/09/health/09iht-09inva.16000625.html>

Fish also show this pattern, said James Brown of the University of New Mexico. He said that whenever he visits a river where exotic fish have been introduced, "I ask, 'Have you seen any extinctions of the natives?' " "The first response you get is, 'Not yet,' as if the extinction of the natives is an inevitable consequence. There's this article of faith that the net effect is negative." Brown does not think that faith is warranted. In Hawaii, for example, 40 new species of freshwater fish have become established, and the 5 native species are still present. Brown and his colleagues acknowledge that invasive species can push native species out of much of their original habitat. But they argue that native species are not becoming extinct, because they compete better than the invasive species in certain refuges.

INHERENCY

1. No barrier: States & towns can already regulate exotic pets

Nearly every animal is regulated in some jurisdiction

Matthew G. Liebman 2004, Animal Legal and Historical Center, Michigan State Univ. College of Law, "Detailed Discussion of Exotic Pet Laws" <http://www.animallaw.info/articles/ddusexoticpets.htm#I>

On the other hand, where there has been an outbreak of monkeypox or salmonella, possession of reptiles, rodents, or other "dirty" animals is more likely to be banned or restricted. As will be discussed in more detail later in this paper, nearly every animal, with the exception of domestic cats and dogs, is subject to exotic regulations in some jurisdiction. This includes big cats, wolf-hybrids, ferrets, snakes, bears, primates, hippos, alligators, and many others.

Florida regulations are drastically reducing sales of pythons

Florida Fish and Wildlife Conservation Commission 2009 "Briefing Background- Reptiles of Concern and Non-natives" (brackets added) <http://myfwc.com/docs/CommissionMeetings/2009/2009_Sep_ROC.pdf>

"A review of existing rules and the current regulatory situation is helpful in evaluating where additional regulations may be necessary. It is important to note up front that sales of Burmese pythons and new ROC [reptiles of concern] ownership have been drastically reduced in Florida since January 2008 due to:  
New $100 licensing requirement, passed by the Legislature in 2007 that became effective in January 2008   
New rules that require an individual to:  
- be at least 18 years of age  
- not have been convicted of certain wildlife-related violations within 3 years  
- demonstrate knowledge of the species  
- meet all safe housing and standard caging requirements  
- insert a microchip in pets to permanently identify the animal  
- report to FWC when the animal is disposed of  
- have a critical incident/natural disaster plan that provides emergency contact information, and states a plan of action to be taken in the event of a critical incident or natural disaster Reptiles of Concern include the Burmese python, Indian python, Reticulated python, African Rock python, Amethystine or Scrub python, Green Anaconda and Nile Monitor lizard."

State regulations are already in place

Nicole Kurokawa (manager of external relation at the Cato Institute) 25 June 2008, Cato Institute at <http://www.cato.org/pub_display.php?pub_id=9487> "Monkey Business"

"Did Congress step in because of an absence of pre-existing monkey regulations? No. The monkey industry does not operate in a vacuum; states have various restrictions on primate ownership, varying from licensing to breeding restrictions to total bans. If monkey-owning is your hot-button issue, as opposed to, say, taxes or abortion, you are free to move to a more monkey-permissive, or anti-monkey, state."

2. Common Law (lawsuits for damages)

Nicole Kurokawa (manager of external relation at the Cato Institute) 25 June 2008, Cato Institute at <http://www.cato.org/pub_display.php?pub_id=9487> "Monkey Business "

The proposed legislation would amend the Lacey Act, which states that it's "unlawful for any person to import, export, transport, sell, receive, acquire or purchase in interstate or foreign commerce any live animal of any prohibited wildlife species." Monkeys are soon to be among the prohibited. Exotic pets usually are covered under common law using a standard of strict liability—e.g., if you own a tarantula and it bites someone, you're liable.

Impact: Statutory law displaces common law's wisdom and careful cost-benefit balancing

Analysis: Statutory law is what the AFF is doing in their plan - passing specific regulations on behavior. Common Law provides for lawsuits when someone does something harmful to someone else, and leaves everyone alone when they are not hurting anyone else.

Prof. Keith Hylton (Boston Univ School of Law), March 2008, "The Economic Theory of Nuisance Law and Implications for Environmental Regulation" CASE WESTERN RESERVE LAW REVIEW, <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1112631>

Common law nuisance doctrine provided the first system of environmental regulation in English-speaking countries. Today, most of what modern scholars refer to as environmental regulation is statutory law. But statutory law often supplants or displaces common law without reflecting its accumulated wisdom. This is perhaps most obvious in the field of environmental law, where statutory interpretation has now taken the place of the careful cost-benefit balancing of the common law.

SOLVENCY

1. Alternate causality: There are three ways that Exotic species find their way into U.S. native ecosystems

Analysis/Impact: Affirmative has to prove evidentially what percentage of their "invasive/exotic species" harms come from escaped pets, as opposed to the other means by which exotic animals get into the US. The "pets percentage" is all they're solving for, which could be only 1% of the problem since there are three things causing it.

Robert Brown (J.D., Indiana University School of Law; Associate at the Arnold &amp; Porter LLP's real estate group; former editor of the Indiana Laws Journal) 2006 Indiana Law Journal "Exotic Pets Invade United States Ecosystems - Legislative Failure and a Proposed Solution" [www.law.indiana.edu/ilj/volumes/v81/no2/6\_Brown.pdf](http://www.law.indiana.edu/ilj/volumes/v81/no2/6_Brown.pdf)

Exotic species find their way into U.S. native ecosystems in three different ways. First, government agencies may intentionally introduce exotic species into the environment, as the U.S. Fish Commission has introduced carp, a non-native fish species, into U.S. river systems. Second, exotic species are unintentionally and incidentally introduced through the operation and ownership of property. For instance, certain transporting activities, such as shipping crates of fruit, carry the risk that exotic insects may be inside these crates. Third, exotic species are introduced through intentional importation of captive exotics that escape into the ecosystem.

2. Three Loopholes. "Clean List" approach doesn't solve 3 key issues with exotic pet species

Robert Brown (J.D., Indiana University School of Law; Associate at the Arnold &amp; Porter LLP's real estate group; former editor of the Indiana Laws Journal) 2006 Indiana Law Journal "Exotic Pets Invade United States Ecosystems - Legislative Failure and a Proposed Solution" [www.law.indiana.edu/ilj/volumes/v81/no2/6\_Brown.pdf](http://www.law.indiana.edu/ilj/volumes/v81/no2/6_Brown.pdf)

Consequently, while a clean list approach to the Lacey Act could successfully regulate the pet-trade industry’s importation of exotic species, the Act substantially fails to (1) offer a remedy against pet traders who would continue to freely breed and sell exotic species within state boundaries, (2) regulate illicit trade, and (3) regulate trade under an injurious wildlife permit.

3. Enforcement failure. Additional regulations will cripple the enforcement system.

Marshall Meyers, (Executive Vice President and General Counsel of the Pet Industry Joint advisory Council) 11 July 2008, testimony before the SUBCOMMITTEE ON FISHERIES, WILDLIFE AND OCEANS, HOUSE NATURAL RESOURCES COMMITTEE, (brackets added) <http://blogs.myspace.com/index.cfm?fuseaction=blog.view&friendId=315428419&blogId=413956642>

We further believe that the appropriate directives for risk management are contained in the Lacey Act, the National Invasive Species Management Plan (per Executive Order 13112), and several ANSTF [Aquatic Naissance Species Task Force] initiatives, among others. As we have testified previously, the requisite human and financial resources have yet to be made available to the relevant federal agencies so that they can fully and effectively implement and enforce existing policies and programs. Until the government is willing to invest in implementation and enforcement of the regulatory measures it has already enacted, additional regulations will serve only to cripple an already faltering system.

4. Risk assessment will fail. Risk assessment process lacks adequate scientific information and US Fish & Wildlife Service can't do it anyway

Marshall Meyers, (Executive Vice President and General Counsel of the Pet Industry Joint advisory Council) 11 July 2008, testimony before the SUBCOMMITTEE ON FISHERIES, WILDLIFE AND OCEANS, HOUSE NATURAL RESOURCES COMMITTEE, <http://blogs.myspace.com/index.cfm?fuseaction=blog.view&friendId=315428419&blogId=413956642>

Even if there was ample scientific information available to enable the risk assessment process, it is clear that the USFWS would not be physically able to complete a sufficient number of species assessments given its extremely limited staff and financial resources.

5. Endless timeframe. It takes US Fish & Wildlife Service an average of 4 years to evaluate 1 species

Marshall Meyers, (Executive Vice President and General Counsel of the Pet Industry Joint advisory Council) 11 July 2008, testimony before the SUBCOMMITTEE ON FISHERIES, (brackets added) WILDLIFE AND OCEANS, HOUSE NATURAL RESOURCES COMMITTEE, <http://blogs.myspace.com/index.cfm?fuseaction=blog.view&friendId=315428419&blogId=413956642> (brackets added)

How will the USFWS be able to develop regulations, publish them in the Federal Register seeking public comment, review and finalize the regulations, seek and obtain OMB [Office of Management & Budget] clearance and publish final rules and lists within such brief timeframes? To date, the USFWS has required an average of four years to accomplish such a process for a single species proposed for injurious wildlife listing.

DISADVANTAGES

1. BioDiversity Loss

Link: "Invasive" species increase ecosystem richness & stability

Wallace Kaufman (award-winning science writer) and Dr. Sylvan Ramsey Kaufman PhD (plant ecologist; PhD in ecology from Rutgers Univ.), 2007, Invasive Plants: a guide to indentification and the impacts and control of common North American species, [http://books.google.com/books?id=ljaCnHUeew0C&pg=PA14&lpg=PA14&dq=Sagoff+invasive&source=bl&ots=4bxYixCjME&sig=qBxo6\_ZgW8rTP4TVZxWdmlJC-MQ&hl=en&ei=5GzsSuOON5DKlAfs4LT\_BA&sa=X&oi=book\_result&ct=result&resnum=3&ved=0CBAQ6AEwAg#v=onepage&q=Sagoff%20invasive&f=false](http://books.google.com/books?id=ljaCnHUeew0C&pg=PA14&lpg=PA14&dq=Sagoff+invasive&source=bl&ots=4bxYixCjME&sig=qBxo6_ZgW8rTP4TVZxWdmlJC-MQ&hl=en&ei=5GzsSuOON5DKlAfs4LT_BA&sa=X&oi=book_result&ct=result&resnum=3&ved=0CBAQ6AEwAg#v=onepage&q=Sagoff%20invasive&)

The case that America is overreacting to invasive species has been summed up by Professor Mark Sagoff, Pew Scholar in Conservation and the Environment at the University of Maryland. Sagoff argues that "the concept of 'harm to the environment' may not be definable in scientific terms," and that "introduced species typically add to the species richness of ecosystems; studies suggest, moreover, that increased species richness correlates with desirable ecosystem properties, such as stability and productivity."

Impact: Less biodiversity is bad because biodiversity is valuable to human life and well-being

Prof. Sandra Díaz (principal researcher and associate professor of ecology and biogeography at Instituto Multidisciplinario de Biología Vegetal , Universidad Nacional de Córdoba, Argentina) Joseph Fargione (research assistant faculty at the Department of Biology, University of New Mexico, Albuquerque) Prof. F. Stuart Chapin III (professor of ecology at the Institute of Arctic Biology, University of Alaska at Fairbanks) and Prof. David Tilman (Department of Ecology, Evolution and Behavior, University of Minnesota, St. Paul) 15 Aug 2006 "Biodiversity Loss Threatens Human Well-Being" PLOS BIOLOGY, a peer-reviewed open-access journal published by the Public Library of Science, <http://www.plosbiology.org/article/info:doi/10.1371/journal.pbio.0040277>

We clearly benefit from the diversity of organisms that we have learned to use for medicines, food, fibers, and other renewable resources. In addition, biodiversity has always been an integral part of the human experience, and there are many moral reasons to preserve it for its own sake. What has been less recognized is that biodiversity also influences human well-being, including the access to water and basic materials for a satisfactory life, and security in the face of environmental change, through its effects on the ecosystem processes that lie at the core of the Earth's most vital life support systems (Figure 1).

2. Property Rights & Federal Power Abuse K/DA

Link: Anti-trade mindset. Environmental activists want to use invasive species as an excuse to stop global trade

Wallace Kaufman (award-winning science writer) and Dr. Sylvan Ramsey Kaufman PhD (plant ecologist; PhD in ecology from Rutgers Univ.), 2007, Invasive Plants: a guide to indentification and the impacts and control of common North American species, [http://books.google.com/books?id=ljaCnHUeew0C&pg=PA14&lpg=PA14&dq=Sagoff+invasive&source=bl&ots=4bxYixCjME&sig=qBxo6\_ZgW8rTP4TVZxWdmlJC-MQ&hl=en&ei=5GzsSuOON5DKlAfs4LT\_BA&sa=X&oi=book\_result&ct=result&resnum=3&ved=0CBAQ6AEwAg#v=onepage&q=Sagoff%20invasive&f=false](http://books.google.com/books?id=ljaCnHUeew0C&pg=PA14&lpg=PA14&dq=Sagoff+invasive&source=bl&ots=4bxYixCjME&sig=qBxo6_ZgW8rTP4TVZxWdmlJC-MQ&hl=en&ei=5GzsSuOON5DKlAfs4LT_BA&sa=X&oi=book_result&ct=result&resnum=3&ved=0CBAQ6AEwAg#v=onepage&q=Sagoff%20invasive&)

For environmental pessimists the damage done is one more proof that humankind has ruined nature and should not disturb nature's landscape plan. Some have projected present rates of spread into the future ad infinitum without allowing for saturation, the development of natural controls, or other vectors that might slow or stop an invasive. The invasive species issue also has a convenient link to one of the great bugaboos of social activists of all sorts -- globalization. Increased global trade has indeed accelerated the movement of biological agents between countries and radically accelerated its ancient role in the spread of invasive species. Some environmentalists have already nominated free trade as the primary villain.

Link: Pet regulations are an absurd expansion of federal power

Nicole Kurokawa (manager of external relation at the Cato Institute) 25 June 2008 Cato Institute at <http://www.cato.org/pub_display.php?pub_id=9487> "Monkey Business "

Animal rights aside, one thing is clear: This is not the business of the federal government. In criminalizing pet ownership, the nanny state is going too far, and few can argue against the idea that making monkey trafficking a federal crime borders on the absurd. A Heritage Foundation report released last week estimates there are at least 4,450 federal crimes on the books. As John Baker, a Louisiana State University law professor writes, "The federal government is supposedly a government of limited powers and, therefore, limited jurisdiction. Each new crime expands the jurisdiction of federal law enforcement."

Link + Brink: We must stop invasive species regulations NOW - or else Federal abuse will be worse than the Endangered Species Act

Wallace Kaufman (award-winning science writer) and Dr. Sylvan Ramsey Kaufman PhD (plant ecologist; PhD in ecology from Rutgers Univ.), 2007, Invasive Plants: a guide to indentification and the impacts and control of common North American species, [http://books.google.com/books?id=ljaCnHUeew0C&pg=PA14&lpg=PA14&dq=Sagoff+invasive&source=bl&ots=4bxYixCjME&sig=qBxo6\_ZgW8rTP4TVZxWdmlJC-MQ&hl=en&ei=5GzsSuOON5DKlAfs4LT\_BA&sa=X&oi=book\_result&ct=result&resnum=3&ved=0CBAQ6AEwAg#v=onepage&q=Sagoff%20invasive&f=false](http://books.google.com/books?id=ljaCnHUeew0C&pg=PA14&lpg=PA14&dq=Sagoff+invasive&source=bl&ots=4bxYixCjME&sig=qBxo6_ZgW8rTP4TVZxWdmlJC-MQ&hl=en&ei=5GzsSuOON5DKlAfs4LT_BA&sa=X&oi=book_result&ct=result&resnum=3&ved=0CBAQ6AEwAg#v=onepage&q=Sagoff%20invasive&)

While farmers are well aware of the costs of invasive species, they are also frightened by the potential for eco pessimists to capture the issue. "Unless farmers and ranchers become active in their approach to this issue now, due to heavy environmental influence, federal controls could far surpass the type of abuses of power already experienced with the Endangered Species Act," says Michele Dias, California Farm Bureau Federation attorney.

Link: Endangered Species Act conflicts with private property rights

Leigh Raymond and Andrea Olive (Purdue Univ. Dept of Political Science). June 2006, Protecting Biodiversity on Private Property: The Role of Landowner Norms and Beliefs, <http://www.cpsa-acsp.ca/papers-2006/Raymond-Olive.pdf>

In the United States, the primary mechanism for preventing extinction is the Endangered Species Act, passed on the heels of two ineffective statutory precedents in 1973. Yet the Endangered Species Act (ESA) has struggled in its efforts at conservation for a plethora of reasons, most importantly its conflicts with private property.

Impact: Property rights are the basis of justice and of every other right

Prof. Steven J. Eagle (George Mason Univ. School of Law), 2008, Case Western Reserve Law Review, " THE ROLE OF THE COMMON LAW IN DEFINING AND PROTECTING THE ENVIRONMENT: A PROLEGOMENON", (italics, brackets and ellipses in original) <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1103984&rec=1&srcabs=1124487>

The principal drafter of the Constitution, James Madison, declared that "[g]overnment is instituted to protect property of every sort; . . . This being the end of government, that alone is a *just* government, which *impartially* secures to every man, whatever is his *own*." In contemporary scholarship, property rights have been termed the "great focus" of the Framers, and the "guardian of every other right."

3. Blockage of all foreign travel into the US by human beings

Link: Affirmative bans all non-native species from foreign countries entering the US until they are proven safe.

Link: Affirmative forgot that Humans are a dangerous invasive species not native to North America that would fit the criteria of the Affirmative's plan

Human invasion of North America has sweeping impacts  
Note: Homo sapien = man

Prof. JAMES H. BROWN (Department of Biology, University of New Mexico, Albuquerque) and Prof. DOV F. SAX (Department of Ecology, Evolution, and Marine Biology, Univ of California, Santa Barbara) 2004, "An Essay on Some Topics Concerning Invasive Species" AUSTRAL ECOLOGY, (brackets added) [www.brown.edu/Research/Sax\_Research\_Lab/Documents/PDFs/Essay%20on%20some%20topics\_SAX.pdf](http://www.brown.edu/Research/Sax_Research_Lab/Documents/PDFs/Essay%20on%20some%20topics_SAX.pdf)

One of the most recent species to cross [from Asia] was *Homo sapiens* , which colonized North America only about 12 000 years ago. There can be no doubt that this invader had sweeping impacts.

Link: Humans have huge impact on ecology and species extinction.

Analysis: They definitely would not be classified as safe for North American ecosystems by the Affirmative's risk assessment criteria.

Prof. JAMES H. BROWN (Department of Biology, University of New Mexico, Albuquerque) and Prof. DOV F. SAX (Department of Ecology, Evolution, and Marine Biology, Univ of California, Santa Barbara) 2004, "An Essay on Some Topics Concerning Invasive Species" AUSTRAL ECOLOGY, [www.brown.edu/Research/Sax\_Research\_Lab/Documents/PDFs/Essay%20on%20some%20topics\_SAX.pdf](http://www.brown.edu/Research/Sax_Research_Lab/Documents/PDFs/Essay%20on%20some%20topics_SAX.pdf)

Modern humans are altering climate, transforming habitats, connecting previously isolated lands or waters, exterminating species, and transporting organisms. The rates and magnitudes of these changes are among the largest that the earth has ever experienced. It should come as no surprise, then, that there have been equally large impacts on the abundances, distributions and diversities of organisms.

Impact: Banning human travel into the US would have huge economic impact

International tourism in the US = $86 billion

ASSOCIATED PRESS, 5 July 2008, "Travel experts: US share of foreign tourists slips," USA TODAY, <http://www.usatoday.com/travel/news/2008-07-05-us-tourism_N.htm>

The U.S. share of international tourism dollars has slipped too, though the U.S. still drew more money than any other single country in 2006 and more than it did in 2000. From 16% of the market in 2000, or $82.4 billion, the U.S. took in 12% of the $733 billion worldwide tourism market, or $86 billion in 2006.

4. Agriculture blocked. The Affirmative forgot that not only are humans an invasive species not native to North America, so are wheat and cows.

Link: Livestock will qualify for the Affirmative's "black list"

Marshall Meyers, (Executive Vice President and General Counsel of the Pet Industry Joint advisory Council) 11 July 2008, testimony before the SUBCOMMITTEE ON FISHERIES, WILDLIFE AND OCEANS, HOUSE NATURAL RESOURCES COMMITTEE, <http://blogs.myspace.com/index.cfm?fuseaction=blog.view&friendId=315428419&blogId=413956642>

Unless socio-economic and cultural considerations are adequately accounted for in this process, numerous domesticated animals (e.g., domestic cats and livestock) are likely to qualify for the "black list" as there is considerable scientific data to indicate that these nonnative wildlife species (as currently defined by HR 6311) have caused substantial economic harm when they become feral.

Impact: Foreign species used in agriculture create $500 billion in benefits to the US economy per year.

David Pimentel, Lori Lach, Rodolfo Zuniga and Doug Morrison , College of Agriculture and Life Sciences, Cornell University, 1999, summarized & quoted by Roger Segelken, Cornell University Communications, "Alien Species Cost U.S. $123 billion per year," http://www.eurekalert.org/pub\_releases/1999-01/CUNS-ASCU-240199.php

The damage report, "Environmental and Economic Costs Associated with Non-indigenous Species in the United States" by Pimentel, a professor in Cornell's College of Agriculture and Life Sciences, and by Cornell graduate students Lori Lach, Rodolfo Zuniga and Doug Morrison, was presented in a AAAS session on environmental science and philosophy. The researchers also acknowledged that 98 percent of the U.S. food supply comes from such introduced species as wheat, rice, domestic cattle and poultry with a value of more than $500 billion a year.

5. Due Process Violation

Link: Endless Timeframe (Solvency #5 above) means it will take a very long time before AFF finishes the list of approved and disapproved animals

Link: Due Process requires that the public must know every species that is legal and illegal

Marshall Meyers, (Executive Vice President and General Counsel of the Pet Industry Joint advisory Council) 11 July 2008, testimony before the SUBCOMMITTEE ON FISHERIES, WILDLIFE AND OCEANS, HOUSE NATURAL RESOURCES COMMITTEE, <http://blogs.myspace.com/index.cfm?fuseaction=blog.view&friendId=315428419&blogId=413956642>

Since violations of the proposed Act would also constitute a violation of the criminal provisions of the Lacey Act, full and complete lists of what is legal and illegal should be published by the USFWS to ensure adequate notice of what constitutes a violation of law. Due process calls for no less. To ensure proper notice and avoid confusion, the approved and unapproved lists should contain every species in the animal kingdom to ensure that the public is aware of what is illegal as well as legal inasmuch as they are subject to a strict liability criminal statute.

Link: At 4 years per species, it could be thousands of years before the list is finished. Until then, no one can be sure what is legal and what's not.

Impact: Due Process is a basic constitutional right essential for fairness

Prof. John V. Orth PhD (Univ. of N.Carolina Law School; Constitutional Commentary, Vol. 14, 1997 "Taking from A and giving to B: substantive due process and the case of the shifting paradigm" <http://www.questia.com/googleScholar.qst;jsessionid=LyPHyrCnLQZGBJJjyvC14YGDfrgc1wjwDf22q2Q8C2TGgnzQ8Lg2!1122893772!-985105567?docId=5000521730>

The Fifth Amendment prohibits the federal government from depriving any person of "life, liberty, or property, without due process of law," and the Fourteenth Amendment extends that prohibition to the states. State constitutions say the same thing, in one form of words or another.(1) Scholars have traced the phrase "due process of law" to Sir E4ward Coke's seventeenth century commentary on Magna Carta,(2) in which he used the words, claiming a Law French original,(3) to restate (and perhaps enlarge) the Great Charter's guarantee of freemen's rights against governmental invasion except per legem terre ("by the law of the land").(4) It Should be unnecessary to remark that a guarantee of due process is a procedural guarantee. Before a person can be deprived of life, liberty, or property, certain procedures must be observed, procedures designed to ensure fairness.(5) In its English origin, insistence on due process of law -- or the law of the land -- was designed to protect against executive (or judicial) overreaching.

NEGATIVE BRIEF: FARM SUBSIDIES – good, don't cancel

TOPICALITY

Effects Topicality: Agriculture Policy not Environmental Policy

Standard: Affirmative must have mandates that change Environmental Policy and only Environmental Policy

Counter-Definition: ENVIRONMENTAL POLICY = Rules and regulations concerning the environment

Dr. William P. Cuningham (Ph.D. in Botany Univ of Texas), Dr. Mary Ann Cunningham (PhD in Geography Univ of Minnesota), and Dr. Barbara Woodworth (Ph.D. in Science Education , Univ of Iowa), 2001, Environmental Science: A Global Concern, 7th Edition, <http://highered.mcgraw-hill.com/sites/0070294267/student_view0/glossary_e-l.html>

"Environmental Policy: The official rules or regulations concerning the environment adopted, implemented, and enforced by some governmental agency."

Violation:

1. Affirmative is not changing any rules about the environment.. Farmers would still be free to use pesticides, fertilizers, etc. after the Affirmative plan is enacted.

2. Affirmative is changing Agriculture subsidies, which are Agriculture Policy, with the hope that it will have a positive effect on the environment. This is a violation because Agriculture Policy is not the same as Environmental Policy

Link: Agricultural economic incentives "affect" environmental quality indirectly

Bengt Hyberg (agricultural economist, Economic Research Service, U.S. Department of Agriculture) and Sean Pascoe (agricultural economist, Australian Bureau of Agricultural and Resource Economics) "Agriculture and Environmental Policy: Recent United States and Australian Developments" April 1991, <http://ageconsearch.umn.edu/bitstream/28813/1/20010114.pdf>

These agricultural programs have changed economic incentives. Altering the incentives has changed the economic environment in which farmers plan their production, thereby changing the rotations selected, the type and amount of the inputs used, and the viability of the agricultural sector. These production decisions in turn affect environmental quality. Thus, government policies influence environmental quality indirectly by altering agricultural practices (Figure 1).

Link: Soil conservation is an example of how Agriculture Policies affect Environmental Policies

Bengt Hyberg (agricultural economist, Economic Research Service, U.S. Department of Agriculture) and Sean Pascoe (agricultural economist, Australian Bureau of Agricultural and Resource Economics) "Agriculture and Environmental Policy: Recent United States and Australian Developments" April 1991, (url cited above)

In particular, to the extent the Conservation Reserve Program has reduced acreage planted under the commodity programs, it has reduced overall government expenditures for longterm land retirement (Young and Osbom). Soil conservation policies offer an example of how the distribution of costs and agricultural policies can affect environmental policies.

Impact: Abuse. Allowing Affirmatives to debate anything that "affects indirectly" the environment means there are no limits. Everything "affects" the environment indirectly in some way -- so "everything" is topical! This puts impossible burdens on Negative debaters. The best way to stop this abusive behavior is to penalize it with a Negative ballot, to create incentives for Affirmative teams not to do this.

INHERENCY

1. Pesticide use is declining in corn states

Analysis: Corn is one of the subsidized crops in the Aff plan. If subsidies=more pesticides, corn should be causing more pesticide use, not less. This breaks the link between subsidies and pesticides.

U.S. Department of the Interior, U.S. Geological Survey, Office of Communication, 9 Nov 2009, "Pesticide Levels Decline in Corn Belt Rivers" <http://www.usgs.gov/newsroom/article.asp?ID=2345&from=news_side>

The declines in pesticide concentrations closely followed declines in their annual applications, indicating that reducing pesticide use is an effective and reliable strategy for reducing pesticide contamination in streams. Declines in concentrations of the agricultural herbicides cyanazine, alachlor and metolachlor show the effectiveness of U.S. Environmental Protection Agency (EPA) regulatory actions as well as the influence of new pesticide products. In addition, declines from 2000 to 2006 in concentrations of the insecticide diazinon correspond to the EPA’s national phase-out of nonagricultural uses. The USGS works closely with the EPA, which uses USGS findings on pesticide trends to track the effectiveness of changes in pesticide regulations and use. Scientists studied 11 herbicides and insecticides frequently detected in the Corn Belt region, which generally includes Illinois, Indiana, Iowa, Nebraska and Ohio, as well as parts of adjoining states.

2. Only 1 pesticide usage is going up – and it’s from non-agricultural use

U.S. Department of the Interior, U.S. Geological Survey, Office of Communication, 9 Nov 2009, "Pesticide Levels Decline in Corn Belt Rivers" <http://www.usgs.gov/newsroom/article.asp?ID=2345&from=news_side>

Only one pesticide — simazine, which is used for both agricultural and urban weed control — increased from 1996 to 2006. Concentrations of simazine in some streams increased more sharply than its trend in agricultural use, suggesting that non-agricultural uses of this herbicide, such as for controlling weeds in residential areas and along roadsides, increased during the study period.

3. Phosphorous fertilizer consumption down 23% since 1980

Analysis/Impact: If subsidies cause fertilizer consumption, AFF needs to explain what happened that caused fertilizer use to drop when subsidies continued.

William C. Herz (Director of Scientific Programs, The Fertilizer Institute) May 2005, <http://www.epa.gov/msbasin/pdf/epar4_pc6_tfiltrPPIcomments.pdf>

For example, phosphorus fertilizer consumption in the 20 major states of the Mississippi-Atchafalaya River Basin (MARB) has declined 23%since 1980. During that same period, crop yields and the associated phosphorus removal from soils in the basin increased substantially. Average phosphorus removal in harvested crops from 1998 to 2000 was 1.7 million short tons, exceeding the amount of phosphorus fertilizer applied in the 20 basin states by 42 percent and the sum of phosphorus fertilizer and recoverable phosphorus manure applied by 8 percent.

HARMS

1. No environmental degradation due to farm subsidies: Farm environment is getting better!

Dr. Bob Young (PhD agricultural economics; chief economist, American Farm Bureau; former chief economist of the U.S. Senate Committee on Agriculture), Apr 2007, " Should The United States Cut Its Farm Subsidies," Council on Foreign Relations, [www.cfr.org/publication/13147/should\_the\_united\_states\_cut\_its\_farm\_subsidies.html](http://www.cfr.org/publication/13147/should_the_united_states_cut_its_farm_subsidies.html) (brackets added)

Finally, Dan [Griswold] talks about the farm programs as producing environmental degradation. In part because of the rules a producer must operate under to be eligible to participate in farm programs, and in part because farmers are the best day-to-day environmental stewards in this country, the average erosion rate from an acre of farmland has dropped from 7.2 tons in 1982 to 4.7 tons in 2001. Wetland protection has increased sharply and wildlife habitat has expanded significantly. Even on those disgusting corn acres—the acres that provide the feed for our livestock and are helping with our nation’s energy supply—the nitrogen used to produce a bushel of corn fell from 1.3 pounds in 1983 to 0.94 pounds in 2006.

2. Chemicals and environmental contaminants not linked to cancer in humans

Prof. J. F. Diehl (Fellow and former V.P. of the International Union of Food Science & Technology) 2002, "Silent Spring - Forty Years Later" <http://www.worldfoodscience.org/cms/?pid=1002041>

The idea that there is an epidemic of human cancer caused by synthetic industrial chemicals is false. Age-adjusted cancer mortality is decreasing in most countries and life expectancy shows an amazing increase. There is no convincing evidence that synthetic chemical pollutants in food are important as a cause of human cancer. About half of all chemicals tested in high-dose animal feeding studies, whether occuring naturally or produced synthetically, caused cancer. Extrapolation of results obtained in animal studies done at MTD exposure have been misinterpreted to mean that the very low doses to which man is typically exposed are relevant to human cancer. All plants contain natural pesticides which serve to protect the plant against microbes, insects and animal predators. Most of the chemicals humans ingest are of natural origin. Our body cells have numerous defence mechanisms that make them well buffered against low doses of carcinogens and other toxins, whether synthetic or natural. Epidemiologic studies indicate that dietary practices (overnutrition and unbalanced diets), tobacco, chronic infections, hormonal factors influenced by life-style, and genetic factors are the most important causes of cancer, not environmental contaminants, and certainly not food additives.

3. Man-made pesticides have tiny risk: Nature produces far more pesticides on its own

Prof. Anthony Trewavas (Univ. of Edinburgh, plant physiology and molecular biology; named by the Institute for Scientific Information as a highly cited author in the field of animal and plant science; past or present member of the editorial boards of the publications, Trends in Plant Science, Botanica Acta, Plant Physiology, What's New in Plant Physiology, Biochemical Journal and Plant, Cell and Environment) 2008, "The cult of the amateur in agriculture threatens food security" <http://www.gmwatch.org/latest-listing/1-news-items/343-anthony-trewavas-and-the-cult-of-the-amateur?format=pdf> (Brackets and parentheses in original)

Those who agitate about pesticides can list the names of the pesticide traces in their food down to the femto-mole level. But the name of any natural pesticide escapes them. Higher plants synthesize an estimated 100 000 natural pesticides (representing 1-5% of the dry weight) that efficiently kill insect herbivores [11-13] and occasionally humans [14]. Many of these have been extracted, and when tested like synthetic pesticides are equally toxic. The average fruit and vegetable diet contains numerous nerve toxins, carcinogens, teratogens, oestrogen mimics, clastogens, psychoactive chemicals and other chemicals that damage blood, thyroid and skin; similar if not identical in action to the biological effects of synthetic pesticides. But at 2-3 gm/day in the average diet, these natural chemicals outweigh the synthetic traces by at least 20000-fold. Environmentalist groups claim there are possible health effects of a 'cocktail' of synthetic pesticides. But since each crop species synthesizes its own unique natural pesticide mixture, the natural risk is many orders of magnitude higher. Public and activist concern is like worrying about a cold when ebola is rife.

4. No food price impact and no over-production incentive: Commodity subsidies are not linked to production quantity

Prof. Ernest C. Pasour Jr. (Research Fellow at the Independent Institute, Professor Emeritus of Agricultural and Resource Economics at North Carolina State Univ ) 1 Nov 2008, "U.S. Agricultural Programs: Who Pays?" THE INDEPENDENT INSTITUTE, <http://www.independent.org/newsroom/article.asp?id=2386>

Most farm-commodity subsidies have been "decoupled" from current production. That is, the amount of payment a farmer receives is determined by the farmer’s historical production—not his current production. Indeed, an eligible farmer can receive the payment even if no longer producing commodities! In 2007 these commodity-based direct payments totaled $6.2 billion. In short, since these payments do not restrict output or raise prices, commodity subsidies for major farm crops, including wheat, feed grains, and cotton, now are borne by taxpayers—not consumers of products using these commodities.

5. Harms evidence challenge: AFF must prove harms using scientific experts, not environmentalists

Analysis: Pesticide, food and farming harm/impact evidence cited by the Affirmative has to come from qualified scientists, not quotes from environmentalists.

Impact: If we base policy on non-scientific sources, starvation will result

Prof. Anthony Trewavas (Univ. of Edinburgh, plant physiology and molecular biology; named by the Institute for Scientific Information as a highly cited author in the field of animal and plant science; past or present member of the editorial boards of the publications, Trends in Plant Science, Botanica Acta, Plant Physiology, What's New in Plant Physiology, Biochemical Journal and Plant, Cell and Environment) 2008, "The cult of the amateur in agriculture threatens food security" <http://www.gmwatch.org/latest-listing/1-news-items/343-anthony-trewavas-and-the-cult-of-the-amateur?format=pdf>

Although 70% of air crashes are due to pilot error, medical mistakes are not uncommon and occasionally even supertankers sink, amateur involvement would guarantee almost certain immediate disaster. But in agriculture, pesticides, food and farming, expert scientific knowledge and experience is seemingly regarded as having no more weight than that of the opinionated, unqualified (and inexperienced) environmentalist. If scientific knowledge is not the foundation of policy, then ignorance will directly lead the way to starvation, as indeed has already begun to happen. People are entitled to their opinions, but unless they are based on extensive qualification and experience, they are of little or no value for policy.

SOLVENCY

1. New Zealand "success without farm subsidies" story doesn't apply to AFF plan

NZ Government wrote off debt to help farmers transition -- AFF doesn't do this

New Zealand Ministry of Agriculture & Forestry, 1993, "Aspects of New Zealand's Experience in Agricultural Reform Since 1984" (brackets added) <http://www.maf.govt.nz/mafnet/rural-nz/profitability-and-economics/structural-change/reform-of-nz-agriculture/reform08.htm>

This was a clear signal to farmers to start helping themselves rather than seeking ongoing government support. However [the New Zealand] Government did help in farm debt restructuring and encouraged private sector lenders to write off loans. Government also wrote off some of the debt owed to the then government owned Rural Banking and Finance Corporation. Many farmers went through creditor mediation meetings. These stressful meetings involved experts in finance, law, farm management and banking who, in conjunction with the farmer, assessed the farm business viability and agreed on appropriate action. For most, debt restructuring and write-off was an appropriate action. For some, however, selling was the only option. In this way, about 20% of the total debt owed by the farm sector was written-off and about 5% of farms were sold.

NZ Government set up programs to help farmers and farm communities transition -- AFF doesn't do this

New Zealand Ministry of Agriculture & Forestry, 1993, "Aspects of New Zealand's Experience in Agricultural Reform Since 1984" (brackets added) <http://www.maf.govt.nz/mafnet/rural-nz/profitability-and-economics/structural-change/reform-of-nz-agriculture/reform08.htm>

Once the agricultural industry started taking its own initiatives, government began to facilitate support to encourage these initiatives. Important initiatives included:  
\* an Agricultural Innovation Conference to identify how primary industries could restore confidence and raise the sector's productivity and profitability;  
\* an Agricultural Strategy Council to undertake a comprehensive review of the New Zealand agricultural sector; particularly issues affecting profitability and identification of strategies and actions needed to restore confidence;  
\* a Strategic Planning Co-ordinator to the Office of the Minister of Agriculture with responsibilities to co-ordinate strategic planning in New Zealand agricultural and horticultural industries;  
\* a national series of Regional Opportunity Groups/Regional Strategy Groups and workshops - to help local communities help themselves;

DISADVANTAGES

1. Food bank failure - 25 million go hungry in America

Reliance on markets means no US food reserves

Sue Kirchhoff (journalist), 2 May 2008, USA TODAY, "Surplus US Food supplies dry up," <http://www.usatoday.com/money/industries/food/2008-05-01-usda-food-supply_N.htm>

Because of the current economics of food, and changes in federal farm subsidy programs designed to make farmers rely more on the markets, large U.S. reserves may be gone for a long time. The upshot: USDA has almost no extra food to supplement the billions in cash payments it spends to combat hunger at home and in developing nations.

Link: Government food surpluses that used to go to the poor are gone

Sue Kirchhoff (journalist), 2 May 2008, USA TODAY, "Surplus US Food supplies dry up," <http://www.usatoday.com/money/industries/food/2008-05-01-usda-food-supply_N.htm>

While the previous surpluses were costly and sharply criticized, much of the food found its way to the poor, here and abroad. Today, says USDA Undersecretary Mark Keenum, "Our cupboard is bare." U.S. government food surpluses have evaporated because, with record high prices, farmers are selling their crops on the open market, not handing them over to the government through traditional price-support programs that make up for deficiencies in market price.

Impact: Food banks can't feed the poor without government food

Brink: Hunger caseload is rising

Sue Kirchhoff (journalist), 2 May 2008, USA TODAY, "Surplus US Food supplies dry up," <http://www.usatoday.com/money/industries/food/2008-05-01-usda-food-supply_N.htm> (ellipses in original; brackets added)

"USDA [United States Dept of Agriculture] food truly is some of the most nutritional that we receive. We are located where there is no food industry other than retail groceries and small restaurants. … We could not feed the people we need to without the support of the USDA," says Rhonda Chafin, executive director of the Second Harvest Food Bank of Northeast Tennessee. America's Second Harvest, a network of 205 food banks serving 25 million, is seeing a 20% rise in its caseload.

Impact: 25 Million would go hungry in America

Vicki Escarra (president of Second Harvest Food Bank) quoted in Reuters News Service, 20 May 2008, "Las Vegas Three Square Food Bank Receives More Than 100-Thousand Pounds of Food From..." <http://www.reuters.com/article/pressRelease/idUS175191+20-May-2008+PRN20080520>

"We feed more than 25 million Americans every year who live in food insecure households -- who don't always know where they will find their next meal. We simply could not do this without the very generous help of the food industry. They give us hundreds of millions of pounds of food every year. If they were not here to help us, we simply wouldn't exist, and millions of Americans would go hungry," said Vicki Escarra.

