
ENERGY FUTURE HOLDINGS

EFFORTS BY UTILITY COMPANIES TO BLOCK OR DELAY EPA STANDARDS

Note: NRDC Energy Program Co-Director, Ralph Cavanagh, has served since 2008 as a member of the company's Sustainable Energy Advisory Board, which was established as part of an ownership transfer that included commitments for significantly expanded investment in energy efficiency and renewable energy and the abandonment of plans to add eight new coal-fired plants to the company's generation portfolio.¹

LOBBYING EXPENDITURES

Energy Future Holdings spent over \$7 million lobbying Congress in 2010-2012, including (but not limited to) advocacy on proposals to delay implementation of CSAPR, as well as proposals to delay limits on industrial carbon pollution, deny EPA's authority to develop carbon pollution standards, and delay setting of standards for carbon pollution.²

Energy Future Holdings is a member of the Electric Reliability Coordinating Council (ERCC),³ a coal utility front group run out of Bracewell & Giuliani's office by lobbyist Scott Segal.⁴

ACCCE MEMBERSHIP

Energy Future Holding's subsidiary, Luminant, is a member of the American Coalition for Clean Coal Electricity (ACCCE).⁵ ACCCE is one of the most prominent voices against EPA strengthening standards on power plant pollution and opposes EPA setting limits on carbon pollution.⁶ ACCCE is also a member of the Midwest Ozone Group (MOG), which is a collective of power companies that has sued EPA to void both its Mercury and Air Toxics Standards for power plants and its Cross-State Air Pollution rule.⁷

GOING TO COURT TO BLOCK CLEAN AIR STANDARDS

In September 2011, Luminant, a division of Energy Future Holdings⁸ and the largest power producer in Texas, filed a lawsuit challenging the CSAPR rule.⁹ Luminant objected to the inclusion of Texas power plants in the final EPA rule, and asked the court to delay enforcement of the rule while the case is being decided.¹⁰ The standard would save as many as 34,000 lives per year and prevent hundreds of thousands of asthma attacks, as well as deliver a number of other health benefits, by reducing the amount of smog-forming and soot pollution from power plants.¹¹

Luminant also sued EPA over these life-saving standards jointly with other power companies as a member of ACCCE, which is a member of the Midwest Ozone Group (MOG).¹²

Energy Future Holdings has also filed a lawsuit challenging the EPA's Mercury and Air Toxics standards under the name of one of its subsidiaries, Oak Grove Management Company, LLC, a Texas power plant owned by EFH.^{13,14} Luminant is a member of ACCCE, which in turn is a member of MOG, and MOG has also filed a lawsuit with other power companies challenging EPA's MATS for power plants.¹⁵ MATS sets the first-ever national limits for mercury and other toxic pollutants from power plants, and is imperative for protecting the health of thousands of Americans. MATS is estimated to prevent as many as 11,000 premature deaths from air pollution and avoid as many as 130,000 asthma attacks every year.¹⁶ EFH's legal filings (under the names of Oak Grove and Luminant) declare its intent to argue that EPA lacks authority under the Clean Air Act to regulate power plants under MATS and that the standards violate the Clean Air Act. If a court agreed with such arguments, the court would invalidate the standard.

Estimated Death and Disease Attributable to Energy Future Holding's 2011 Pollution				
State	Premature Deaths	Asthma Attacks and Exacerbation	ER and Hospital Admissions	Work Loss and Reduced Activity Days
Texas	39 – 101	865	83	41,697
Illinois	17 – 45	311	35	15,786
Missouri	15 – 39	240	27	12,498
Oklahoma	13 – 34	210	22	10,700
Ohio	11 – 29	180	20	9,231
Arkansas	11 – 28	167	18	8,324
Michigan	11 – 27	182	20	9,274
Wisconsin	9 – 22	142	16	7,794
Indiana	9 – 22	155	17	7,440
Tennessee	6 – 17	106	11	5,533
Iowa	6 – 16	95	11	5,148
Pennsylvania	6 – 16	77	7	4,241
Kansas	6 – 14	99	11	4,982
Kentucky	5 – 12	78	8	4,102
Louisiana	5 – 12	84	8	4,037
New York	5 – 12	75	7	4,080
Georgia	4 – 10	81	8	3,988
Total	208 – 541	3,712	383	188,257

Note: Estimates of premature deaths are presented as a range, reflecting two different risk factors employed by US EPA to estimate premature deaths. The lower estimates are based on Pope et al., 2002, and the higher estimates based on Laden et al. 2006. See the methodology for more information on the two approaches. Asthma exacerbation indicates coughs, shortness of breath and wheezing. ER and Hospital admissions include estimates of visits needed to treat respiratory and cardiopulmonary symptoms.

States with fewer than ten deaths are not included in this table, but health impacts in those states are included in the totals.

