
FIRSTENERGY

EFFORTS BY UTILITY COMPANIES TO BLOCK OR DELAY EPA STANDARDS

LOBBYING EXPENDITURES

FirstEnergy spent over \$5.5 million lobbying Congress in 2010-2012, including (but not limited to) advocacy on proposals to delay implementation of the Cross-State Air Pollution Standard, as well as proposals to delay limits on industrial carbon pollution, deny EPA's authority to develop carbon pollution standards, delay setting of standards for carbon pollution and prohibit funding for EPA to implement carbon pollution standards.¹

ACCCE MEMBERSHIP

FirstEnergy is a member of the American Coalition for Clean Coal Electricity (ACCCE).² ACCCE is one of the most prominent voices against EPA strengthening standards on power plant pollution and opposes EPA setting limits on carbon pollution.³

MOG MEMBERSHIP

FirstEnergy and ACCCE are also members 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.⁴

GOING TO COURT TO BLOCK CLEAN AIR STANDARDS

FirstEnergy is a member of the Midwest Ozone Group (MOG). MOG has joined other petitioners in a lawsuit to nullify the Cross-State Air Pollution standards (CSAPR).⁵ CSAPR is estimated to save as many as 34,000 lives per year and prevent hundreds of thousands of asthma attacks by reducing the amount of smog-forming and soot pollution from power plants that crosses state lines.⁶

FirstEnergy has individually filed a lawsuit to strike down EPA's Mercury and Air Toxics Standards for power plants (MATS).⁷ MOG has also filed a lawsuit to void EPA's Mercury and Air Toxics Standards for power plants.⁸ 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.⁹ FirstEnergy's lawsuit under its own name, and MOG's lawsuit, both seek to undo these standards.

Estimated Death and Disease Attributable to First Energy's 2011 Pollution

State	Premature Deaths	Asthma Attacks and Exacerbation	ER and Hospital Admissions	Work Loss and Reduced Activity Days
Pennsylvania	133 – 341	1,629	156	90,333
Ohio	74 – 189	1,096	125	56,863
New York	72 – 185	1,166	102	62,790
New Jersey	38 – 97	646	55	32,693
Virginia	36 – 92	682	69	36,425
Maryland	32 – 81	572	57	29,761
Michigan	20 – 52	357	39	18,036
Massachusetts	16 – 42	253	23	14,040
West Virginia	15 – 40	197	22	11,558
North Carolina	15 – 39	272	28	13,747
Connecticut	13 – 33	205	18	10,752
Indiana	8 – 20	146	16	6,940
Illinois	8 – 20	149	16	7,454
Kentucky	6 – 15	95	10	5,061
Delaware	5 – 12	74	8	4,003
Wisconsin	4 – 11	73	8	3,982
Tennessee	4 – 11	60	6	3,331
Total	530 – 1362	8,171	809	435,190

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 First Energy'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
Pennsylvania	\$973,000 – \$2,492,000	\$85	\$2,327	\$5,833
Ohio	\$538,000 – \$1,379,000	\$57	\$1,178	\$3,693
New York	\$526,000 – \$1,351,000	\$61	\$1,403	\$4,146
New Jersey	\$276,000 – \$708,000	\$34	\$736	\$2,227
Virginia	\$261,000 – \$670,000	\$35	\$667	\$2,425
Maryland	\$231,000 – \$594,000	\$30	\$567	\$1,995
Michigan	\$147,000 – \$379,000	\$19	\$344	\$1,203
Massachusetts	\$119,000 – \$305,000	\$13	\$318	\$943
West Virginia	\$113,000 – \$289,000	\$10	\$251	\$725
North Carolina	\$112,000 – \$287,000	\$14	\$263	\$877
Connecticut	\$95,000 – \$242,000	\$11	\$254	\$731
Indiana	\$58,000 – \$148,000	\$8	\$133	\$449
Illinois	\$57,000 – \$146,000	\$8	\$137	\$496
Kentucky	\$43,000 – \$110,000	\$5	\$97	\$321
Delaware	\$35,000 – \$89,000	\$4	\$81	\$263
Wisconsin	\$33,000 – \$84,000	\$4	\$79	\$258
Tennessee	\$30,000 – \$78,000	\$3	\$68	\$211
Total	\$3,881,000 – \$9,951,000	\$425	\$9,478	\$28,568

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 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).

2 ACCCE. <http://www.cleancoalusa.org/about-us/members>.

3 American Coalition for Clean Coal Electricity (ACCCE). See <http://www.americaspower.org/press-room> for multiple relevant public statements.

4 See <http://midwestozonegroup.com/membercomp.html>.

5 *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 FirstEnergy is a member. 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).

6 US EPA, accessed 3/21/12, <http://www.epa.gov/airtransport/>.

7 See Petition for Review filed by FirstEnergy Generation Corp. in No. 12-1192 (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 May 30, 2012).

8 See Petition for review filed by Midwest Ozone Group, of which FirstEnergy is a member, No. 12-1172 (D.C. Cir. Apr. 12, 2012) (Consolidated with *White Stallion Energy Ctr. v. EPA*, No. 12-110 (D.C. Cir. filed Feb. 16, 2012) on April 19, 2012).

9 U.S. EPA, <http://www.epa.gov/mats/health.html>.