2. USDA Nutrition Programs

Link: USDA nutrition programs are the largest subsidy in the farm bill

Prof. Ernest C. Pasour Jr. (Research Fellow at the Independent Institute, Professor Emeritus of Agricultural and Resource Economics at North Carolina State Univ ) 1 Nov 2008, "U.S. Agricultural Programs: Who Pays?" THE INDEPENDENT INSTITUTE, <http://www.independent.org/newsroom/article.asp?id=2386>

The largest subsidy in the farm bill is the outlay for subsidized nutrition programs, including food stamps, and school lunches and breakfasts. Subsidized food programs—with an outlay of some $60 billion in 2008—account for about three-fifths of total USDA spending. The original purpose of these programs, when begun in the 1930s, was to facilitate the operation of price-support programs for farm commodities.

Impact 1: Hunger. Affirmative eliminates the programs that made severe hunger rare in the United States

Missouri Association for Social Welfare, The Missouri Budget Project, and Legal Services of Eastern Missouri, 20 Oct 2006, "The Missouri Food Stamp Program: Good for Families, Good for Farmers, Good for Missouri "[www.masw.org/MO%20Food%20Stamp%20Program.pdf](http://www.masw.org/MO%20Food%20Stamp%20Program.pdf)

Along with other federal nutrition programs, the Food Stamp Program has made severe hunger rare in the United States. Moreover, numerous studies have shown that nutrition assistance programs improve birth outcomes and increase children’s intake of key nutrients.

Impact 2: 173,000 jobs and $52.6 billion in economic activity

Missouri Association for Social Welfare, The Missouri Budget Project, and Legal Services of Eastern Missouri, 20 Oct 2006, "The Missouri Food Stamp Program: Good for Families, Good for Farmers, Good for Missouri "[www.masw.org/MO%20Food%20Stamp%20Program.pdf](http://www.masw.org/MO%20Food%20Stamp%20Program.pdf)

Food Stamp benefits, which are fully funded by the federal government, also boost the local economies across the United States: the $28.6 billion of federal food benefitsthat were spent in local stores and farmers’ markets in fiscal year 2005 generated an estimated $52.6 billion in economic activity and created an estimated 173,580 farm jobs.

3. The Emerson Trust: Millions starve overseas

Link: The Emerson Trust is filled with government food

Brink: Emerson Trust is depleted now

Sue Kirchhoff (journalist), 2 May 2008, USA TODAY, "Surplus US Food supplies dry up," <http://www.usatoday.com/money/industries/food/2008-05-01-usda-food-supply_N.htm>

The Emerson Trust, the reserve for humanitarian aid, was created when the government was swimming in supply. The trust isn't the main U.S. food aid program but is an important backstop that's been tapped seven times since 2002 to aid Africa and Iraq. Sporadic replenishment - The trust has been sporadically replenished since the mid-1990s. In addition to wheat, it now holds $117 million in cash: enough to buy about 14.6 million bushels of wheat at the current price. Still, that would leave overall supply down about two-thirds from original levels. International feeding organizations, which have pushed for years to get the trust replenished, note that it is the only U.S. stockpile for emergency needs. Now, at a time when it is desperately needed, they say, the stocks are not there.

Link: Companies paid to hold wheat in the Emerson Trust don't want to lose their payments

Sue Kirchhoff (journalist), 2 May 2008, USA TODAY, "Surplus US Food supplies dry up," (ellipses in original) [www.usatoday.com/money/industries/food/2008-05-01-usda-food-supply\_N.htm](http://www.usatoday.com/money/industries/food/2008-05-01-usda-food-supply_N.htm)

Food aid "is going to have to be significantly higher if we're going to continue to play the role we've played in the past; … $117 million is not much," says Lisa Kuennen-Asfaw of Catholic Relief Services. As is the case with many food programs, use of the trust has been politically charged in the past. For example, wheat growers have protested that pulling wheat out of the trust when prices are low further depresses markets. Companies that have been paid for years to hold supplies of wheat for the trust don't want to lose their payments.

Impact: Emerson Trust saves millions from starvation

US State Department, 3 Dec 2004, "United States to Provide More Emergency Food Aid to Sudan" <http://italy.usembassy.gov/viewer/article.asp?article=/file2004_12/alia/a4120306.htm>

The United States announced December 3 that it will make available 200,000 metric tons of wheat from the Bill Emerson Humanitarian Trust, an emergency reserve, to relieve suffering and avert famine in Sudan, where continuing conflict in the Darfur region threatens millions with starvation. The additional food aid, announced by the U.S. Department of Agriculture (USDA) and the U.S. Agency for International Development (USAID), will meet the needs of some 3 million Sudanese over a five-month period. It will be distributed mainly through the U.N World Food Program.

2NR Evidence: Emerson Trust is a critical humanitarian food aid resource

Andrew S. Natsios (Administrator, U.S. Agency for International Development), 1 Apr 2003, "The East African Food Situation" statement Before the Committee on International Relations, United States House of Representatives <http://www.usaid.gov/press/speeches/2003/ty030401.html>

In addition to our appropriated food aid resources, the United States continues to maintain the Bill Emerson Humanitarian Trust. The Emerson Trust is a critical humanitarian reserve that remains available to meet urgent and extraordinary food needs.

4. Food for Peace - billions go hungry overseas

Link: Cross apply DA 1 card: Without subsidies, no food available for overseas aid

Link: Food for Peace relies on US farm output - 3 billion people have been helped over 50 years

US Agency for International Development, last updated 10 June 2009, "What is Food for Peace?" [www.usaid.gov/our\_work/humanitarian\_assistance/ffp/](http://www.usaid.gov/our_work/humanitarian_assistance/ffp/)

For more than 50 years, the Food for Peace program has brought hope and nourishment to the hungry corners of the world. Approximately 3 billion people in 150 countries have benefited directly from our food. The secret of Food for Peace's success lies in the unique combination of American compassion together with the unmatched efficiency of our nation's farmers.

Brink: Millions of Africans are hungry and the situation is getting worse

Dr. Thomas Melito (Director of International Affairs and Trade, Government Accountability Office), 24 May 2007, testimony before the SUBCOMMITTEE ON AFRICA AND GLOBAL HEALTH OF THE COMMITTEE ON FOREIGN AFFAIRS, US HOUSE OF REPRESENTATIVES [www.internationalrelations.house.gov/110/35676.pdf](http://www.internationalrelations.house.gov/110/35676.pdf)

Food insecurity is—and a percentage basis relatively flat at a high number, around 35 percent in Africa, but the actual number of Africans who are hungry have gone up about 35 million in the last 10 years. So the situation in Africa in a large sense is getting worse.

Brink: 1 billion are hungry and economic crisis makes things worse

UN Office for the Coordination of Humanitarian Affairs, 9 July 2009, "GLOBAL: Improved farming rather than more food aid?" <http://www.irinnews.org/Report.aspx?ReportId=85214> (brackets added; parentheses in original)

The number of hungry climbed to more than a billion in June 2009 while the economic crisis kept reducing the affordability of food, prompting FAO [Food and Agriculture Organization of the UN] to urge the G8, a group of eight of the world's richest countries meeting in L'Aquila, Italy, to devote 17 percent of their official development assistance (ODA) to agriculture in needy countries.

Impact: Food for Peace saves people from death by starvation

US Agency for International Development, last updated 10 June 2009, "What is Food for Peace?" [www.usaid.gov/our\_work/humanitarian\_assistance/ffp/](http://www.usaid.gov/our_work/humanitarian_assistance/ffp/)

In the end, hope is what America has promised, and hope is what Food for Peace delivers around the world every day. Upon reaching its destination, the food is used in a variety of ways, and always for the people most vulnerable to the effects of hunger: children under age 5, pregnant women, the elderly, and the poorest families in a community. During an emergency in which people face threat of imminent starvation, food - wheat, sorghum, corn and other commodities are distributed to save their lives. If the symptoms of extreme malnutrition have already appeared, a nutritionally fortified ration with blended, fortified, and processed food is provided.

ETHANOL DISADS.

Link: Corn subsidies are used to make ethanol

NEW YORK TIMES editorial, 3 Mar 2008, "Priced out of the Market," <http://www.nytimes.com/2008/03/03/opinion/03mon1.html?_r=2&hp&oref=slogin>

In the United States, 14 percent of the corn crop was used to produce ethanol in 2006 — a share expected to reach 30 percent by 2010. This is also cutting into production of staples like soybeans, as farmers take advantage of generous subsidies and switch crops to corn for fuel.

Jim Tankersley (journalist), 6 May 2009, CHICAGO TRIBUNE, "Corn ethanol subsidies targeted," <http://www.allbusiness.com/government/government-bodies-offices/12441070-1.html>

The Obama administration proposed draft rules Tuesday that could undercut $3 billion a year in federal tax breaks for producers of corn-based ethanol, a move that sets the stage for a battle between Midwestern grain producers and environmentalists, who say the gasoline substitute worsens global warming. Corn ethanol is widely used as an additive in gasoline to reduce hydrocarbon and carbon monoxide emissions. For much of the last decade, federal officials, touting it as a potential large-scale substitute for gas and a tool for reducing global warming and foreign oil dependence, lavished it with subsidies.

Link: Ethanol will not be on the market without subsidies

Dr John Dale Dunn, M.D., J.D. (member of the Science and Policy Advisory Board of the American Council on Science and Health and teaches emergency medicine at CR Darnall Army Medical Center, Fort Hood, Texas) May 2007, "Ethanol Driving Up Corn Prices" ENVIRONMENT & CLIMATE NEWS, The Heartland Institute, [www.heartland.org/policybot/results/20943/Ethanol\_Driving\_Up\_Corn\_Prices.html](http://www.heartland.org/policybot/results/20943/Ethanol_Driving_Up_Corn_Prices.html)

Jerry Taylor, a senior fellow at the Cato Institute, explained the economics of ethanol versus petroleum fuels at The Heartland Institute’s March 17 Energy Summit in Chicago. Taylor pointed out that without government subsidies and mandates, there would be no commercial market for ethanol because it would cost roughly $4 to $6 per gallon at the pump.

ETHANOL DISADVANTAGES (Disads 1, 2, 3,4 were on food above, we start numbering here with 5)

5. Lost jobs. Ethanol creates 214,000 jobs

John Gartner, WIRED NEWS, 9 Sept 2003, "Congress Bets the Farm on Ethanol," <http://www.wired.com/news/politics/0,1283,60346,00.html>

This increased use of ethanol would cut America's dependence on foreign petroleum by reducing crude oil imports by 1.6 billion barrels over the next decade, according to Monte Shaw, Renewable Fuels' communications director. Shaw said 214,000 jobs would be created to grow the additional corn and process the needed ethanol, and farmers would receive an additional $6 billion in annual revenues. "Requiring the use of ethanol brings certainty to the market and encourages investment," said Shaw, who pointed out that the proposed bills do not use any government funds or subsidies to increase ethanol production.

6. Fuel shortages

Link: Lack of investment in biofuels could cause fuel shortages

Brink: Refiners have started reducing capacity - we need investment in biofuels now

National Commission on Energy Policy (NCEP, a bipartisan group of representatives from leading industry, government, academic, labor, consumer and environmental protection organizations), Task Force on Biofuels Infrastructure, Chairman: Norm Szydlowski (former President and CEO of Colonial Pipeline and NCEP Commissioner) 2008, <http://ourenergypolicy.org/docs/2/biofuels-taskforce.pdf>

Faced with the prospect of a shrinking market, refiners are already beginning to review and, in some cases, defer investments in expanding refi nery capacity. If investments in biofuels production and distribution capacity do not materialize as anticipated, it is possible that the United States could confront domestic fuel shortages in the future.

Impact: Fuel shortages hurt the economy - example of what happened when we had shortages in 2006

Lieutenant Colonel Dennis Tewksbury (US Army War College, Carlisle PA), 15 Mar 2006, "PREEMPTIVE ENERGY SECURITY: AN AGGRESSIVE APPROACH TO MEETING AMERICA’S REQUIREMENTS" <http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA448259&Location=U2&doc=GetTRDoc.pdf>

The cost of heating oil and gasoline climbed significantly within the last year, impacting the consumer far beyond the gas pump. Vice President Richard Cheney acknowledged this in the National Energy Policy: "Current high prices and supply shortages are hurting U.S. consumers and businesses, as well as their prospects for continued economic growth." Unlike the cost of the War on Terrorism, energy costs directly impact each individual on a daily basis.

7. Oil dependence and economic disruption risk

Link: Ethanol reduces oil consumption

Congressional Budget Office (an agency of the US Congress), Apr 2009, "The Impact of Ethanol Use on Food Prices and Greenhouse-Gas Emissions," <http://www.cbo.gov/ftpdocs/100xx/doc10057/04-08-Ethanol.pdf>

Ethanol production rose by 34 percent between 2006 and 2007 and by another 42 percent between 2007 and 2008. Last year, overall consumption of ethanol in the United States reached a record high, exceeding 9 billion gallons, which reduced the nation’s demand for gasoline by nearly 5 percent.

Brink: Oil production is under considerable strain - big risk to global economy

Securing America's Future Energy (SAFE) (nonpartisan, not-for-profit organization committed to reducing America's dependence on oil and improving U.S. energy security in order to bolster our national security and strengthen the economy) Nov 2006, Oil Dependence - A Threat to U.S. Economic & National Security, <http://www.secureenergy.org/reports/Briefing-OilDependence.pdf>

Today, however, surplus conditions are fading fast. Spare production capacity is at its lowest level in three decades, with most estimates currently between 1 and 2 million barrels per day (mbd)—very little in a world that consumes approximately 84 mbd. Though world production may not peak anytime soon, the production system is under considerable strain—creating a tremendous amount of risk to the global economy.

Impact: Even small disruption in oil = massive US economic impact

Analysis: First link card says Ethanol reduces oil consumption by 5%. This card says 4% shortfall in oil supply = huge economic impact.

Securing America's Future Energy (SAFE) (nonpartisan, not-for-profit organization committed to reducing America's dependence on oil and improving U.S. energy security in order to bolster our national security and strengthen the economy) Nov 2006, Oil Dependence - A Threat to U.S. Economic & National Security, <http://www.secureenergy.org/reports/Briefing-OilDependence.pdf>

Oil ShockWave, a crisis simulation developed to explore the vulnerability of the global energy system,showed that even relatively small supply disruptions can cause the price of oil to rise dramatically. **>** In one exercise, a roughly 4 percent global shortfall in daily supply caused a 177 percent increase in the price of oil. As a result, consumer spending plunged, GDP dropped, and the economy went into recession. The current account deficit rose to unprecedented levels and there was an historically significant decline in the S&P 500.

NEGATIVE BRIEF: FEDERALISM FAILS / STATES STUMBLE

(Jonathan Edelblut contributed some of the evidence in this brief)

HARMS

1. Economies of scale favor federal regulations

Prof Michael G. Faure (Professor of Comparative and International Environmental Law, Maastricht University, Netherlands) and Prof Jason Scott Johnston (Professor and Director, Programme on Law, the Environment and the Economy, Univ of Penn. Law School) Jan 2008, The Law and Economics of Environmental Federalism: Europe and the United States Compared, published by Univ. of Pennsylvania Law School, <http://lsr.nellco.org/cgi/viewcontent.cgi?article=1216&context=upenn_wps>

*Economies of Scale, Preference Similarity and the Strong Case for Centralization* Perhaps the most basic implicit assumption underlying the matching principle and the economic argument for decentralization is that there are no economies of scale in the provision of the public good. With economies of scale in centralized provision, then every person in a federation may be better off with cheaper, albeit uniform and non-optimal federal provision that with more customized but more expensive local provision. Moreover, as the degree of preference similarity across jurisdictions decreases – as people become more similar in their taste for the public good – the economies necessary to justify centralized provision become smaller and smaller.

2. Centralized regulation is the only way to manage transboundary pollution

Prof Michael G. Faure (Professor of Comparative and International Environmental Law, Maastricht University, Netherlands) and Prof Jason Scott Johnston (Professor and Director, Programme on Law, the Environment and the Economy, Univ of Penn. Law School) Jan 2008, The Law and Economics of Environmental Federalism: Europe and the United States Compared, published by Univ. of Pennsylvania Law School, <http://lsr.nellco.org/cgi/viewcontent.cgi?article=1216&context=upenn_wps>

In addition to the obstacles to efficient private bargaining over pollution reduction, however, there are a number of obstacles to interjurisdictional bargaining. Fundamentally, these all have to do either with the cost and complexity of interjurisdictional contracting, and/or with the lack of local political incentives to actually engage in such transactions: can one really imagine a local politician asking for higher taxes so as to purchase a very weakly credible commitment from a neighboring jurisdiction to reduce its pollution? In this light, centralized pollution regulation is necessary because it is only within the context of centralized political institutions – such as central, democratically elected legislatures – that credible deals to reduce transboundary pollution can be struck.

3. Not much difference in local/regional preferences for environmental regulation

Analysis/Impact: Letting states decide environmental policies won't matter because everyone in the US wants pretty much the same things with regard to the environment

Prof Michael G. Faure (Professor of Comparative and International Environmental Law, Maastricht University, Netherlands) and Prof Jason Scott Johnston (Professor and Director, Programme on Law, the Environment and the Economy, Univ of Penn. Law School) Jan 2008, The Law and Economics of Environmental Federalism: Europe and the United States Compared, published by Univ. of Pennsylvania Law School, <http://lsr.nellco.org/cgi/viewcontent.cgi?article=1216&context=upenn_wps>

Given the systematic tendency for ambient levels of air pollution to be significantly higher in urban versus rural areas, as the once relatively rural and underdeveloped southern and Rocky Mountain areas have urbanized, they have come to have pollution problems that they did not have when the federal environmental laws were passed in the early 1970’s. Ironically, perhaps, while uniform federal environmental standards may have suppressed large regional differences in preferences in 1970, regional preferences may now be much more similar, so that in the U.S., the case for uniform federal environmental laws may be much stronger now than it was when those laws were passed thirty years ago.

INHERENCY

1. Major Federal environmental laws allow State variation

Prof Michael G. Faure (Professor of Comparative and International Environmental Law, Maastricht University, Netherlands) and Prof Jason Scott Johnston (Professor and Director, Programme on Law, the Environment and the Economy, Univ of Penn. Law School) Jan 2008, The Law and Economics of Environmental Federalism: Europe and the United States Compared, published by Univ. of Pennsylvania Law School, <http://lsr.nellco.org/cgi/viewcontent.cgi?article=1216&context=upenn_wps>

The American system of federal environmental regulation does not completely displace state governments. Rather, in the American system, federal environmental regulators (the Environmental Protection Agency or EPA) set national standards, and state regulators then generally assume the authority to implement the general standards by writing plant specific permits, and then to monitor and enforce compliance with permit terms. Under major federal environmental statutes such as the Clean Air Act, Clean Water Act, Resource Conservation and Recovery Act (which deals with hazardous waste disposal), and the Safe Drinking Water Act, the federal EPA sets minimum national standards. States are free to regulate more stringently than the federal standards.

2. SQ political incentives limit federal intrusion into state regulatory matters

Prof Michael G. Faure (Professor of Comparative and International Environmental Law, Maastricht University, Netherlands) and Prof Jason Scott Johnston (Professor and Director, Programme on Law, the Environment and the Economy, Univ of Penn. Law School) Jan 2008, The Law and Economics of Environmental Federalism: Europe and the United States Compared, published by Univ. of Pennsylvania Law School, <http://lsr.nellco.org/cgi/viewcontent.cgi?article=1216&context=upenn_wps>

Of course, one might argue that there was nothing that the Supreme Court could have done to avert or slow the pace of federalization anyway. If in passing one after another federal regulatory statute, Congress was simply doing what the vast majority of American voters wanted, then if the courts had tried to hold such statutes unconstitutional, Congress and the people would have either amended the Constitution – perhaps to add a provision specifically authorizing federal environmental legislation of a particular sort, as occurred in Germany– or taken actions to diminish the constitutional authority of the courts. Or perhaps such judicial intervention was unnecessary, because the American political system itself creates political incentives that limit federal regulatory intrusions into matters where the states and localities really do want to preserve their regulatory autonomy.

3. Supreme Court is reducing Federal power over non-interstate pollution

Prof Michael G. Faure (Professor of Comparative and International Environmental Law, Maastricht University, Netherlands) and Prof Jason Scott Johnston (Professor and Director, Programme on Law, the Environment and the Economy, Univ of Penn. Law School) Jan 2008, The Law and Economics of Environmental Federalism: Europe and the United States Compared, published by Univ. of Pennsylvania Law School, <http://lsr.nellco.org/cgi/viewcontent.cgi?article=1216&context=upenn_wps>

In the meantime, the Supreme Court has taken a new look at its jurisprudence on the authority of Congress to regulate interstate commerce, and has decided that there are after all some limits on Congressional commerce clause power. Most importantly for purposes of this essay, the Court has decided that the federal Commerce Clause does not provide carte blanche authority for federal environmental regulation. Recently, in Solid Waste Association of Northern Cook County *(*SWANCC*)*, the Court held that the mere fact that intrastate wetlands isolated from navigable waters happened to provide habitat for birds which crossed state boundaries in their annual migrations did not provide a sufficiently strong nexus to interstate commerce to provide constitutional justification for federal regulation of wetlands development.

SOLVENCY

1. Plan Vagueness/Court enforcement

A. Link: Plan is vague about which laws will be Federal and which will be State

B. Link: Courts will have to resolve these questions as part of the enforcement mechanism of the plan

C. Link: Courts will favor Federal over State regulation

Prof Michael G. Faure (Professor of Comparative and International Environmental Law, Maastricht University, Netherlands) and Prof Jason Scott Johnston (Professor and Director, Programme on Law, the Environment and the Economy, Univ of Penn. Law School) Jan 2008, The Law and Economics of Environmental Federalism: Europe and the United States Compared, published by Univ. of Pennsylvania Law School, <http://lsr.nellco.org/cgi/viewcontent.cgi?article=1216&context=upenn_wps>

Indeed, the role of the courts in American environmental federalization has been paradoxical: on the one hand, the courts have been an important forum for citizen participation in federalized American environmental governance; on the other hand, the courts have actively encouraged environmental federalization even at the expense of likely more effective state and local regulation.

D. Impact: No solvency. Courts will simply return federal power back where it was.

2. States are broke: 43 states have budget shortfalls

Sara Murry (reporter for the Wall Street Journal on state politics) 3 Feb 2009 "State Budget Deficits Continue to Widen - Washington Wire - WSJ" Published by Wall Street Journal at <http://blogs.wsj.com/washwire/2009/02/03/state-budget-deficits-continue-to-widen/>

"States' budget problems are worsening as Congress continues to fight over the best way to stimulate the economy and help out states. States already had cut spending or raised revenues to deal with an estimated $40 billion in budget shortfalls for fiscal year 2009 -- but they now face a $47.4 billion gap, as of January, according to a report from the National Conference of State Legislatures. In all, 43 states and Puerto Rico are reporting shortfalls. And the situation looks equally bleak for next year.

Impact: No money available to do all the cool things AFF wants states to do

DISADVANTAGES

1. Higher regulatory cost.

Link: Uniform federal regulations are less costly than conflicting state laws

Prof Michael G. Faure (Professor of Comparative and International Environmental Law, Maastricht University, Netherlands) and Prof Jason Scott Johnston (Professor and Director, Programme on Law, the Environment and the Economy, Univ of Penn. Law School) Jan 2008, The Law and Economics of Environmental Federalism: Europe and the United States Compared, published by Univ. of Pennsylvania Law School, <http://lsr.nellco.org/cgi/viewcontent.cgi?article=1216&context=upenn_wps>

Instead, the Court’s overriding objective in this (as in most every other) area of constitutional interpretation is to further the development of the interstate, national market. From this vantage point, federal environmental regulation, while often misguided, is at least superior to sub-national regulation because it replaces what might otherwise be a welter of varying and sometimes conflicting state environmental laws and regulations with a system based on nationally uniform, technology-based standards. Such nationally uniform standards decrease the transaction costs of interstate industrial expansion and are, on this view of the world, desirable. Even if arguably more environmentally protective, sub-national environmental regulation is inherently suspect, not only because subnational variation increases regulatory compliance costs for business, but because of the strong suspicion that sub-national environmental laws and regulations are actually a disguised form of local, trade protectionism.

Impact: Lost jobs. Environmental regulations cost jobs

Radly Balko , Feb 2004, "The States and Outsourcing," CATO INSTITUTE, <http://www.cato.org/pub_display.php?pub_id=2546>

Michigan's Mackinac Center for Public Policy, to cite just one example, estimated in 2002 that a federal appeals court ruling favoring procedural matters over hard science in federal environmental regulatory policy could cost the state as much as $2.6 billion, or about 10,000 jobs. Which brings us to state policy. Time and again, when we look at the states attracting and retaining jobs, and we compare them to the states losing jobs, we find that the states doing well are those with tax and regulatory schemes most friendly to business. It's only when the cost of staying local becomes too burdensome that companies pick up and relocate elsewhere.

2. Race to the bottom. States will compete with each other to reduce environmental regulations (and quality) in order to attract businesses and jobs.

Link: Race to the bottom is real – business location is influenced by environmental regulations

Prof Michael G. Faure (Professor of Comparative and International Environmental Law, Maastricht University, Netherlands) and Prof Jason Scott Johnston (Professor and Director, Programme on Law, the Environment and the Economy, Univ of Penn. Law School) Jan 2008, The Law and Economics of Environmental Federalism: Europe and the United States Compared, published by Univ. of Pennsylvania Law School, <http://lsr.nellco.org/cgi/viewcontent.cgi?article=1216&context=upenn_wps>

Indeed, perhaps paradoxically, Millimet and List found that the cost of strict environmental regulations is lower both for counties with high unenemployment – because they have relatively abundant, cheap labor – as well as for counties with a greater concentration of employment in manufacturing – because such counties generate agglomeration economies for manufacturing firms. In summary, by using panel datasets, and controlling a for unobserved heterogeneity and regulatory endogeneity, the new empirical literature on the "race-to-the-bottom" has found that environmental regulations have statistically significant, large effects on industrial location, effects that were previously either missed entirely or seriously underestimated.

Impact: Environmental degradation

Prof Michael G. Faure (Professor of Comparative and International Environmental Law, Maastricht University, Netherlands) and Prof Jason Scott Johnston (Professor and Director, Programme on Law, the Environment and the Economy, Univ of Penn. Law School) Jan 2008, The Law and Economics of Environmental Federalism: Europe and the United States Compared, published by Univ. of Pennsylvania Law School, <http://lsr.nellco.org/cgi/viewcontent.cgi?article=1216&context=upenn_wps>

As explained above, the matching principle presumes that by imposing pressure on local governments to provide public good levels (such as pollution reduction) that match local preferences, interjurisdictional competition is normatively desirable. The race to the bottom inverts this story, arguing that far from pressuring local regulators to choose locally optimal levels of pollution reduction, interjurisdictional competition causes such regulators to suboptimally degrade local environments in order to attract capital and the jobs it brings.

3. State budget cuts

Link: Cross apply Solvency 2, "States are broke"

Link: If Affirmative insists States increase environmental responsibility anyway, they will have to cut other programs.

Impact: State budget cuts are bad for the elderly and the economy

Elizabeth McNichol (Senior Fellow of the Center on Budget and Policy Priorities, specializing in state fiscal issues) and Iris J. Lav (senior advisor at the Center on Budget and Policy Priorities) 18 May 2009 <http://s3.amazonaws.com/propublica/assets/docs/center_bpp_state_budget_deficits.pdf> "STATE BUDGET TROUBLES WORSEN"

"In states facing budget gaps, the consequences sometimes are severe -- for residents as well as the economy. Unlike the federal government, states cannot run deficits when the economy turns down; they must cut expenditures, raise taxes, or draw down reserve funds to balance their budgets. As the current fiscal year ends and states plan for next year, budget difficulties have led some 36 states to reduce services to their residents, including some of their most vulnerable families and individuals. For example, at least 19 states have implemented cuts that will affect low-income children's or families' eligibility for health insurance or reduce their access to health care services. Programs for the elderly and disabled are also being cut. At least 21 states and the District of Columbia are cutting medical, rehabilitative, home care, or other services needed by low-income people who are elderly or have disabilities, or significantly increasing the cost of these services. At least 22 states are cutting or proposing to cut K-12 and early education; several of them are also reducing access to child care and early education, and at least 30 states have implemented cuts to public colleges and universities. In addition, at least 39 states and the District of Columbia have made cuts affecting their state workforce. Workforce cuts often result in reduced access to services residents need. They also add to states' woes by contracting the state economy."

NEGATIVE BRIEF: FUSION REACTORS - won't work

(Chris Hiett and Sarah Hiett contributed much of the evidence in this brief)

Reverse Plan Advocate: Nuclear physicist, Secretary of Energy Steven Chu

Jim Doyle (journalist), 1 April 2009, "Scientists take another stab at nuclear fusion", San Francisco Chronicle, <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2009/03/31/MN7M16QB7I.DTL> (parentheses in original)

Secretary of Energy Steven Chu, the nuclear physicist who previously headed the Lawrence Berkeley National Laboratory, joked to an audience at an energy conference at Stanford University in 2006 that "I'm going to skip (discussing) fusion because it will probably skip the 21st century."

INHERENCY

1. Private sector can do energy research

Chris Edwards, (Chris Edwards is a top expert on federal and state tax and budget issues; former senior economist on the congressional Joint Economic Committee examining tax, budget, and entrepreneurship issues. From 1994 to 1998, he was a consultant and manager with Price Waterhouse Coopers examining fiscal issues being considered by Congress. From 1992 to 1994, he was an economist with the Tax Foundation. He holds a B.A. and M.A. in economics.) Cato Institute, Energy Boondoggles, February 2009 <http://www.downsizinggovernment.org/energy/boondoggles>

"Federal energy research should be phased-out as an unneeded cost in an era of massive government budget deficits. The private sector is entirely capable of performing research into coal, nuclear, solar, and alternative energy sources for itself. "

2. Federal programs already in place

Federal subsidies for fusion energy

Chris Edwards, (Chris Edwards is a top expert on federal and state tax and budget issues; former senior economist on the congressional Joint Economic Committee examining tax, budget, and entrepreneurship issues. From 1994 to 1998, he was a consultant and manager with Price Waterhouse Coopers examining fiscal issues being considered by Congress. From 1992 to 1994, he was an economist with the Tax Foundation. He holds a B.A. and M.A. in economics.) Cato Institute, Energy Boondoggles, February 2009 <http://www.downsizinggovernment.org/energy/boondoggles>

The energy industry has been heavily regulated and subsidized by the federal government for decades. The Department of Energy’s array of subsidy programs grew out of atomic research efforts of the 1950s, responses to the energy crisis of the 1970s, and concerns about conservation and global warming in recent decades. The department spends about $9 billion annually on civilian energy research and subsidies. The following are some of the major program areas with the 2008 spending levels listed: *Science*. This $3.9 billion program area funds research on such activities as high-energy physics, nuclear physics, and fusion energy.

NIF - National Ignition Facility

Chris Edwards, (Chris Edwards is a top expert on federal and state tax and budget issues; former senior economist on the congressional Joint Economic Committee examining tax, budget, and entrepreneurship issues. From 1994 to 1998, he was a consultant and manager with Price Waterhouse Coopers examining fiscal issues being considered by Congress. From 1992 to 1994, he was an economist with the Tax Foundation. He holds a B.A. and M.A. in economics.) Cato Institute, Energy Boondoggles, February 2009 <http://www.downsizinggovernment.org/energy/boondoggles>

In 1993, Congress approved the construction of the National Ignition Facility, which is designed to research nuclear fusion. When completed, the NIF will focus about 200 high-power lasers at a small point in an effort to generate a huge release of energy. The stadium-sized project is housed at the federal Lawrence Livermore National Laboratory in California.

ITER - International Thermonuclear Experimental Reactor

Gordon Day and Bill Williams, Institute of Electrical and Electronics Engineers-USA, 2009 "Electrotechnology-Related Research in the FY 2010 Budget" <http://www.aaas.org/spp/rd/rdreport2010/ch24.pdf>

Fusion Energy Science (FES), which funds the U.S. commitment to the International Thermonuclear Experimental Reactor (ITER), a proposed joint international fusion reactor project, would also see a substantial increase: 4.6 percent, or $18.5 billion to a level of $421 million. Funding for the ITER program was threatened in the previous Congress due to disagreements with the Bush Administration; however, the FY 2010 budget request funds ITER at $135 million, a level "consistent with the planned funding profile."

SOLVENCY

1. Fusion is too expensive

Current ITER fusion project was estimated to cost $13 billion

Agence France-Presse, June 2009, "Nuclear fusion power project to start in 2018: official", Physorg.com, [www.physorg.com/news164558159.html](http://www.physorg.com/news164558159.html) (brackets added)

"Four years ago, ITER [International Thermonuclear Experimental Reactor] was priced at around 10 billion euros (13.8 billion dollars today), spread among its stakeholders, led by the EU, which has a 45-percent share. Five billion euros (6.9 billion dollars) would go to constructing the tokamak and other facilities, and five billion euros to the 20-year operations phase.

But wait... ITER cost will likely double -- and that won't even be a working reactor

Agence France-Presse, June 2009, "Nuclear fusion power project to start in 2018: official", Physorg.com, [www.physorg.com/news164558159.html](http://www.physorg.com/news164558159.html)

Last month, the British science journal Nature said construction costs "are likely to double" and the cost of operations "may also rise." "We are in the process of calculating the final cost of the project," ITER spokesman Neil Calder told AFP. "The financing plan will be presented in November at the next meeting of the council." If ITER is a success, the next step would be to build a commercial reactor, a goal likely to be further decades away.

2. Fusion takes too long - won't solve climate or energy problems

**Link: Fusion Power 100 Years Away**

Matt McGrath (Science reporter, BBC World Service), June 2009, "Fusion falters under soaring costs", BBC, <http://news.bbc.co.uk/2/hi/sci/tech/8103557.stm>

"Some scientists also believe that the technical hurdles to fusion have become more difficult to overcome and that the development of fusion as a commercial power source is still at least 100 years away."

Fusion energy production won't happen before the 22nd Century

Dr. Sebastian Balibar, Ph D (Director of Research of CNRS [French National Centre for Scientific Research], Ph D in Physics), 2007, "The Fusion Myth", Project Syndicate, <http://www.project-syndicate.org/commentary/balibar1>

"But if fusion is ever to work in industrial power stations, it will take many decades. Even if ITER is successful, and if one solves the tritium and material problems, everything would need to be tested in real size, and only then could a first prototype of an industrial reactor be built. A drastic reduction of CO2 emissions is an urgent priority, but fusion is unlikely to produce sufficient energy to achieve that goal before the twenty-second century."

Impact: Fusion won't solve climate or energy problems

Matt McGrath (Science reporter, BBC World Service), June 2009, "Fusion falters under soaring costs", BBC, <http://news.bbc.co.uk/2/hi/sci/tech/8103557.stm>

"The consequence of all these difficulties is that it's not going to be tomorrow that one succeeds with fusion. But the energy problem and the climate problem are urgent," he says. "The global warming is now - one needs to find a solution immediately, one cannot wait 100 years. The solution to the climate and energy problem is not Iter, (it) is not fusion."

3. Fusion requires materials that haven't been invented yet

Containment box - doesn't exist yet

Matt McGrath (Science reporter, BBC World Service), June 2009, "Fusion falters under soaring costs", BBC, (brackets added) <http://news.bbc.co.uk/2/hi/sci/tech/8103557.stm>

"Professor [Sebastien] Balibar [research director for the French national research laboratory in Paris] explained: "The most difficult problem is the problem of materials. Some time ago I declared that fusion is like trying to put the Sun in a box - but we don't know how to make the box. "The walls of the box, which need to be leak tight, are bombarded by these neutrons which can make stainless steel boil. Some people say it is just a question of inventing a stainless steel which is porous to let these particles through; personally I would have started by inventing this material."

Tritium production - doesn't exist yet

Dr. Sebastian Balibar, Ph D (Director of Research of CNRS [French National Centre for Scientific Research], Ph D in Physics), 2007, "The Fusion Myth", Project Syndicate, <http://www.project-syndicate.org/commentary/balibar1>

"Confining a little sun inside a box is an extremely difficult task for three main reasons. First, the nuclear fuel is not seawater, but a mixture of the two heavy isotopes of hydrogen, deuterium and tritium, a radioactive element that has been produced in small quantities for hydrogen bombs. Any development of fusion reactors would require producing tritium with industrial methods that have yet to be invented."

4. Fusion Power may not be Possible

Matt McGrath (Science reporter, BBC World Service), June 2009, "Fusion falters under soaring costs", BBC, (brackets added) <http://news.bbc.co.uk/2/hi/sci/tech/8103557.stm>

"Ultimately fusion may be a technological dream that is just too hard to turn into reality. And Iter, in a beautiful setting in the south of France, may become the graveyard of a good but impossible idea."

5. Controlling Fusion is a big problem

Dr. Sebastian Balibar, Ph D (Director of Research of CNRS [French National Centre for Scientific Research], Ph D in Physics), 2007, "The Fusion Myth", Project Syndicate, <http://www.project-syndicate.org/commentary/balibar1>

"Unfortunately, political leaders know little about the scientific issues involved. That nuclear fusion is a source of energy has been known since the invention of the hydrogen bomb. But its control is still a fundamental challenge for research institutes, not some minor technical difficulty that can be easily overcome."

6. Fusion research has only produced failure, not energy

Jim Doyle (journalist), 1 April 2009, "Scientists take another stab at nuclear fusion", San Francisco Chronicle, <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2009/03/31/MN7M16QB7I.DTL>

"Since the 1950s, scientists have tried different processes to create nuclear fusion but have failed. For all the money spent on research, fusion has yet to power a light bulb."

7. Dept. of Energy incompetence

Chris Edwards, (Chris Edwards is a top expert on federal and state tax and budget issues; former senior economist on the congressional Joint Economic Committee examining tax, budget, and entrepreneurship issues. From 1994 to 1998, he was a consultant and manager with Price Waterhouse Coopers examining fiscal issues being considered by Congress. From 1992 to 1994, he was an economist with the Tax Foundation. He holds a B.A. and M.A. in economics.) Cato Institute, Energy Boondoggles, February 2009 <http://www.downsizinggovernment.org/energy/boondoggles>

Policymakers often make grandiose promises, such as proposing to make America "energy independent" or to convert the nation to a "green economy." Those visions don’t make any sense, but even if they did history shows that the Department of Energy would be incapable of putting them into place with any degree of competence.

DISADVANTAGES

1. Radioactive waste

Link: Fusion will produce radioactive waste

British Government Parliamentary Office of Science & Technology, Jan 2003, POSTNOTE, "Nuclear Fusion," [www.parliament.uk/post/pn192.pdf](http://www.parliament.uk/post/pn192.pdf)

Fusion reactors would give rise to radioactive waste, largely through structural materials becoming ‘activated’ (see box on left) or contaminated with radioactive tritium. These materials would constitute waste when removed from the reactor (at the end of the component or the plant’s lifetime). The type and amount of waste will affect both the economic viability and public acceptance of future plants.

Link: Obama canceled Yucca Mountain nuclear waste storage

Reuters News Service, 7 May 2009, "Obama budget seeks end to Yucca nuclear waste dump," <http://www.reuters.com/article/pressReleasesMolt/idUSTRE5464A020090507>

The Obama administration said Thursday it wanted to officially terminate the Yucca Mountain nuclear storage waste site and instead spend $197 million to phase out the project and "explore alternatives" for nuclear waste disposal.

Link: Obama canceled Yucca Mountain and there is no alternative

Max Schulz (Senior Fellow, Manhattan Institute for Policy Research; Senior Policy Advisor and Director of Speechwriting for United States secretaries of energy Samuel Bodman and Spencer Abraham ) 10 March 2009, "If Not Yucca, Then Where for Waste?" INVESTORS BUSINESS DAILY, <http://www.manhattan-institute.org/html/miarticle.htm?id=4333>

If the federal government completely scraps Yucca without providing an alternative, it could be on the hook for billions of dollars in liabilities to utilities. The challenge facing Obama is fashioning a credible alternative. However, the Obama administration has seemed unaware of the need to provide one. Pressed by wary senators at a recent congressional hearing to explain Obama's approach as his budget starves Yucca Mountain, Energy Secretary Steven Chu admitted there is no plan.

Impact: Terrorism. On-site storage of radioactive waste increases the risk of sabotage or attack.

