

## Russia's Invasion Of Ukraine Forces A Rethink Of American Energy Policies

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Shortly before Russia invaded Ukraine on Thursday, February 23, President Biden reinstated the sanctions against the Nord Stream 2 pipeline that he had waived only last year. Depending on what side of the political divide you are on, Biden's reinstatement either was an example of feckless flip-flopping or of intelligent, calculated political maneuvering.

To those of us whom we hope view these issues through less partisan lenses, there is truth in both of those interpretations. President Biden's initial dropping of the Trump-initiated sanctions seemed at the time a sop to Germany, and a reinforcement of western weakness as he seemingly allowed Germany to become even more dependent on Russian energy. In fact, it is possible that some of this perceived weakness may have helped influence Vladimir Putin to believe in the west's weakness, possibly even encouraging his eventual invasion of Ukraine.

But if so, Biden's reimposition of the sanctions reflects an understanding that when aggressive international action is necessary, even in the economic and political sphere, it needs to be taken, no matter how bad it may look to one's political opponents. For this, Biden deserves credit.

The overall problem with Biden's approach, however, and indeed that of the west as a whole, is that we rarely analyze the world energy situation – and its effects on the environment – in a truly big picture sense, and use that information to make rational and well thought out decisions to hard questions. Instead, we tend to hide behind simplistic slogans and clichés like "No Nukes" or "Green New Deal" that too easily avoid the hard questions whose answers we don't want to hear. But without a realistic approach to energy, that takes account of all of the numerous political, economic, social, and even security issues that are tied up with it, we will constantly find ourselves vulnerable to those in other societies, such as China and Russia, who view this entire issue through national interest, with little concern for altruism or for the planetary environment as a whole. To amplify that point, despite our massive reserves of oil and natural gas, at the time of Putin's invasion the United States still is importing over 500,000 barrels of oil a day from Russia!

Were we trying to manage the problem instead of the politics, we would be asking ourselves the hard questions, and trying to develop consensus about their answers. They include:

- How much of climate change truly is man-made?

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- How much is naturally occurring, and would likely be affecting the planet even without human contribution?
- How dangerous really is this climate change?
- What ability do humans have to stop or limit the adverse effects of climate change, regardless of whether it is man-made or not?
- How much can we in the west do to combat these harmful effects without concomitant efforts by other countries like China and Russia?
- What price are we truly willing to pay in order to limit these harmful effects?
- How much time do we have to limit these effects?
- What are the externalities to engaging in these efforts?

If we actually paid close attention to the energy debate, which I follow from the Marcellus Shale region, we would be dismayed at how simplistic and vacuous the discussion really is. A lot of attention seems to be made to the predicted harmful effects of doing nothing, or very little, but it is the practicalities of coming up with a globally implementable solution that everyone can live with and that all will do their fair share to support that is the elephant in the room. Rarely is there an analysis of the trade-offs of each policy alternative, and the impacts that any given alternative can or will have on issues outside the realm of combatting climate change alone. Rarer still are there any critical reviews of the "scientific" claims about global warming and climate change, including especially a realistic assessment of how much we can, as a planet of nearly 8 billion people residing in 195 separately sovereign countries, truly get together to implement in a very short time.

In light of Russia's aggression in Ukraine, we no longer have the option of intellectualizing this debate. People now are dying in Europe, and one of the chief weapons in the larger context within which Putin's invasion of Ukraine is taking place is Europe's overall energy vulnerability. Should this situation play out for any length of time, that vulnerability will be a major factor in determining the future world situation.

Viewed within that prism, and in the face of Putin's naked aggression, it seems clear that President Biden's energy policies have been a colossal failure. We are not safer, the environment is not cleaner, our political and security situation is not better, and our economies are not stronger. By any measure, we need a rethink.

The moment Russian troops and tanks rolled into Ukraine, the lives of our children were put at greater risk. On the front lines, American troops are being moved into forward positions in NATO countries bordering Russia and Ukraine. Should a larger conflagration start, we can bet that we will see conscription and the placing in harm's way of tens of thousands of American young men and women, if not more. It is no understatement to say that we are at the brink of a potential World War III. Could this have been foreclosed had we fully developed our energy resources and removed that leverage or threat from Putin's armor? We will never know, but given the importance to Russia of its energy sector, our ability to quickly replace

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Russia's energy with our own exports – and thus, to have minimized Putin's power and influence to start with – certainly would have factored heavily into his calculations.

As a planet, our environment is not cleaner as a result of the Administration's efforts. Biden rejoined the Paris Climate Accords, but as I have noted before, that flawed agreement perplexingly allows China, the world's greatest emitter of greenhouse gases, to keep increasing its emissions until about the year 2030. Meanwhile, others, including the United States and Europe, must take far more aggressive action to reduce greenhouse emissions much sooner. Yet, pollution knows no borders, and the recent Russia-China coal deal gave further indication that China is not nearly as concerned about climate change as economic development. And why should it care, beyond the obvious hope that it would join with other nations to act cooperatively to address what is supposed to be an existential crisis? From China's perspective, let the rest of the world struggle economically, politically, and societally to meet their emissions goals. We'll just cry for them all the way to the bank.

Nor has the Administration's termination of the Keystone XL and other natural gas and oil pipelines benefitted the environment, although factions in the environmental community would have us believe so. By encouraging the switch from coal to natural gas, both at home and around the globe, we could dramatically decrease the use of heavily polluting coal and the overall emission of greenhouse gases. Instead, our policies against pipelines make it virtually impossible to take advantage of the far less polluting properties of natural gas, while we remain wedded to largely aspirational "renewable" technology that remains unproven and unlikely to be viable to power our lives for decades, at least in the massive dimensions and with the alacrity of roll out that will be needed to make any real difference in controlling, or at least slowing, the rate of climate change that we face. While we should continue to invest large sums in these sources and to encourage their use as much as possible, restricting development and use of our relatively cheap and abundant natural gas shale bounty, even on an interim basis, makes no sense when looked at in stark, real, and not hypothetical terms.

The next few days and weeks are likely to bring a constant stream of difficult news from Ukraine in terms of lives lost and injured, and property destroyed. Whatever happens certainly will affect the world geopolitical balance for years to come. It will force us to reevaluate our planet in terms that are not so theoretical as we have been doing, but that are coldly real and practical. While the prospect of war is truly horrible for those who will find themselves in it, a reevaluation of priorities and policies will be a very good thing from the standpoint of energy, which our lives and our planetary environment still depend on. Let's hope we take the opportunity, avoid the slogans and clichés, ask the hard questions, and come to some coldly intelligent answers that are long overdue.

#### **ATTORNEYS MENTIONED**

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