Estimated Health Costs Due to Energy Future Holding's 2011 Pollution (All costs reported in \$1,000s)

State	Premature Deaths	Asthma Attacks and Exacerbation	ER and Hospital Admissions	Work Loss and Reduced Activity Days
Texas	\$286,000 – \$737,000	\$45	\$728	\$2,697
Illinois	\$127,000 – \$325,000	\$16	\$300	\$1,042
Missouri	\$111,000 – \$285,000	\$12	\$250	\$792
Oklahoma	\$95,000 – \$245,000	\$11	\$219	\$674
Ohio	\$82,000 – \$211,000	\$9	\$184	\$600
Arkansas	\$79,000 – \$204,000	\$9	\$178	\$519
Michigan	\$77,000 – \$197,000	\$9	\$179	\$613
Wisconsin	\$64,000 – \$164,000	\$7	\$156	\$505
Indiana	\$62,000 – \$160,000	\$8	\$143	\$482
Tennessee	\$47,000 – \$122,000	\$5	\$106	\$353
Iowa	\$47,000 – \$119,000	\$5	\$111	\$328
Pennsylvania	\$46,000 – \$117,000	\$4	\$109	\$274
Kansas	\$41,000 – \$106,000	\$5	\$97	\$320
Kentucky	\$35,000 – \$90,000	\$4	\$81	\$260
Louisiana	\$35,000 – \$90,000	\$4	\$78	\$255
New York	\$35,000 – \$90,000	\$4	\$92	\$268
Georgia	\$28,000 – \$72,000	\$4	\$67	\$258
Total	\$1,536,000 – \$3,95,9000	\$193	\$3,651	\$12,145

States with fewer than ten deaths are not included in this table, but health impacts in those states are included in the totals. The estimated economic costs of health impacts presented here adhere to standards and methods used by the US EPA in calculating health benefits of pollution standards. The estimated health costs are based on either the cost of services that must be provided (for example, the average cost of an emergency room visit to treat a severe asthma attack) or an estimate of the value of avoiding a particular risk (such as mortality.)

- 1 See <http://www.energyfutureholdings.com/about/seab.aspx>.
- 2 U.S. Senate, Lobbying Disclosure Act Database. Queried by client name, filing year (2010, 2011 and 2012), and issue area (clean air and water, environment/superfund). Note that because disclosure requirements are limited, it isn't possible to determine exactly how much a company spent specifically on any given activity, and lobbying totals may include expenditures on activities other than opposing clean air standards. However, only expenditure reports which list activity relating to air standards and EPA authority were included in lobbying amounts reported here. Available at: <http://soprweb.senate.gov/index.cfm?event=selectfields> (Accessed May 3, 2012).
- 3 Verbal communication from Scott Segal to NRDC's John Walke. (http://switchboard.nrdc.org/blogs/jwalke/epas_mercury_and_air_toxics_st.html.)
- 4 Polluter Watch. <http://www.polluterwatch.com/jeffrey-holmstead>.
- 5 ACCCE. <http://www.cleancoalusa.org/about-us/members>.
- 6 American Coalition for Clean Coal Electricity (ACCCE). See <http://www.americaspower.org/press-room> for multiple relevant public statements.
- 7 See <http://midwestozonegroup.com/membercomp.html>.
- 8 See <http://www.energyfutureholdings.com/about/businesses/default.aspx>.
- 9 See Petition for Review filed by Big Brown Lignite Company, LLC, Big Brown Paper Company, LLC, Luminant Big Brown Mining Company, LLC, Luminant Energy Company, LLC, Luminant Generation Company, LLC, Luminant Holding Company, LLC, Luminant Mining Company, LLC, Oak Grove Management Company, LLC and Sandow Power Company, LLC in 11-1315 (D.C. Cir. Sept. 12, 2011) (Consolidated on Sept. 13, 2011 with *EME Homer City Generation, L.P. v. EPA*, No. 11-1302 (D.C. Cir. filed Aug. 23, 2011)).
- 10 *Bloomberg News*. <http://www.bloomberg.com/news/2011-09-12/energy-future-units-sue-to-block-epa-interstate-air-pollution-regulations.html>.
- 11 US EPA, accessed 3/21/12, <http://www.epa.gov/airtransport/>.
- 12 *EME Homer City Generation, L.P. v. EPA*, No. 11-1302 (D.C. Cir. filed Aug. 23, 2011) (See No. 11-1362, petition for review filed by Midwest Ozone Group of which Luminant is a member (<http://midwestozonegroup.com/membercomp.html>). Filed on Oct. 5, 2011 in the Court of Appeals for the D.C. Circuit consolidated with 11-1302 on Oct. 12, 2011 no. 1334791). See also http://www.eenews.net/assets/2012/02/09/document_pm_02.pdf.
- 13 See http://www.luminant.com/plants/pdf/OakGrove_Facts.pdf.
- 14 See Petition for Review of Oak Grove Management Company, LLC, in No. 12-1187 (D.C. Cir. Apr. 16, 2012) (Consolidated with *White Stallion Energy Ctr. v. EPA*, No. 12-110 (D.C. Cir. filed Feb. 16, 2012) on Apr. 19, 2012).
- 15 *White Stallion Energy Ctr. v. EPA*, No. 12-110 (D.C. Cir. filed Feb. 16, 2012) (See No. 12-1172, petition for review filed by Midwest Ozone Group of which Luminant, as a member of ACCCE, is a member. Filed on April 12, 2012 in the Court of Appeals for the D.C. Circuit consolidated with 12-1100 on April 19, 2012, no. 1369559).
- 16 U.S. EPA, <http://www.epa.gov/mats/health.html>.