Dr. Charles D. Ferguson ( adjunct assistant professor in the School of Foreign Service at Georgetown University and an adjunct lecturer at the Johns Hopkins University; formerly scientist-in-residence at the Center for Nonproliferation Studies of the Monterey Institute of International Studies), April 2007, Nuclear Energy - Balancing Benefits and Risks, COUNCIL ON FOREIGN RELATIONS, [www.cfr.org/content/publications/attachments/NuclearEnergyCSR28.pdf](http://www.cfr.org/content/publications/attachments/NuclearEnergyCSR28.pdf)

Yucca Mountain in Nevada, the site slated for a permanent geologic repository, has not received approval to store this waste. Even if the license application is approved within the next few years, the Department of Energy does not anticipate starting to store waste there until 2017, and, more realistically, not before 2020. Meanwhile, spent fuel is accumulating in pools at nuclear power plants, increasing the risk of radioactive release from sabotage or attack at these facilities.

NEGATIVE BRIEF: GASIFICATION OF TRASH

GOAL/CRITERION RESPONSE

Gasification has to meet 7 criteria to be successful. It must be proven better than Status Quo technologies in: Pre-treatment, thermal conversion, solid residue generation, syngas utilization, energy efficiency, economics, and environmental performance.

Fichtner Consulting Engineers (British engineering firm that studied waste treatment), 2004 "The Viability of Advanced Thermal Treatment of MSW in the UK, <http://www.surrey.gov.uk/sccwebsite/sccwspublications.nsf/591f7dda55aad72a80256c670041a50d/30b0dd34174a837b8025714d0040095b/$FILE/9%20The%20Viability%20of%20Advanced%20Thermal%20Treatment%20of%20MSW%20in%20the%20UK%20-%20Fichtner.pdf>

The development of the gasification or pyrolysis technology is not the only challenge in striving for an improved thermal process. To be commercially successful, the technology must be incorporated into a complete solution that is better in overall terms than that achievable with technologies that are already mature. In comparing technologies, all components of the process (pre-treatment, thermal conversion, solid residue generation and syngas utilisation) and all factors (energy efficiency, economics and environmental performance) must be considered simultaneously.

Goal/Criterion failures:

1. We challenge the Affirmative to prove with evidence that gasification meets all 7 criteria.

2. We prove with evidence that it fails to meet at least one: Gasification technologies do not meet the efficiency criterion compared to existing technologies

Fichtner Consulting Engineers (British engineering firm that studied waste treatment), 2004 "The Viability of Advanced Thermal Treatment of MSW in the UK, <http://www.surrey.gov.uk/sccwebsite/sccwspublications.nsf/591f7dda55aad72a80256c670041a50d/30b0dd34174a837b8025714d0040095b/$FILE/9%20The%20Viability%20of%20Advanced%20Thermal%20Treatment%20of%20MSW%20in%20the%20UK%20-%20Fichtner.pdf> (brackets added)

In terms of the efficiency of standalone plants optimised for power generation, all existing gasification and pyrolysis technologies have lower efficiencies than that currently achieved by modern combustion technology. The only standalone gasification or pyrolysis configuration that might result in a higher overall electrical efficiencythan combustion technology is one based on the use of a combined cycle gas turbine for power generation, but this configuration is currently unproven on RMSW [residual municipal solid waste].

INHERENCY

1. Status Quo Recycling is a better solution

Link: Status Quo energy trends lead to more recycling in the future

Tellus Institute (a not-for-profit research and policy organization under a contract with the Massachusetts Department of Environmental Protection) Dec 2008 " Assessment of Materials Management Options for the Massachusetts Solid Waste Master Plan Review" <http://www.mass.gov/dep/recycle/priorities/tellusmmr.pdf>

The relative importance of various factors – the timing of "peak oil," the decline in the value of the dollar, competition from China and other rapidly growing economies, speculation by multinational oil companies – is debatable, but the basic fact remains that oil will continue to become both more scarce and more expensive. The rising cost of energy, combined with the likely regulation of carbon emissions due to climate concerns (see above), will provide strong incentives for reducing the embedded energy in our products and services, and for capturing and recycling/reusing those products with high energy content.

Link: Gasification competes with recycling for funding and materials.

David Ciplet (graduate student at Brown University, sociology dept.; US Coordinator for Global Alliance for Incinerator Alternatives) June 2009, "An Industry Blowing Smoke," <http://www.no-burn.org/downloads/BlowingSmokeReport.pdf>

Because incinerators compete with recyclers for the same funding and materials, constructing a gasification, pyrolysis or plasma incinerator can undermine job creation opportunities.

Policy Impact: After source reduction (reducing the initial volume of trash that is thrown away), recycling and composting are the best policies

Tellus Institute (a not-for-profit research and policy organization under a contract with the Massachusetts Department of Environmental Protection) Dec 2008 " Assessment of Materials Management Options for the Massachusetts Solid Waste Master Plan Review" <http://www.mass.gov/dep/recycle/priorities/tellusmmr.pdf> (brackets added)

Our review of the LCA [life-cycle assessment] literature and our modeling outputs confirm that, after source reduction, waste diversion through recycling and composting is the most advantageous management option from an environmental and energy perspective.

Voting Impact: The Status Quo is heading in the right direction with recycling and the Affirmative's gasification plan will take us away from recycling. Don't let them argue that we can do both -- gasification takes resources away from recycling. The best policies would result if we simply let the Status Quo take us in the direction of more recycling rather than setting up something that will compete with recycling.

SOLVENCY

1. Towns can't afford it. Gasification is almost 5 times more expensive than landfills

Brendan I. Koerner (journalist), 2 Jan 2008, "Can We Turn Garbate Into Energy?" SLATE, <http://www.slate.com/id/2181083/>

So, why doesn't every hamlet in America do away with its landfills and build one of these wondrous plants? The plasma gasification industry claims it's mostly a matter of economics: Burying garbage has long been a lot cheaper than zapping it, even if you factor in the money to be made selling electricity. Landfills charge (PDF) municipalities an average of $35 per ton of trash; according to a recent study in Hamilton, Ont., dropping off a ton of garbage at a plasma gasification plant would run $172 per ton.

2. No net electricity production from gasification plants

Analysis: They use more energy than they produce, which takes out an "energy generation" advantage

Aitkin County Plasma Gasification Study, Aitkin County, Minnesota, April 2008 <http://www.kauainetwork.org/_library/documents/kesp/technical%20libray/aitkincountyplasmagasificationassessment_final2.pdf>

A major challenge for waste gasification technologies is to reach an acceptable (positive) gross electric efficiency. The high efficiency of converting syngas to electric power is counteracted by significant power consumption in the waste preprocessing, production of large amounts of pure oxygen (which is often used as gasification agent), and gas cleaning. Another challenge becoming apparent when implementing the processes in real life is to obtain long service intervals in the plants, so that it is not necessary to close down the plant every few months for cleaning the reactor. Several waste gasification processes have been proposed, but few have yet been built and tested, and only a handful have been implemented as plants processing real waste, and always in combination with fossil fuels. One plant (in Chiba, Japan using the Thermoselect process) has been processing industrial waste since year 2000, but has yet not documented positive net energy production from the process.

3. State barriers. Analysis: Affirmative only has power over the Federal Government in their plan. They can't make the States accept gasification facilities, and our evidence will show that State acceptance will be required before one can be built. Unless Affirmative can prove States will accept them, they can't prove a single plant will be built.

States may or may not allow it - since none have ever been built, no one knows

Aitkin County Plasma Gasification Study, Aitkin County, Minnesota, April 2008 <http://www.kauainetwork.org/_library/documents/kesp/technical%20libray/aitkincountyplasmagasificationassessment_final2.pdf>

The state of Florida permitting required for the St. Lucie County facility is not clear at this time. Further investigation is required. For the state of Minnesota, at the minimum, permits will be needed from the Minnesota Pollution Control Agency, Department of Natural Resources, Environmental Protection Agency, City/County permits, and others. Because this type of facility has never been permitted in the United States, it is difficult to know what all of the requirements will be.

Example: Massachusetts has a pro-recycling policy.

Cost of new technology is too high, and taking trash away from recycling would contradict the Massachusetts Solid Waste Master Plan

Tellus Institute (a not-for-profit research and policy organization under a contract with the Massachusetts Department of Environmental Protection) Dec 2008 " Assessment of Materials Management Options for the Massachusetts Solid Waste Master Plan Review" <http://www.mass.gov/dep/recycle/priorities/tellusmmr.pdf> (brackets added)

Similar to the situation for WTE [waste-to-energy] incinerators, the capital requirements for building alternative technology facilities and their likely need for long-term contracts to ensure an adequate feedstock waste stream may limit the future flexibility of the state’s overall materials management efforts. That is, locking in the use of waste for energy production may forestall potential additional recycling or composting in the future, something the MA Solid Waste Master Plan has heretofore explicitly avoided.

4. Four barriers to gasification technology. The main barriers to gasification are: lack of track record, difficulty getting funding, uncertainty about electricity, and lack of progress toward power efficiency.

Fichtner Consulting Engineers (British engineering firm that studied waste treatment), 2004 "The Viability of Advanced Thermal Treatment of MSW in the UK, <http://www.surrey.gov.uk/sccwebsite/sccwspublications.nsf/591f7dda55aad72a80256c670041a50d/30b0dd34174a837b8025714d0040095b/$FILE/9%20The%20Viability%20of%20Advanced%20Thermal%20Treatment%20of%20MSW%20in%20the%20UK%20-%20Fichtner.pdf>

The main impediments to progress in the implementation of gasification and pyrolysis technologies are the lack of track record for many of the technologies (particularly in the UK), difficulties in securing funding, uncertainty in the value of electricity generated and the limited progress which has been made toward the achievement of high power generation efficiency.

5. Eleven barriers to facilities construction. 11 issues must be resolved before a local plant becomes feasible

Impact/Analysis: Aff has to prove they can overcome all 11 barriers in all the locations where they want to put these plants. It's not as simple as just saying that the federal government will support or subsidize or authorize them. Notice that barriers 10 and 11 are related to our Solvency 3 issue above about getting local permits. Note also that these barriers are all local barriers, not federal. Affirmative's federal policy has no fiat power over any of these issues.

Fichtner Consulting Engineers (British engineering firm that studied waste treatment), 2004 "The Viability of Advanced Thermal Treatment of MSW in the UK, <http://www.surrey.gov.uk/sccwebsite/sccwspublications.nsf/591f7dda55aad72a80256c670041a50d/30b0dd34174a837b8025714d0040095b/$FILE/9%20The%20Viability%20of%20Advanced%20Thermal%20Treatment%20of%20MSW%20in%20the%20UK%20-%20Fichtner.pdf>

The first step in a project should be to define the desired outcome and the constraints that will limit the options available. A list of the main criteria that may be relevant to a waste thermal treatment project are given below:  
  
The Waste Stream  
1) How much waste is there to be treated?  
2) What type of waste is to be treated? For example does it contain just MSW or does it include commercial waste, sewage sludge, tyres etc.?  
3) What are the characteristics of the waste in terms of chemical composition, calorific value, particle size, moisture, quantity of ash, and properties of ash?  
  
Energy Utilisation  
4) Is there a suitable market for heat sales nearby?  
5) Is there a suitable market for the syngas product nearby such as a power station or industrial plant?  
6) Is it possible to connect to the local electricity distribution network or large power consumers at a reasonable cost?  
  
Procurement and Finance  
7) Is the intention to procure a waste treatment plant or a waste treatment service?  
8) How will the project be financed? The required method of finance may preclude certain procurement strategies and some technologies;  
9) What are the budget and other financial constraints?  
  
Permitting  
10) What are the likely planning constraints?  
11) What is the likely acceptability of the project and technology to interested parties?

6. The Rudersdorf failure. One of the best commercial gasification examples was closed because the technology isn't viable

Fichtner Consulting Engineers (British engineering firm that studied waste treatment), 2004 "The Viability of Advanced Thermal Treatment of MSW in the UK, <http://www.surrey.gov.uk/sccwebsite/sccwspublications.nsf/591f7dda55aad72a80256c670041a50d/30b0dd34174a837b8025714d0040095b/$FILE/9%20The%20Viability%20of%20Advanced%20Thermal%20Treatment%20of%20MSW%20in%20the%20UK%20-%20Fichtner.pdf> (brackets added; internal quotes and ellipses in original)

Arguably, one of the best commercial examples of a gasification and pyrolysis plant for MSW [municiple solid waste] derived fuel is the Rudersdorf plant based on Lurgi technology. The plant has been working well and supplying syngas to a cement kiln. In spite of this good track record, Lurgi has recently decided to withdraw from the gasification pyrolysis market for waste and issued the following statement: " …can confirm that a decision has been taken within Lurgi to discontinue marketing gasification and pyrolysis technologies for waste conversion applications. This decision has come after a rigorous analysis of the market requirements, technical feasibility and economic sensitivities of gasification and pyrolysis of waste, as applied by Lurgi and our competitors. We recognise that there is a positive bias towards gasification/pyrolysis amongst politicians and environmentalists. However, we are in no doubt that in the short to medium term neither technology will be developed and commercially proven to the point where it can compete."

7. Multiple failures. Gasification plants are slow, costly, not guaranteed to succeed, and have failed in many places

Fichtner Consulting Engineers (British engineering firm that studied waste treatment), 2004 "The Viability of Advanced Thermal Treatment of MSW in the UK, <http://www.surrey.gov.uk/sccwebsite/sccwspublications.nsf/591f7dda55aad72a80256c670041a50d/30b0dd34174a837b8025714d0040095b/$FILE/9%20The%20Viability%20of%20Advanced%20Thermal%20Treatment%20of%20MSW%20in%20the%20UK%20-%20Fichtner.pdf>

Development, demonstration and commercialisation of large-scale capital-intensive technologies such as gasification and pyrolysis are generally slow, costly and without guarantee of success. The following examples illustrate some of the difficulties that have been encountered by gasification and pyrolysis projects:  
1) The Furth plant, based on Siemens technology, struggled to achieve satisfactory operation and was eventually closed. Siemens have withdrawn from this market although other developers, notably in Japan, have continued to develop this technology; 2) The ARBRE project in the UK, based on TPS technology and intended to gasify short rotation coppice, failed to get past the commissioning phase and has been abandoned; 3) The Wollongong demonstration plant, based on Brightstar’s SWERF technology, has not lived up to expectations. Energy Developments Limited, the majority owner of the SWERF process, has stopped all development funding to the demonstration plant.

8. Unproven technology

Link: Gasification is unproven technology

Fichtner Consulting Engineers (British engineering firm that studied waste treatment), 2004 "The Viability of Advanced Thermal Treatment of MSW in the UK, <http://www.surrey.gov.uk/sccwebsite/sccwspublications.nsf/591f7dda55aad72a80256c670041a50d/30b0dd34174a837b8025714d0040095b/$FILE/9%20The%20Viability%20of%20Advanced%20Thermal%20Treatment%20of%20MSW%20in%20the%20UK%20-%20Fichtner.pdf> (brackets added; parentheses in original)

Many of the gasification and pyrolysis technologies for the thermal treatment of RMSW [Residual Municipal Solid Waste] are still generally commercially unproven. There are few relevant operational plants and therefore little data upon which developers and lenders can rely. The uncertainties (regarding performance, reliability and economics) associated with using those technologies that are unproven for the treatment of waste is generally considered to be high.

Impact: Unproven technology will not be accepted, financed or installed on a large scale

Fichtner Consulting Engineers (British engineering firm that studied waste treatment), 2004 "The Viability of Advanced Thermal Treatment of MSW in the UK, <http://www.surrey.gov.uk/sccwebsite/sccwspublications.nsf/591f7dda55aad72a80256c670041a50d/30b0dd34174a837b8025714d0040095b/$FILE/9%20The%20Viability%20of%20Advanced%20Thermal%20Treatment%20of%20MSW%20in%20the%20UK%20-%20Fichtner.pdf>

The consequences of failure increase with the size and capital cost of the project. It is therefore unlikely that any solution other than well proven technology will be used in a largescale application in the short to medium term.   
5.9.7 Small Gasification and Pyrolysis Plants. With some notable exceptions, thermal treatment plants based on gasification and pyrolysis technology have tended to be small whilst those based on combustion technology have tended to be larger. Plants become more efficient and more economical as they become larger regardless of technology employed. The suppliers of commercially unproven technologies will not have the necessary knowledge, experience, confidence, financial backing and willing customers for large installations.

9. Significant percentage of waste can't be processed by gasification

Note: The "1 million tons" mentioned in this evidence is referring just to Massachusetts. The rest of the country would add much more.

Tellus Institute (a not-for-profit research and policy organization under a contract with the Massachusetts Department of Environmental Protection) Dec 2008 " Assessment of Materials Management Options for the Massachusetts Solid Waste Master Plan Review" <http://www.mass.gov/dep/recycle/priorities/tellusmmr.pdf>

In considering alternative processing technologies – gasification, pyrolysis, and anaerobic digestion – it is important to note that a significant fraction of the undiverted waste stream (well over one million tons, comprising fines and residuals, other C&D and non-MSW, and glass) is largely inert material and not appropriate for processing in these facilities.

DISADVANTAGES

1. Dangerous chemical emissions

Link: Affirmative doesn't set any emissions requirements in their mandates

Link: There are no status quo emissions regulations for gasification plants

State of California, California Integrated Waste Management Board, Emerging Technology Forum, 17-18 Apr 2006, Emissions and Residuals/Environmental Health Issues, <http://www.ciwmb.ca.gov/organics/conversion/events/TechForum06/Presentatns/Summaries/ERhealth.pdf>

The Plasma Enhanced Melter (PEMTM) system was developed in the 1990’s and patented by its inventors shortly after Integrated Environmental Technologies (IET) was founded in 1995. The PEM system electrically heats waste fed to a refractory-lined processing chamber to gasify organic material and melt inorganic components and metals at high temperatures. The syngas can be oxidized prior to atmospheric release or it can be used to produce electrical power or other forms of energy.   
**Case Studies – Emissions Results**   
Currently, there are no regulatory requirements in the United States specific to thermochemical conversion processes. To date, facilities have been evaluated on a case-by-case basis, usually under a research permit.

Link: gasification = incineration

David Ciplet (graduate student at Brown University, sociology dept.; US Coordinator for Global Alliance for Incinerator Alternatives) June 2009, "An Industry Blowing Smoke," <http://www.no-burn.org/downloads/BlowingSmokeReport.pdf>

The term "staged incineration" referenced by Fichtner Consulting Engineers (2004) is used in this report to refer to gasification, pyrolysis and plasma incineration technologies. All of these technologies utilize a multi-step process that results in incineration.

Link: Incineration produces chemical emissions

David Ciplet (graduate student at Brown University, sociology dept.; US Coordinator for Global Alliance for Incinerator Alternatives) June 2009, "An Industry Blowing Smoke," <http://www.no-burn.org/downloads/BlowingSmokeReport.pdf>

Overall, identified emissions from staged incinerators include particulate matter, volatile organic compounds (VOCs), heavy metals, dioxins, sulfur dioxide, carbon monoxide, mercury, carbon dioxide and furans.

Impact: Mercury exposure hurts human health

US Dept of Health & Human Services, Agency for Toxic Substances & Disease Registry, June 1997, A Warning About Continuing Patterns of Metallic Mercury Exposure, <http://www.atsdr.cdc.gov/alerts/970626.html>

It is important for the general public to understand that either short-term or long-term exposures to metallic mercury can lead to serious health problems. Human exposure to metallic mercury occurs primarily from breathing contaminated air. Other forms of mercury can be absorbed by drinking contaminated water, eating food (usually fish containing mercury), and from skin contact. At high levels, metallic mercury can cause effects on the nervous system and the developing fetus. Other forms of mercury can damage other organs. Even at low levels, metallic mercury can cause health problems.

Additional Link Rebuttal Evidence: Fly ash and bottom ash are produced by gasification plants

Fichtner Consulting Engineers (British engineering firm that studied waste treatment), 2004 "The Viability of Advanced Thermal Treatment of MSW in the UK, <http://www.surrey.gov.uk/sccwebsite/sccwspublications.nsf/591f7dda55aad72a80256c670041a50d/30b0dd34174a837b8025714d0040095b/$FILE/9%20The%20Viability%20of%20Advanced%20Thermal%20Treatment%20of%20MSW%20in%20the%20UK%20-%20Fichtner.pdf>

Combustion, pyrolysis, and gasification all typically produce two grades of solid residues:  
1) Bottom ash – from the bottom of the combustor, pyrolyser, or gasifier;  
2) Flue gas treatment (FGT) residues - containing fly ash, flue gas treatment chemicals, and chemicals produced in the flue gas treatment process.

Additional Impact Rebuttal evidence: Ash is dangerous to people and wildlife

Tony Bartelme (journalist), 26 Oct 2008, "Coal's Time Bomb," POST & COURIER (S.Carolina newspaper), (ellipses in original) <http://www.postandcourier.com/news/2008/oct/26/coals_time_bomb59266/?print>

When ash comes into contact with water, contaminants including arsenic, lead, mercury, selenium and others can migrate into groundwater, lakes and streams. Arsenic is usually the biggest concern. Studies have linked prolonged exposure to arsenic with cancer, digestive problems and other health problems. But scientists also are concerned about selenium and mercury, which also can be dangerous to people and wildlife in small doses. Last year, the Environmental Protection Agency released a study identifying 67 cases of coal ash waste contamination, including 24 "proven cases" of environmental damage, including two ash ponds in South Carolina — one at the Savannah River Site and another next to the SCE&G coal plant near Canadys. Also last year, the EPA released a draft of another study of 181 coal ash sites nationwide that found unlined ash ponds posed a cancer risk hundreds of times more than what the EPA deems acceptable. Scientists with Earthjustice, a group critical of ash basins, said unlined ash pits posed the same kind of danger as smoking a pack of cigarettes a day. As far back as 2000, the EPA concluded that ash wastes "could pose risks to human health ... and there is sufficient evidence that adequate controls may not be in place."

2. Job losses

Link: Gasification displaces recycling

Impact: Recycling would create more jobs than gasification

David Ciplet (graduate student at Brown University, sociology dept.; US Coordinator for Global Alliance for Incinerator Alternatives) June 2009, "An Industry Blowing Smoke," <http://www.no-burn.org/downloads/BlowingSmokeReport.pdf> (ellipses in original)

As Table 2 shows, recycling industries provide employment benefits that far outpace that of waste incinerators and landfills. The U.S. EPA has said that, "for every 100 recycling jobs created, …just 10 jobs were lost in the solid waste industry, and three jobs were lost in the timber harvesting industry. There is no specific job data for staged incineraton technologies available, but it seems likely that job prospects for these facilities would be similar to mass burn incinerators. Because incinerators compete with recyclers for the same funding and materials, constructing a gasification, pyrolysis or plasma incinerator can undermine job creation opportunities.

3. Increased CO2 emissions

Link: Modern landfills are 2.5 times better at reducing CO2 than gasification

Tellus Institute (a not-for-profit research and policy organization under a contract with the Massachusetts Department of Environmental Protection) Dec 2008 " Assessment of Materials Management Options for the Massachusetts Solid Waste Master Plan Review" <http://www.mass.gov/dep/recycle/priorities/tellusmmr.pdf>

Preference among the alternative technology options based on environmental performance is dependent on the relative importance placed on eCO2 emissions versus the other pollutants. For example, on a per ton MSW basis, modern landfills with efficient gas capture systems reduce two and a half times as much eCO2 as gasification and pyrolysis facilities, and three and a half times as much as waste-toenergy incinerators.

Impact: CO2 pollution causes death and destruction

Dr. Gideon Polya (Australian scientist; published 130 works in a 4 decade scientific career, most recently a huge pharmacological reference text "Biochemical Targets of Plant Bioactive Compounds") 14 June 2008, "Pollutants from coalbased electricity generation kill 170,000 people annually" [www.green-blog.org/2008/06/14/pollutants-from-coal-basedelectricity-generation-kill-170000-people-annually/](http://www.green-blog.org/2008/06/14/pollutants-from-coal-basedelectricity-generation-kill-170000-people-annually/)

It is already clear from declining agricultural production due to drought and massive storm surge disasters in India, Bangladesh, Burma and the US that global warming is already impacting on global avoidable mortality. "The report found that the "true cost" of coal-based electricity was 4-5 times the "market price" depending upon whether one valued a human life at $4 million or $5 million." Greenhouse gas pollution – mostly due to carbon dioxide (CO2) from fossil fuel burning – is driving global warming and attendant species extinctions, droughts, sea level rise, decreased agricultural production and increased human death.

4. Increased overall pollution through reduced recycling

Link: Gasification competes with recycling for resources. Cross-apply Inherency and DA #2 argument & evidence above.

Link: Trading recycling for gasification = increase in pollution

Tellus Institute (a not-for-profit research and policy organization under a contract with the Massachusetts Department of Environmental Protection) Dec 2008 " Assessment of Materials Management Options for the Massachusetts Solid Waste Master Plan Review" <http://www.mass.gov/dep/recycle/priorities/tellusmmr.pdf>

For each of the seven major emissions categories modeled, recycling/composting reduces per ton emissions more than any other waste management technology**.** Most of these benefits come from pollution reductions in the manufacture of new products made possible by the replacement of virgin raw materials with recycled materials and the replacement of synthetic petroleum-based fertilizers with compost. For most pollutants, the relative benefits of upstream diversion are quite dramatic. For example, recycling reduces energy-related eCO2 emissions in the manufacturing process and avoids emissions from waste management. Moreover, paper recycling maintains the ongoing sequestration of carbon in trees that would otherwise need to be harvested to manufacture paper. On a per ton basis, recycling saves more than seven times eCO2 than landfilling, and almost 18 times eCO2 reductions from gasification/pyrolysis facilities.

Impact: Turn AFF's pollution harms - pollution is worse under their plan than under Status Quo's recycling policy

NEGATIVE BRIEF: EMAILS ABOUT GLOBAL WARMING - BIG HOAX

Climate Research Unit at Univ. of East Anglia "cooked the books" to support Global Warming theory

Peter Roff (journalist with US NEWS & WORLD REPORT), 30 Nov 2009, "Global Warming E-Mails Scandal Show Scientists May Have Cooked the Facts" <http://www.usnews.com/blogs/peter-roff/2009/11/30/global-warming-e-mails-scandal-show-scientists-may-have-cooked-the-facts.html>

Preliminary analysis of the contents of thousands of E-mails and documents taken from the computer archives of the Climate Research Unit at England's University of East Anglia—possibly by a hacker, possibly by a whistleblower—indicate a number of the world's most important scientists engaged in research designed to prove that global warming really does exist may have been cooking the books.

Scientists' explanations to justify the emails are bizarre

Peter Roff (journalist with US NEWS & WORLD REPORT), 30 Nov 2009, "Global Warming E-Mails Scandal Show Scientists May Have Cooked the Facts" <http://www.usnews.com/blogs/peter-roff/2009/11/30/global-warming-e-mails-scandal-show-scientists-may-have-cooked-the-facts.html>

Some of those involved in the E-mail chains that are now under examination have concocted what on their face come across as bizarre explanations for some of the things they said, many of which boil down to the notion that the words they used did not mean what they mean. It sort of takes us back to what the meaning of "is" is.

Christopher Booker (journalist), 28 Nov 2009, "Climate change: this is the worst scientific scandal of our generation" THE TELEGRAPH (British newspaper), <http://www.telegraph.co.uk/comment/columnists/christopherbooker/6679082/Climate-change-this-is-the-worst-scientific-scandal-of-our-generation.html>

The reason why even the Guardian's George Monbiot has expressed total shock and dismay at the picture revealed by the documents is that their authors are not just any old bunch of academics. Their importance cannot be overestimated, What we are looking at here is the small group of scientists who have for years been more influential in driving the worldwide alarm over global warming than any others, not least through the role they play at the heart of the UN's Intergovernmental Panel on Climate Change (IPCC).

Multiple sources are indicted by the email scandal:

Climate Research Unit (CRU)

UN's Intergovernmental Panel on Climate Change (IPCC)

Dr. Michael Mann, Dr. Philip Jones, Keith Briffa, Ben Santer, Kevin Trenberth, Gavin Schmidt

Christopher Booker (journalist), 28 Nov 2009, "Climate change: this is the worst scientific scandal of our generation" THE TELEGRAPH (British newspaper), <http://www.telegraph.co.uk/comment/columnists/christopherbooker/6679082/Climate-change-this-is-the-worst-scientific-scandal-of-our-generation.html>

The senders and recipients of the leaked CRU emails constitute a cast list of the IPCC's scientific elite, including not just the "Hockey Team", such as Dr Mann himself, Dr Jones and his CRU colleague Keith Briffa, but Ben Santer, responsible for a highly controversial rewriting of key passages in the IPCC's 1995 report; Kevin Trenberth, who similarly controversially pushed the IPCC into scaremongering over hurricane activity; and Gavin Schmidt, right-hand man to Al Gore's ally Dr James Hansen, whose own GISS record of surface temperature data is second in importance only to that of the CRU itself.

Impact: We need to stop global warming policies and begin the research all over again

Peter Roff (journalist with US NEWS & WORLD REPORT), 30 Nov 2009, "Global Warming E-Mails Scandal Show Scientists May Have Cooked the Facts" <http://www.usnews.com/blogs/peter-roff/2009/11/30/global-warming-e-mails-scandal-show-scientists-may-have-cooked-the-facts.html>

The real tragedy in all this is its effect on the common, ordinary citizen of the planet. Because the industrialized world is driven by carbon-based energy, the effort to rein in the release of carbon into the atmosphere has had a very real impact on human productivity and economic growth. People have had their livelihoods, their very way of life threatened by the ivory tower science behind the idea of man-made global warming. And, despite the very real indication that the current studies are unreliable as the basis for anything and that we need to begin all over again, with greater transparency and more effective peer review, the revelations coming from the East Anglia E-mails seem to have no effect on the political process whatsoever.

NEGATIVE BRIEF: EMAILS ABOUT GLOBAL WARMING - PROVE NOTHING, G.W. IS STILL A PROBLEM

Hacked emails just a smear campaign to confuse the public

Stacy Feldman (Journalist), 25 Nov 2009, "Hacked climate emails called a "smear campaign"" REUTERS news service, <http://www.reuters.com/article/idUSTRE5AO4TW20091125>

Three leading scientists who on Tuesday released a report documenting the accelerating pace of climate change said the scandal that erupted last week over hacked emails from climate scientists is nothing more than a "smear campaign" aimed at sabotaging December climate talks in Copenhagen. "We're facing an effort by special interests who are trying to confuse the public," said Richard Somerville, Distinguished Professor Emeritus at Scripps Institution of Oceanography and a lead author of the UN IPCC Fourth Assessment Report.

Basic facts of science haven't changed; emails only prove researchers were tired of being criticized by skeptics

Bob Ward (Policy and Communications Director at the Grantham Research Institute on Climate Change and the Environment at the London School of Economics and Political Science) 20 Nov 2009, THE GUARDIAN (British newspaper), This climate email-hacking episode is generating more heat than light, <http://www.guardian.co.uk/environment/2009/nov/20/climate-sceptics-email-hacking>

More importantly, these skeptics have not overturned the well-established basic physics of the greenhouse effect, namely that carbon dioxide is a greenhouse gas and increasing its concentration in the atmosphere causes the earth to warm. They also have not managed to make melting glaciers and rising sea levels, or any other evidence of warming, disappear into thin air. But they have managed to confuse some of the public about the causes of climate change. Over the past five years, Mann and Jones in particular have been subjected not only to legitimate scrutiny by other researchers, but also to a co-ordinated campaign of personal attacks on their reputation by 'sceptics'. If the hacked e-mails are genuine, they only show that climate researchers are human, and that they speak badly in private about 'sceptics' who accuse them of fraud.

Scientists with no political agenda agree CO2 is a scientifically proven problem

Prof. Richard Somerville (distinguished professor of meteorology at Univ. of California-San Diego's Scripps Institution of Oceanography) 30 Nov 2009, quoted by Ed Joyce (journalist), KPBS (San Diego public broadcasting station), "Scientists Weigh In On The Politics Of Climate Change" <http://www.kpbs.org/news/2009/nov/30/politics-climate-change/>

As we've repeatedly said, we're climate scientists, not policy experts," said Somerville. "We're trying to simply say what is scientifically-necessary rather than talking about what type of accord should be reached in Copenhagen. And I think, having said that, a great deal of the growth in emissions has come in developing countries. China opening coal-fired power plants for example. So that ultimately it will be necessary for the emissions reduction to involve developing as well as developed countries. Mother Nature doesn't care where the CO2 comes from."

200 studies prove global warming is a threat requiring urgent action

Peter N. Spotts (journalist), 25 Nov 2009, "Amid charges of global warming hoax, new warning on climate change" CHRISTIAN SCIENCE MONITOR, <http://www.csmonitor.com/USA/2009/1125/p02s01-usgn.html>

The report highlights results from some 200 recent studies in hopes of influencing upcoming climate negotiations in Copenhagen, the researchers say. The benchmarks it sets out for reaching the 2-degree neighborhood aren't significantly different from those the Intergovernmental Panel on Climate Change (IPCC) set out two years ago. Still, "we felt that we needed to call attention of the delegates to the scientific case for urgent action," says Richard Somerville, professor emeritus at the Scripps Institution of Oceanography at the University of California, San Diego, a lead author of the IPCC's 2007 volume on climate science, and a contributor to this report. "If you want to stabilize the climate at a reasonable amount of global warming, then you cannot delay indefinitely."

NEGATIVE BRIEF: INTELLECTUAL PROPERTY RIGHTS (IPR)

GOAL RESPONSE / NEGATIVE PHILOSOPHY on why "Intellectual Property" protection is unwise

"If you have an apple and I have an apple and we exchange apples, then you and I will still each have one apple. But if you have an idea and I have one idea and we exchange these ideas, then each of us will have two ideas."

-- George Bernard Shaw

INHERENCY

1. Current international laws and norms are working for climate technology

Dr. Mark Esper PhD, ( Executive Vice President of the Global Intellectual Property Center at the U.S. Chamber of Commerce, a lobbying group for business interests; note the bias: These are folks who benefit from more technology development and favor intellectual property rights -- and they say status quo is fine, even though they're biased toward the Affirmative's position) 8 Dec 2009, Preservation of IP: One of Many Goals in Copenhagen, <http://www.chamberpost.com/intellectual_property/>

The Chamber's Global Intellectual Property Center (GIPC) has been front and center in this debate, and our position is clear: if governments are serious about addressing climate change, and all agree that new technologies are a vital part of the answer, then IP laws and rights need to be protected in any Copenhagen agreement. Indeed, in our view, a Copenhagen Summit with NO mention of IP at all is a successful conclusion. Current international laws and norms are working, and need to be preserved.

2. Special 301

Special 301 is Status Quo law that evaluates foreign IPR and imposes trade sanctions for violations

Intellectual Property Watch (a non-profit independent news service, reports on the interests and behind-the-scenes dynamics that influence the design and implementation of international intellectual property policies), 12 May 2005, "Ten Years Later, U.S. Report On IPR Compliance Still Questioned" <http://www.ip-watch.org/weblog/2005/05/12/ten-years-later-us-report-on-ipr-compliance-still-questioned/> (brackets added)

The Special 301 annual review, established in 1988, is part of a process designated under Section 301 of the U.S. Trade Act of 1974, which gives statutory authority to the government to impose trade sanctions against countries seen as violating U.S. trading rights. The Special 301 report is issued 30 days after the release of the annual report on foreign trade barriers faced by U.S. companies, which is normally issued on March 31. Countries are rated by how problematic they are found to be, the worst being "priority foreign countries," followed by the "priority watch list" and the "watch list." Under Special 301, USTR [US Trade Representative] evaluates the "adequacy and effectiveness" of countries’ protection for U.S. intellectual property rights, and whether access to their markets is "fair and equitable."

Special 301 is working

Eric H. Smith (spokesman for International Intellectual Property Alliance (IIPA), a group advocating greater IPR protection) 18 Oct 2007, statement before the Subcommittee on Courts, the Internet, and Intellectual Property, United States House of Representatives, "International Piracy: The Challenges of Protecting Intellectual Property in the 21st Century" <http://www.iipa.com/pdf/IIPAEricSmithtestimonyOctober182007Testimony10172007.pdf>

The Special 301 process has been a critical component of the progress made to date and continues to be a principal tool to leverage and persuade other countries to adopt essentially fair trade practices with respect to U.S. intellectual property. The copyright industries have participated actively in this process since 1989 and have greatly benefited from this process, in terms of legal reform and improved enforcement, leading to lower piracy levels in many countries and increased sales of our companies’ creative products. In turn, this has led to additions to U.S. GDP and to more U.S. jobs.

3. Three policies already exist for promoting IPR overseas: "Special 301," TRIPS, and DMCA

Eric H. Smith (spokesman for International Intellectual Property Alliance (IIPA), a group advocating greater IPR protection) 18 Oct 2007, statement before the Subcommittee on Courts, the Internet, and Intellectual Property, United States House of Representatives, "International Piracy: The Challenges of Protecting Intellectual Property in the 21st Century" (brackets added) [www.iipa.com/pdf/IIPAEricSmithtestimonyOctober182007Testimony10172007.pdf](http://www.iipa.com/pdf/IIPAEricSmithtestimonyOctober182007Testimony10172007.pdf)

One of the great tools that this Congress has fashioned has been the Special 301 process. Another is Congress’ support of the Free Trade Agreement process beginning in the last Administration. Still another is the TRIPS [Trade-Related Aspects of Intellectual Property Rights] Agreement which sets the global minimum standards of protection AND most importantly now, standards of effective enforcement, some of which are currently being tested before the WTO in the dispute against China. Finally, Congress, in the Digital Millennium Copyright Act (DMCA), has implemented the WIPO Internet treaties concluded in Geneva in 1996.

HARMS / SIGNIFICANCE

Harms of poor country IPR violations are overstated: They couldn't afford to buy the legitimate stuff if the copies were banned

Analysis: The economic impact of pirating of patented/copyrighted material in the poor countries affected by AFF's plan is overestimated. They're assuming that consumers would buy the "real thing" if the counterfeits were taken off the market. But people in poor countries wouldn't be able to afford it. So, the copyright holder isn't really losing any sales when poor people buy the copies.

Shayerah Ilias and Ian Fergusson (analyst and specialist in International Trade and Finance; Foreign Affairs, Defense, and Trade Division at Congressional Research Service), 20 Dec 2007, Intellectual Property Rights and International Trade, Report for Congress <http://assets.opencrs.com/rpts/RL34292_20071220.pdf>

There is a possibility that such IPR infringement loss estimates actually may overestimate the extent to which sales of pirated and counterfeit goods displace legitimate sales. The basic economic model employed in such estimates assumes that there is perfect substitutability between pirated and legitimate goods, which would equate sales of pirated goods to revenue losses of legitimate U.S. copyright businesses. Some analysts suggest that legitimate firms face a competition threat *only* if the individuals purchasing counterfeit products would be able and willing to purchase the legitimate product at the price offered when piracy is not present. For consumers in poor developing countries, especially, this assumption may not be tenable.

Clean energy sector technologies are off-patent

Analysis: IPR is not an issue for off-patent technologies because the patent has already expired. Also, AFF can't use evidence from drug companies to prove environmental technology impacts because the patent issues are different.

Prof. John Barton, (Professor of Law at Stanford University) Feb 2008, "Patenting and Access to Clean Energy Technologies in Developing Countries" <http://www.wipo.int/wipo_magazine/en/2008/01/article_0003.html>

In the pharmaceutical sector, patents often have a substantial impact on price, as there may be no substitute for a specific new drug. In such circumstances, the patent holder is in a strong market position and may be able to charge a price well above production cost. In contrast, in the three renewable energy sectors considered here, solar photo-voltaic (PV), biomass and wind, the basic technological solutions have long been off-patent. What are patented are usually only specific improvements or features. Thus, a number of competing patented products exist – and as a result of the competition, prices are brought down as compared to the royalties and the price increases that would be charged under a monopoly. In addition, there is competition not only between firms within a specific sector, but also between the sectors and between other sources of fuel or electricity.

IPR are not human rights – it’s a privilege conferred on individuals or investors

Dr B. Ekbal (consultant neurosurgeon, National Convenor of the Peoples' Health Movement, India, and former vice-chancellor of the University of Kerala, India) January 2008, InfoChange News & Features, "Intellectual Property Rights are a privilege, not a human right," (brackets added) <http://infochangeindia.org/200801176812/Trade-Development/Intellectual-Property-Rights/Intellectual-Property-Rights-are-a-privilege-not-a-human-right.html>

IPR should not be implemented so as to violate and infringe upon human rights. IPR should be subsumed to human rights, national interests and the preservation of genetic resources. In fact, intellectual products are basically social products. This should not be forgotten when granting certain ‘rights' to innovators. Therefore, Intellectual Property Rights cannot be considered as ‘rights' as in the case of immutable human rights. In this sense, Intellectual Property Rights are only certain ‘privileges' conferred on individuals or corporate innovators.

IPR = bogus victimhood: It’s about the rights of corporations and blocking the flow of information

Dr B. Ekbal (consultant neurosurgeon, National Convenor of the Peoples' Health Movement, India, and former vice-chancellor of the University of Kerala, India) January 2008, InfoChange News & Features, "Intellectual Property Rights are a privilege, not a human right," (brackets added) <http://infochangeindia.org/200801176812/Trade-Development/Intellectual-Property-Rights/Intellectual-Property-Rights-are-a-privilege-not-a-human-right.html>

The success achieved by the US in making IPR a trade issue, and its subsequent incorporation in the WTO [World Trade Organization] agreement, overturns the very basis of trade negotiations, where, classically, the developing nations are considered victims and special considerations are taken to remedy their problems. In the US version, the roles are reversed. The US is a victim and the developing countries are the hostile aggressors that threaten the very foundation of America , its creativity and ideas. The rhetoric about ‘piracy' gave the US a justification for interference. The generalisation spread from individual pirates to entire States and occurred with the identification of ‘problem' countries like India . Finally, in a feat that defies all forms of logic, large multinational corporations were portrayed as the victims. Note here how the whole concept of intellectual property has come a full circle -- from the initial notion of the protection of an individual's rights and the notion of disclosure of information, IPR now means protection of the rights of corporations and a bar on the free flow of information.

Most creators do not actually gain much from IP

Dr B. Ekbal (consultant neurosurgeon, National Convenor of the Peoples' Health Movement, India, and former vice-chancellor of the University of Kerala, India) January 2008, InfoChange News & Features, "Intellectual Property Rights are a privilege, not a human right," <http://infochangeindia.org/200801176812/Trade-Development/Intellectual-Property-Rights/Intellectual-Property-Rights-are-a-privilege-not-a-human-right.html>

The earliest patent and copyright laws were geared, to an extent, to benefit the individual artisan, or the author of a literary piece or a musical score. But with the institutionalisation of the concept of IPR, individual creators ceased to be the beneficiaries and were replaced by large corporate interests. In practice, today, most creators do not actually gain much benefit from intellectual property.

Software piracy harm claims are based on dubious assumptions

Lawrence Liang, Atrayee Mazmdar and Mayur Suresh ( with the Alternative Law Forum, Bangalore, India; law firm that integrates alternative lawyering with critical research, alternative dispute resolution, pedagogic interventions and more generally maintaining sustained legal interventions in various social issues ) May 2004, "Copyright/copyleft: Myths about copyright," INFOCHANGE TRADE & DEVELOPMENT, <http://infochangeindia.org/200405096065/Trade-Development/Intellectual-Property-Rights/Copyright/copyleft-Myths-about-copyright.html> (brackets added; italics in original, quoted from another source to show their error)

"According to a survey conducted jointly by Business Software Alliance (BSA) and NASSCOM in May 1996, total losses due to software piracy in India stood at a staggering figure of about Rs 500 crores (US $ 151.3 million) showing about 60 per cent piracy rate in India. - MHRD Report on Copyright Piracy" These statistics often rely on certain dubious economic assumptions. The main one, of course, is the assumption that a person buying an illegal copy would necessarily buy a legal copy of the same if piracy did not exist. Thus, while we know that most computers in India have an illegal copy of Microsoft XP and Microsoft Office, can we assume that every user would be willing to pay an additional Rs 23,000 [rupees] for these two software alone, especially in the light of a free alternative in the form of Linux? Is it not likely that most users would not go in for the Microsoft software were it not for the fact that pirated software is available for free?

Copyright is not needed to create incentives for development

Lawrence Liang, Atrayee Mazmdar and Mayur Suresh ( with the Alternative Law Forum, Bangalore, India; law firm that integrates alternative lawyering with critical research, alternative dispute resolution, pedagogic interventions and more generally maintaining sustained legal interventions in various social issues ) May 2004, "Copyright/copyleft: Myths about copyright," INFOCHANGE TRADE & DEVELOPMENT, <http://infochangeindia.org/200405096065/Trade-Development/Intellectual-Property-Rights/Copyright/copyleft-Myths-about-copyright.html>

While there may be a case for the proposition that without incentives authors would fail to create new works, the statement that copyright law is a prerequisite for such incentives requires closer examination. What is essentially argued here is that copyright is not synonymous with incentives, and that authors have created in the absence of copyright. It is also argued that, in many instances, the incentive that copyright appears to give authors is illusory. Firstly, many authors who have little hope of ever finding a market for their publications, and whose copyright is, as a result, virtually worthless, have in the past, and even in the present, continued to write. While it may not be a general phenomenon, it is possible that people produce works purely for personal satisfaction, or even for respect and recognition from peers. Secondly, historically, there is much to suggest that copyright law and incentive were rarely linked. The 19th century saw the prolific authorship of literary works in the absence of any meaningful protection afforded to authors by virtue of their copyright. While copyright protection existed, these rarely benefited the author beyond an initial payment for the copyright for their works.

Other incentives for creative work exist besides copyright

Lawrence Liang, Atrayee Mazmdar and Mayur Suresh ( with the Alternative Law Forum, Bangalore, India; law firm that integrates alternative lawyering with critical research, alternative dispute resolution, pedagogic interventions and more generally maintaining sustained legal interventions in various social issues ) May 2004, "Copyright/copyleft: Myths about copyright," INFOCHANGE TRADE & DEVELOPMENT, <http://infochangeindia.org/200405096065/Trade-Development/Intellectual-Property-Rights/Copyright/copyleft-Myths-about-copyright.html>

In addition, the existence of alternative and different types of incentives further erodes the incentive claim of copyright protection. Two non-pecuniary incentives have been identified above: personal satisfaction and recognition. Many people have created works without any thought of pecuniary benefit. It is doubtful that Anne Frank wrote her diary or Nehru his letters with the intention of reaping the monetary benefits arising from copyright protection. As the *honorarium* discussed above shows, considerable prestige and value are attached to the work of composing a book, an article or a piece of art recognised as an example of excellence in its particular field. These incentives will always be present, regardless of whether the author is awarded monopoly rights in his or her work.

Piracy is not hurting "struggling authors"

Lawrence Liang, Atrayee Mazmdar and Mayur Suresh ( with the Alternative Law Forum, Bangalore, India; law firm that integrates alternative lawyering with critical research, alternative dispute resolution, pedagogic interventions and more generally maintaining sustained legal interventions in various social issues ) May 2004, "Copyright/copyleft: Myths about copyright," INFOCHANGE TRADE & DEVELOPMENT, <http://infochangeindia.org/200405096065/Trade-Development/Intellectual-Property-Rights/Copyright/copyleft-Myths-about-copyright.html>

Clearly pirates respond only to a market demand, and not every book is pirated. There is a particular popularity or price limit that has to be achieved before it enters into the piracy circuit. Presumably, if a book has achieved a certain status that leads to it being pirated, its author is no longer poor and struggling. Thus, the sight of Madonna appearing in TV ads condemning piracy because it deprives her of her livelihood is not terribly convincing as images of her many villas and islands flash in one’s mind. If the terms of the debate were around property and monopolies alone, then there are many ways in which the issue can be addressed -- for instance, under anti trust laws etc -- but the fact that it is always this image of the sole struggling author that is used hides questions regarding the political economy of publishing, and so on.

Information is not property like a house or car

Lawrence Liang, Atrayee Mazmdar and Mayur Suresh ( with the Alternative Law Forum, Bangalore, India; law firm that integrates alternative lawyering with critical research, alternative dispute resolution, pedagogic interventions and more generally maintaining sustained legal interventions in various social issues ) May 2004, "Copyright/copyleft: Myths about copyright," INFOCHANGE TRADE & DEVELOPMENT, <http://infochangeindia.org/200405096065/Trade-Development/Intellectual-Property-Rights/Copyright/copyleft-Myths-about-copyright.html>

The theories of George Hegel and John Locke regarding the manner in which property is created raise a fundamental question: can information be considered property in the same sense that a house or a car is considered property? The fundamental character of information is that it is a non-rival good, which means that the assumptions of depletion, scarcity etc, that are used while analysing classical theories of property do not quite fit.

Piracy can help create markets for products: Microsoft allows it in order to build a market base

Lawrence Liang, Atrayee Mazmdar and Mayur Suresh ( with the Alternative Law Forum, Bangalore, India; law firm that integrates alternative lawyering with critical research, alternative dispute resolution, pedagogic interventions and more generally maintaining sustained legal interventions in various social issues ) May 2004, "Copyright/copyleft: Myths about copyright," INFOCHANGE TRADE & DEVELOPMENT, <http://infochangeindia.org/200405096065/Trade-Development/Intellectual-Property-Rights/Copyright/copyleft-Myths-about-copyright.html>

Furthermore, piracy often acts in underdeveloped markets as the most efficient manner of creating a market or user base and also to create a lock-in period for the product. Thus Microsoft has consistently refused to enforce its intellectual property rights in markets in developing countries until a market base is created for its products. Piracy works to produce ‘network effects,’ which means that with every added user, whether legal or not, the popularity of a product increases. Network effects are important because, in terms of the total user base, the illegal users of software add value to all the users, legal and illegal, and act as agents in fostering the diffusion of the software by word-of-mouth. In this way, they indirectly generate additional positive effects for the software company.

SOLVENCY

1. General Electric IPR expert says: IPR won't increase green technology because it's not the problem

Carl Horton (chief intellectual property counsel at General Electric) 12 June 2008, "Inside Views: General Electric’s View On Green IP And Technology," Intellectual Property Watch, <http://www.ip-watch.org/weblog/2008/06/12/inside-views-general-electrics-view-on-green-ip-and-tech/> (brackets added)

The rhetoric we hear people saying, that IP [intellectual property] is the problem, I don’t understand it. I don’t see how patents are stopping anybody from making a wind or a gas-fired turbine. We don’t believe the premise, we think it’s hype. There are other ways you could reform policy to get those technologies into the market; reshaping the IP paradigm is not the way to do it because it isn’t the problem.

2. Solvency turn: Sharing intellectual property results in more energy efficiency than not-sharing

Secretary of Energy Steven Chu, 26 Mar 2009, quoted by New York Times journalistsANDREW C. REVKIN and KATE GALBRAITH, "Energy Chief Seeks Global Flow of Ideas" <http://dotearth.blogs.nytimes.com/2009/03/26/energy-chief-seeks-global-flow-of-ideas/> (brackets added)

"Since power plants are built in the home country, most of the investments are in the home country," he [US Energy Secretary Steven Chu] said. "You don’t build a power plant, put it in a boat and ship it overseas, similar to with buildings. So developing technologies for much more efficient buildings is something that can be shared in each country. If countries actively helped each other, they would also reap the home benefits of using less energy. So any area like that I think is where we should work very hard in a very collaborative way — by very collaborative I mean share all intellectual property as much as possible. And in my meetings with my counterparts in other countries, when we talk about this they say, yes, we really should do this."

3. No solvency in Africa: They're not using the market opportunities available under GSP today.

Analysis: Revoking GSP for African countries won't matter because they aren't using it anyway. No enforcement = no solvency

Mwangi S. Kimenyi, (Senior Fellow, Global Economy and Development, Africa Growth Initiative, The Brookings Institution) 30 July 2009, "African Growth and Opportunity Act: A Case of Vanishing Benefits" <http://www.brookings.edu/opinions/2009/0730_agoa_kimenyi.aspx>

The real problem with regard to U.S.-Africa trade has little to do with market access. Africa has not fully exploited the market access opportunities that are already available under GSP and AGOA [African Growth & Opportunity Act]. Thus, focus should be on the problem areas that have limited Africa’s ability to exploit market access preferences. A number of the issues that the Nairobi forum should focus on include: *Costs of Doing Business:* With increasingly liberalized world trade, the benefits that can be gained from preferences are minimal. Even with the duty-free and quota-free market access provisions, African countries have not been able to effectively exploit the preferences. The simple reason is that African countries are not competitive.

4. US has already done a lot: Other countries must change policies if IPR gains are to be achieved

Analysis/Impact: Since AFF can't fiat other countries, they can't achieve solvency

Eric H. Smith (spokesman for International Intellectual Property Alliance (IIPA), a group advocating greater IPR protection) 18 Oct 2007, statement before the Subcommittee on Courts, the Internet, and Intellectual Property, United States House of Representatives, "International Piracy: The Challenges of Protecting Intellectual Property in the 21st Century" <http://www.iipa.com/pdf/IIPAEricSmithtestimonyOctober182007Testimony10172007.pdf>

Our Congress has provided the Executive branch with a panoply of tools to tackle this challenge and over the years since the mid-80’s, huge strides have been made, through the tireless efforts of USTR and other U.S. trade and IP agencies in partnership with the private sector. At that time, most of the developing countries in Asia had piracy rates near 100%, and with a few exceptions that record is manifestly better after 20 years of very hard work. But there is only so much that one country, even the U.S., can do. Other countries must take the policy decisions, develop the political will and employ it through good legislation and effective and deterrent enforcement if those gains are to come to our people and creators and their citizens and creators.

DISADVANTAGES

1. Reduced innovation

Link: Software patents block development of new products

Dr B. Ekbal (consultant neurosurgeon, National Convenor of the Peoples' Health Movement, India, and former vice-chancellor of the University of Kerala, India) January 2008, InfoChange News & Features, "Intellectual Property Rights are a privilege, not a human right," <http://infochangeindia.org/200801176812/Trade-Development/Intellectual-Property-Rights/Intellectual-Property-Rights-are-a-privilege-not-a-human-right.html>

A similar situation has been created in the software sector due to monopolies created by software patenting. Microsoft, with its virtual monopoly over software that is used on personal computers has consistently obstructed the development of new products by its competitors.

Impact: Turn Affirmative’s harms/impacts on innovation. Innovation gets worse under Affirmative's plan

2. Hypocrisy. The US will criticize other countries for IPR violations under AFF's plan, but we'll be international hypocrites because our country is doing the same thing.

Link: The US is the biggest contributor to IPR software losses

Shayerah Ilias and Ian Fergusson (analyst and specialist in International Trade and Finance; Foreign Affairs, Defense, and Trade Division at Congressional Research Service), 20 Dec 2007, Intellectual Property Rights and International Trade, Report for Congress <http://assets.opencrs.com/rpts/RL34292_20071220.pdf>

The size of a country’s market and U.S. industries’ access to the market affect the extent to which infringement rates translate into costs to U.S. IPR-based industries. For instance, the United States had the lowest software piracy rate in the world in 2006 (21%). However, the United States was also the largest contributor to piracy losses for the U.S. business software industry because of the significant size of the domestic computer software market.

Link: Hypocrisy creates well-founded dislike of the US among foreigners

Jacob Hornberger ( founder and president of The Future of Freedom Foundation; B.A. in economics from Virginia Military Institute and his law degree from the University of Texas. He was a trial attorney for twelve years in Texas. He also was an adjunct professor at the University of Dallas, where he taught law and economics) 1 Feb 2006, "Democracy, Hypocrisy, and U.S. Foreign Policy" <http://www.fff.org/comment/com0602a.asp>

The problem, which all too many Americans fail to recognize, is that people all over the world, especially in Latin America and the Middle East, don’t like the U.S. government and its foreign policy. Equally important, what all too many Americans fail or refuse to recognize is that such dislike is well-founded and justified. Unlike Americans, foreigners have had first-hand experience with the arrogance, obnoxiousness, and hypocrisy that characterize U.S. foreign policy.

Impact: Terrorism. Foreign anger fuels terrorism

Solution: Allow free trade and travel

Analysis: Reducing foreign hatred of the US requires doing the opposite of AFF's plan of trade sanctions for countries that don't comply with our goals

Jacob Hornberger ( founder and president of The Future of Freedom Foundation; B.A. in economics from Virginia Military Institute and his law degree from the University of Texas. He was a trial attorney for twelve years in Texas. He also was an adjunct professor at the University of Dallas, where he taught law and economics) 13 Feb 2006, FUTURE OF FREEDOM FOUNDATION, "Why They Hate Us," <http://www.fff.org/comment/com0602d.asp>

Continuing the same policies that have produced volcanic anger and rage will only ensure more terrorism, more counterterrorism, more infringements on the freedom of the American people, and more increases in the Pentagon’s budget. The solution instead is for the American people to dismantle the U.S. government's overseas empire, requiring the federal government, especially the Pentagon, to withdraw from the Middle East (and the rest of the world) and also to liberate the American people to travel, trade, and interact freely with the people of the world (including both Vietnam and Cuba).

3. Exotic diseases

Link: Strong IPR = neglect of health needs in poor countries

Dr B. Ekbal (consultant neurosurgeon, National Convenor of the Peoples' Health Movement, India, and former vice-chancellor of the University of Kerala, India) January 2008, InfoChange News & Features, "Intellectual Property Rights are a privilege, not a human right," (brackets added) <http://infochangeindia.org/200801176812/Trade-Development/Intellectual-Property-Rights/Intellectual-Property-Rights-are-a-privilege-not-a-human-right.html>

The pharmaceutical sector is a classic pointer to the dangers of a strong IPR [Intellectual Property Rights] regime. Large pharmaceutical companies have generated super profits through the patenting of top selling drugs. But drugs that sell in the market may have little to do with the actual health needs of the global population for, often, there is nobody to pay for drugs required to treat diseases in the poorest countries.

Link: Developing country diseases affecting 90% of world’s population are neglected

Dr B. Ekbal (consultant neurosurgeon, National Convenor of the Peoples' Health Movement, India, and former vice-chancellor of the University of Kerala, India) January 2008, InfoChange News & Features, "Intellectual Property Rights are a privilege, not a human right," <http://infochangeindia.org/200801176812/Trade-Development/Intellectual-Property-Rights/Intellectual-Property-Rights-are-a-privilege-not-a-human-right.html>

Given their monopoly over knowledge, these companies will decide the kind of drugs that will be developed, which are likely to be drugs that can be sold to people with the money to buy them. Thus, on one hand, we have the development of ‘life-style' drugs, like Viagra, which target the illusory ailments of the rich. On the other hand, we have a large number of ‘orphan' drugs, or drugs that can cure life threatening diseases in Asia and Africa , but are not produced because the poor cannot pay for them. Just four per cent of drug research money is devoted to developing new pharmaceuticals specifically for diseases prevalent in developing countries. To put it another way, less than 10% of the $ 56 billion spent each year globally on medical research is aimed at the health problems affecting 90% of the world's population.

Impact: Millions suffer from deadly diseases without drug development

Bernard Pécoul ( Executive Director of the Drugs for Neglected Diseases Initiative (DNDi), Geneva, Switzerland) October 2004, "New Drugs for Neglected Diseases: From Pipeline to Patients," <http://medicine.plosjournals.org/perlserv/?request=get-document&doi=10.1371/journal.pmed.0010006&ct=1>

In poor countries, however, millions of people have yet to experience the benefits wrought by science. The deadly infectious diseases that plague them, such as sleeping sickness, Chagas disease, and visceral leishmaniasis, fail to arouse the interest of drug developers.

4. Food insecurity

Link: Changing India’s IPR will weaken protection of farmers and hurt India’s food security and self-sufficiency

Suman Sahai (director of Gene Campaign, an Indian research and advocacy organisation.), Science & Development Network, 9 May 2006, "Sowing trouble: India's 'second green revolution' " <http://www.scidev.net/en/opinions/sowing-trouble-indias-second-green-revolution.html>

As for India's intellectual property regime, the new initiative's board has discussed rights to products that the planned research programmes will develop. Many fear that this means that India's Protection of Plant Varieties and Farmers Rights Act — the only law in the world granting legal rights specifically to farmers — could come under threat from US pressure. Along with multinationals such as Monsanto, the United States has been lobbying for a change in India's intellectual property laws to introduce patents on seeds and genes, and dilute the provisions protecting farmers' rights. A combination of physical access to India's gene banks and a possible new intellectual property law that allows seed patents will in essence deliver India's genetic wealth into US hands. This would be a severe blow to India's food security and self-sufficiency.

Brink: India is in a dismal hunger situation

Manasi Singh (journalist), 14 Oct 2008, OneWorld South Asia , "India’s hunger levels alarming, says report," <http://southasia.oneworld.net/todaysheadlines/india2019s-hunger-levels-alarming-says-report> (brackets added)

According to Purnima Menon, IFPRI [International Food Policy Research Institute in New Delhi], "India's hunger rate fell to 23.7 points, from 32.5 points in 1990. But overall a dismal situation prevails throughout the country". "Even states with high rates of economic growth in recent years such as Gujarat, Chattisgarh and Maharashtra have shown high levels of hunger," she added.

Impact: Food insecurity means children go hungry

Anuradha Mittal (Executive Director of the Oakland Institute, a policy think tank working to increase public participation on critical social, economic, and environmental issues) 14 Aug 2008, "INDIA: AS THE ECONOMY GROWS, SO DOES HUNGER**"** <http://www.oaklandinstitute.org/mediaPDFs/IPS_8-14-08.pdf>

The World Food Programme estimates that about 350 million Indians are food insecure, making India home to nearly 50 percent of the world's hungry. More than half of the children under five are moderately or severely malnourished, or suffer from stunting.

5. Drug price increases

Link: Barriers to drug imports curb competition

THE ECONOMIC TIMES (India newspaper), 16 Oct 2008, "India sees US lobbies behind FDA ban on Ranbaxy drugs," <http://economictimes.indiatimes.com/Pharmaceuticals/India_sees_US_lobbies_behind_FDA_ban_on_Ranbaxy_drugs/articleshow/3600276.cms>

The commerce department and the chemicals ministry have written to the US authorities, saying that the curbs were not justified. The commerce department plans to take up the matter during bilateral discussions if FDA does not revoke the ban after Ranbaxy takes corrective measures to comply with US manufacturing standards. Indian pharma companies who make low-cost off-patent drugs have been alleging that global drugmakers are resorting to non-tariff barriers to curb competition.

Brink: Indian generic drug competition forces down prices

Reji Joseph (National Commission for Enterprises in the Unorganized Sector, Ministry of Small scale Industries, government of India), 26 July 2007, "RWANDA BECOMES FIRST COUNTRY TO TRY TO USE WTO PROCEDURE TO IMPORT PATENTED HIV/AIDS DRUGS" <http://www.essentialdrugs.org/indiadrug/archive/200707/msg00035.php>

Wide-scale generic competition helped lower prices for many of the older HIV/AIDS drugs, as they did not receive patent protection in pharmaceutical-producing developing countries like India.

Impact: Low-cost AIDS drugs are vital for thousands

Medicins Sans Frontiers (Doctors Without Borders; an international medical charitable organization), 2007, "MSF URGES NOVARTIS TO DROP ITS CASE AGAINST THE INDIAN GOVERNMENT, <http://www.tac.org.za/community/node/2175>

India has long been an important source of affordable essential medicines because the country did not grant pharmaceutical patents until 2005. Generic antiretroviral medicines produced in India are used to treat over 80% of the 80,000 people that receive treatment today in MSF's AIDS projects in more than 30 countries. "We rely on less-expensive, good-quality medicines produced in India to treat as many people with AIDS as possible," said Dr. Christophe Fournier, MSF International Council President. "This key source of medicines cannot be allowed to dry up."

6. International law violation

Link: Aff plan takes US industry information about losses from IPR violations but contains no mechanism for the foreign country to dispute the findings or present arguments of their own. Thus, there is no due process, only a one-sided process that assumes they're guilty without hearing their defense.

Link: Not legal in international law to sanction another country without due process

Intellectual Property Watch (a non-profit independent news service, reports on the interests and behind-the-scenes dynamics that influence the design and implementation of international intellectual property policies), 12 May 2005, "Ten Years Later, U.S. Report On IPR Compliance Still Questioned" <http://www.ip-watch.org/weblog/2005/05/12/ten-years-later-us-report-on-ipr-compliance-still-questioned/> (brackets added) **FYI: In the context of this article, the author is specifically talking about sanctioning foreign countries over IPR. Notice the title of the article, "US Report on IPR Compliance...".**

They [experts studying trade sanctions under Special 301] also question the accuracy of the findings in the report as they are based primarily on U.S. industry accounts, and the degree to which nations cited in the report have a say either before or after it comes out. Furthermore, it is not legal in international law to unilaterally sanction another country and not provide due process, said David Vivas-Eugui, an attorney and program manager at the International Centre for Trade and Sustainable Development.

Link: US reputation is at stake if international commitments are violated

Prof. Michael Tomz PhD (economics professor at Stanford Univ.) Feb 2008, "Reputation and the Effect of International Law on Preferences and Beliefs" Stanford Univ., <http://www.stanford.edu/~tomz/working/Tomz-IntlLaw-2008-02-11a.pdf>

Through legalization, a country stakes its reputation in three ways. First, it publicizes the commitment. Unlike secret threats and promises conveyed behind closed doors, legal commitments are typically made in plain sight of domestic and foreign observers. Through signing ceremonies and ratification procedures, countries reveal the commitment to outside observers, and thereby widen the set of parties that can monitor compliance. Moreover, legal commitments leave paper trails that reduce the potential for deniability. In short, legal commitments expose countries to potential reputational costs by making commitments visible to the rest of the world.

Brink: US is under the spotlight about international law compliance right now - we need to restore the US reputation

Prof Harlan Grant Cohen (Assistant Professor, University of Georgia School of Law; J.D.) Aug 2009, "Can International Law Work?" Boalt Law School, Univ of Calif.-Berkeley, BERKELEY JOURNAL OF INTERNATIONAL LAW, [www.boalt.org/bjil/docs/BJIL27.2\_Cohen.pdf](http://www.boalt.org/bjil/docs/BJIL27.2_Cohen.pdf)

The United States’ reputation regarding international law has recently come under a spotlight. Candidates to succeed George W. Bush as President campaigned on promises to "restore our reputation as a nation which respects international law, human rights, and civil liberties," and with his election, the burden of fulfilling those promises has since fallen on the new President, Barack Obama. "The outgoing administration has left an ‘immense’ weight of expectations on Barack Obama to restore the reputation of the U.S. around the world," observed former British Prime Minister Tony Blair.

Impact: Americans and American businesses are impacted when America is not well-liked

Keith Reinhard (chairman of DDB Worldwide, one of the largest global advertising network agencies in the world; founder of Business for Diplomatic Action, a non-profit that enlists the U.S. business community in actions to improve America's standing in the world) 31 May 2006, "The Myth of the Ugly American" <http://www.pbs.org/pov/borders/2006/talk/keith_reinhard/000255.html>

If people start preferring Japanese or Korean or German cars that has a direct impact. But I think more concerning to me as a parent and grandparent is the prospect of a rogue nation where Americans are not welcomed in the world as travelers, as scholars, as workers. Where American brands are not welcomed in the world. This will have profound effect if we don't reverse these trends. I think the average American ought to be concerned about that.

SUPPLEMENTAL MATERIAL ON INDIA... just in case you can use it

INHERENCY

1. US and India have process for setting the highest standards of protection of IP

US-India CEO Forum (formed following Bush-Singh meeting in 2005, made up of CEOs from both countries to identify issues for discussion between President Bush and Prime Minister Singh for their 2006 meeting) 2006, "US – India Strategic Economic Partnership," <http://planningcommission.nic.in/reports/genrep/USIndia.pdf>

Intellectual Property Rights (IPR) protection has separated and divided US and Indian businesses in the past but there is an increasing convergence in the approach to IPR and supporting legislation. There is now a mutual, agreed agenda to frame laws, rules and processes to sustain the highest standards of protection to the inventor or the organization, which invests in IP.

2. Protection of IPR in India is well-established and getting stronger

Prof. John Cavicchi (Franklin Pierce Law Center, a law school in New Hampshire), 2008, "IP India: Legal Resources for Indian Intellectual Property Advocates and Professionals," <http://ipmall.info/hosted_resources/ip_india.asp>

The protection of intellectual property rights in India continues to be strengthened. There is a well-established statutory, administrative and judicial framework to safeguard rights, whether they relate to patents, trademarks, copyright or industrial designs. Well-known international trademarks have been protected in India even when they were not registered in India. The new Trademark Act allows registration of service marks. Hence, Court's recognition of service marks in the past has been now given statutory protection. Computer software companies have successfully curtailed piracy through court orders. Computer databases have been protected. The courts, under the doctrine of breach of confidentiality, accorded an extensive protection of trade secrets. Right to privacy, which is not protected even in all developed countries, has been recognized in India. Steps are being taken by the Government of India to strengthen and modernize the intellectual property administration system, including patent information services, trademarks registration and patent offices in India.

EXTRA EVIDENCE YOU CAN LINK TO A DISAD...

GSP Political intimidation

[Note: only applies if AFF plan uses GSP, General System of Preferences, to enforce their plan; it's a form of trade sanctions whereby the US takes away favorable trade conditions from countries that don't comply. Basically, we raise trade barriers to countries that don't do the Aff's plan and that gives them an incentive to comply.]

Link: GSP = political intimidation toward other countries

Ariela Ruiz Caro (Peruvian economist and international consultant and a regional trade analyst with the IRC Americas Program at Center for International Policy; Adviser, Presidency of the Permanent Representatives’ Commission of MERCOSUR, a regional trade agreement in South America) 22 Aug 2006, "U.S. Trade Sanctions Seek to Pressure Latin America" <http://americas.irc-online.org/am/3456>

The GSP is a mechanism through which developed countries (especially the United States, the European Union, and Japan) offer preferential access to their markets to products from underdeveloped countries, through exemption from tariffs and customs fees. This preferential and unilateral treatment from industrialized nations, delivered for more than three decades, has been used often as an instrument of political intimidation toward the beneficiary countries.

NEGATIVE BRIEF: LIGHT BULB STANDARDS REPEAL - bad idea

(Jonathan Edelblut contributed some of the evidence in this brief)

NOTE: CFL = Compact Flourescent Light

INHERENCY

Incandescent bulbs are not banned

Jeffrey Logan (Specialist in Energy Policy; Resources, Science, and Industry Division) 28 Feb 2008, Congressional Research Service, "Lighting Efficiency Standards in the Energy Independence and Security Act of 2007: Are Incandescent Light Bulbs "Banned"?" <https://www.policyarchive.org/bitstream/handle/10207/18981/RS22822_20080228.pdf?sequence=2>

Incandescent bulbs are not banned or prohibited by the new law. Instead, a performance standard is set for non-excluded categories of bulbs, requiring them to meet minimum energy efficiency requirements. If bulbs cannot meet the standards as defined above, suppliers are not allowed to continue selling them. The law does not specify technology winners and losers. Rather, the intent of the standard is to draw more efficient light bulbs into the market.

Lots of choices available: incandescent, halogen, LED and CFL

Jeffrey Logan (Specialist in Energy Policy; Resources, Science, and Industry Division) 28 Feb 2008, Congressional Research Service, "Lighting Efficiency Standards in the Energy Independence and Security Act of 2007: Are Incandescent Light Bulbs "Banned"?" <https://www.policyarchive.org/bitstream/handle/10207/18981/RS22822_20080228.pdf?sequence=2>

Other new incandescent products will likely be introduced by the effective dates of the law. General Electric (GE), for example, says that it will have an incandescent bulb that uses half the energy of today’s bulbs by 2010 and only a quarter by 2012. Nonincandescent products, including compact fluorescent lamps (CFLs) and light emitting diode (LED) bulbs, can already meet Tier I standards.

CFL manufacturers have lowered mercury content.

Northeast Energy Efficiency Partnerships Inc. [non-profit organization that facilitates regional partnerships to advance the efficient use of energy in homes, buildings and industry in the Northeast U.S. NEEP works to leverage knowledge, capability, learning and funding through regionally coordinated policies, programs and practices] "NEEP CFL Disposal & Recycling Report and Recommendations**"** 10 Sept 2008 <http://neep.org/uploads/SOAPResources/id226/NEEP%20CFL%20Recycling%20Report_091008_Final.pdf>

"The mercury content inside CFLs typically ranges between 3.5 milligrams (mg) to 6 milligrams, with an average falling around 4 mg according to the US EPA5. Based on voluntary limits set by the National Electrical Manufacturers Association (NEMA) and ENERGY STAR at 5 mg, a large majority fall at or under this level. 5 mg of mercury is about the size of the ball of a ballpoint pen. Compare this to mercury thermometers that contain 500 mg of mercury. The 5mg of mercury contained in CFLs today is less than the amount when CFLs were first sold commercially and manufacturers are currently working to reduce the amount further. Many manufacturers have recently released low mercury products with as little as 1 mg."

There are recycling programs for CFLs

Energy Star[a joint program of the U.S. Environmental Protection Agency and the U.S. Department of Energy dedicated to saving money and protecting the environment through energy efficient products and practices] "Information on Compact Fluorescent Light Bulbs (CFLs) and Mercury" Published July 2008 <http://www.energystar.gov/ia/partners/promotions/change_light/downloads/Fact_Sheet_Mercury.pdf>

"EPA recommends that consumers take advantage of available local recycling options for compact fluorescent light bulbs. EPA is working with CFL manufacturers and major U.S. retailers to expand recycling and disposal options. Consumers can contact their local municipal solid waste agency directly, or go to www.epa.gov/bulbrecycling or www.earth911.org to identify local recycling options. If your state or local environmental regulatory agency permits you to put used or broken CFLs in the garbage, seal the bulb in two plastic bags and put it into the outside trash, or other protected outside location, for the next normal trash collection. Never send a fluorescent light bulb or any other mercury-containing product to an incinerator."

Example: New Hampshire recycles CFLs at no cost to the consumer

Northeast Energy Efficiency Partnerships Inc. [non-profit organization that facilitates regional partnerships to advance the efficient use of energy in homes, buildings and industry in the Northeast U.S. NEEP works to leverage knowledge, capability, learning and funding through regionally coordinated policies, programs and practices] "NEEP CFL Disposal & Recycling Report and Recommendations**"** 10 Sept 2008 <http://neep.org/uploads/SOAPResources/id226/NEEP%20CFL%20Recycling%20Report_091008_Final.pdf>

"New Hampshire Department of Environmental Services, with cooperation from Public Services of New Hampshire, and the New Hampshire Small Business Development Center, teamed up with local True Value Hardware stores to create a statewide CFL recycling program. 24 True Value retail locations now offer spent CFL recycling at *no cost to the consumer*. Retail recycling locations are highlighted on the DES’s website as well as the state’s energy efficiency program, NHSaves’, website. This program accepts CFLs, 4ft. and 8ft. linear bulbs. In order to prevent large commercial generators from using these locations to recycle, customers are limited to six bulbs per visit. Broken bulbs are not accepted at this time. In addition to the listed participating retailers, the NH DES also lists 63 towns who now accept CFLs at their recycling/transfer stations. Retailer education is conducted by DES staff and NHSaves field representatives. Special collection pails are used at each location, and once full, are sent to the recycling facility for processing."

Background info: How CFLs are recycled

Northeast Energy Efficiency Partnerships Inc. [non-profit organization that facilitates regional partnerships to advance the efficient use of energy in homes, buildings and industry in the Northeast U.S. NEEP works to leverage knowledge, capability, learning and funding through regionally coordinated policies, programs and practices] "NEEP CFL Disposal & Recycling Report and Recommendations**"** 10 Sept 2008 <http://neep.org/uploads/SOAPResources/id226/NEEP%20CFL%20Recycling%20Report_091008_Final.pdf>

"First, CFLs are gathered, packaged for transportation, and delivered to a recycling facility. Then the CFLs are brought into a negative pressure room where the bases are separated from the bulbs. Depending on the facility, this process can happen manually by workers in Tyvek suits or through a machine that also creates a negative pressure chamber. The bases are further separated into ballast and casing. The base components are chopped up and the materials separated and recovered by type i.e. plastics, metals, for remanufacturing. Next the bulb is crushed by implosion. The Phosphor/mercury powder is separated from the glass using a vibrating conveyor belt and is then blown into a bag house. The glass is recovered for use in manufacturing fiberglass or other glass products including new CFLs. The Phosphor powder is collected in sealed drums and retorted for mercury reclamation and Phosphor powder re-use. Several national companies are in the business of performing these processes including Veolia Environmental Services, Waste Management, Earth Protection Services, Inc. (EPSI), etc."

HARMS

CONSUMER CHOICE

1. No loss of consumer choice: Lots of choices still available, including incandescent

Jeffrey Logan (Specialist in Energy Policy; Resources, Science, and Industry Division) 28 Feb 2008, Congressional Research Service, "Lighting Efficiency Standards in the Energy Independence and Security Act of 2007: Are Incandescent Light Bulbs "Banned"?" <https://www.policyarchive.org/bitstream/handle/10207/18981/RS22822_20080228.pdf?sequence=2>

Efficient lighting products such as compact fluorescent lights and light emitting diodes have advanced rapidly in recent years. Light quality has improved, costs have declined, and consumer choice has expanded. Still, many consumers prefer traditional incandescent lighting products. Incandescent bulbs are not banned or outlawed by the new law, but they will need to meet the new efficiency standards to remain on the market. Some new incandescent products already available can meet Tier I requirements, and at least one major manufacturer claims that it will have advanced incandescent products available in time to meet the higher Tier II efficiency requirements.

2. Halogen alternatives already available

Jeffrey Logan (Specialist in Energy Policy; Resources, Science, and Industry Division) 28 Feb 2008, Congressional Research Service, "Lighting Efficiency Standards in the Energy Independence and Security Act of 2007: Are Incandescent Light Bulbs "Banned"?" <https://www.policyarchive.org/bitstream/handle/10207/18981/RS22822_20080228.pdf?sequence=2>

Manufacturers are introducing advanced incandescent bulbs, such as halogen lamps with special coatings, that meet the standards or are very close to doing so. In October 2007, Philips Lighting Company introduced the Halogená Energy Saver incandescent bulb series that reportedly meets Tier I standards.5 The 70-watt bulb in this product line, for example, looks similar to "regular" light bulbs and can be used in table lamps, floor lamps, and ceiling fixtures. It provides high-quality light, equivalent to the output from many traditional 100-watt bulbs.

UV (Ultra Violet Light) EMISSIONS

1. UV from fluorescent lights is small and not hazardous

Health Canada (which is the Canadian federal government's Health Department), Last updated 23 June 2009, "The Safety of Compact Fluorescent Lamps" <http://www.hc-sc.gc.ca/hl-vs/iyh-vsv/prod/cfl-afc-eng.php>

As noted above, fluorescent lights produce UV when the mercury vapour is 'excited' by the electrical current. However, the amount of UV produced is so small that it is not considered hazardous to your health. A number of international scientific studies have found no health issues within the general population that are associated with the use of fluorescent lights.

2. CFL's don't emit much UV and if they do they will have warning labels

US Food & Drug Administration, "Radiation-Emitting Products," Compact Fluorescent Lamps (CFLs) – Fact Sheet/FAQ, last updated 18 June 2009, <http://www.fda.gov/Radiation-EmittingProducts/RadiationEmittingProductsandProcedures/HomeBusinessandEntertainment/ucm116400.htm>

How do I know that the level of UV is acceptably low from a CFL? The Illuminating Engineering Society of North America (IESNA) has published a series of standards relating to radiation emissions from general purpose lighting. If a CFL were to exceed allowable levels of UV (according to IESNA RP 27.3), its packaging would be required to be labeled with a caution label. This standard, which was developed with the assistance of the FDA, requires lamp manufacturers to provide a suitable caution if one is needed. At typical use distances, UV levels from CFLs fall below the level of general concern for normal, healthy individuals and therefore carry no such warning.

3. Tiny UV emissions can easily be filtered by the consumer

US Food & Drug Administration, "Radiation-Emitting Products," Compact Fluorescent Lamps (CFLs) – Fact Sheet/FAQ, last updated 18 June 2009, <http://www.fda.gov/Radiation-EmittingProducts/RadiationEmittingProductsandProcedures/HomeBusinessandEntertainment/ucm116400.htm>

The glass used in CFLs already provides a UV filtering effect. In addition, any additional glass, or plastic, or fabric used in lighting fixtures that is between you and the CFL will further reduce the already low levels to still lower levels since these materials act as additional UV filters. Increasing the distance between you and any radiation source, including CFLs, will also reduce the small level to a lower level. However, if you still wish to take additional steps then you might wish to purchase the type of CFL that has an additional glass or plastic cover that enclosed the CFL to make it appear more like a traditional incandescent lamp. These covers provide an additional reduction of the low level of UV to a lower level.

MERCURY

1. CFL mercury emissions are miniscule: If every CFL were broken, it would cause 0.1% of total mercury emissions

Northeast Energy Efficiency Partnerships Inc. [non-profit organization that facilitates regional partnerships to advance the efficient use of energy in homes, buildings and industry in the Northeast U.S. NEEP works to leverage knowledge, capability, learning and funding through regionally coordinated policies, programs and practices] "NEEP CFL Disposal & Recycling Report and Recommendations**"** 10 Sept 2008 <http://neep.org/uploads/SOAPResources/id226/NEEP%20CFL%20Recycling%20Report_091008_Final.pdf>

"The US EPA estimates that 104 metric tons of mercury is emitted into the environment every year. The majority of emissions come from coal powered electricity generators, while a much smaller fraction are released out of mercury containing devices that are disposed of improperly in landfills and incinerators. To offer some perspective on the potential release from CFLs versus the total US emissions, consider that most of the mercury in a CFL bonds to the glass casing when broken, emitting approximately 10% of the mercury to the air or water. In a worst case scenario that all 290 million ENEGRY STAR qualified CFLs were broken in landfills, the total emissions would come to .13 metric tons or .1% of total human caused mercury emissions in the US."

2. CFL mercury = at most 0.16% of US mercury emissions

Energy Star[a joint program of the U.S. Environmental Protection Agency and the U.S. Department of Energy dedicated to saving money and protecting the environment through energy efficient products and practices] "Information on Compact Fluorescent Light Bulbs (CFLs) and Mercury" Published July 2008 [www.energystar.gov/ia/partners/promotions/change\_light/downloads/Fact\_Sheet\_Mercury.pdf](http://www.energystar.gov/ia/partners/promotions/change_light/downloads/Fact_Sheet_Mercury.pdf)

"EPA estimates the U.S. is responsible for the release of 104 metric tons of mercury emissions each year. Most of these emissions come from coal-fired electrical power. Mercury released into the air is the main way that mercury gets into water and bio-accumulates in fish. (Eating fish contaminated with mercury is the main way for humans to be exposed.) Most mercury vapor inside fluorescent light bulbs becomes bound to the inside of the light bulb as it is used. EPA estimates that the rest of the mercury within a CFL – about 14 percent – is released into air or water when it is sent to a landfill, assuming the light bulb is broken. Therefore, if all 290 million CFLs sold in 2007 were sent to a landfill (versus recycled, as a worst case) – they would add 0.16 metric tons, or 0.16 percent, to U.S. mercury emissions caused by humans."

3. CFLs contain a very small amount of mercury and most makers have decreased the amount of mercury content.

Energy Star[a joint program of the U.S. Environmental Protection Agency and the U.S. Department of Energy dedicated to saving money and protecting the environment through energy efficient products and practices] "Information on Compact Fluorescent Light Bulbs (CFLs) and Mercury" Published July 2008 <http://www.energystar.gov/ia/partners/promotions/change_light/downloads/Fact_Sheet_Mercury.pdf>

"CFLs contain a very small amount of mercury sealed within the glass tubing – an average of 4 milligrams. By comparison, older thermometers contain about 500 milligrams of mercury – an amount equal to the mercury in 125 CFLs. Mercury is an essential part of CFLs; it allows the bulb to be an efficient light source. No mercury is released when the bulbs are intact (not broken) or in use. Most makers of light bulbs have reduced mercury in their fluorescent lighting products. Thanks to technology advances and a commitment from members of the National Electrical Manufacturers Association, the average mercury content in CFLs has dropped at least 20 percent in the past year. Some manufacturers have even made further reductions, dropping mercury content to 1.4 – 2.5 milligrams per light bulb."

4. No mercury problem with CFL bulbs: They save enough energy to offset any leakage

Analysis: Mercury is emitted by coal burning power plants. CFLs use so much less energy that the mercury not-emitted from the electricity they save more than offsets any mercury that might be in the bulbs themselves that could leak out.

Ann Geracimos (Journalist), 20 July 2009, WASHINTON TIMES, "Eco-friendly light bulbs flip switch on problems" <http://www.washingtontimes.com/news/2009/jul/20/eco-friendly-light-bulbs-flip-switch-on-problems/>

The federal Web site Energy Star (www.energystar.gov) notes that each CFL bulb contains an average of 4 milligrams of mercury, compared with the 500 milligrams contained in old-style glass thermometers. None of the mercury is released in operation, and leakage is a risk only if the bulbs are broken. The site says "electricity use is the main source of mercury emissions in the U.S.," so it's important that CFLs use less electricity than incandescent lights. The EPA says that "a 13-watt, 8,000-rated-hour-life CFL (60-watt equivalent; a common light bulb type)" will save enough energy over its lifetime to offset even all of its mercury leakage into landfills.

COLD TEMPERATURE ISSUES

1. CFLs can be used down to -20 degrees Fahrenheit

US Dept of Energy, Federal Energy Management Program, last updated 9 July 2009 "Tips for Using Compact Fluorescent Lamps" <http://www1.eere.energy.gov/femp/technologies/eep_fluor_tips.html>

# It may be that your area has occasional temperature dips for a day or weeks. It is important to consider whether the potential for a few days without CFL lights is acceptable in your situation. If it is not, then choose a lamp with a low enough temperature starting range to cover all possibilities in your area.  
  
# Many currently available CFL products are rated to start at 0 degrees F. The Defense Logistics Agency offers products with starting ratings at -20 degrees F.

2. Use one of the others (halogens, incandescents etc) that will still be on the market, if you're below -20 degrees. Cross-apply inherency and harms evidence about other bulbs still available.

COST

CFLs will save in electricity costs more than they cost.

Daniel Orenstein [Center for Environmental Studies, Brown University, J.D. from Georgetown University Law Center, Bachelor of Arts in Political Science from Columbia University, Master of Science in Ecology from Ben Gurion University, and Bachelor of Science in environmental biology and management from the University of California] "A Light Among the Nations-Compact Fluorescent Light FAQ Sheet" 2006 [www.coejl.org/climatechange/faqsheet.pdf](http://www.coejl.org/climatechange/faqsheet.pdf)

"Q: Compact Fluorescent Light Bulbs are more expensive than regular bulbs. Why should I switch?  
  
A:The cost of a CFL bulb purchased through COEJL is from $2.00 to $2.50 depending on brightness. While this is indeed more expensive than a conventional bulb, the CFL bulb uses approximately one quarter of the energy of a conventional bulb and lasts 8 times longer. Due to these savings, your bulb will pay for itself in energy savings within 2 to 3 months (based on 5-hour /day use and average electricity cost) and save at least $25 over the course of its life."

PERSONAL DISCOMFORT

1. No research proving CFLs cause headaches - overwhelming majority of poeple report no problem with CFLs

US Food & Drug Administration, "Radiation-Emitting Products," Compact Fluorescent Lamps (CFLs) – Fact Sheet/FAQ, last updated 18 June 2009, <http://www.fda.gov/Radiation-EmittingProducts/RadiationEmittingProductsandProcedures/HomeBusinessandEntertainment/ucm116400.htm>

The vast majority of CFL users, both in households and in commercial buildings, report no issues regarding CFL usage, including headaches. There are some anecdotal reports, however, and, although there is yet no research to directly explain any plausible causative mechanism, it may be possible that some people are susceptible to such headache effects just as some people claim to be annoyed by normal fluorescent lighting. However, the overwhelming numbers of people that use CFLs report no such negative effects.

2. CFL Noise and flicker problems have been solved

Congressional Research Service, "Lighting Efficiency Standards in the Energy Independence and Security Act of 2007: Are Incandescent Light Bulbs "Banned"?" <https://www.policyarchive.org/bitstream/handle/10207/18981/RS22822_20080228.pdf?sequence=2>

Consumers have also reported objections to noise and flicker in CFL bulbs. Most of these problems have been solved with the introduction of improved electronic ballasts, although some low quality brands may still exhibit these problems.

3. CFLs have improved - today they are as good or better than incandescent

Shannon Brescher Shea [Communications Associate at the National Academies, Clean Cities Communications Coordinator at U.S. Department of Energy, Masters in Nature, Society and Environmental Policy from University of Oxford, Bachelors, Communication, and Natural Resources from Cornell University] "Bright Idea- The ‘New" compact florescent light bulb" Published by the New York State Conservationist, April 2008 <http://www.dec.ny.gov/docs/administration_pdf/0408brightidea.pdf>

"The original fluorescent tubes flickered and buzzed because they relied on a pulse of electricity. In contrast, modern CFLs have a near constant flow of electricity that produces a quiet, consistent glow. Developments in technology have also lowered their price, making them more affordable than incandescent bulbs over time. Perhaps the most important improvement to CFLs is that changes in their coating have made their light both brighter and "warmer." Despite their previous reputation for producing harsh and glaring light, experts say that for general lighting purposes, the quality of today’s CFLs can actually exceed incandescents. Rensselaer Polytechnic Institute’s Lighting Research Center has conducted studies that show people actually prefer well-chosen CFLs to incandescent ones. Referring to the belief that fluorescent bulbs produce a "cold" light, Director Mark Rea said, "It’s not true that you have to freeze in the dark with fluorescent lighting."

DISADVANTAGES

1. $40 billion in consumer costs

Jeffrey Logan (Specialist in Energy Policy; Resources, Science, and Industry Division) 28 Feb 2008, Congressional Research Service, "Lighting Efficiency Standards in the Energy Independence and Security Act of 2007: Are Incandescent Light Bulbs "Banned"?" [www.policyarchive.org/bitstream/handle/10207/18981/RS22822\_20080228.pdf?sequence=2](http://www.policyarchive.org/bitstream/handle/10207/18981/RS22822_20080228.pdf?sequence=2)

Given rising attention to energy prices, energy insecurity, and climate change, Congress passed the Energy Independence and Security Act of 2007 (hereafter referred to as the "Energy Independence Act") to address, among other things, the efficiency of current incandescent light bulbs. By one projection, the new standards will cumulatively save more than $40 billion on electricity costs and offset about 750 million metric tons of carbon emissions by the year 2030.

2. Coal pollution from dozens of power plants

Link: Dozens of power plants are avoided with light bulb energy standards

Jeffrey Logan (Specialist in Energy Policy; Resources, Science, and Industry Division) 28 Feb 2008, Congressional Research Service, "Lighting Efficiency Standards in the Energy Independence and Security Act of 2007: Are Incandescent Light Bulbs "Banned"?" <https://www.policyarchive.org/bitstream/handle/10207/18981/RS22822_20080228.pdf?sequence=2>

The Energy Independence and Security Act of 2007 (P.L. 110-140) sets new performance standards for many common light bulbs. Tier I standards require a 25%-30% increase in the energy efficiency of typical light bulbs beginning in 2012, and still greater improvements through Tier II standards starting in 2020. The U.S. Department of Energy (DOE) will define Tier II standards in an upcoming rulemaking. Supporters expect these new measures to save consumers billions of dollars in electricity costs, offset the need to build dozens of new power plants, and cut millions of tons of greenhouse gas emissions in the United States.

Link: Coal is the principle fuel for electric generation; increasing energy demand = more coal will be used

Bill Ambrose (Chairman, American Association of Petroleum Geoligists), Energy Minerals Division, last updated Feb 2009, "Coal," <http://emd.aapg.org/technical_areas/coal.cfm>

Coal is the principal fuel used for electric generation in the United States, and annual production has been relatively steady the last few years at 1.1 to 1.2 billion short tons. Increasing demand for energy is improving coal markets domestically and abroad, and rising energy prices are improving market conditions for coal significantly.

Impact: People die from fossil fuel pollution

Dr. Gideon Polya (Australian scientist; published 130 works in a 4 decade scientific career, most recently a huge pharmacological reference text "Biochemical Targets of Plant Bioactive Compounds") 14 June 2008, "Pollutants from coalbased electricity generation kill 170,000 people annually" [www.green-blog.org/2008/06/14/pollutants-from-coal-basedelectricity-generation-kill-170000-people-annually/](http://www.green-blog.org/2008/06/14/pollutants-from-coal-basedelectricity-generation-kill-170000-people-annually/)

However a major reality that is generally ignored is the death toll associated with pollutants other than CO2 generated by fossil fuel burning, notably carbon monoxide, sulphur dioxide, particulates, volatile organic components, nitrogen oxides and heavy metals such as mercury. As outlined below an upper limit of about 0.3 million people die avoidably each year in the world due to the effects of toxic pollutants from fossil fuel burning.

3. Mercury emissions

Link: Affirmative stops promoting CFLs

Link: CFLs reduce mercury in the environment through reduced energy consumption

Energy Star[a joint program of the U.S. Environmental Protection Agency and the U.S. Department of Energy dedicated to saving money and protecting the environment through energy efficient products and practices] "Information on Compact Fluorescent Light Bulbs (CFLs) and Mercury" Published July 2008 [www.energystar.gov/ia/partners/promotions/change\_light/downloads/Fact\_Sheet\_Mercury.pdf](http://www.energystar.gov/ia/partners/promotions/change_light/downloads/Fact_Sheet_Mercury.pdf)

"Electricity use is the main source of mercury emissions in the US. CFLs use less electricity than incandescent lights, meaning CFLs reduce the amount of mercury into the environment. As shown in the table below, a 13-watt, 8,000-rated-hour-life CFL (60-watt equivalent; a common light bulb type) will save 376 kWh over its lifetime, thus avoiding 4.5 mg of mercury. If the bulb goes to a landfill, overall emissions savings would drop a little, to 4.0 mg. EPA recommends that CFLs are recycled where possible, to maximize mercury savings."

Link/Quantification: Coal fired power plants will emit 2.4 milligrams of mercury for CFLs over 5 yr, while incandescents will emit 10 mg.

Analysis: CFL= 76% reduction in mercury compared to incandescents!

Northeast Energy Efficiency Partnerships Inc. [non-profit organization that facilitates regional partnerships to advance the efficient use of energy in homes, buildings and industry in the Northeast U.S. NEEP works to leverage knowledge, capability, learning and funding through regionally coordinated policies, programs and practices] "NEEP CFL Disposal & Recycling Report and Recommendations**"** 10 Sept 2008 <http://neep.org/uploads/SOAPResources/id226/NEEP%20CFL%20Recycling%20Report_091008_Final.pdf>

"According to the EPA, a typical coal fired power plant will emit 2.4 mg of mercury during the operating hours of a CFL over a 5 year period, while incandescent bulbs will emit 10 mg over the same time span. For most regions, even when the mercury emissions from improper disposal are factored in, total release to the environment is still less for the CFL."

Impact: Turn the Aff's mercury harms. If mercury is harmful, it gets worse under their plan because more energy consumption will increase mercury emissions.

Impact: Mercury exposure causes severe disabilities

Environmental Protection Agency, last updated 7 Oct 2009, Mercury - Health Effects, <http://www.epa.gov/mercury/effects.htm>

Outbreaks of methylmercury poisonings have made it clear that adults, children, and developing fetuses are at risk from ingestion exposure to methylmercury. During these poisoning outbreaks some mothers with no symptoms of nervous system damage gave birth to infants with severe disabilities, it became clear that the developing nervous system of the fetus may be more vulnerable to methylmercury than is the adult nervous system.

4. Greenhouse gas emissions

Link: AFF reduces / opposes CFLs

Link: CFLs reduce GHG emissions

Richard Corniff [M.B.A from San Jose State University, B.S. from California State University] "Let There Be Light", Published in May 2007 by the Smithsonian Magazine, <http://www.cohoctonfree.com/updates/items/EdisonLight.pdf>

"Put a CFL in place of a 60-watt incandescent bulb, and you save about $30 in electrical costs alone over the life of the CFL. More important, you avoid over 80 pounds of greenhouse gas emissions annually. And if every household in the country made the switch in just one socket, it would be the global warming equivalent of yanking 800,000 cars off the road, according to Richard Karney, an official with federal Energy Star program, which promotes energy efficiency."

Impact: GHG pollution causes death and destruction

Dr. Gideon Polya (Australian scientist; published 130 works in a 4 decade scientific career, most recently a huge pharmacological reference text "Biochemical Targets of Plant Bioactive Compounds") 14 June 2008, "Pollutants from coalbased electricity generation kill 170,000 people annually" [www.green-blog.org/2008/06/14/pollutants-from-coal-basedelectricity-generation-kill-170000-people-annually/](http://www.green-blog.org/2008/06/14/pollutants-from-coal-basedelectricity-generation-kill-170000-people-annually/)

It is already clear from declining agricultural production due to drought and massive storm surge disasters in India, Bangladesh, Burma and the US that global warming is already impacting on global avoidable mortality. "The report found that the "true cost" of coal-based electricity was 4-5 times the "market price" depending upon whether one valued a human life at $4 million or $5 million." Greenhouse gas pollution – mostly due to carbon dioxide (CO2) from fossil fuel burning – is driving global warming and attendant species extinctions, droughts, sea level rise, decreased agricultural production and increased human death.

NEGATIVE BRIEF: LOUISIANA WETLANDS RESTORATION

TOPICALITY

Increased funding versus Significant Reform. AFF plan is merely increasing funding for an existing policy: CWPPRA. There's no actual "reform" of CWPPRA.

Congress created CWPPRA to restore Louisiana wetlands

Jeffrey A. Zinn, (Resources, Science, and Industry Division) 25 Oct 2007, Congressional Research Service, Coastal Wetlands Planning, Protection, and Restoration Act (CWPPRA): Effects of Hurricanes Katrina and Rita on Implementation, <http://stuff.mit.edu/afs/sipb.mit.edu/contrib/wikileaks-crs/wikileaks-crs-reports/RS22467.pdf>

Congress authorized CWPPRA to create and restore coastal wetlands in Louisiana as a response to rapid rates of land loss as wetlands were converted to open water. The human and natural causes, geographic patterns, and rapid rates of loss had been documented in numerous studies and reports since the 1960s.

GOAL/CRITERION response

Unworthy goal: Doesn’t make sense to rebuild New Orleans after Katrina

David Boaz (executive Vice President of Cato Institute, articles have been published in the Wall Street Journal, the New York Times, the Washington Post, the Los Angeles Times) 29 Sept 2005, "Franklin Delano Bush," <http://www.cato.org/pub_display.php?pub_id=5071>

Have President Bush and his advisers even considered whether it makes sense to rebuild a city below sea level on a hurricane path? Maybe New Orleans should return to being the "Crescent City," so named because it originally sat on a narrow crescent of high land on the bank of the Mississippi River. Only 51 percent of Americans think it makes sense to rebuild New Orleans, even without asking them if they’d be willing to pay for it. Don’t expect them to be asked, either.

INHERENCY

1. CWPPRA: Status Quo federal policy already doing Aff plan

Impact: Vote negative and let the Status Quo solve

Jeffrey A. Zinn, (Resources, Science, and Industry Division) 25 Oct 2007, Congressional Research Service, Coastal Wetlands Planning, Protection, and Restoration Act (CWPPRA): Effects of Hurricanes Katrina and Rita on Implementation, <http://stuff.mit.edu/afs/sipb.mit.edu/contrib/wikileaks-crs/wikileaks-crs-reports/RS22467.pdf>

The Coastal Wetlands Planning, Protection, and Restoration Act (CWPPRA), also called the Breaux Act after an initial sponsor, was enacted to respond to the loss of coastal wetlands, especially in Louisiana. It authorizes funds for three purposes: 70% is for restoration of Louisiana coastal wetlands, 15% is for coastal wetlands restoration in other states, and 15% is to support the North American Wildlife Habitat Management Program.

CWPPRA Impact: 164 projects covering hundreds of thousands of acres

Jeffrey A. Zinn, (Resources, Science, and Industry Division) 25 Oct 2007, Congressional Research Service, Coastal Wetlands Planning, Protection, and Restoration Act (CWPPRA): Effects of Hurricanes Katrina and Rita on Implementation, <http://stuff.mit.edu/afs/sipb.mit.edu/contrib/wikileaks-crs/wikileaks-crs-reports/RS22467.pdf>

The CWPPRA program has been very active in Louisiana. Currently, 164 high-priority projects have been identified. In the 2007 selection process, three projects were approved for construction and four projects were approved for engineering and design. The task force reported that 78 projects have been constructed, are under construction, or have been approved for construction. These projects are located throughout coastal Louisiana, with the largest number in the Calcasieu/Sabine area in the western part of the state (18) and in Terrebonne Parish in the central part of the state (14). The task force credits these projects with having reestablished more than 32,000 acres, protected more than 38,000 acres, and enhanced (specific functions have been intensified/improved) more than 320,000 acres.

2. Let Louisiana do it

State of Louisiana has funding for wetlands restoration

Jeffrey A. Zinn, (Resources, Science, and Industry Division) 25 Oct 2007, Congressional Research Service, Coastal Wetlands Planning, Protection, and Restoration Act (CWPPRA): Effects of Hurricanes Katrina and Rita on Implementation, <http://stuff.mit.edu/afs/sipb.mit.edu/contrib/wikileaks-crs/wikileaks-crs-reports/RS22467.pdf> (brackets added)

The state [of Louisiana] will have considerably more funds to devote to wetland restoration as a result ofsection 384 of the Energy Policy Act of 2005(P.L. 109-58), which creates a new program to assist coastal states to mitigate the impacts of offshore energy activities, and the Gulf Mexico Energy Security Act (P.L. 109-432), which will share 37.5% of certain federal revenues from offshore oil and gas activities with affected coastal states.

State of Louisiana is more effective than the Army Corps of Engineers

Chris Edwards ( Director of Tax Policy, Cato Institute) Oct 2005, "Privatize the Army Corps of Engineers," <http://www.cato.org/pubs/tbb/tbb-0510-27.pdf>

A better solution is to privatize and devolve to lower governments the Corp’s activities. The New Orleans levees, for example, should be transferred to the State of Louisiana. State, local, and private ownership would better ensure that infrastructure is efficiently maintained and upgraded, and not subject to neglect because of distracted policymakers in far away Washington.

SOLVENCY

1. Hurricanes wipe out wetlands

A. Hurricanes destroy wetlands as fast as we rebuild them

*Jeffrey A. Zinn, (Resources, Science, and Industry Division) 25 Oct 2007, Congressional Research Service, Coastal Wetlands Planning, Protection, and Restoration Act (CWPPRA): Effects of Hurricanes Katrina and Rita on*

Implementation, <http://stuff.mit.edu/afs/sipb.mit.edu/contrib/wikileaks-crs/wikileaks-crs-reports/RS22467.pdf> (brackets added)

The USGS [US Geological Survey] estimates that Hurricanes Katrina and Rita caused almost 140,000 acres of wetlands to be converted to open water between October 2004 and October 2005. This is a larger acreage than had been and will be reestablished and protected under all the completed, active, and planned projects, as summarized in the data above. It is also equal to more than nine years of wetland loss at the average annual rate of 15,300 acres that USGS documented between 1990 and 2000.

B. Hurricane activity will increase

Mark Henderson (Science Correspondent), London Times, 16 Sept 2005, "Global warming linked to increase of hurricanes," <http://www.timesonline.co.uk/tol/news/world/article567156.ece>

In the latest study, published today in the journal Science, a team led by Peter Webster, of the Georgia Institute of Technology, analysed all the satellite records of hurricanes and typhoons since 1970. "What we found was rather astonishing," he said. "In the 1970s, there was an average of about 10 Category 4 and 5 hurricanes per year. Since 1990, the number of Category 4 and 5 hurricanes has almost doubled, averaging 18 per year." Judith Curry, his colleague, said: "Category 4 and 5 storms are also making up a larger share of the total number of hurricanes. Category 4 and 5 hurricanes made up about 20 per cent of all hurricanes in the 1970s, but over the past decade they have accounted for about 35 per cent of these storms."

C. Impact: Future hurricanes will simply wipe out the new wetlands created by AFF plan

2. No detailed landscape map

Link: No detailed future landscape planning map in the Affirmative mandates

Impact: NRC report says wetlands projects won't provide expected benefits without the map

Jeffrey A. Zinn, (Resources, Science, and Industry Division) 25 Oct 2007, Congressional Research Service, Coastal Wetlands Planning, Protection, and Restoration Act (CWPPRA): Effects of Hurricanes Katrina and Rita on Implementation, <http://stuff.mit.edu/afs/sipb.mit.edu/contrib/wikileaks-crs/wikileaks-crs-reports/RS22467.pdf>

Interest in thinking about coastal Louisiana as a larger integrated landscape or system rather than a large number of individual sites (and projects) is growing. This theme was at the heart of a 2005 report from the National Research Council, which recommended that a detailed map depicting the expected future landscape of coastal Louisiana be developed from a set of goals to which all interests can agree. This map would then serve as a basis to guide more specific decisions and choices about the restoration effort. Planning at a landscape scale would help decision makers determine the interrelated benefits of projects. With such a vast expanse of wetlands, it seems highly likely that many projects would not provide these benefits without this type of planning effort.

3. Army Corps of Engineers unreliable and dishonest

Chris Edwards ( Director of Tax Policy, Cato Institute) Oct 2005, "Privatize the Army Corps of Engineers," <http://www.cato.org/pubs/tbb/tbb-0510-27.pdf>

The Corps of Engineers performs cost-benefit analyses in order to select projects that have a high return. But the agency has often supported white elephant projects based on flawed and manipulated studies. The Corps has a pro-spending bias because it does the analyses of proposed projects that it will build itself. Authorities such as the Government Accountability Office have found that various studies by the Corps have been faulty or purposely rigged. Studies for inland waterway projects, for example, have used inflated barge traffic projections to justify approval. The Corps cooked the books on a study for a $2 billion project for navigation improvements on the Upper Mississippi River. Two National Academy of Sciences studies found that Army Corps data justifying the project were bogus.

4. Nothing we can do: 1/2 of Louisiana will be underwater by end of 21st century

Impact: Build all the wetlands you want, they'll all be gone when Louisiana sinks into the ocean

Paul Brown (journalist), 25 Oct 2009, THE GUARDIAN (British newspaper), "Storm threat to New Orleans out of our control, says general" [www.guardian.co.uk/world/2009/oct/25/usa-natural-disasters](http://www.guardian.co.uk/world/2009/oct/25/usa-natural-disasters) (brackets added)

Four years after Hurricane Katrina devastated New Orleans and caused a political crisis for President George Bush, a religion, science and environment conference in the city was told [by Army Corps of Engineers General Robert Van Antwerp] that half of Louisiana will be lost by the end of the century. The vast Mississippi delta is sinking a centimetre a year. Sea levels are rising at an accelerating rate, and will be two metres higher by the year 2100. Much of the delta is less than a metre above sea level, so most communities will be submerged.

5. Insufficient funding: $200 billion needed to save New Orleans

Paul Brown (journalist), 25 Oct 2009, THE GUARDIAN (British newspaper), "Storm threat to New Orleans out of our control, says general" [www.guardian.co.uk/world/2009/oct/25/usa-natural-disasters](http://www.guardian.co.uk/world/2009/oct/25/usa-natural-disasters)

His office is spending $1.5bn (about £915m) over four years on wetland restoration. Another $14.3bn is being spent on new levees and defences for New Orleans. It is estimated that to save the delta's wetlands and its settlements from sinking by diverting the Mississippi would cost $200bn.

NEGATIVE BRIEF: MERCURY EMISSIONS

TOPICALITY

Not a change in policy: Status Quo policy = Obama administration already committed to regulating mercury emissions

Kate Sheppard (journalist), 6 Feb 2009, "EPA to drop Bush’s controversial mercury emissions policies and begin new rulemaking process" <http://www.grist.org/article/Emitting-defeat>

U.S. EPA administrator Lisa Jackson announced on Friday that her agency will begin a new rulemaking process on mercury emissions from coal-fired power plants, dropping a Bush-era legal challenge that sought to delay such regulations. Jackson said that acting solicitor general Edwin S. Kneedler will not pursue the previous administration’s appeal to the Supreme Court, which asked them to reconsider the federal appeals court ruling in *New Jersey v. EPA*. In that case, the court sided with New Jersey and 14 other states in their challenge to the EPA’s decision in March 2005 to establish a cap-and-trade system for mercury rather than regulating it under Section 112 of the Clean Air Act.

HARMS/SIGNIFICANCE

US Coal-fired power plants emit less than 1% of total mercury emissions

US Dept of Energy, 2005, "Mercury Emission Control R&D" <http://www.fossil.energy.gov/programs/powersystems/pollutioncontrols/overview_mercurycontrols.html>

Trace amounts of mercury can exist in coal and other fossil fuels. When these fuels burn, mercury vapor can be released to the atmosphere where it may drift for a year or more, spreading with air currents over vast regions of the globe. In 1995, an estimated 5,500 tons of mercury was emitted globally from both natural and human sources. Coal-fired power plants in the United States contributed less than 1 percent of the total.

Only 1/3 of the emissions are deposited out of the atmosphere

Thomas J. Feeley, III and Scott Renninger (US Dept of Energy National Energy Technology Laboratory) and James Murphy and Jeffrey Hoffmann (Science Applications International Corporation) April 2003, "A Review of DOE/NETL’s Mercury Control Technology R&D Program for Coal-Fired Power Plants " <http://www.fossil.energy.gov/programs/powersystems/pollutioncontrols/mercurycontrols_whitepaper.pdf>

The dispersion and subsequent deposition of atmospheric mercury can occur locally, primarily when bound to airborne particles or through wet deposition, but a significant portion can be transported thousands of miles from the source. Transformation between the gas-phase forms (oxidized and elemental) is believed to occur in the atmosphere under some circumstances, including in the plume directly exiting the source’s stack. However, the extent and specific conditions facilitating the transformation have yet to be determined. Simulations of long-range transport of mercury have approximated that only one-third of U.S. anthropogenic emissions (about 52 tons in 1995) are deposited within the lower contiguous 48 states. Mercury deposition in the same area from the global pool has been estimated at an additional 35 tons for 1995. The total estimate for mercury deposition in 1995 was approximately 87 tons.

Why significance matters: Not all problems are worth addressing – mercury is trivial

Prof. Ted Gayer (associate professor of public policy at Georgetown University and a visiting scholar at the American Enterprise Institute) and Robert Hahn (cofounder and executive director of the American Enterprise Institute-Brookings Joint Center for Regulatory Studies) Summer 2005, "The Political Economy of Mercury Regulation," REGULATION magazine, [www.cato.org/pubs/regulation/regv28n2/v28n2-4.pdf](http://www.cato.org/pubs/regulation/regv28n2/v28n2-4.pdf)

Unfortunately, the case of mercury is not all that unusual. The expected net benefits of many policy interventions are negative, particularly when an issue has achieved some political salience. The bottom line is that not all problems are worth addressing, so we need to separate the important ones from the less important, or even trivial, ones.

INHERENCY

States Solve: 19 states have mercury emission controls

JOHN FLESHER (journalist), 19 Oct 2009, Associated Press, "Michigan limits mercury emissions from coal-fired plants, requires 90 percent cutback by 2015" <http://www.washingtonexaminer.com/economy/ap/64773707.html>

Michigan is the 19th state to regulate mercury emissions from coal-fired plants. Not every plant will have to reduce emissions by 90 percent. But the regulations will require each company to cut overall emissions by 90 percent from their 1999 levels, which environmental groups said would reduce mercury pollution in the state by 3,600 pounds a year.

No barrier: Obama administration will regulate mercury emissions

JOHN FLESHER (journalist), 19 Oct 2009, Associated Press, "Michigan limits mercury emissions from coal-fired plants, requires 90 percent cutback by 2015" <http://www.washingtonexaminer.com/economy/ap/64773707.html>

The Obama administration pledged this year to craft regulations after a federal appeals court rejected plans written by the Bush administration and favored by industry. The Bush rules would have allowed power plants to buy and sell pollution credits, instead of requiring each plant to install equipment to reduce mercury pollution.

New EPA mercury regulations will take effect November 2011

Renee Schoof (journalist), 23 Oct 2009, "EPA to limit mercury emissions from power plants by 2011," MCCLATCHY NEWSPAPERS, <http://news.yahoo.com/s/mcclatchy/20091023/sc_mcclatchy/3340271>

The Environmental Protection Agency will put controls on the emissions of hazardous pollutants such as mercury from coal-fired power plants for the first time by November 2011 , according to an agreement announced Friday to settle a lawsuit against the agency.

Mercury emissions are falling and expected to continue to fall

Thomas J. Feeley, III and Scott Renninger (US Dept of Energy National Energy Technology Laboratory) and James Murphy and Jeffrey Hoffmann (Science Applications International Corporation) April 2003, "A Review of DOE/NETL’s Mercury Control Technology R&D Program for Coal-Fired Power Plants " <http://www.fossil.energy.gov/programs/powersystems/pollutioncontrols/mercurycontrols_whitepaper.pdf>

Mercury emissions have fallen in the United States during the 1990s. In 1993, yearly emissions totaled about 242 tons. By the end of the decade, emissions had declined to less than 160 tons per year. Emissions are expected to continue to fall due to a phasing out of mercury in commercial products and restrictions placed on emissions from municipal waste combustion and medical waste incineration.

Mercury emissions peaked in 1960 and have been falling since

US Dept of Energy, 2005, "Mercury Emission Control R&D" (brackets added) [www.fossil.energy.gov/programs/powersystems/pollutioncontrols/overview\_mercurycontrols.html](http://www.fossil.energy.gov/programs/powersystems/pollutioncontrols/overview_mercurycontrols.html)

The amount of mercury being deposited today on land and in water is actually much lower than in recent decades. Peat cores from Minnesota, for example, show that mercury deposition was highest in the 1950s, with levels about 10 times greater than those before 1900. By the 1980s, however, depositions had fallen to less than half of the 1950s. Emissions data from Sweden and measurements of mercury levels in birds and other animals in the United Kingdom also show a consistent pattern suggesting that mercury levels reached a peak around 1960.

Great Lakes analysis: Mercury concentrations are falling

Russ Harding (former director of the Michigan Department of Environmental Quality; previously held senior management posts in environmental and natural resources departments in Arizona, Alaska and Missouri ) 7 Nov 2005, Mackinac Center for Public Policy, "Federal Regulations of Mercury Emissions Appear Adequate" <http://www.mackinac.org/article.aspx?ID=7420>

In the Great Lakes, levels of mercury continue to decline. Mercury concentrations in Great Lakes-region bald eagle feathers fell approximately 20 percent between 1985 and 2000 — a telling measure, since the eagles are at the top of the Great Lakes food chain and their primary diet is fish.

SOLVENCY

1. Mercury emissions are global – lots of mercury contamination comes from non-domestic sources

Prof. Ted Gayer (associate professor of public policy at Georgetown University and a visiting scholar at the American Enterprise Institute) and Robert Hahn (cofounder and executive director of the American Enterprise Institute-Brookings Joint Center for Regulatory Studies) Summer 2005, "The Political Economy of Mercury Regulation," REGULATION magazine, [www.cato.org/pubs/regulation/regv28n2/v28n2-4.pdf](http://www.cato.org/pubs/regulation/regv28n2/v28n2-4.pdf)

Mercury has many characteristics of a global public bad. Most of the emissions from local sources go into a global reservoir and are not deposited domestically. And a significant fraction of domestic fish consumption contains mercury that is unrelated to domestic activity. This suggests that if mercury were viewed as a problem worth addressing, it is probably best to figure out some kind of global, or at least multinational, response.

2. We will spend billions and get little or nothing in return

Prof. Ted Gayer (associate professor of public policy at Georgetown University and a visiting scholar at the American Enterprise Institute) and Robert Hahn (cofounder and executive director of the American Enterprise Institute-Brookings Joint Center for Regulatory Studies) Summer 2005, "The Political Economy of Mercury Regulation," REGULATION magazine, [www.cato.org/pubs/regulation/regv28n2/v28n2-4.pdf](http://www.cato.org/pubs/regulation/regv28n2/v28n2-4.pdf)

As a society, we are in real danger of focusing on very small risks if they become salient political issues. The regulation of mercury emissions from power plants is one such example. We are likely to spend billions of dollars on reducing mercury emissions from power plants and getting very modest, if any, improvements in IQ scores in return.

3. 90% reduction in emissions = only 5% reduction in mercury contamination on land

Russ Harding (former director of the Michigan Department of Environmental Quality; previously held senior management posts in environmental and natural resources departments in Arizona, Alaska and Missouri ) 7 Nov 2005, Mackinac Center for Public Policy, "Federal Regulations of Mercury Emissions Appear Adequate" <http://www.mackinac.org/article.aspx?ID=7420>

In addition to scientific questions about the risk posed by mercury, there are also questions about the effects of a proposal that some members of the workgroup have recommended: mandating a 90 percent reduction in mercury emissions from Michigan’s coal-fired utilities. In theory, this sounds like a huge impact on the presence of mercury, but in practice, it is not clear how large the effect would be. Computer modeling by the U.S. Environmental Protection Agency indicates that despite the amount of mercury emitted by Michigan’s coal-fired power plants, they are responsible for less than 5 percent of the deposits in central and Southern Michigan.

DISADVANTAGES

1. Net Benefits: Costs of mercury regulation exceed benefits

Both direct regulation and cap-and-trade for mercury cost more than they benefit society

Prof. Ted Gayer (associate professor of public policy at Georgetown University and a visiting scholar at the American Enterprise Institute) and Robert Hahn (cofounder and executive director of the American Enterprise Institute-Brookings Joint Center for Regulatory Studies) Summer 2005, "The Political Economy of Mercury Regulation," REGULATION magazine, [www.cato.org/pubs/regulation/regv28n2/v28n2-4.pdf](http://www.cato.org/pubs/regulation/regv28n2/v28n2-4.pdf)

First, the command-and-control option appears to be very expensive relative to the cap-and-trade option. In present-value terms, it is about $15 billion more expensive (in 2004 dollars), depending on which discount rate is selected. Second, the benefits from reducing mercury emissions from power plants are about an order of magnitude less than the costs of the cap-and-trade program. Benefits are about $100 million and the costs of the cap-and-trade program are about $4 billion.

Two studies show mercury regulation benefits unlikely to justify costs: Gayer & Hahn study, EPA study

Prof. Ted Gayer (associate professor of public policy at Georgetown University and a visiting scholar at the American Enterprise Institute) and Robert Hahn (American Enterprise Institute-Brookings Joint Center for Regulatory Studies) Summer 2005, REGULATION magazine, [www.cato.org/pubs/regulation/regv28n2/v28n2-4.pdf](http://www.cato.org/pubs/regulation/regv28n2/v28n2-4.pdf)

The EPA did a benefit-cost analysis of its final Clean Air Mercury Rule, the results of which are summarized in Table 2. The agency presents annual estimates of both costs and benefits in the year 2020. The results are not directly comparable with Table 1 because we provide present value estimates of benefits and costs for 2005 through 2020. For the year 2020, our costs are very similar to the EPA’s, but our benefits are about one order of magnitude higher than theirs. The reason our benefit estimates are higher is that we assume, conservatively, that benefits result as soon as mercury emissions are reduced and that mercury emissions reductions will reduce mercury concentrations in all fish caught in U. S. oceans and lakes. The EPA assumes a lag time of five to 50 years before benefits occur and assumes that emissions reductions will only significantly affect human mercury exposure in the United States from the consumption of freshwater, recreationally caught fish. Still, the bottom line is that the EPA analysis arrives at the same qualitative result—the benefits of the regulation are not likely to justify the costs.

90% mercury reduction will impose even greater net costs than the ones in the studies cited above

Prof. Ted Gayer (associate professor of public policy at Georgetown University and a visiting scholar at the American Enterprise Institute) and Robert Hahn (cofounder and executive director of the American Enterprise Institute-Brookings Joint Center for Regulatory Studies) Summer 2005, "The Political Economy of Mercury Regulation," REGULATION magazine, [www.cato.org/pubs/regulation/regv28n2/v28n2-4.pdf](http://www.cato.org/pubs/regulation/regv28n2/v28n2-4.pdf)

Many environmental interest groups backed a proposal that called for a 90 percent reduction in mercury emissions. There is no reliable modeling information on the costs of such a proposal. However, given that the costs of removing mercury are likely to increase more than proportionately with greater reductions, while the benefits increase proportionately, any alternative plan to further reduce mercury would probably impose greater net costs than the ones already proposed.

Impact: We could do a lot more good with that money if it weren’t wasted

Note: In context, the authors are specifically talking about mercury emission regulations

Prof. Ted Gayer (associate professor of public policy at Georgetown University and a visiting scholar at the American Enterprise Institute) and Robert Hahn (cofounder and executive director of the American Enterprise Institute-Brookings Joint Center for Regulatory Studies) Summer 2005, "The Political Economy of Mercury Regulation," REGULATION magazine, [www.cato.org/pubs/regulation/regv28n2/v28n2-4.pdf](http://www.cato.org/pubs/regulation/regv28n2/v28n2-4.pdf)

Nonetheless, when resource misallocations are substantial, we think it behooves our elected officials, as well as our fellow voters, to understand the implications of their decisions. Spending several billion dollars to reduce emissions that are likely to yield few social benefits means that we have several billion dollars less to spend on things that could do a lot more good.

SOURCE INDICTMENT

Carol Browner

Prof. Ted Gayer (associate professor of public policy at Georgetown University and a visiting scholar at the American Enterprise Institute) and Robert Hahn (cofounder and executive director of the American Enterprise Institute-Brookings Joint Center for Regulatory Studies) Summer 2005, "The Political Economy of Mercury Regulation," REGULATION magazine, [www.cato.org/pubs/regulation/regv28n2/v28n2-4.pdf](http://www.cato.org/pubs/regulation/regv28n2/v28n2-4.pdf)

Since leaving office, former Clinton EPA administrator Carol Browner has forcefully called for the stringent regulation of mercury emissions from power plants. However, for the eight years that she ran the agency, Browner’s EPA did nothing substantive to address mercury emissions from power plants. Only in its final days, after being prodded by a lawsuit, did it issue a decision—and that decision left the actual rulemaking to the incoming Bush administration. One wonders, then, why Browner did not choose to regulate power plant emissions of what she later called "one of the most potent health threats in the environment, posing particular risks to children and developing fetuses." We suspect politics could provide at least a partial explanation for the decision to highlight the mercury issue after leaving office rather than while serving as administrator.

NEGATIVE BRIEF: NEPA TOPICALITY/SOLVENCY ISSUES

(NEPA = National Environmental Policy Act)

Introduction: This brief may be useful for Negatives going against Affirmatives who either claim a NEPA definition for their topicality or mandate that their plan becomes part of NEPA or amends NEPA. Affirmatives doing these things may not understand NEPA and thus may encounter problems they weren't expecting. All of these arguments will not apply to every plan that mentions NEPA, so you will have to pick the ones that do apply by listening carefully and getting a copy of the 1AC to review their definitions and mandates.

CALIFORNIA DEFINITION INDICTMENT

If this is the definition AFF is using to define 'environmental policy'... "California Definition" is bad. It says NEPA establishes energy policy

Copyright © 1994-2009 California Energy Commission, All Rights Reserved State of California, Arnold Schwarzenegger, Governor, last modified 6/19/08 <http://www.energy.ca.gov/lng/glossary.html>

National Environmental Policy Act (NEPA): The environmental law that establishes federal energy policy, sets goals, and provides means for carrying out the policy. A national policy for the purpose of encouraging productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.

California Definition is wrong: NEPA is not energy policy. NEPA exists in the "absence of a coherent national energy policy"

Analysis/Impact: If NEPA was established in the absence of energy policy and NEPA does not discuss energy alternatives, then clearly NEPA is not an energy policy. If NEPA is not an energy policy, then the California Definition that claims NEPA establishes energy policy is incorrect and should not be used in the round.

Dr. Matthew J. Lindstrom PhD and Prof. Zachary A. Smith PhD (Northern Ariz Univ., teaches environmental policy) 2001 THE NATIONAL ENVIRONMENTAL POLICY ACT: Judicial Misconstruction, Legislative Indifference, & Executive Neglect, <http://books.google.com/books?id=vVAsRlvMkrgC&pg=PA84&dq=NEPA+%2B+%22does+not%22+%2B+%22energy+policy%22&ei=kqkhS-DKDKD2ygSt56WwCg&cd=7#v=onepage&q=NEPA%20%2B%20%22does%20not%22%20%2B%20%22energy%20policy%22&f=false>

For example, NEPA does not explicitly explain how to discuss energy alternatives in the absence of a coherent national energy policy. Consequently, the range of energy alternatives at the national level continues to favor dependence on fossil fuels and nuclear power over renewable solar and wind energy sources.

California Definition Turn: If NEPA does establish an energy policy, then Affirmative still has not yet defined "environmental policy"

AFFIRMATIVE MANDATES VIOLATE NEPA

1. NEPA is about regulating the behavior of federal agencies, while the plan is regulating the behavior of individuals or businesses.

Purpose of NEPA is to change behavior of federal agencies

Dr. Matthew J. Lindstrom PhD and Prof. Zachary A. Smith PhD (Northern Ariz Univ., teaches environmental policy) 2001 THE NATIONAL ENVIRONMENTAL POLICY ACT: Judicial Misconstruction, Legislative Indifference, & Executive Neglect, <http://books.google.com/books?id=vVAsRlvMkrgC&pg=PA84&dq=NEPA+%2B+%22does+not%22+%2B+%22energy+policy%22&ei=kqkhS-DKDKD2ygSt56WwCg&cd=7#v=onepage&q=NEPA%20%2B%20%22does%20not%22%20%2B%20%22energy%20policy%22&f=false>

NEPA applies to all U.S. federal agencies and is supposed to apply to every agency action that significantly affects environimental quality. The immediate purpose of the law is to give federal agencies the statutory requirement and power to consider how their actions affect the natural environment and incorporate mitigating efforts. NEPA also requires federal agencies to establish communication with the public through open meetings and other avenues of comment.

2. NEPA requires public input and involvement through document review. AFF has no mandate for public review of its policies, thus it violates NEPA.

Washington Suburban Sanitary Commission, POTOMAC SUBMERGED CHANNEL INTAKE STUDY, National Environmental Policy Act (NEPA) Handout, 2005, [www.wssc.dst.md.us/projects/PotomacIntake/Handout\_for\_NEPA\_3-16-04.pdf](http://www.wssc.dst.md.us/projects/PotomacIntake/Handout_for_NEPA_3-16-04.pdf)

NEPA also requires that decisions include public input and involvement, through scoping and review of NEPA documents.

3. NEPA requires identification and evaluation of alternatives to the Plan. Aff has not identified the alternatives nor provided any analysis of them in their 1AC. Thus, their plan violates NEPA.

Washington Suburban Sanitary Commission, POTOMAC SUBMERGED CHANNEL INTAKE STUDY, National Environmental Policy Act (NEPA) Handout, 2005, [www.wssc.dst.md.us/projects/PotomacIntake/Handout\_for\_NEPA\_3-16-04.pdf](http://www.wssc.dst.md.us/projects/PotomacIntake/Handout_for_NEPA_3-16-04.pdf)

NEPA requires you to look at alternatives to the proposed action. "Reasonable and practicable" alternatives must be identified and evaluated. Also, you must always consider not doing anything, this is called the "No Action Alternative".

CONTEXTUAL APPLICATION & SCOPE OF NEPA

NEPA doesn’t apply to short-term personal inconveniences: Has to be degradation of a traditional environmental asset

Chief Judge Harry Phillips (US 6th Circuit Court of Appeals) 1976, decision of the court in the case of Breckinridge v. Rumsfeld, John B. BRECKINRIDGE et al., Appellees, v. Donald H. RUMSFELD et al., Appellants. No. 75--2505. United States Court of Appeals, Sixth Circuit. argued March 31, 1976, Decided July 9, 1976. <http://openjurist.org/537/f2d/864/breckinridge-v-h-rumsfeld>

The appellants argue that NEPA is directed only to the preservation of those resources needed to sustain present and future generations and that personal and economic interests are not in and of themselves sufficient to bring the statute into play. In the present case there is no long term impact, no permanent commitment of a national resource and no degradation of a traditional environmental asset, but rather short term personal inconveniences and short term economic disruptions. We conclude that such a situation does not fall within the purview of the Act.

NEPA Preamble and Title 1 expressions of values have no enforceable mandates

Analysis: These parts of NEPA are a "wish list" where Congress wishes that everyone would respect the environment. That's nice, but it can't legally justify mandates or policies.

Impact: Affirmative cannot use the values expressed in NEPA Preamble or Title 1 to justify anything but wishful thinking

Dr. Matthew J. Lindstrom PhD and Prof. Zachary A. Smith PhD (Northern Ariz Univ., teaches environmental policy) 2001 THE NATIONAL ENVIRONMENTAL POLICY ACT: Judicial Misconstruction, Legislative Indifference, & Executive Neglect, <http://books.google.com/books?id=vVAsRlvMkrgC&pg=PA84&dq=NEPA+%2B+%22does+not%22+%2B+%22energy+policy%22&ei=kqkhS-DKDKD2ygSt56WwCg&cd=7#v=onepage&q=NEPA%20%2B%20%22does%20not%22%20%2B%20%22energy%20policy%22&f=false>

However, despite the fact that NEPA is "real law" and not an inconsequential congressional resolution without teeth, the federal courts, and above all the Supreme Court, have rendered the core values expressed in NEPA's preamble and Title I to be void of enforceable ecological mandates.

SOLVENCY ISSUES WITH NEPA

Cooperation roadblocks. NEPA requires cooperation between federal agencies, which is hard to achieve

Dr Larry Freeman PhD (Senior Consultant with The Shipley Group, an environmental training and consulting organization), Oct 2009, "Using the 3 C’s: Cooperation, Coordination, and Collaboration "[www.shipleygroup.com/news/articles/0910.pdf](http://www.shipleygroup.com/news/articles/0910.pdf) (brackets added)

Notice that the CEQ [Council on Environmental Quality] guidance provides an established legal framework for cooperating agencies to use in working with the lead Federal agency. This is not to say that all relationships between lead and cooperating agencies are productive. A common complaint of cooperating agencies is that the lead agency is not listening to them. Even a good memorandum of agreement will not guarantee that different agencies cooperate on a NEPA analysis. The reality is that different governmental agencies are still learning how to work with each other. One feature of our United States political system is that different levels of government are forced to work with each other, given the complex layer of laws that exist at the Federal, State, county, and even local levels. NEPA cooperation reflects this political reality, which is difficult to achieve.

NEGATIVE BRIEF: NEW SOURCE REVIEW / 51 COAL FIRED PLANTS

INHERENCY

Enforcement action has already been filed for the 51 plants in 2001

Clean Air Task Force, July 2001, "Power to Kill: Death and Disease from Power Plants Charged with Violating the Clean Air Act" <http://www.catf.us/publications/view/10>

In the 1990s, the United States Environmental Protection Agency (EPA) and the U.S. Department of Justice began to investigate electric power producers for violations of New Source Review. The investigation showed that for years many plant owners had been making major capital investments, extending the lives of their plants while increasing pollution without upgrading pollution controls — all in clear violation of the Clean Air Act. To date, the federal government, several states and certain environmental groups have brought enforcement actions against thirteen power companies for violations at 51 power plants in twelve states.

Utilities are settling the violation charges and making emissions reductions

James E. McCarthy (Specialist in Environmental Policy; Resources, Science, and Industry Division) 6 Aug 2007, Congressional Research Service, [www.policyarchive.org/bitstream/handle/10207/3047/RL33776\_20070806.pdf?sequence=6](http://www.policyarchive.org/bitstream/handle/10207/3047/RL33776_20070806.pdf?sequence=6)

Of the utilities charged with NSR violations, at least 12 have settled with the EPA, generally without going to trial. Under the settlements, they have agreed to spend more than $5 billion over the next decade on pollution controls or fuel switching to reduce emissions at their affected units. Combined, these companies will reduce pollution by about 835,000 tons annually.

Lawsuits are working: Compliance is happening and NSR now has new momentum

William S. Eubanks II (Associate Attorney at Meyer Glitzenstein & Crystal, a Washington, D.C. public interest environmental law firm. LL.M. in Environmental Law, summa cum laude, from Vermont Law School J.D., magna cum laude, from North Carolina Central University School of Law) 2009 "THE CLEAN AIR ACT’S NEW SOURCE REVIEW PROGRAM:BENEFICIAL TO PUBLIC HEALTH OR MERELY A SMOKE-ANDMIRRORS SCHEME?" JOURNAL OF LAND, RESOURCES & ENVIRONMENTAL LAW, (brackets in original) <http://epubs.utah.edu/index.php/jlrel/article/viewFile/158/138>

Further signaling the end of the assault on public health by the utilities and self-interested politicians, and likely based on the Supreme Court’s unanimous decision in *Duke Energy*, American Electric Power (AEP) reached a settlement

agreement with the EPA and environmental groups in October of 2007 in response to a lawsuit alleging "major modifications" at nine of AEP’s facilities. This settlement, the largest in New Source Review history in both terms of money and pollution reduction, requires AEP to spend more than $4.6 billion on pollution control technology, civil penalties, and environmental mitigation measures. The United States estimates that the AEP settlement will single-handedly avoid "$32 billion per year [in] health-related costs." Thus, the future looks brighter for the public and its health. Although the NSR grace period has lasted much longer than originally anticipated by Congress, recent events demonstrate a renewed momentum towards realizing substantial improvements for both our nation’s public health and its environmental quality.

SOLVENCY

1. NSR not very successful at environmental improvement

Steven F. Hayward (Ph.D., American studies; M.A., government, Claremont Graduate School B.S., business and administrative studies, Lewis and Clark College; Senior Fellow, Pacific Research Institute for Public Policy; former member, California Departmental Transportation Advisory Committee) July 2003, "Making Sense of 'New Source Review' " American Enterprise Institute, <http://www.aei.org/outlook/18961>

The National Academy of Public Administration summarized the consensus of unhappiness about NSR in a recent report:  
\* "For existing facilities, however, NSR sometimes produces inequitable impacts and falls short of its environmental goals."  
\* "NSR's unpredictable and lengthy permitting process is also detrimental to facilities that must change operations quickly to compete effectively."  
\* NSR "placed heavy administrative burdens on regulators by requiring complicated applicability determinations."  
\* NSR has shown "insufficient focus on performance-based approaches."  
\* "In sum, NSR has not been very successful in linking environmental improvements to on-going capital investments by the industrial sectors responsible for the largest amounts of air pollution."

2. NSR is too complicated to be applied consistently: Even Solomon couldn't figure it out

*Steven F. Hayward (Ph.D., American studies; M.A., government, Claremont Graduate School*

B.S., business and administrative studies, Lewis and Clark College; Senior Fellow, Pacific Research Institute for Public Policy; former member, California Departmental Transportation Advisory Committee) July 2003, "Making Sense of 'New Source Review' " American Enterprise Institute, <http://www.aei.org/outlook/18961>

One also cannot get much help in sorting this out by reading the existing NSR rules. Although the original 1977 rules were only twenty pages long, the EPA has had to promulgate 4,000 pages of guidance since 1980 trying to explain NSR, and interest groups have almost constantly tried to revise it through litigation and the rulemaking process. NSR has become the environmental equivalent of the income tax code, and the EPA has had the same kind of trouble as the IRS applying NSR consistently. While the NSR controversy is usually discussed in relation to coal-fired power plants, it has wide applicability to many industrial sectors. The EPA identifies about 20,000 "major" sources of emissions that are potentially subject to NSR. Forget Moses; Solomon would have a hard time untangling this mess.

NEGATIVE BRIEF: OGALLALA (HIGH PLAINS) AQUIFER DEPLETION

Beloved American poet Walt Whitman in his 1846 essay "Duties of Government":

"It is only the novice in political economy who thinks it the duty of government to *make* its citizens happy. Government has no such office. To protect the weak and the minority from the impositions of the strong and the majority--to prevent any one from positively working to render the people unhappy, to do the labor not of an officious inter-meddler in the affairs of men, but of a prudent watchman who prevents outrage--these are rather the proper duties of a government."

If you are not free to choose wrongly and irresponsibly, you are not free at all. – Jacob Hornberger (<http://www.tenthamendmentcenter.com/2009/01/26/the-future-of-limited-government/>)

INHERENCY

1. Farmers can solve. Farmers already know about water depletion and are taking steps to solve

Jane Braxton Little (journalist) 30 Mar 2009, "The Ogallala Aquifer: Saving a Vital U.S. Water Source" SCIENTIFIC AMERICAN, <http://www.wiserearth.org/resource/view/a49d770f8fc00ed892a092bd8413c08b> (brackets added)

In the face of these combined demands on the already overtapped aquifer, many High Plains water users are joining [Kansas farmer Rodger] Funk in reassessing their futures. No matter how efficiently they use it, they know the groundwater will eventually be gone—leaving them, their communities, and most of the region high and dry. Like Funk, they are starting to make plans for a time when the Ogallala will not meet their economic needs. Some growers are joining Funk in moving to dryland farming—growing wheat and other crops that do not require irrigation. In eastern Colorado, farmers are planting hardy sunflowers, which require 30 percent less water than corn.

2. States can solve.

Kansas already regulates groundwater pumping, including "Safe Yield" and reduced water rights

Prof John C. Peck (Prof of Law, Univ of Kansas School of Law) 2007, Groundwater Management in the High Plains Aquifer in the USA: Legal Problems and Innovations, <http://www.iwmi.cgiar.org/Publications/CABI_Publications/CA_CABI_Series/Ground_Water/protected/Giordano_1845931726-Chapter14.pdf> (brackets added)

Groundwater pumping from the numerous permits granted from 1945 through the 1970s resulted in serious groundwater mining. In response the legislature enacted the Groundwater Management District (GMD) Act. Five GMDs have been established, and they have the power to enact management programmes and recommend regulations to the DWR. These regulations cover matters such as well spacing and overall aquifer withdrawal policy. For example, Southwest Kansas GMD No. 3 has a ‘depletion’ formula allowing a regulated lowering of the water table. The Equus Beds GMD in central Kansas has adopted ‘safe yield’3 regulations. The GMD Act provides that in cases of serious groundwater mining, the chief engineer of the DWR [Division of Water Resources] may establish intensive groundwater use control areas (IGUCAs) following a public hearing. It also provides that if the chief engineer establishes an IGUCA, he has extraordinary powers of regulation, including the power to reduce the annual quantity of water rights within the IGUCA.

Nebraska regulates groundwater: Pumping restrictions, reduction of irrigated areas, lawsuits if pumping causes harm to someone else

Prof John C. Peck (Prof of Law, Univ of Kansas School of Law) 2007, Groundwater Management in the High Plains Aquifer in the USA: Legal Problems and Innovations, <http://www.iwmi.cgiar.org/Publications/CABI_Publications/CA_CABI_Series/Ground_Water/protected/Giordano_1845931726-Chapter14.pdf> (brackets added)

To protect the quality and quantity of water and to prevent conflicts between users of groundwater and appropriators of surface water, NRDs [Natural Resource Districts] may establish GMAs [groundwater management areas] (Nebraska Revised Statutes, 2005, §46–712) inside of which they may implement controls (Nebraska Revised Statutes, 2005, §46–739). The Act permits NRDs to regulate and control groundwater in the GMA with well spacing, pumping restrictions, rotation requirements, metering and reduction of irrigated areas. Legislative amendments to the Act in 2004 have drawn attention to the issues of hydrologically connected surface and groundwaters (Nebraska Revised Statutes, 2005, §§46–703(2), 46–713, 46–715 through 46–718). They require evaluation of ‘the expected long-term availability of hydrologically connected water supplies’ (Nebraska Revised Statutes, 2005, §46–713) and create the possibility of different types of management, through the development of ‘integrated management plans’ (Nebraska Revised Statutes, 2005, §46–715), when the groundwater is not connected with surface water. A Nebraska Supreme Court case in 2005 recognized the right of surface water users to sue alluvial groundwater pumpers for damages, if the groundwater pumping causes unreasonable harm (*Spear T Ranch v. Knaub*, 2005).

Texas laws provide for groundwater conservation

Prof John C. Peck (Prof of Law, Univ of Kansas School of Law) 2007, Groundwater Management in the High Plains Aquifer in the USA: Legal Problems and Innovations, <http://www.iwmi.cgiar.org/Publications/CABI_Publications/CA_CABI_Series/Ground_Water/protected/Giordano_1845931726-Chapter14.pdf>

The legislature has provided for the creation of groundwater conservation districts (GCDs) to conserve, preserve and protect groundwater (Texas Water Code, 2005, §36–011); 87 GCDs have been confirmed or are pending in the state, and 11 GCDs overlie portions of the Ogallala aquifer within the High Plains aquifer system. The GCD legislation, however, expressly recognizes that landowners own the groundwater (Texas Water Code, 2005, §36–002). GCDs are required to adopt management plans to address goals9 and regulate well drilling (Texas Water Code, 2005, §36–113), and are also empowered to enact and enforce rules that regulate well spacing, limit groundwater production and conserve groundwater.

Impact: State regulations are already in place over 87% of the aquifer (Nebraska 65% + Texas 12% + Kansas 10%)

Prof John C. Peck (Prof of Law, Univ of Kansas School of Law) 2007, Groundwater Management in the High Plains Aquifer in the USA: Legal Problems and Innovations, <http://www.iwmi.cgiar.org/Publications/CABI_Publications/CA_CABI_Series/Ground_Water/protected/Giordano_1845931726-Chapter14.pdf>

As shown in Fig. 14.1, the 570,000 km2 aquifer mostly underlies parts of three states: Nebraska has 65% of the aquifer’s volume, Texas 12% and Kansas 10% (Kromm and White, 1992, p. 15).

Additional Texas rebuttal evidence:

Local regulation solves the harms just fine

Prof John C. Peck (Prof of Law, Univ of Kansas School of Law) 2007, Groundwater Management in the High Plains Aquifer in the USA: Legal Problems and Innovations, <http://www.iwmi.cgiar.org/Publications/CABI_Publications/CA_CABI_Series/Ground_Water/protected/Giordano_1845931726-Chapter14.pdf> (brackets added)

Under the rule of capture, no remedy exists for the nearby landowner whose shallow well is drained by a larger well. In many cases it is a problem that cannot be avoided; development of the resource will often unavoidably result in lowering the water level in the aquifer. Within a groundwater conservation district, however, it is an issue that can be successfully addressed by the district’s rules and permit system. As indicated by the non-scientific survey discussed in the section Districts’ Experience with the Rule of Capture, it does not appear to be as large a problem as detractors of the rule of capture might suggest. The benefits of allowing development of the resource and providing a clear rule of decision for conflicts may outweigh any harm that is actually occurring. If not, formation of a local GCD [groundwater conservation district] is the solution.

Best policy in Texas is common law + local regulation

Prof John C. Peck (Prof of Law, Univ of Kansas School of Law) 2007, Groundwater Management in the High Plains Aquifer in the USA: Legal Problems and Innovations, <http://www.iwmi.cgiar.org/Publications/CABI_Publications/CA_CABI_Series/Ground_Water/protected/Giordano_1845931726-Chapter14.pdf> (brackets added)

In the authors’ view, the rule of capture in combination with regulation by local option groundwater conservation districts has proven to be an effective means of developing and managing Texas’ groundwater resources. As a practical matter, the days of operating under an unrestricted rule of capture in Texas are past. The vast majority of production occurs from resources that are included within GCDs where the rule of capture is significantly limited by district rules and permitting requirements. Replacement of the rule of capture with an alternative doctrine is not necessary, but refinement – and some supervision – of regulation by the groundwater conservation districts would be beneficial. Moving forward into the twenty-first century, Texas, its landowners, and other stakeholders in groundwater protection and management will be best served by the hybrid of common law and local regulation that has evolved in Texas since the decision in *East*.

HARMS/SIGNIFICANCE

1. Water quantity has gone down 9% since development started

Analysis/Impact: All this fuss over 9% decline? After 50 years of using the aquifer we've only tapped 9% of it? At that rate, we have hundreds of years to go...

Virginia L. Mcguire (US Geological Survey, Water Resources Division), 2007, "Ground Water Depletion in the High Plains Aquifer Water Levels in Some Areas Have Declined Over 150 Feet" <http://geology.com/usgs/high-plains-aquifer.shtml> (brackets added)

Total [High Plains Aquifer] water in storage in 2005 was about 2,925 million acre-feet, which was a decline of about 253 million acre-feet (or 9 percent) since predevelopment. Water in storage for predevelopment was inferred from water in storage in 2000 and water-level changes from predevelopment to 2000. Changes in storage prior to predevelopment were not estimated (McGuire, 2007).

2. Self-inflicted harm: Farmers have knowingly chosen to take short-term gains from using Ogallala water today

Note: A "Faustian" bargain is a deal with the Devil. One trades one's soul in the future for short-term benefits now.

Jane Braxton Little (journalist) 30 Mar 2009, "The Ogallala Aquifer: Saving a Vital U.S. Water Source" SCIENTIFIC AMERICAN, <http://www.wiserearth.org/resource/view/a49d770f8fc00ed892a092bd8413c08b>

With a liquid treasure below their feet and a global market eager for their products, farmers here and across the region have made a Faustian bargain—giving up long-term conservation for short-term gain. To capitalize on economic opportunities, landowners are knowingly "mining" a finite resource.

3. No clear ethical imperative to conserve water for the future

Prof John C. Peck (Prof of Law, Univ of Kansas School of Law) 2007, Groundwater Management in the High Plains Aquifer in the USA: Legal Problems and Innovations, <http://www.iwmi.cgiar.org/Publications/CABI_Publications/CA_CABI_Series/Ground_Water/protected/Giordano_1845931726-Chapter14.pdf> (brackets in original)

It is one thing to require conservation measures, especially as express conditions on water rights permits for prospective water users; it is quite another to require reductions by current water users for the purpose of ‘saving’ water for future generations. Even if it were constitutional to do it without compensation, a proposition that is debatable in Kansas, the answer to the ethical question is not obvious: The ethical question of imposing safe yield [sustainability] is intriguing no matter which way one resolves the legal question – if no compensation is required, the water user suffers the immediate economic loss; if compensation is required, the taxpayer loses; in either case, forced curtailments will cause someone to suffer and sacrifice for the future.

SOLVENCY

1. Even if irrigation use is restricted, municipal use will eventually take the water anyway   
(Note: "Municipal" = cities' drinking water)

Prof John C. Peck (Prof of Law, Univ of Kansas School of Law) 2007, Groundwater Management in the High Plains Aquifer in the USA: Legal Problems and Innovations, <http://www.iwmi.cgiar.org/Publications/CABI_Publications/CA_CABI_Series/Ground_Water/protected/Giordano_1845931726-Chapter14.pdf> (brackets in original)

If Kansas were to restrict current agricultural groundwater users from pumping for the benefit of future generations, a serious disruption of the present economy of western Kansas would result. Moreover, it is likely that the groundwater saved and conserved for the future would eventually be pumped for municipal use, not irrigation.

DISDADVANTAGES

1. Economic disruption of western Kansas

Prof John C. Peck (Prof of Law, Univ of Kansas School of Law) 2007, Groundwater Management in the High Plains Aquifer in the USA: Legal Problems and Innovations, <http://www.iwmi.cgiar.org/Publications/CABI_Publications/CA_CABI_Series/Ground_Water/protected/Giordano_1845931726-Chapter14.pdf> (brackets in original)

Deciding whether to adopt strict controls on aquifer pumping to conserve water for the future is a very difficult issue. Current irrigation water users are making a ‘beneficial use’ of the aquifer, as defined in the current Kansas administrative regulations. Opponents to that view deem it wasteful to pump large quantities of groundwater for irrigated crops not normally grown in the otherwise dry-land wheat-farming area of western Kansas, with the resulting crops used for feeding cattle to satiate the nation and the world’s hunger for beef. If Kansas were to restrict current agricultural groundwater users from pumping for the benefit of future generations, a serious disruption of the present economy of western Kansas would result

2. Unconstitutional taking of private property in Texas.

This happens because Texas has a different rule for land ownership and property rights than the other states in the Aquifer region. In Texas, landowners own all the groundwater underneath their land as a property right -- not just the right to use it, but actual ownership of the water itself.

Link: AFF plan limits water usage by Texas landowners - because Texas is part of the Ogallala Aquifer region

Link: AFF plan does not compensate landowners for the restriction

Link: In Texas, landowners own the groundwater

Prof John C. Peck (Prof of Law, Univ of Kansas School of Law) 2007, Groundwater Management in the High Plains Aquifer in the USA: Legal Problems and Innovations, <http://www.iwmi.cgiar.org/Publications/CABI_Publications/CA_CABI_Series/Ground_Water/protected/Giordano_1845931726-Chapter14.pdf>

In *East* and its subsequent major cases revisiting the common law rule, the Texas Supreme Court has repeatedly endorsed the premise that landowners have a property right in groundwater located underneath their property. The Texas Legislature and the Attorney General have also recognized the landowner’s property rights in groundwater. Further support for the proposition that the landowner actually owns the resource prior to reducing it to possession is provided by recent legislation.

Link: In Texas, landowners can receive damage awards for lost value of groundwater rights taken away

Prof John C. Peck (Prof of Law, Univ of Kansas School of Law) 2007, Groundwater Management in the High Plains Aquifer in the USA: Legal Problems and Innovations, <http://www.iwmi.cgiar.org/Publications/CABI_Publications/CA_CABI_Series/Ground_Water/protected/Giordano_1845931726-Chapter14.pdf>

In 2003, the legislature, through House Bill 803, amended the Texas Property Code to adopt specific procedural and substantive requirements for the condemnation of groundwater rights. One requirement is that the court must consider evidence relating to the market value of the groundwater rights "as property apart from the land in addition to the local market value of the real property" and whether evidence admitted at the hearing shows "that the real property may be used by the political subdivision to develop or use the rights to groundwater for a public purpose." If such findings are made, the court may assess damages to the property owner based on separate considerations of the market value of the real property and of the groundwater rights, with a variety of specific factors that must be considered in the valuation of the groundwater rights.

Uniqueness: Texas regulatory system today respects landowners' water rights

Prof John C. Peck (Prof of Law, Univ of Kansas School of Law) 2007, Groundwater Management in the High Plains Aquifer in the USA: Legal Problems and Innovations, <http://www.iwmi.cgiar.org/Publications/CABI_Publications/CA_CABI_Series/Ground_Water/protected/Giordano_1845931726-Chapter14.pdf>

Groundwater rights are recognized, but they are subject to regulation within constitutional limits. GCDs’ regulatory authority is limited to the powers and duties given to them by the legislature in Chapter 36. Moreover, at least one court has ruled that the legislative grant will be narrowly construed and will not provide discretionary authority for regulation in areas in which the legislature had not provided clear authority or reasonable standards to guide the exercise of that authority

Impact: Fundamental human rights are violated when property rights are compromised

Timothy Sandefur (senior staff attorney at the Pacific Legal Foundation) 31 Aug 2009, "Setting boundaries for property rights," NATIONAL LAW JOURNAL, <http://www.law.com/jsp/nlj/PubArticleNLJ.jsp?id=1202433392896&slreturn=1&hbxlogin=1>

When the U.S. Constitution was written, there was broad consensus in America that private property was a fundamental human right and that government existed to protect it, not to manipulate it to serve purposes politicians deemed more important. But today, the nation's intellectual elite — and particularly judges — have rejected the traditional principles underlying property rights. They see property as simply a privilege the government can alter or rearrange at will. America's founders believed that a person's right to own, buy, sell and use property was a timeless moral principle, not a temporary expedient that changes based on who wins elections. Hence the clash between today's lawmakers — who want maximum power to manipulate property — and permanent constitutional principles designed to protect each individual's right to pursue happiness.

NEGATIVE BRIEF: SMOKING RESTRICTIONS – not needed

(Josh Andrew contributed some of the evidence in this brief)

TOPICALITY

IF THIS IS THE EVIDENCE THEY'RE USING to define 'environmental policy'...

Copyright © 1994-2009 California Energy Commission, All Rights Reserved State of California, Arnold Schwarzenegger, Governor, last modified 6/19/08 <http://www.energy.ca.gov/lng/glossary.html>

National Environmental Policy Act (NEPA): The environmental law that establishes federal energy policy, sets goals, and provides means for carrying out the policy. A national policy for the purpose of encouraging productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.

Responses:

1. Definition indictments

#1: NEPA Preamble is void

Dr. Matthew J. Lindstrom PhD and Prof. Zachary A. Smith PhD (Northern Ariz Univ., teaches environmental policy) 2001 THE NATIONAL ENVIRONMENTAL POLICY ACT: Judicial Misconstruction, Legislative Indifference, & Executive Neglect, <http://books.google.com/books?id=vVAsRlvMkrgC&pg=PA84&dq=NEPA+%2B+%22does+not%22+%2B+%22energy+policy%22&ei=kqkhS-DKDKD2ygSt56WwCg&cd=7#v=onepage&q=NEPA%20%2B%20%22does%20not%22%20%2B%20%22energy%20policy%22&f=false>

However, despite the fact that NEPA is "real law" and not an inconsequential congressional resolution without teeth, the federal courts, and above all the Supreme Court, have rendered the core values expressed in NEPA's preamble and Title I to be void of enforceable ecological mandates.

#2: Definition says "Federal Energy Policy" not environmental policy. Look carefully at the first sentence. Even if this summary were valid, it nowhere defines what an Environmental Policy is. In this context, it says that NEPA establishes an energy policy that has certain goals.

2. Goals versus Policy.

A. Aff's plan refers to a Goal of NEPA, not a policy or a definition. The statement "stimulate the health and welfare of man" is referring in the context to one of the goals NEPA is trying to achieve, not the definition of NEPA nor the definition of Environmental Policy.

B. Abusively broad.

Just because something tries to achieve one of the goals of NEPA does not make it an environmental policy. If this were true, anything that has a goal of promoting human health would become an environmental policy. The list is endless: Vaccinations, health club memberships, nutritional labeling, Medicare, pharmaceutical patents... If any of these don't sound like environmental policies, then the Affirmative's plan shouldn't be called one either.

3. Counter Definition. The Affirmative's definition is flawed, so we offer a better one:

Dr. William P. Cuningham (Ph.D. in Botany from the University of Texas), Dr. Mary Ann Cunningham (PhD in Geography at the University of Minnesota), and Dr. Barbara Woodworth (Ph.D. in Science Education from the University of Iowa), 2001, Environmental Science: A Global Concern, 7th Edition, McGraw Hill, <http://highered.mcgraw-hill.com/sites/0070294267/student_view0/glossary_e-l.html>

"Environmental Policy: The official rules or regulations concerning the environment adopted, implemented, and enforced by some governmental agency.

4. Reasons to prefer Negative's definition

Our definition says that if you are regulating the environment, you have an environmental policy. It's much more focused and on target than the Affirmative's wide open theories about anything that's good for humans is environmental policy.

5. Violation

A smoking ban tries to achieve a goal similar to the goals of environmental policy, but it doesn't actually regulate the environment at all. They are therefore non-topical.

6. Impact: Reduced debatability and reduced educational value.

The resolution becomes undebatable when an Affirmative could make it refer to just about anything. Negative teams cannot prepare as effectively and debates lose a lot of the educational value they could have had. It also wastes the time we could have spent debating the issue by forcing us to spend it debating topicality. The best way to stop this abusiveness is to discourage it by voting Negative.

Rebuttal Response:

NEPA doesn’t apply to short-term personal inconveniences: Has to be degradation of a traditional environmental asset

Chief Judge Harry Phillips (US 6th Circuit Court of Appeals) 1976, decision of the court in the case of Breckinridge v. Rumsfeld, John B. BRECKINRIDGE et al., Appellees, v. Donald H. RUMSFELD et al., Appellants. No. 75--2505. United States Court of Appeals, Sixth Circuit. argued March 31, 1976, Decided July 9, 1976. <http://openjurist.org/537/f2d/864/breckinridge-v-h-rumsfeld>

The appellants argue that NEPA is directed only to the preservation of those resources needed to sustain present and future generations and that personal and economic interests are not in and of themselves sufficient to bring the statute into play. In the present case there is no long term impact, no permanent commitment of a national resource and no degradation of a traditional environmental asset, but rather short term personal inconveniences and short term economic disruptions. We conclude that such a situation does not fall within the purview of the Act.

Analysis: Smoke in restaurants is a personal inconvenience that anyone can walk away from. It does not degrade any part of what is normally considered the "environment." In this evidence, a Federal judge draws a bright line between the two and rules that NEPA does not apply to personal inconveniences.

Impact: Affirmative cannot claim the NEPA definition covers their anti-smoking plan.

INHERENCY

1. Employers can easily manage costs of smoking in the workplace – they have every incentive to do so

Jacob Sullum (BA in economics and psychology, journalist, frequent guest on TV and radio networks, including Fox News Channel, CNN and NPR. A fellow of the Knight Center for Specialized Journalism, he has been a featured speaker at the International Conference on Drug Policy Reform) 1994, "The Costs and Benefits of Smoking," <http://reason.com/archives/1994/10/03/the-costs-and-benefits-of-smok>

The EPA cites smoker absenteeism in its cost-benefit analysis. It also claims that smokers increase maintenance costs by dropping ashes and getting smoke everywhere. These costs are part of the EPA's case for a nationwide smoking ban. But both of these are factors that employers are free to take into account when making personnel decisions. If the costs are high enough, some employers may refuse to hire smokers, or they may choose to pay them less. There is no reason to believe that the government is in a better position to assess these costs than individual employers are. If anyone would be concerned about absenteeism or extra maintenance, it would be the people who have to pay for it.

2. States can do it: Half The States Have Some Form of Public Smoking Ban

Mary Branham Dusenberry (managing editor for...), State News Magazine, "Many States Now Ban Smoking in Public Places", August 2007, http://www.csg.org/knowledgecenter/docs/sn0708ButtsOut.pdfHYPERLINK http://www.csg.org/knowledgecenter/docs/sn0708ButtsOut.pdf

A 2006 Surgeon General’s report has given new life to the adoption of smokefree laws across the country. Since California adopted its law in 1998, half the states have followed suit, with a variety of smoking prohibitions in public places.

Every state will have smoke-free laws

Mary Branham Dusenberry (managing editor for...), State News Magazine, "Many States Now Ban Smoking in Public Places", August 2007, <http://www.csg.org/knowledgecenter/docs/sn0708ButtsOut.pdf> (brackets added)

[Annie] Tegan [senior program manager for Americans for Non-Smoker's Rights] thinks that [the Surgeon General's] report, and the changing public attitude, will eventually lead to a smokefree law in every state.

3. Towns can do it: 748 Municipalities Have Public Smoking Bans and the trend is growing

Michael R. Pakko (a research officer and economist at...), The Federal Reserve Bank of St. Louis, "The Economic Impact of a Smoking Ban in Columbia, Missouri: An Analysis of Sales Tax Data for the First Year", November 1st 2008, <http://research.stlouisfed.org/publications/red/2008/01/Pakko.pdf>

The enactment of laws restricting smoking in bars and restaurants has been a growing trend among states and municipalities around the nation. According to the Americans Nonsmokers’ Rights Foundation, 748 municipalities have provisions for 100 percent smoke-free environments in bars, restaurants, and workplaces. Of these, 555 require smoke-free restaurants and 426 require smoke-free bars.

Towns can do it: Even in big tobacco states, communities enact smoking restrictions

Mary Branham Dusenberry (managing editor for...), State News Magazine, "Many States Now Ban Smoking in Public Places", August 2007, [www.csg.org/knowledgecenter/docs/sn0708ButtsOut.pdf](http://www.csg.org/knowledgecenter/docs/sn0708ButtsOut.pdf) (brackets added)

The argument has swayed even communities in tobacco country. North Carolina, Virginia and Kentucky cities and counties have adopted strong smoking bans, although state governments there have yet to consider the bans. "We’re definitely seeing a lot more local activity in tobacco country, which is amazing," [Annie] Tegan [senior program manager for Americans for Nonsmokers’ Rights] said. "It really is demonstrating the fact that no one wants to be left behind."

4. Smoking In The US is Dropping Significantly Due to Public Awareness

Thomas A. Firey (managing editor of Regulation Magazine, a publication of The Cato Institute), and Jacob Grier (A writer for...), The Cato Institute, "Children, Say 'Thank You for Smoking'", November 8th 2007, [www.cato.org/pub\_display.php?pub\_id=8783](http://www.cato.org/pub_display.php?pub_id=8783)

Smoking in the United States is already declining significantly — largely as a result of public awareness of its dangers, not higher taxes.

5. Private arrangements find solutions without government ban

Dr Michael L. Marlow, Ph.D. (professor of economics at California Polytechnic State University), Journal of American Physicians and Surgeons, "Epidemiologic and Economic Research, and the Question of Smoking Bans", Summer 2009, <http://kuneman.smokersclub.com/PDF/marlow.pdf>

Ban advocates argue that transaction costs are too prohibitive. But this is untrue in the hospitality industry because neither party owns the air space. Business owners own it, and have financial incentives to allocate it efficiently by mediating between smokers and nonsmokers. Owners seeking to satisfy highest-valued users may forbid smoking, offer smoking/nonsmoking sections, or improve air-filtration systems and ventilation. A range of solutions will therefore emerge. The variety of private solutions has been demonstrated in five peer-reviewed articles. This research demonstrates that owners offer more nonsmoking seating and better ventilation when serving fewer smoking customers.

HARMS

1. Most Studies show no significant risk of harm from environmental tobacco smoke (ETS)

Dr Michael L. Marlow, Ph.D. (professor of economics at California Polytechnic State University), Journal of American Physicians and Surgeons, "Epidemiologic and Economic Research, and the Question of Smoking Bans", Summer 2009, <http://kuneman.smokersclub.com/PDF/marlow.pdf>

Research on ETS does not fully support claims that it poses significant health risk. A recent review of the many studies of risks associated with ETS exposure concludes that "reported studies do not offer consistent results, and overall cannot be interpreted for or against risk." Of the 75 published studies of ETS and lung cancer, 70 percent did not report statistically significant differences of risk, 17 percent claim an increased risk, and 13 percent imply a reduction of risk.

2. Secondhand smoke does not not cause immediate atherosclerosis

Dr. Michael Siegel MD (professor in Social and Behavioral Sciences Department, Boston University School of Public Health; 20 years of experience in tobacco control, primarily as a researcher) 2007 Center for Public Accountability in Tobacco Control <http://www.tobaccocontrolintegrity.com/>

While it may be reasonable to state the immediate effects of secondhand smoke include damaging cell walls (endothelial dysfunction) and thickening of the blood (platelet activation and aggregation), it is absolutely false to state that the immediate effects of secondhand smoke include arteriosclerosis - hardening of the arteries or heart disease. Atherosclerosis is a process that takes many years to develop. Among active smokers, the process usually takes at least 20 years to develop, often even more. It is extremely rare to see a smoker in his or her 30's with coronary artery disease. So if it takes 20 or more years for an active smoker to develop coronary artery disease, then how is it possible for a nonsmoker to develop atherosclerosis or heart disease in 30 minutes? This statement is simply inaccurate.

3. Scotland study claiming smoking ban reduced heart attacks 17% is flawed

Dr. Michael Siegel MD (professor in Social and Behavioral Sciences Department, Boston University School of Public Health; 20 years of experience in tobacco control, primarily as a researcher) 31 July 2008, "New Research Article Concludes that Smoking Ban in Scotland Caused a 17% Reduction in Acute Coronary Events; Comparing Apples to Oranges" <http://tobaccoanalysis.blogspot.com/2008/07/new-research-article-concludes-that.html> (brackets added; parentheses in original)

A study published in the current issue of the New England Journal of Medicine reports that the smoking ban in Scotland resulted in a 17% decline in hospital admissions for acute coronary syndrome (including myocardial infarctions [heart attacks] and unstable angina) (see : Pell JP et al. Smoke-free legislation and hospitalizations for acute coronary syndrome. N Engl J Med 2008; 359:482-491).

He goes on later in the same context to conclude that the study was flawed. He says quote:

The problem with this article is that its conclusion is based on a comparison of apples to oranges. In order to compare the change in heart attacks in Scotland from 2006-2007 to the trend in heart attacks during the preceding ten-year period, one needs to use the same data source to compare these trends. In this article, the researchers use one source of data to estimate the change in heart attacks from 2006-2007 (observed changes in admissions for nine hospitals representing a portion of the country) and a different source of data to estimate the trend in heart attacks from 1996-2006 (national data from the Scottish National Health Service).

4. No POLONIUM-210 poisoning from secondhand smoke

Dr. Michael Siegel MD (professor in Social and Behavioral Sciences Department, Boston University School of Public Health; 20 years of experience in tobacco control, primarily as a researcher) 4 Dec 2006 Anti-Smoking Advocate Claims that Secondhand Smoke Causes Radiation Poisoning <http://tobaccoanalysis.blogspot.com/2006/12/anti-smoking-advocate-claims-that.html>

To be clear, there is no evidence that nonsmokers exposed to secondhand smoke have chronic poisoning from polonium-210. As has previously been the case, this fallacious and misleading claim is completely unnecessary. The truth should be enough. There is enough bad stuff in tobacco smoke, including polonium-210, that simply making people aware of the constituents and health effects of the smoke should be enough. But to exaggerate and distort the truth so much that it actually misleads people into believing something that is untrue is unfortunate, inappropriate, unnecessary, and by my account - unethical.

SOLVENCY

1. Helena, Montana, smoking ban success study – flawed 3 ways

FLAW 1: No information on whether exposure to second hand smoke changed as a result of the law

Dr. Geoffrey Kabat (doctor of epidemiology and public health, New York) June 2004, BMJ (published by British Medical Association, formerly known as British Medical Journal) "Effect of public smoking ban in Helena, Montana - When results look too good to be true, they probably are " <http://www.bmj.com/cgi/content/full/328/7452/1379-b>

Firstly, the researchers had no information on whether exposureto second hand smoke changed as a result of the ban. They alsodid not present any information on whether smoking habits wereaffected by the ban. If the study was concerned to isolate aneffect of second hand tobacco smoke, it should have been restrictedto the 33% of the study population who were never smokers.

FLAW 2: Random variation: results could have happened by chance

Dr. Geoffrey Kabat (doctor of epidemiology and public health, New York) June 2004, BMJ (published by British Medical Association, formerly known as British Medical Journal) "Effect of public smoking ban in Helena, Montana - When results look too good to be true, they probably are " <http://www.bmj.com/cgi/content/full/328/7452/1379-b>

Secondly, the drop in heart attacks is based on very few cases:four per month on average during the ban, compared with sevenper month before. Because of these small numbers the reporteddifference could easily be due to chance or to some uncontrolledfactor.

Pueblo Study confirms: Helena study was random variation, not actual proof of tobacco ban success

Prof. Brad Rodu, (Professor of Medicine and Endowed Chair, Tobacco Harm Reduction Research; University of Louisville) 12 Jan 2006, BMJ (published by British Medical Association, formerly known as British Medical Journal) Helena Study Random Variation Confirmed, <http://www.bmj.com/cgi/eletters/328/7446/977#12561> (brackets added)

Figure 1 shows that in some years AMI [acute myocardial infarction; = heart attack] death rates in Helena were quite low or high (designated by a \* in the figure). The variability was especially striking for two periods (yellow bars). More importantly, we now have evidence that the AMI death rate of 66 in 2002, the year of the ban (\*\* in the figure), is slightly but insignificantly higher than that in 2001 (63). We conclude that the smoking ban certainly had no effect on the number of people in Lewis and Clark county who died from AMI in 2002. Figure 2 shows a similar overall downward trend in mortality from AMI over the 1979-2002 period in Pueblo county, and with similar variability, especially in specific years (designated by a ! in the figure). Sargent et al. are correct that Pueblo is a larger city than Helena (at risk population in 2002: 75,600 in Pueblo versus 31,600 in Helena) with more cases (AMI deaths in 2002: 59 in Pueblo versus 19 in Helena). But the impact of this larger size on variability is modest. For example, if the Pueblo ban had gone into effect in 2002 (!! in the figure) instead of 2003, smoke-free advocates might have claimed credit for a 28% drop in AMI mortality (compared with 2001). Sargent et al. believe that the Pueblo report confirms the findings of the Helena study. The AMI mortality data from Pueblo confirms our position that neither report involves anything more than random variation.

FLAW 3: "Immediate effect" unbelievable – not sound science, just wishful thinking

Dr. Geoffrey Kabat (doctor of epidemiology and public health, New York) June 2004, BMJ (published by British Medical Association, formerly known as British Medical Journal) "Effect of public smoking ban in Helena, Montana - When results look too good to be true, they probably are " <http://www.bmj.com/cgi/content/full/328/7452/1379-b>

Finally, the "immediate effect" should make anyone stop andquestion the connection the authors are asserting. There arefew interventions in public health that have such an immediateimpact. Even if all active smokers in Helena had quit smokingfor at least a year, one would not expect to see such a dramaticeffect.The attempt to make claims about the effects of smoking bansbased on this very weak ecological study raises disturbing questionsabout our ability to distinguish between sound science and wishfulthinking.

Helena Montana 40% decline in AMI (heart attacks) is not plausible

Dr. Farzad Mostashari, (MD MSPH, Assistant Commissioner, New York City Department of Health and Mental Hygiene) and Dr Thomas R. Frieden (MD MPH) 9 June 2004, BJM (published by British Medical Association, formerly British Journal of Medicine), <http://www.bmj.com/cgi/eletters/328/7446/977>

The 40% decline in acute myocardial infarctions (AMIs) associated with a smoke-free ordinance in Montana (7) is neither biologically nor epidemiologically plausible. Cigarette smoking itself is associated with an estimated 17% of ischemic cardiac deaths(8). Second-hand smoke exposure must be associated with a far lower proportion. Smoke-free air legislation can reduce, but not eliminate, exposure to second-hand smoke, which continues in homes, cars, and some public spaces. An analysis of the likely effects of smoke- free legislation (9) accounted for the fact that not all residents are exposed to second-hand smoke prior to passage of legislation, and that some exposure continues after legislation is in effect. This report more realistically predicted 120 fewer AMIs after one year for the state of Florida (population 16 million). This would translate to approximately 0.25 fewer AMIs over a 6-month period for Helena Montana (population 68,000), rather than the 16 fewer AMIs attributed to the smoking ban.

2. Scotland Study: No reduction in heart attacks

Rate of decline in heart attacks was faster before the 2006 smoking ban in Scotland

Dr. Michael Siegel MD (professor in Social and Behavioral Sciences Department, Boston University School of Public Health; 20 years of experience in tobacco control, primarily as a researcher) 31 July 2008, "New Research Article Concludes that Smoking Ban in Scotland Caused a 17% Reduction in Acute Coronary Events; Comparing Apples to Oranges" <http://tobaccoanalysis.blogspot.com/2008/07/new-research-article-concludes-that.html>

Remember that the smoking ban was implemented in March 2006, so changes from 2005 to 2006 would reflect the smoking ban, as would changes from 2006 to 2007. Between 2005 and 2006, the number of heart attack admissions in all of Scotland declined by 4.2%. Between 2006 and 2007, the number of heart attack admissions in Scotland dropped by 8.0%. That might sound like a big drop, large enough that we would conclude it was due to the smoking ban. However, look at the year-to-year declines in heart attacks in Scotland in years prior to the smoking ban. Between 2003 and 2004, heart attack admissions declined by 4.6%. This is greater than the observed heart attack decline from 2005 to 2006. Between 1999 and 2000, heart attack admissions in Scotland declined by 10.2%. This is much greater than even the 8.0% decline observed from 2006 to 2007.

3. NBER Study: Smoking Restrictions don’t Provide ANY Health Benefits

And here’s something weird: Smoking restrictions are associated with a small INCREASE in childhood asthma

Kanaka D. Shetty (from the RAND Corporation), Thomas DeLeire (La Follette School of Public Affairs University of Wisconsin - Madison), Chapin White (Congressional Budget Office), and Jayanta Bhattacharya (Center for Primary Care and Outcomes Research at Stanford University), The National Bureau of Economic Research (NBER), "Changes In U.S. Hospitalization And Mortality Rates Following Smoking Bans", March 2009, (brackets added) <http://psidental.com/HTMLobj-2324/nber_w14790.pdf>

We find no statistically significant reduction in admissions due to AMI [acute myocardial infarction; =heart attack] among working age adults (‐4.2%, 95% CI: 10.2 to 1.7%, p=0.165) or among the elderly (2.0%, 95% CI: ‐3.7 to 7.7%, p =0.48) following the enactment of a workplace smoking restriction (see Table 3). We similarly find no evidence of reduction in admissions for other diseases in any age group, though smoking restrictions of all sorts are associated with statistically insignificant increases in asthma (11.4%, 95% CI: ‐2.4 to 25.3%, p=0.11) and total admissions (3.7, 95%CI: ‐2.1 to 9.5%, p = 0.21) among children. Among both the elderly and working age adults, we find no statistically significant effect of smoking bans on hip fracture admissions, our negative control. This supports the hypothesis that unobserved characteristics of regions do not confound our results.

NBER Study: Smoking Bans Do Not Reduce Hospital Admissions for related Diseases

Kanaka D. Shetty (from the RAND Corporation), Thomas DeLeire (La Follette School of Public Affairs University of Wisconsin - Madison), Chapin White (Congressional Budget Office), and Jayanta Bhattacharya (Center for Primary Care and Outcomes Research at Stanford University), The National Bureau of Economic Research, "Changes In U.S. Hospitalization And Mortality Rates Following Smoking Bans", March 2009, <http://psidental.com/HTMLobj-2324/nber_w14790.pdf>

We find no evidence that legislated U.S. smoking bans were associated with short term reductions in hospital admissions for acute myocardial infarction or other diseases in the elderly, children or working age adults.

NBER Methodology:

The National Bureau of Economic Research Used National Data In Their Study

Kanaka D. Shetty (from the RAND Corporation), Thomas DeLeire (La Follette School of Public AffairsUniversity of Wisconsin - Madison), Chapin White (Congressional Budget Office), and Jayanta Bhattacharya (Center for Primary Care and Outcomes Research at Stanford University), The National Bureau of Economic Research, "Changes In U.S. Hospitalization And Mortality Rates Following Smoking Bans", March 2009, <http://psidental.com/HTMLobj-2324/nber_w14790.pdf>

To construct the data sets used for our analysis, we merge data on the timing and location of smoking bans to three large nationwide data sources on health outcomes.

4. Connecticut Study: smoking ban gave no significant decline in heart attacks in the first 3 years

Dr. Michael Siegel MD (professor in Social and Behavioral Sciences Department, Boston University School of Public Health; 20 years of experience in tobacco control, primarily as a researcher) 7 Dec 2009, "No Change in Trend in Heart Disease Death Rates in Connecticut During First Three Years of Comprehensive Statewide Smoking Ban" <http://tobaccoanalysis.blogspot.com/>

Today's result from Connecticut provides further evidence that, as one would expect based on the underlying science, smoking bans are not going to result in immediate, dramatic declines in heart attacks. It's unfortunate that the Institute of Medicine committee failed to examine even a fraction of the easily available data from state health departments that could have been used to assess the relationship between smoking bans and changes in heart attacks. My analysis of the data from Connecticut, which took all of about ten minutes, reveals that even in the setting of having no pre-existing local smoking bans, the implementation of a comprehensive smoking ban which included all bars and restaurants failed to result in any significant decline in heart attack death rates within its first three years.

DISADVANTAGES

1. Health Risk Distraction. Worry about ETS (environmental tobacco smoke) distracts focus away from bigger health issues, resulting in increased total health risk to the public.

Dr Michael L. Marlow, Ph.D. (professor of economics at California Polytechnic State University), Journal of American Physicians and Surgeons, "Epidemiologic and Economic Research, and the Question of Smoking Bans", Summer 2009, <http://kuneman.smokersclub.com/PDF/marlow.pdf>

Overstating risk confuses the public about relative risks. Fomenting worry about ETS increases the probability of enactment of bans, and also promotes more funding for ETS research. Ban advocates thus shift focus away from behavior—such as lack of exercise, bad diets, or drunk driving—that might pose substantially greater health risks. Funds spent on ETS are diverted from research that might be more productive. Thus, decreasing the already small risk of ETS translates into increasing total health risks.

2. Anti-smoking movement loses credibility

Link: AFF makes exaggerated claims of secondhand smoke harms. Cross-apply harms evidence above

Link: Exaggerated claims hurt credibility of anti-smoking movement

Dr. Michael Siegel MD (professor in Social and Behavioral Sciences Department, Boston University School of Public Health; 20 years of experience in tobacco control, primarily as a researcher) 2007 Center for Public Accountability in Tobacco Control <http://www.tobaccocontrolintegrity.com/>

As public health practitioners, we believe that there is a responsibility of tobacco control groups to accurately communicate science to the public. We also believe it is unnecessary to exaggerate, because the known chronic effects of secondhand smoke should be enough. But if we continue to misrepresent the science, the credibility of the anti-smoking movement will be threatened.

Link: Once credibility is lost, it's almost impossible to recover. False claims by anti-smoking movement will backfire

Dr. Michael Siegel MD (professor in Social and Behavioral Sciences Department, Boston University School of Public Health; 20 years of experience in tobacco control, primarily as a researcher) 7 Dec 2009, "No Change in Trend in Heart Disease Death Rates in Connecticut During First Three Years of Comprehensive Statewide Smoking Ban" <http://tobaccoanalysis.blogspot.com/>

While they may feel that in the short-term they are serving the anti-smoking or smoke-free cause, they are deceiving themselves. Relying on shoddy science and biased analysis to promote a supposedly science-based policy is eventually going to backfire, and in a huge way. Once the credibility of a social movement is lost, it is almost impossible to recover.

Link & Brink: Smokers will use any reason to ignore anti-smoking messages

World Health Organization, 2001, SMOKING CESSATION MEDIA CAMPAIGNS FROM AROUND THE WORLD, <http://www.euro.who.int/document/e74523.pdf>

Cessation messages face a special communication challenge – speaking to an audience that would rather not listen. The message seeks to influence a smoker who wants to quit and yet is so aware of the likelihood of failure that he or she looks for reasons to ignore any message about quitting.

Impact: Turn Affirmative's smoking harms. If smokers find anti-smoking movement not credible, they'll ignore the warnings and keep smoking. Affirmative's harms get worse because fewer people quit smoking.

3. Rebellion effect = increased smoking

Link: Bans increase smoking by making it look cool to be a rebel

Dr Michael L. Marlow, Ph.D. (professor of economics at California Polytechnic State University), Journal of American Physicians and Surgeons, "Epidemiologic and Economic Research, and the Question of Smoking Bans", Summer 2009, <http://kuneman.smokersclub.com/PDF/marlow.pdf>

Paradoxically, bans may actually increase smoking. A study of bans in Australia finds that they do not significantly reduce smoking for most individuals. But they may cause a significant "rebellion" effect among 18 to 24-year-old smokers, who became more likely to continue smoking following bans. A "James Dean" effect on youth may therefore exist, whereby bans make it easier to display "antisocial" behavior through smoking.

Impact: Turn Affirmative harms - more smokers = more smoking-related disease and death.

4. Reduced Air Quality

Smoking Bans reduce ventilation improvements that could have improved air quality

Michael L. Marlow, Ph.D. (professor of economics at California Polytechnic State University), Journal of American Physicians and Surgeons, "Epidemiologic and Economic Research, and the Question of Smoking Bans", Summer 2009, <http://kuneman.smokersclub.com/PDF/marlow.pdf> (brackets added)

Ironically, smoking bans may impede efforts to improve air quality. Several leading advocates are alarmed that improved ventilation could undermine passage of bans. Better ventilation and air filtration could remove both ETS [environmental tobacco smoke] and other irritants and toxins, such as wood smoke, cooking oil, and insecticides. But, because of the singular focus on tobacco smoke, incentives for technologies that improve overall air quality surely decrease following bans.

5. Significant economic impact on affected business

Earlier studies showing no negative economic effects of Smoking Bans are misinterpreted

Michael R. Pakko (a research officer and economist at...), The Federal Reserve Bank of St. Louis, "The Economic Impact of a Smoking Ban in Columbia, Missouri: An Analysis of Sales Tax Data for the First Year", November 1st 2008, <http://research.stlouisfed.org/publications/red/2008/01/Pakko.pdf>

As more U.S. communities have adopted such laws, economic data have accumulated, allowing economists to better identify some of the economic costs of these restrictions. A large body of early evidence on the economic impact of smoking bans, much of which was published in medical and public health journals, tended to find no statistically significant effects. This finding sometimes has been interpreted as demonstrating that there is no negative economic impact of smoke-free laws whatsoever. This interpretation is far too simplistic. Recent economic research has made it increasingly clear that there are significant economic effects—for some specific businesses—when 100 percent smoking bans are implemented.

6. Loss of private property rights.

Analysis: For all the talk about "public places," workplaces and restaurants and bars are still private property. They belong to the owner of the establishment, who has the right to invite people onto his property as he sees fit. Individuals who don’t want to be bothered by smoke can choose to go elsewhere.

Link: Property rights include smoking on private property

Jacob Sullum (BA in economics and psychology, journalist, frequent guest on TV and radio networks, including Fox News Channel, CNN and NPR. A fellow of the Knight Center for Specialized Journalism, he has been a featured speaker at the International Conference on Drug Policy Reform) 1994, "The Costs and Benefits of Smoking," <http://reason.com/archives/1994/10/03/the-costs-and-benefits-of-smok> (parentheses in original)

Similarly, we all have a stake in protecting private property rights. It is just as wrong for the government to tell a restaurateur that he may not allow smoking in his establishment as it would be for the government to tell you that you may not allow smoking in your dining room. (Or, for that matter, to insist that you must allow smoking.)

Smoking Bans Violate Private Property Rights

Russ Harding (former director of Michigan Department of Environmental Quality; director of the Property Rights Network at...), The Mackinac Center for Public Policy, "Blowing Smoke Over Private Property Rights", December 23rd 2008, [www.mackinac.org/article.aspx?ID=10095](http://www.mackinac.org/article.aspx?ID=10095)

Although popular in some quarters, government-imposed smoking prohibitions are an assault on private property rights. So it's good news that the Michigan Legislature has acted wisely by leaving in place current law that allows businesses— including restaurant and bar owners — to decide for themselves whether to allow smoking on their property. Smoking bans may not strike most people as an obvious government property taking in the same manner as seizing someone's home to make way for a new highway, but both are an erosion of the right to use one's own private property free from government meddling.

Impact: Property rights are the guardian of all other civil rights

Prof. Steven J. Eagle (George Mason Univ. School of Law), 2008, Case Western Reserve Law Review, " THE ROLE OF THE COMMON LAW IN DEFINING AND PROTECTING THE ENVIRONMENT: A PROLEGOMENON", (italics, brackets and ellipses in original) <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1103984&rec=1&srcabs=1124487>

The principal drafter of the Constitution, James Madison, declared that "[g]overnment is instituted to protect property of every sort; . . . This being the end of government, that alone is a *just* government, which *impartially* secures to every man, whatever is his *own*." In contemporary scholarship, property rights have been termed the "great focus" of the Framers, and the "guardian of every other right."

7. Collectivism.

Link: Smoking regulations ignore personal freedom and elevate collectivism

Jacob Sullum (BA in economics and psychology, journalist, frequent guest on TV and radio networks, including Fox News Channel, CNN and NPR. A fellow of the Knight Center for Specialized Journalism, he has been a featured speaker at the International Conference on Drug Policy Reform) 1994, "The Costs and Benefits of Smoking," <http://reason.com/archives/1994/10/03/the-costs-and-benefits-of-smok> (ellipses in original)

Individual rights, of course, do not figure in the cost-benefit analyses of smoking. As with many other important things, their value is hard to measure in dollars and cents. More to the point, these analyses take a collectivist approach; their purpose, as the EPA puts it, is to help "identify those government actions which leave society as a whole better off." It's not surprising that the rights of individuals do not play a role in these calculations. Fortunately, the EPA concedes that "cost-benefit analysis does not by itself . . . provide definitive answers." It has to be "weighed with other policy considerations." The question is, how much does freedom weigh?

Impact: Collectivism is evil. Dethrones God and replaces Him with the State

Dr. Andrew Bernstein PhD (adjunct professor of philosophy at Pace University and at the State University of New York at Purchase) November 2005, "Villainy: An Analysis of the Nature of Evil" <http://www.capmag.com/article.asp?ID=4433>

The essence of Kant's influence, and the key to understanding the last two hundred years, is his theory that the human species, as a collective, creates its own reality. The world man occupies is not controlled by any single human consciousness, but by society as a whole. God has been dethroned by Kant and society elevated to the role of creator and governor of the human world. Hegel applies this social primacy of consciousness view to politics. If the collective creates the world, Hegel argues, then it is logical to conclude that the collective must be the source of right and wrong and that it must be all-powerful regarding social issues. The group as a whole, and its emissary, the state, gives orders and the individual obeys. This is the birth of state-worship in modern Western culture.

SOURCE INDICTMENT

American Cancer Society: Exaggerated claims of harm about secondhand smoke

Dr. Michael Siegel MD (professor in Social and Behavioral Sciences Department, Boston University School of Public Health; 20 years of experience in tobacco control, primarily as a researcher) 2007 Center for Public Accountability in Tobacco Control <http://www.tobaccocontrolintegrity.com/>

Right now, many anti-smoking groups are making inaccurate health claims to the public regarding the acute cardiovascular effects of secondhand smoke. While the known, severe effects of chronic exposure to secondhand smoke justify smoke-free workplace policies, it is not appropriate for public health groups to be scaring the public into thinking that tobacco smoke exposure is worse than it actually is, simply in order to create a more emotional and sensational message. A current example of one of these inaccurate claims is the statement shown below, which is extracted from a strategy guide produced by the American Cancer Society, entitled "Building Public Awareness About Passive Smoking Hazards." This document is being disseminated worldwide through the GLOBALink website. These claims are being made in the specific context of advising anti-smoking organizations worldwide specifically what to tell the public about the effects of secondhand smoke.

NEGATIVE BRIEF: SOFT POWER

NO SOLVENCY - Aff plan won't achieve soft power

Being more "attractive" is not soft power: Have to define what policy objectives we're trying to get other nations to follow

Analysis: Unless AFF defines which country they want to influence and what they want that country to do, we will never know if they have achieved soft power with their plan

Dr. Yasushi Watanabe PhD (Professor at Graduate School of Media & Governance, Keio University, Japan), 2006, "Revisiting Soft Power," <http://www.cgp.org/index.php?option=article&task=default&articleid=342>

First, the main point of soft power is that it lowers the costs (what systems theory calls transaction costs) of accomplishing policy objectives; it is not just about the promotion of "soft content" industries. Perhaps because of the use of the term "attractiveness" in discussing soft power, or perhaps because of a kind of snobbism, there seems to be a tendency to call anything "attractive" soft power. Attractiveness enriches life, but attractiveness on its own is not soft power. More precisely, attractiveness can be a source of soft power, but whether it can become soft power depends on the policy objective itself, of course, and also policy aims and context and the methods employed.

SP=communication, foreign aid, economic reconstruction, and talking to the people

Analysis: If these aren't in the AFF plan mandates, then they aren't generating soft power

Anne-Katrin Arnold (consultant to the World Bank Communication for Governance & Accountability Program; also a Ph.D. candidate at the University of Pennsylvania's Annenberg School for Communication) Aug 2009, "Soft Power: Talking to the People" <http://blogs.worldbank.org/publicsphere/soft-power-talking-people> (italics and parentheses in original)

At the core of soft power are strategic communication, foreign aid, civic action, empowerment, and economic reconstruction and development. In essence (and simplified) it's about working with the people in country A to make them support country B and demand from government A to work with government B. It involves *talking to the people*: engaging foreign publics, winning public opinion.

NO IMPACT - Even if soft power were achieved, it doesn't accomplish much

Obama unable to gain results using "soft power" with Iran

Dr. James Carafano PhD (leading expert in defense affairs, intelligence, military operations and strategy, and homeland security at The Heritage Foundation; former Assistant Professor at the U.S. Military Academy in West Point, N.Y. and fleet professor at the U.S. Naval War College) 27 Oct 2009 Exclusive: Soft Power Slump [www.familysecuritymatters.org/publications/id.4616/pub\_detail.asp](http://www.familysecuritymatters.org/publications/id.4616/pub_detail.asp)

Obama’s week finished with a soft power slump. The U.S. had high hopes for two meetings with Iranian officials on their suspect nuclear programs. Early in the week the administration prematurely and foolishly started crowing that the Iranians were willing to negotiate. Soft power, they proclaim, had triumphed. A *Washington Post article* described the deal as "providing a major boost for the Obama administration" in engaging with the Islamist government in Tehran. The high-fives proved premature. By the end of the week, Iran walked away without signing.

DISADVANTAGE - Emphasis on Soft Power is bad

Link: Foreign policy retreat: SP empowers our enemies to undermine US interests

Dr. James Carafano PhD (leading expert in defense affairs, intelligence, military operations and strategy, and homeland security at The Heritage Foundation; former Assistant Professor at the U.S. Military Academy in West Point, N.Y. and fleet professor at the U.S. Naval War College) 26 Oct 2009, "Why 1978 was a very bad year," (brackets added; parentheses in original) <http://www.washingtonexaminer.com/opinion/columns/Why-1978-was-a-very-bad-year-8437331-65944932.html>

In fact, Obama has already outdone President Carter, winning a Nobel Prize before rather than after he has done anything. Of course, this merely places additional pressure on the administration to continue relying on the tools (arms control agreements, the United Nations and such) lauded by the Nobel judges. Sadly, warning signs that others will use the administration's "soft power uber alles [above all]" strategy to undermine U.S. interests are already cropping up.   
**»** The Russians are demanding more and more at the strategic-arms negotiating table, while giving their U.S. counterparts less and less.   
**»** Iran and North Korea are running out the clock, sending diplomats into the umpteenth round of talks while their scientists toil feverishly advancing their nuclear and missile programs.   
**»** In Latin America, socialist dictators continue to outmaneuver the White House.  
  
Meanwhile, new al Qaeda-related or -inspired plots appear to be popping up every day. Three in the United States were thwarted last month. A Boston-based plot was thwarted just last week. Turkey uncovered another network the week before that. In Afghanistan, the Taliban is on the march. And the year is not over yet. The rhetoric of soft power is inspiring and ever hopeful. But unless the nation seems firmly committed to backing that soft power with some hard muscle, those with no love of America will interpret the rhetoric as the vapid mooings of a nation in retreat.

Impact: Threatens stability of international order

Mark Silverberg (attorney with a Masters Degree in Political Science and International Relations from the University of Manitoba, Canada. A former member of the Canadian Justice Department, He has lectured extensively on subjects of counterterrorism, jihadism, homeland security issues and intelligence matters) Nov 2009 "Dealing with the Devil " <http://www.marksilverberg.com/>

The assumption that the Obama administration’s diplomatic initiative to our enemies will enhance America’s image in the world and increase our security is becoming more questionable with each passing day. What we have learned is that dialogue and accommodation with messianic, apocalyptic Islamic regimes like Iran are not only pointless, but threaten the stability of the international order.

NEGATIVE BRIEF: SPACE JUNK – not a problem  
SPACE JUNK LASERS – won’t work

HARMS

1. Despite Russian satellite crash, the risk is extremely low

Cross-Apply Under Inherency: Governments are developing ways to destroy orbiting objects

Guy Faulconbridge (journalist), 12 Feb 2009, Reuters news service, "U.S. and Russia track satellite crash debris," <http://www.reuters.com/article/newsOne/idUSTRE51A8IA20090212?pageNumber=1&virtualBrandChannel=0> (brackets added)

The [Russian satellite] crash has underlined concerns about how crowded the orbit paths around the planet have become in recent decades. But experts said the chances of such a collision are extremely low and added that leading space powers have been racing to develop new ways to destroy orbiting objects.

2. Iridium/Russian satellite crash had little impact: Iridium had a spare already in orbit

Dr. Ian O'Neill (PhD in solar physics; science writer), 14 Feb 2009, "Orbital Spares: Iridium Already Replaced Destroyed Satellite" <http://www.universetoday.com/2009/02/14/orbital-spares-iridium-already-replaced-destroyed-satellite/>

Iridium has a replacement satellite. A spare. Already in orbit. And plans are afoot to "plug the hole" in the satellite phone network. Now that's what I call service! It's probably to be expected, especially when considering competition in the communication industry, but it is an amazing feat to have a backup plan enacted only a couple of days after losing an expensive satellite. But this isn't only a plan, it's a satellite, already in orbit, waiting to be powered up and redirected to its predecessor's old orbit (or at least fulfil it's coverage on the ground). Although Iridium was concerned about patchy service for some customers, the satellite network's mesh design will lower the likelihood of any service outages.

3. No impact to Space Shuttle: The Shuttle program is ending in 2010

Curtis Kreuger (journalist), 16 Feb 2009, St Petersburg Times newspaper, "2010 could be end of space shuttle era " <http://www.tampabay.com/news/science/space/article976256.ece>

NASA hopes to launch space shuttle Discovery on Feb. 27, and people in the Tampa Bay region may be able to see its fiery glow on the eastern horizon. But such sightings are numbered. NASA plans to stop flying shuttles by the end of next year, ending nearly three decades as the centerpiece of the American space program.

4. No Space Station Impact: The International Space Station (ISS) will be abandoned in 2016

Joel Achenbach (Journalist), 13 July 2009, WASHINGTON POST, "Space Station Is Near Completion, Maybe the End" [www.washingtonpost.com/wp-dyn/content/article/2009/07/12/AR2009071201977.html?hpid=topnews](http://www.washingtonpost.com/wp-dyn/content/article/2009/07/12/AR2009071201977.html?hpid=topnews)

"In the first quarter of 2016, we'll prep and de-orbit the spacecraft," says NASA's space station program manager, Michael T. Suffredini. That's a polite way of saying that NASA will make the space station fall back into the atmosphere, where it will turn into a fireball and then crash into the Pacific Ocean.

5. Manned space exploration is a waste of money anyway

Charles Arthur (technology editor), 7 Apr 1999**, "**Space travel `a waste of money'," THE INDEPENDENT (British newspaper), (brackets added) [www.independent.co.uk/news/space-travel-a-waste-of-money-1085627.html](http://www.independent.co.uk/news/space-travel-a-waste-of-money-1085627.html) (brackets added)

Manned space exploration is a waste of money with no economic rationale, says [Brunel University bio-engineering] Professor Heinz Wolff - who has spent half his life designing objects for crewed spacecraft. Similarly, astronomy is a branch of science whose value is more cultural than practical, as "its impact on the actual nuts and bolts of living is small," Professor Wolff told the Edinburgh International Science Festival.

INHERENCY

1. The Space Fence

A. US Air Force has contracted to build Space Fence – significant improvement over current system

Paul Marks (journalist), 26 July 2009, NEW SCIENTIST magazine, "Race is on for space-junk alarm system," [www.newscientist.com/article/mg20327185.800-race-is-on-for-spacejunk-alarm-system.html](http://www.newscientist.com/article/mg20327185.800-race-is-on-for-spacejunk-alarm-system.html)

Three aerospace companies - Northrop Grumman, Lockheed-Martin and Raytheon - have each been awarded $30 million by US Air Force Space Command to design a "space fence" that will constantly report the motion of all objects 5 centimetres wide and larger in medium and low-Earth orbits. "It's basically going to be an electronic tripwire," says Rich Davis, Northrop's special projects director in Linthicum, Maryland. "It will give you the orbit angle and time of day that every satellite or piece of debris passes any point you choose." Once you know that, he says, it is easy to calculate potential collision risks. The fence will be a significant improvement on the US's current system - the Air Force Space Surveillance System - which was built in 1961.

B. Space Fence will greatly enhance our response to space debris

Paul Marks (journalist), 26 July 2009, NEW SCIENTIST magazine, "Race is on for space-junk alarm system," [www.newscientist.com/article/mg20327185.800-race-is-on-for-spacejunk-alarm-system.html](http://www.newscientist.com/article/mg20327185.800-race-is-on-for-spacejunk-alarm-system.html)

The new space fence is keenly anticipated by Richard Crowther of the British National Space Centre. It will be "an upgrade that will greatly enhance the ability to observe and respond to the threat of space debris", Crowther says.

2. Minor Repair: International action

A. US should influence international action on Space Junk, NOT do it ourselves

Kirk Woellert ( former Navy intelligence officer with experience in space systems and information technology. He is currently a graduate student at The Space Policy Institute, George Washington University) 18 May 2009, "Space debris: why the US cannot go it alone" SPACE REVIEW, [www.thespacereview.com/article/1373/1](http://www.thespacereview.com/article/1373/1)

International cooperation takes significant time to build consensus and on occasion has led to ineffectual results. Nevertheless, the US can best protect its interests in space not by unilateral action but by using its influence and leadership to establish an effective international response to mitigating—and perhaps one day eliminating—the hazard of space debris.

B. International action on space junk is already underway

Steven Kotler (journalist), 7 Apr 2009, FOX NEWS, "Scientists Race to Prevent 'Catastrophic Disaster' in Space" [www.foxnews.com/story/0,2933,512766,00.html](http://www.foxnews.com/story/0,2933,512766,00.html)

Nations are beginning to act. On Feb. 13, the United Nations endorsed seven "Space Debris Guidelines to Curtail Space Debris in the Future." The guidelines include adding more shielding to spacecraft and giving satellites extra fuel so they can either deorbit themselves quickly (it normally takes decades) or put themselves into higher, less crowded orbits at the ends of their life cycles.

SOLVENCY

1. Property rights problem: Space Junk owned by foreign nations is still their property

Glenn Harlan Reynolds, (Popular Mechanics contributing editor, teaches space law at the Univ of Tennessee), July 2009, "Collision Course: The Need for Better Space Junk Regulations," POPULAR MECHANICS, <http://www.popularmechanics.com/science/air_space/4326022.html>

Under the 1967 Outer Space Treaty, nations retain "jurisdiction and control" over their spacecraft even when they are inoperable—so a salvage company wouldn’t be able to take title or claim an award for recovering a defunct craft, as is done on Earth. A space salvage law might even help commercial space efforts by providing yet another moneymaking option; governments, or insurance companies, could pay private operators a bounty for eliminating space junk. Though space lawyers have been arguing for years that the proliferation of space junk makes some sort of salvage law necessary, and despite the obvious commercial benefits, there has been little progress.

2. Space Junk Laser technology not ready yet

A. Space Junk Lasers have huge costs and technical challenges: that’s why we haven’t done it

Kirk Woellert ( former Navy intelligence officer with experience in space systems and information technology. He is currently a graduate student at The Space Policy Institute, George Washington University) 18 May 2009, "Space debris: why the US cannot go it alone" SPACE REVIEW, [www.thespacereview.com/article/1373/1](http://www.thespacereview.com/article/1373/1)

A space- or ground-based laser used to vaporize small pieces of debris is subject to the same physics as a laser used for destroying ballistic missile or adversary satellites. The US has not elected unilaterally field a global ballistic missile defense system in part due to the huge costs and technical challenges.

B. Substantial leaps in technology still needed

Nancy Atkinson (astronomy journalist), 13 May 2009 UNIVERSE TODAY, "Debris Whizzes By Hubble, Shuttle; What Are We Going to do About Space Junk?" <http://www.universetoday.com/2009/05/13/debris-whizzes-by-hubble-shuttle-what-are-we-going-to-do-about-space-junk/>

Some of the options for removing space debris include a "space broom" concept that NASA proposed in 1996 called Project Orion, frying space trash with ground-based lasers, an inflatable set of space tongs that could grab and tow objects, or a space vacuum similar to the Planet Eater, which devoured spaceships in an episode of "Star Trek." Any of these concepts would require substantial leaps in technology before they are feasible.

3. Laser won’t work: Can’t hit space junk with a laser – not accurate enough

Steven Kotler (journalist), 7 Apr 2009, FOX NEWS, "Scientists Race to Prevent 'Catastrophic Disaster' in Space" [www.foxnews.com/story/0,2933,512766,00.html](http://www.foxnews.com/story/0,2933,512766,00.html) (brackets added)

One concept that's gotten attention is the "space broom," a ground-based laser that will use quick pulses to singe orbital debris, changing each piece's trajectory so that it deorbits faster. The idea has considerable merit, and considerable problems — how to hit each piece, for one. "We don't really know where this junk is with any real sense of accuracy," says [senior researcher in the space department at the Johns Hopkins University Applied Physics Laboratory, Marshall] Kaplan. "We can get within a few meters, perhaps, but that's not enough for a laser." You could get a lot closer by putting the lasers on a spacecraft, but that would be a space-based weapon, and those are banned by several international treaties.

4. Ground lasers shooting into space could violate international weapons treaty

Impact/Analysis: AFF bears burden to prove their plan wouldn’t be overturned or blocked by Courts ruling that the plan violates a treaty and is therefore illegal.

Toby Murcott (journalist), 17 Aug 2000, BBC NEWS, "Laser guard for space station," <http://news.bbc.co.uk/2/hi/science/nature/884256.stm>

Trials of the system are due to start in 2003. The US space shuttle will launch dummy targets of a similar size, and a laser back on Earth will attempt to lock on to them. These trials will not involve lasers with sufficient power to affect the debris, as there are concerns that such high power devices might contravene the international weapons treaty banning laser weapons in space.

DISADVANTAGES

1. Lasers risk creating MORE space junk

Glenn Harlan Reynolds, (Popular Mechanics contributing editor, teaches space law at the Univ of Tennessee), July 2009, "Collision Course: The Need for Better Space Junk Regulations," POPULAR MECHANICS, <http://www.popularmechanics.com/science/air_space/4326022.html>

Cleaning up fragments is much harder. Even small debris traveling at tremendous velocities can wreck a spacecraft, but it’s impossible to rendezvous with a paint speck or a lug nut. Some have proposed incinerating debris with lasers, or capturing it with big blobs of orbiting aerogel. But these and other solutions are expensive and may produce more debris from collisions.

2. Unproven Risk: The Precautionary Principle states that we should not do an activity until it has been proven safe.

Analysis: Until the Affirmative proves that lasers are safe by showing tests where they have safely performed the work with no bad side-effects, we should not implement their policy.

Dr Amy Dean, D.O. and Dr Jennifer Armstrong, M.D, statement reviewed and approved by the Executive Committee of the American Academy of Environmental Medicine, 8 May 2009, "Genetically Modified Foods" [www.aaemonline.org/gmopost.html](http://www.aaemonline.org/gmopost.html) (quotes and parentheses in original; brackets added)

Another often used definition [of precuationary principle] originated from an environmental meeting in the United States in 1998 stating: "When an activity raises threats to the environment or human health, precautionary measures should be taken, even if some cause and effect relationships are not fully established scientifically. In this context, the proponent of an activity, rather than the public, should bear the burden of proof (of the safety of the activity)."

NEGATIVE BRIEF: SUSTAINABLE AGRICULTURE

TOPICALITY

Effects Topicality: Agriculture Policy not Environmental Policy

Standard: Affirmative must have mandates that change Environmental Policy and only Environmental Policy

Violation: Affirmative is changing Agriculture subsidies, which are Agriculture Policy, with the hope that it will have a positive effect on the environment. This is a violation because Agriculture Policy is not the same as Environmental Policy

Link: Agricultural economic incentives "affect" environmental quality indirectly

Bengt Hyberg (agricultural economist, Economic Research Service, U.S. Department of Agriculture) and Sean Pascoe (agricultural economist, Australian Bureau of Agricultural and Resource Economics) "Agriculture and Environmental Policy: Recent United States and Australian Developments" April 1991, <http://ageconsearch.umn.edu/bitstream/28813/1/20010114.pdf>

These agricultural programs have changed economic incentives. Altering the incentives has changed the economic environment in which farmers plan their production, thereby changing the rotations selected, the type and amount of the inputs used, and the viability of the agricultural sector. These production decisions in turn affect environmental quality. Thus, government policies influence environmental quality indirectly by altering agricultural practices (Figure 1).

Link: Soil conservation is an example of how Agriculture Policies affect Environmental Policies

Bengt Hyberg (agricultural economist, Economic Research Service, U.S. Department of Agriculture) and Sean Pascoe (agricultural economist, Australian Bureau of Agricultural and Resource Economics) "Agriculture and Environmental Policy: Recent United States and Australian Developments" April 1991, <http://ageconsearch.umn.edu/bitstream/28813/1/20010114.pdf>

In particular, to the extent the Conservation Reserve Program has reduced acreage planted under the commodity programs, it has reduced overall government expenditures for longterm land retirement (Young and Osbom). Soil conservation policies offer an example of how the distribution of costs and agricultural policies can affect environmental policies.

Impact: Abuse. Allowing Affirmatives to run cases this year on anything that "affects" the environment means there is no limit at all on what Affirmatives might talk about. This puts impossible burdens on Negative debaters and destroys the debatability of the Resolution. The best way to stop this abusive behavior is to penalize it with a Negative ballot, to create incentives for Affirmative teams not to do this.

GOAL/CRITERION RESPONSE: "Sustainable" is meaningless

Terry L. Anderson (executive director of the Property and Environment Research Center, Montana State University, expert on the economics of the environment and natural resources) and Laura E. Huggins (research fellow at the Hoover Institution at Stanford University.; M.S. degree in public policy from Utah State University ) 23 Oct 2003, "The Property Rights Path to Sustainable Development" <http://www.perc.org/articles/article400.php>

Sustainable development is most often defined as resource use that meets "the needs of the present without compromising the ability of future generations to meet their own needs"-a definition first offered by the United Nation's Bruntland Commission. Of course nobody wants to make future generations poorer and less healthy, but this definition provides no guidance for how this result can be avoided. There is no way to know what resource use is acceptable today and no way to know what future generations may desire (see Hayward 2002). Yet because of its deceptive simplicity, sustainability is applied to anything from agricultural practices to energy use to mining. As environmental scientist Timothy O'Riordan stated, "It may only be a matter of time before the metaphor of sustainability becomes so confused as to be meaningless, certainly as a device to straddle the ideological conflicts that pervade contemporary environmentalism" (O'Riordan 1988, 29).

INHERENCY/MINOR REPAIRS

1. ISO 14001 EMS (Environmental Management Systems)

Definition: ISO 14001 EMS = internationally recognized standards for environmental management

Analysis/Impact: The Status Quo has clearly defined internationally agreed standards, while the Affirmative plan contains only a vague definition with no standards.

EPA Position Statement on Environmental Management Systems and ISO 14001 and a Request for Comments on the Nature of the Data To Be Collected From Environmental Management System/ISO 14001 Pilots, 12 March 1998, FEDERAL REGISTER, <http://www.p2pays.org/ref/01/00325.htm>

A diverse group of organizations, associations, private corporations and governments has been developing and implementing various EMS frameworks for the past thirty years. For example, the Chemical Manufacturers Association created its own framework called Responsible Care. In addition, the French, Irish, Dutch, and Spanish governments developed their own voluntary EMS standards. The possibility that these diverse EMS frameworks could result in barriers to international trade led to a heightened interest in formulating an international voluntary standard for EMSs. To that end, the International Organization for Standardization (ISO), consisting of representatives from industry, government, non-governmental organizations (NGOs), and other entities, finalized the ISO 14001 EMS standard in September 1996. The intent of this standard is to produce a single framework for EMSs, which can accommodate varied applications all over the world. ISO 14001 is unique among the ISO 14000 standards because it can be objectively audited against for internal evaluation purposes or for purposes of self-declaration or third-party certification of the system.

Status Quo EPA policy promotes ISO 14001 EMS in agriculture

Dr. James Horne (PhD, agricultural economist, president of Kerr Center for Sustainable Agriculture), quoted in John D. Harrison (Extension Agricultural Waste Management Specialist) Feb 2003, Utah State Univ., Why Your Operation Should Have an Agriculture Environmental Management System <http://extension.usu.edu/files/publications/publication/AG_AEMS-05.pdf>

"It is now the policy of US-EPA to encourage the usage of ANSI/ISO 14001 Environmental Management Systems in every type of regulated and non-regulated industries, including agriculture."

2. PL 110-246 Guaranteed Loans

Public Law 110-246, a currently existing Federal law, has government guaranteed loans to promote sustainable agriculture

PUBLIC LAW 110–246, 18 June 2008 (Also known as the Food Conservation & Energy Act of 2008) <http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110_cong_public_laws&docid=f:publ246.110.pdf> (brackets added)

(c) ELIGIBILITY.—  
 (1) IN GENERAL.—The Secretary [of Agriculture] may make or guarantee loans to farmers or ranchers in the United States, farm cooperatives, private domestic corporations, partnerships, joint operations, trusts, or limited liability companies that are controlled by farmers or ranchers and engaged primarily and directly in agricultural production in the United States.  
 (2) REQUIREMENTS.—To be eligible for a loan under this section, applicants shall meet the requirements in paragraphs (1) and (2) of section 302(a).  
  
(d) PRIORITY.—In making or guaranteeing loans under this section, the Secretary shall give priority to—  
 (1) qualified beginning farmers or ranchers and socially disadvantaged farmers or ranchers;  
 (2) owners or tenants who use the loans to convert to sustainable or organic agricultural production systems; and  
 (3) producers who use the loans to build conservation structures or establish conservation practices to comply with section 1212 of the Food Security Act of 1985.

SOLVENCY

1. Systematic management approach needed

Analysis/Impact: We must change farm management to have effective environmental management. This is not in the AFF's plan, so the plan won't solve.

John D. Harrison (Extension Agricultural Waste Management Specialist) Feb 2003, Utah State Univ., Why Your Operation Should Have an Agriculture Environmental Management System <http://extension.usu.edu/files/publications/publication/AG_AEMS-05.pdf>

The key to effective environmental management is the use of a systematic approach to planning, controlling, measuring and improving an operation’s environmental performance. Significant environmental improvements (and cost savings) can be achieved by assessing and improving your operation’s management processes.

2. Sustainable Agriculture advocate admits: No way to prove what is sustainable agriculture

Prof. John Ikerd (Professor Emeritus of Agricultural Economics at Univ of Missouri; Ph.D. in Agriculture Economics from Univ of Missouri in 1970; Co-coordinator of Sustainable Agriculture Extension Programs, University of Missouri--1995 to 2000; former Professor and Head, Dept of Extension Agricultural Economics, Univ of Georgia) 2007, ON DEFINING SUSTAINABLE AGRICULTURE, North Carolina State Univ., NC Sustainable Agriculture Research and Education Program, <http://www.sustainable-ag.ncsu.edu/onsustaibableag.htm>

We cannot prove through empirical studies that one approach to agriculture is sustainable or that another is not. It would quite literally "take forever" to collect the data for such a study.

3. Subsidies violate sustainable agriculture

Link: Subsidies = lack of economic viability

Jerry Taylor ( among the most widely cited and influential critics of federal energy and environmental policy in the nation; frequent contributor to the Wall Street Journal and National Review and appears regularly on CNBC, NPR, Bloomberg Radio, the BBC, and Fox News; essays on energy policy have appeared in The Georgetown Journal of Law & Public Policy, The Columbia Journal of International Affairs; served on several congressional advisory bodies and has testified frequently on Capitol Hill regarding various energy and environmental policy matters) quoted by Drew Thornley Apr 2009 ENVIRONMENT & CLIMATE NEWS, "Study: Tax Code Punishes Efficient Energy Sources" <http://www.heartland.org/publications/environment%20climate/article/24913/Study_Tax_Code_Punishes_Efficient_Energy_Sources.html>

According to Taylor, if investments in certain technologies make economic sense, there is no need for federal subsidies or mandates. "If they are not economically viable on their own merits, then no amount of subsidy or mandate will make the investment worthwhile from an economic perspective," Taylor said

Impact: Lack of economic viability violates Sustainable Agriculture (Prof. Ikerd is a Sustainable-Ag advocate, though not necessarily advocating the Aff plan)

Analysis: Bottom line: if you're subsidizing it, then it's not sustainable.

Prof. John Ikerd (Professor Emeritus of Agricultural Economics at Univ of Missouri; Ph.D. in Agriculture Economics from Univ of Missouri in 1970; Co-coordinator of Sustainable Agriculture Extension Programs, University of Missouri--1995 to 2000; former Professor and Head, Dept of Extension Agricultural Economics, Univ of Georgia) 2007, ON DEFINING SUSTAINABLE AGRICULTURE, North Carolina State Univ., NC Sustainable Agriculture Research and Education Program, <http://www.sustainable-ag.ncsu.edu/onsustaibableag.htm>

Thus, we must rely on the science of logic. What are the logical prerequisites for agricultural sustainability? I believe there is a growing consensus in support of three fundamental prerequisites: A sustainable agriculture must be ecologically sound, economically viable, and socially responsible. Furthermore, I contend that these three dimensions of sustainability are inseparable, and thus, are equally critical to long run sustainability.

4. Lack of standards

Link: AFF plan contains no standards for what specific activities constitute "sustainable agriculture." For example, would a 20% reduction in fertilizer usage be enough to qualify for subsidies? 21%?

Impact: Standards are essential to environmental protection efforts.

Commission for Environmental Cooperation (CEC) Council , 12 June 1997, Resolution signed by EPA Deputy Administrator Fred Hansen on behalf of the United States concerning ``future cooperation regarding environmental management systems and compliance.'' The CEC Council was formed pursuant to the North American Agreement on Environmental Cooperation, an environmental side agreement to the North American Free Trade Agreement, and is comprised of the environmental ministers for Canada, Mexico and the United States; quoted in EPA Position Statement on Environmental Management Systems and ISO 14001 and a Request for Comments on the Nature of the Data To Be Collected From Environmental Management System/ISO 14001 Pilots, <http://www.p2pays.org/ref/01/00325.htm>

Governments must retain the primary role in establishing environmental standards and verifying and enforcing compliance with laws and regulations. Strong and effective governmental programs to enforce environmental laws and regulations are essential to ensure the protection of public health and the environment.

DISADVANTAGES

1. Increased land usage and Biodiversity loss.

This happens because current farming methods use land more efficiently than other methods. Dropping the fertilizers, pesticides and machinery that the AFF wants us to drop will mean more land will have to be used to produce the same amount of food. Using more land is bad for the environment.

Link: Status Quo hi-tech methods increase agricultural productivity using less land

Indur M. Goklany (program analyst in the Office of Program Analysis, U.S. Department of the Interior) Merritt W. Sprague (deputy director of the Office of Program Analysis, U.S. Department of the Interior) 6 Aug 1992, "Sustaining Development And Biodiversity: Productivity, Efficiency, And Conservation" <http://www.cato.org/pubs/pas/pa-175.html>

The principal reasons we are able to meet our expanded needs for food and other agricultural commodities for the domestic and foreign market with as much, or less, land are the various technological and management changes that have occurred in each step of crop production and distribution, as well as in the supply of and demand for agricultural products. In particular: The internal combustion engine eliminated the need for horses and mules to provide transportation and to power agricultural machinery. If the horse and mule population had expanded in proportion to the human population, we would have needed 319 million additional acres just to produce feed for our horses and mules-- more land than we currently harvest to feed our entire human population, as well as millions abroad. Thus, it would seem that horses and mules would be less "sustainable," even though they employ "renewable" fuels, than the internal combustion engine, which relies on "nonrenewable" fuels. (In 1910 there were about four people for each horse or mule. If it were possible to freeze technology at 1910 levels and still improve the general standard of living, it would be reasonable to expect that the number of horses and mules per capita would increase. That, in turn, would increase the amount of land needed for feed.) The widespread availability and use of agricultural fertilizers and pesticides and new cultivars have led to more intense land use and higher yields of quality produce.

Link + Uniqueness: 1 million acres of farmland is lost annually - sustainable agriculture needs that land

University of Virginia Institute for Environmental Negotiation, the Virginia Cooperative Extension, and the Virginia Department of Forestry, 2009, "Sustainable Agriculture: Farming for the Future with Ideas from the Past " [www.virginia.edu/ien/vnrli/docs/briefs/SustainableAg\_2009.pdf](http://www.virginia.edu/ien/vnrli/docs/briefs/SustainableAg_2009.pdf)

Another significant pressure that has an impact on sustainable agriculture is the loss of agricultural lands, averaging one million acres lost annually to urban growth. Increasing local and state taxes together with rising values for farmland can make it more attractive for the farmer to sell than continue farming.

Link: Removing land from agricultural use promotes conservation and biodiversity

Barun Mitra (has been published in a wide range of national and international newspapers and magazines such as The Economic Times, and The Wall Street Journal; founder & director of Liberty Institute, India, a non-profit, independent public-policy research and educational organization), Nov/Dec 2003, "What Makes Development Sustainable?" <http://www.cato.org/pubs/policy_report/v25n6/development.pdf>

What happens when land goes out of agriculture? One of the nonagricultural purposes is conservation of the environment, natural resources, and biodiversity. The lower demand for land for agriculture is what makes conservation possible, not reduced consumption. That is exactly what you have done in the United States and in many other developed countries. The United States has not given up agriculture. The United States is the world’s largest agricultural producer and exporter. But its demand for agricultural land has fallen dramatically, which is why you have so much land available for nonagricultural purposes, such as forests and wildlife habitat.

Impact: Biodiversity is essential to human health and well-being

Pavan Sukhdev, Study Leader,European Commission, Ninth Conference of the Parties to the Convention on Biological Diversity, May 2008, The Economics of Ecosystems and Biodiversity – Interim Report, <http://ec.europa.eu/environment/nature/biodiversity/economics/pdf/teeb_report.pdf>

There seems to be little appreciation of the many dimensions of biodiversity loss, or the connections between biodiversity loss, climate change and economic development. Species loss and ecosystem degradation are inextricably linked to human well-being, and unless we take urgent remedial action, "normal service" – in the sense of being able to enjoy the benefits that our environment affords us – may never be resumed. Humanity receives countless benefits from the natural environment in the form of goods and services (generally grouped under the collective title of ecosystem services) such as food, wood, clean water, energy, protection from floods and soil erosion (see Box 1.1). Natural ecosystems are also the source of many life-saving drugs as well as providing sinks for our wastes, including carbon. Human development has also been shaped by the environment, and this interlinkage has strong social, cultural and aesthetic importance. The well-being of every human population in the world is fundamentally and directly dependent on ecosystem services.

NEGATIVE BRIEF: THERMAL DEPOLYMERIZATION (TDP)

NOTE: Also known as THERMAL CONVERSION

SOLVENCY

1. Secretive behavior clouds certainty about whether TDP will work

2. CWT experiment only produced 500 barrels per day - nowhere near enough to solve.

3. No peer review or independent verification of TDP claims

[Note: Trounson is an advocate for the AFF plan]

Jim Trounson (Mechanical Engineering degree from McGill University; worked for FERC for a total of three years in the early 80's, which is part of the Dept of Energy) 31 Mar 2004 "Thermal Depolymerization: Energy-Crisis Solution" <http://www.thermaldepolymerization.org/> (brackets added)

In addition CWT [Changing World Technologies] has so far been somewhat secretive. They are not publishing the exact financial performance of the first full scale plant. The financial performance would tell us right now if TDP will work on a larger scale. The Carthage plant is only producing 500 bpd [barrels per day]. The US currently consumes 20 million bpd. There has to date been no peer review. That is, I have seen no independent verification of the claims.

4. Costs are a problem: Turkey leftovers cost $30-$40/ton and one ton of turkey = 2 barrels of oil

Ellen Spragins (journalist), 1 Feb 2005, "A Turkey in Your Tank" CNN <http://money.cnn.com/magazines/fsb/fsb_archive/2005/02/01/8250633/index.htm>

The Carthage factory now produces 400 barrels a day. That's a drop in the ocean of U.S. oil consumption, currently running around 20 million barrels a day. But making more turkey fuel isn't as hard as nailing down its costs. It turns out that feeding animals to animals remains standard practice in the U.S., despite a modest tightening in the regulations last year. So instead of being free, turkey leftovers cost $30 to $40 a ton, a hefty expense considering that one ton of turkey yields just two barrels of oil

5. Not competitive: TDP oil costs more than conventional

Ellen Spragins (journalist), 1 Feb 2005, "A Turkey in Your Tank" CNN <http://money.cnn.com/magazines/fsb/fsb_archive/2005/02/01/8250633/index.htm>

As a result of those two setbacks, CWT's production costs have doubled, to nearly $80 a barrel, a crippling blow given that conventional diesel sells for about $50 a barrel.

6. Earlier projections were too aggressive

Impact/Analysis: Affirmative Solvency evidence before 2006 is useless because the chairman of the company doing TDP admits his early estimates were wrong.

Brad Lemley (journalist), 2 Apr 2006, DISCOVER magazine, "Anything into Oil," <http://discovermagazine.com/2006/apr/anything-oil/> (brackets added)

After it started up, a foul odor angered town residents, leading to a temporary shutdown in December 2005. Production costs turned out to be $80 per barrel, meaning that for most of the plant's working life [Changing World Technologies chairman Brian] Appel has lost about $40 per barrel. As recently as last April, he feared the whole operation might implode. "There have definitely been growing pains," he says. "We have made mistakes. We were too aggressive in our earlier projections."

7. Oil production results are unbelievable: Estimates of oil yield exceed the miracles of Jesus

Dr Paul Palmer PhD (doctorate in physical chemistry from Yale Univ.) 9 Apr 2005, "Comments on 'Changing World Technologies' Plan to Turn Garbage into Oil" <http://www.mindfully.org/Technology/2005/Changing-World-Technologies-Palmer9apr05.htm>

Now let's look a little further, to the subheading "Technological savvy could turn 600 million tons of turkey guts and other waste into 4 billion barrels of light Texas crude each year ". Apply a bit of that skepticism that journalism once relied on. How many pounds is 600 million tons. Multiply 600,000,000 by 2000 to get 1200 billion pounds. Now lets look at the oil. Depending on your definition of barrel, one of them weighs 300 to 400 pounds. So multiply 4 billion by 300 and you get 1200 billion pounds. What a strange coincidence! These phoneys say they can turn every pound of mixed water, dirt, rocks, paper, steel, acetone, tars, polyethylene, concrete (and oh, yes, turkey scraps too) into one pound of - are you ready for this - not just oil, not just a grease derivative, but light Texas crude. The loaves and fishes story has now been left in the dust. Jesus must be biting his nails with regret that he didn't think of this.

8. The process doesn't get rid of most of the waste

Dr Paul Palmer PhD (doctorate in physical chemistry from Yale Univ.) 9 Apr 2005, "Comments on 'Changing World Technologies' Plan to Turn Garbage into Oil" <http://www.mindfully.org/Technology/2005/Changing-World-Technologies-Palmer9apr05.htm> (parentheses in original)

Do you know what is being described here? A mountain of turkey guts, consisting of protein, water, grease, saccharides, bones and more is being subjected to steam. Out of all this, the grease is melted, steamed out, and collected. All the rest of it is left over. Some protein may be actually depolymerized leaving amino acids or just protein fragments. Most everything else is probably unchanged. As a pure guess, I would guess that 90% of the mass passes thru without significant change. Feathers, bones, dirt, are not going to be affected and if they are, or were, their breakdown products don't even resemble oil (excuse me, Texas light crude).

9. No evidence anyone is actually "depolymerizing" anything

Dr Paul Palmer PhD (doctorate in physical chemistry from Yale Univ.) 9 Apr 2005, "Comments on 'Changing World Technologies' Plan to Turn Garbage into Oil" <http://www.mindfully.org/Technology/2005/Changing-World-Technologies-Palmer9apr05.htm> (brackets added)

I have read a ton of publicity emanating from this company [Changing World Technologies] and I have never seen a shred of a careful calculation of anything. All I read is openmouthed, gee-whiz adulation of any claim these people put out. I have never seen any report by anyone that suggested they had seen any machinery actually depolymerizing anything. Until some unbiased, skeptical investigator, not awed by pie-in-the-sky claims, tests out and calculates theoretical yields and inspects machinery, inputs, and outputs, I will remain a total skeptic.

10. Changing World Technologies / Renewable Environmental Solutions TDP plant in Carthage, Missouri is bankrupt

John Hacker (journalist) 7 May 2009, THE CARTHAGE PRESS (Missouri newspaper), "Lawyers seek to lift stay in RES lawsuit," <http://www.beasleyallen.com/news/Lawyers-seek-to-lift-stay-in-RES-lawsuit/>

Attorney John Tomlinson with the Beasley Allen law firm, based in Montgomery, Ala., said he plans to file a motion on behalf of Cynthia Sundy, Carthage, to let her lawsuit against Changing World Technology Inc., proceed even though the company filed for Chapter 11 bankruptcy protection back in March.

DISADVANTAGES

1. Taxpayer ripoff: "Garbage to oil" is a fraud looking for public money

Dr Paul Palmer PhD (doctorate in physical chemistry from Yale Univ.) 9 Apr 2005, "Comments on 'Changing World Technologies' Plan to Turn Garbage into Oil" <http://www.mindfully.org/Technology/2005/Changing-World-Technologies-Palmer9apr05.htm>

This whole "field" ( I am loathe to so dignify it ) started with a company that embarked on a fraudulent program to milk the public of its tax funds by idiotic claims which had the great advantage of promising a gullible public exactly what it wanted to hear. They claimed that they could (1) get rid of all garbage without the burden of any intelligence or responsibility and (2) get a free unending source of energy. This specious fraud had the good fortune (from the point of view of the snake oil salesmen involved ) to be uncritically picked up by Discover magazine over a year ago and granted a euphorically adoring article which conned a generation of environmentalists and is apparently going to cast its fraudulent ripples in ever widening circles.

NEGATIVE BRIEF: WHALES

SOURCE INDICTMENT

Richard Max Strahan: A reincarnated Supreme Court Justice??

Carey Goldberg (journalist), 23 Jan 1999, NEW YORK TIMES, "A Boston Firebrand Alienates His Allies Even as He Saves Whales," <http://www.nytimes.com/1999/01/23/us/a-boston-firebrand-alienates-his-allies-even-as-he-saves-whales.html?pagewanted=all>

Some opponents question Mr. Strahan's sanity. Two state officials recalled that Mr. Strahan told a judge in Federal court that he had been a Supreme Court Justice in a previous life and written the very decisions under discussion. Mr. Giorlandino remembers with some bemusement that Mr. Strahan came to argue before a Federal appeals court in shorts and a stained T-shirt.

What Strahan really advocates: Closing ports and banning fishing

Carey Goldberg (journalist), 23 Jan 1999, NEW YORK TIMES, "A Boston Firebrand Alienates His Allies Even as He Saves Whales," <http://www.nytimes.com/1999/01/23/us/a-boston-firebrand-alienates-his-allies-even-as-he-saves-whales.html?pagewanted=all>

[quoting Strahan:] "That's why they call me the Wyatt Earp of whales, because I'm just saying, 'Let's obey the law.' And maybe when I ask that simple thing, everybody just freaks out!'' Maybe. But certainly, part of the problem is how Mr. Strahan asks. He asks often, filing scores of lawsuits based mainly on the Endangered Species Act. He demands radical measures, from banning commercial fishing -- because fishing gear can entangle whales -- to closing ports -- because ships occasionally collide with whales. And he often asks not very nicely, like when he refers to Government officials, in court papers, as vermin. He has the front-toothless, snarl-haired mien of a street person, though snug in bright fleece and down; he seems to lack a phone or office (but has E-mail), and he refuses to talk about where or how he lives, leading to rumors that he is homeless and that his group, Greenworld, consists mainly of him.

INHERENCY

1. Shipping lane adjustments and speed limits in Status Quo

Dr. Michael J. Moore [Veterinarian, Ph.D. in the Woods Hole Oceanographic/Massachusetts Institute of Technology Joint Program in Biological Oceanography, worked for the International Whaling Commission on an Icelandic whaling ship] "20-Ton Canaries: The Great Whales Of The North Atlantic: Symposium Article: Boston College Environmental Affairs Law Review, 2009 (36 B.C. Envtl. Aff. L. Rev. 309)

There have been shipping lane adjustments in the Bay of Fundy area and Massachusetts Bay, subtly changing the vessel passage lanes on the basis of whale sighting data. In mid-October 2008 the National Oceanic and Atmospheric Administration issued operational measures for a North Atlantic right whale ship-strike reduction strategy, including reducing seasonal speed limits to ten knots in significant potential conflict areas, which is a significant improvement.

2. Ship speed limit to protect whales was imposed in 2008

Dr. Jeremy Firestone [Associate Professor in the College of Marine and Earth Studies and a Senior Research Scientist in the Center for Carbon-Free Power Integration at the University of Delaware, USA. Molecular Biologist, Lawyer, Ph.D. in Public Policy]. "20-Ton Canaries: The Great Whales Of The North Atlantic: Symposium Article: Policy Considerations And Measures To Reduce The Likelihood Of Vessel Collisions With Great Whales" Boston College Environmental Affairs Law Review, 2009 (36 B.C. Envtl. Aff. L. Rev. 399-400) <http://www.bc.edu/schools/law/lawreviews/meta-elements/journals/bcealr/36_2/ealr_36_2_web.pdf>

Although the Bush administration first considered promulgating a speed-reduction rule in 2004, it was not until the waning days of the administration in late 2008 that speed restrictions were imposed. One might surmise that the Bush administration's "go slow" approach to rulemaking was influenced by concerns raised by the commercial vessel industry because "go sloe" restrictions would have a much greater effect on vessel operators. Notably, when the rule was finally promulgated, the industry did not stand in its way, although it did receive a number of concessions. In principal part, the rule has established seasonal speed restrictions in four areas defined by latitude and longitude: the southern calving grounds, Cape Cod Bay, the Great South Channel, and off of Race Point, which is to the north and east of Cape Cod.

3. Minor Repair: Mariner Education solves

Instead of policy change, let's have the Affirmative's agency just publish and hand out free maps with instructions on how to avoid whale areas.

Dr. Michael J. Moore [Veterinarian, Ph.D. in the Woods Hole Oceanographic/Massachusetts Institute of Technology Joint Program in Biological Oceanography, worked for the International Whaling Commission on an Icelandic whaling ship] "20-Ton Canaries: The Great Whales Of The North Atlantic: Symposium Article: Boston College Environmental Affairs Law Review, 2009 (36 B.C. Envtl. Aff. L. Rev. 309)

In terms of mitigation efforts for vessel strikes, the most successful approach in the past decade has been mariner education. Nautical charts, for example, now contain information on right whale avoidance areas, how to recognize a right whale, and the like.

HARMS

1. Mere entanglement in fishing gear is not a harm to whales

Federal Judge Nathanial Gorton (United States District Court, District of Massachusetts), 2007, decision of the Court in case of Richard Max Strahan v. Daniel Holmes (Strahan is a save-the-whales activitist probably quoted in the AFF's material. He filed a federal lawsuit against fisherman Holmes because he found a whale trapped in Holmes' broken fishing lines and freed it.) (brackets added) <http://pacer.mad.uscourts.gov/dc/cgi-bin/recentops.pl?filename=gorton/pdf/strahan+decision.pdf>

Holmes did not "harm" the whale that became entangled in his gear on August 2, 2006. Mere entanglement of a whale without any proof of injury does not fall within the meaning of "harm" as defined in the ESA [Endangered Species Act] regulations.

2. Whale entanglement is an "extraordinary" event

Federal Judge Nathanial Gorton (United States District Court, District of Massachusetts), 2007, decision of the Court in case of Richard Max Strahan v. Daniel Holmes (Strahan is a save-the-whales activitist probably quoted in the AFF's material. He filed a federal lawsuit against fisherman Holmes because he found a whale trapped in Holmes' broken fishing lines and freed it.) <http://pacer.mad.uscourts.gov/dc/cgi-bin/recentops.pl?filename=gorton/pdf/strahan+decision.pdf> (brackets added)

Whales are known to become entangled in fishing gear but the degree of risk created by gear is unclear:

a) Dr. Charles Mayo, a senior scientist at CCS [Center for Coastal Studies, a private nonprofit organization for research, conservation and education in the coastal and marine environments], calls entanglement an "extraordinary" event.

3. Despite legal definitions, Bio Diversity has no coherent definition or measurement

Analysis/Impact: Consequences for law and policy:

Harms: Can’t measure it = can’t determine location or significance of the harms

Solvency: Can’t define it = can’t write a coherent law or policy to protect it

Prof. Dan Tarlock (Prof. of Law at Chicago-Kent College of Law) and Andrew Zabel (practices law in Seattle, focues on environmental issues for tribal, municipal and corporate clients) Jan 2009, AGENDA FOR A SUSTAINABLE AMERICA, Environmental Law Institute, [http://books.google.com/books?id=8VPTfncyAs8C&pg=PA37&lpg=PA37&dq=convention+%2B+biodiversity+%2B+U.S.+%2B+should+ratify+%2B+Dernbach+%2B+3007+OR+2008+OR+2009&source=bl&ots=tzsyUIF9iQ&sig=U0BJCEwM7nFZNVwDjRyf\_HAGSd4&hl=en&ei=Qh9jSvWPCoGHtgeRjoH5Dw&sa=X&oi=book\_result&ct=result&resnum=5](http://books.google.com/books?id=8VPTfncyAs8C&pg=PA37&lpg=PA37&dq=convention+%2B+biodiversity+%2B+U.S.+%2B+should+ratify+%2B+Dernbach+%2B+3007+OR+2008+OR+2009&source=bl&ots=tzsyUIF9iQ&sig=U0BJCEwM7nFZNVwDjRyf_HAGSd4&hl=en&ei=Qh9jSvWPCoGHtgeRjoH5Dw&sa=X&oi=)

The science of biodiversity assessment continues to evolve but not always in ways that make it easy to apply the findings to actual efforts to conserve biodiversity. Article 2 of the Convention on Biological Diversity defines biodiversity as "the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are a part; this includes diversity within species, between species and of ecosystems." Despite this broad legal definition, biodiversity remains an artificial construct with no coherent meaning. Scientists continue to struggle both to define and to measure biodiversity. These scientific debates have important consequences for law and policy. For example, if two or more species perform the same ecological function, do we conserve the individual species or the function?

SOLVENCY

1. Safe fishing gear doesn't work

Cross-apply under inherency: Status quo is already working on it

Dr. Michael J. Moore [Veterinarian, Ph.D. in the Woods Hole Oceanographic/Massachusetts Institute of Technology Joint Program in Biological Oceanography, worked for the International Whaling Commission on an Icelandic whaling ship] "20-Ton Canaries: The Great Whales Of The North Atlantic: "" Boston College Environmental Affairs Law Review, 2009 (36 B.C. Envtl. Aff. L. Rev. 314) <http://www.bc.edu/schools/law/lawreviews/meta-elements/journals/bcealr/36_2/ealr_36_2_web.pdf>

A recent equipment-based effort has been introduced by government agencies, including weak links to break fishermen's buoys off the ropes linked to the entangling gear. A fundamental flaw of this approach is that the break-away linkage is located at the point where the buoy and rope are connected, but very often the buoy is not involved in the acutal entanglement; instead, it merely drags along behind.

2. Doomed anyway: Toxic contaminants, disease and inbreeding threaten whales

Dr. Michael J. Moore [Veterinarian, Ph.D. in the Woods Hole Oceanographic/Massachusetts Institute of Technology Joint Program in Biological Oceanography, worked for the International Whaling Commission on an Icelandic whaling ship] "20-Ton Canaries: The Great Whales Of The North Atlantic: "" Boston College Environmental Affairs Law Review, 2009 (36 B.C. Envtl. Aff. L. Rev. 316) <http://www.bc.edu/schools/law/lawreviews/meta-elements/journals/bcealr/36_2/ealr_36_2_web.pdf>

There are other issues that need to be considered as well, notably habitat quality. Reproductive success and body condition are tightly tied in with ecosystem productivity, particularly in terms of food quantity and quality. The issue of toxic contaminants is significant, as is vulnerability to infectious diseases. Sixty-five percent of right whales are currently shedding *Girardia,* although we do not know whether that is problematic. In addition, there is the genetic question of inbreeding: the fact that the most endangered species of whales exists in such a small remnant population poses long-term survival concerns.

3. Doomed anyway: Climate change eliminates right whale food supply

Prof. Alison Reiser (Dept of Geography, Univ of Hawaii, former Prof. of Law, Univ. of Maine Law School) 2009, WHALES, WHALING, AND THE WARMING OCEANS, Boston College Environmental Affairs Law Review (36 B.C. Envtl. Aff. L. Rev. 401) <http://www.bc.edu/schools/law/lawreviews/meta-elements/journals/bcealr/36_2/ealr_36_2_web.pdf>

Climate change is especially challenging for whale species that are already at greatly reduced population levels. *Calanus,* the right whale's prey, is swept into the Gulf of Maine from sub-polar regions because of the particular interplay of atmospheric and hydrologic conditions of the North Atlantic. If these conditions change as is predicted with ocean warming and the melting of polar ice, the abundance and distribution of this zooplankton is likely to change as well. Scientists predict that *Calanus* will survive global warming. But the ability of right whales, with such low population numbers, to find *Calanus* in concentrations adequate to support reproduction is in serious doubt.

Climate change is actually the greatest long-term threat to right whales

Prof. Alison Reiser (Dept of Geography, Univ of Hawaii, former Prof. of Law, Univ. of Maine Law School) 2009, WHALES, WHALING, AND THE WARMING OCEANS, Boston College Environmental Affairs Law Review [www.bc.edu/schools/law/lawreviews/meta-elements/journals/bcealr/36\_2/ealr\_36\_2\_web.pdf](http://www.bc.edu/schools/law/lawreviews/meta-elements/journals/bcealr/36_2/ealr_36_2_web.pdf)

The greatest long-term threat to the North Atlantic right whale and all cetaceans, however, is the synergistic effect of climate change with these sources of habitat alteration. Warming oceans will alter the conditions that make life in the oceans posisble for whales, through acidification, changing oceanographic conditions, reduction in habitat for prey species, and changes to processes upon which marine ecosystems depend.

SOLVENCY

4. Not enough data known about whale migratory patterns

Dr. Jeremy Firestone [Associate Professor in the College of Marine and Earth Studies and a Senior Research Scientist in the Center for Carbon-Free Power Integration at the University of Delaware, USA. Molecular Biologist, Lawyer, Ph.D. in Public Policy]. "20-Ton Canaries: The Great Whales Of The North Atlantic: Symposium Article: Policy Considerations And Measures To Reduce The Likelihood Of Vessel Collisions With Great Whales" Boston College Environmental Affairs Law Review, 2009 (36 B.C. Envtl. Aff. L. Rev. 394) <http://www.bc.edu/schools/law/lawreviews/meta-elements/journals/bcealr/36_2/ealr_36_2_web.pdf>

For example, we know that the southern calving grounds are primarily populated by females, calves, and juveniles--the most important members of an endangered population -- during the months of December through March. Unfortunately, much less is known about right whale migration because of the dearth of survey data in migratory zones. This is due in part to budgetary contraints and in part to the difficulties posed in observing migrating whales, as they spend much less time at the surface and cover large distances.

DISADVANTAGE

1. Intrinsic value. Affirmative promotes "intrinsic value" of animal life to the detriment of human life

A. Link: Dr. Moore (Aff plan expert) admits there needs to be a balance between human well-being and animals. (This evidence is specific to the context of whales in the North Atlantic – look at the title of the article)

Dr. Michael J. Moore [Veterinarian, Ph.D. in the Woods Hole Oceanographic/Massachusetts Institute of Technology Joint Program in Biological Oceanography, worked for the International Whaling Commission on an Icelandic whaling ship] "20-Ton Canaries: The Great Whales Of The North Atlantic:" Boston College Environmental Affairs Law Review, 2009 (36 B.C. Envtl. Aff. L. Rev. 316) <http://www.bc.edu/schools/law/lawreviews/meta-elements/journals/bcealr/36_2/ealr_36_2_web.pdf>

In terms of values, the question of extinction and avoidance of prolonged suffering to animals is counter-poised against consumer satisfaction and societal nutrition. This Symposium addresses the need to balance human behavior and resource consumption with a sustainable and humane global ecology. Those are the kinds of costs and benefits we need to balance.

B. Link: Affirmative plan contains no balancing of human needs, comforts or lives compared to biodiversity

C. Link: Affirmative promotes the mindset that nature in and of itself is the standard of value.

George Reisman (Professor Emeritus of economics at Pepperdine Univ.), 17 Nov 2006, Standards of Environmental Good and Evil: Why Environmentalism Is Misanthropic, <http://blog.mises.org/archives/005910.asp>

The environmentalists call the construction of houses evil because, as I say, their standard of value is very different. Instead of taking human life and well-being as their standard of value, they take *nature in and of itself* as their standard of value. Nature, they say, has *intrinsic value,* i.e., value in and of itself, apart from all connection with human life and well-being. Thus, in their view, hillsides and empty land, as they exist in a state of nature, together with their wildlife, have intrinsic value. And it is those alleged intrinsic values that are harmed by development and construction. In other words, the harm the environmentalists complain about in such cases is harm only from a non-human, indeed, *anti-human* perspective.

D. Impact: "Intrinsic value" view of nature leads to disregard of human life

George Reisman (Professor Emeritus of economics at Pepperdine Univ.), 17 Nov 2006, Standards of Environmental Good and Evil: Why Environmentalism Is Misanthropic, <http://blog.mises.org/archives/005910.asp>

The doctrine of intrinsic value is present in such statements as the North Slope of Alaska is "a sacred place" that should never be given over to oil rigs and pipelines. It is present in such statements as, "There is a need to protect the land not just for wildlife and human recreation, but just to have it there." It is present in all instances in which forests, rivers, canyons, hillsides, or any other natural formation is presented as automatically deserving to be preserved, irrespective of its value in being put to use by human beings. And, of course, it is present in all the numerous cases in which human life or well-being have been sacrificed for the sake of the preservation of this or that species of animal or plant. Such cases range from the sacrifice of the property rights of human beings for the sake of snail darters and spotted owls, to the sacrifice of untold millions of actual human lives. This last has occurred as the result of the resurgence of malaria because the use of DDT was prohibited in order to preserve the alleged intrinsic value of some species of birds.