



Paying to Pollute?

Political Contributions and Coal Industry Legislation

July 12, 2011

This week, the House Energy and Commerce Committee is expected to vote on two bills, both supported by heavy contributions from electric power and coal mining interests. The so-called “TRAIN” bill would require EPA and federal agencies to aggregate the cost of all pending regulations to reduce pollution from coal-fired power plants, as part of a broader attack on those standards. The second would limit federal oversight of state coal ash disposal standards, and make it virtually impossible for EPA to take enforcement action against polluters who violate those requirements.

Data available from the Federal Election Commission show that six members of the Energy and Commerce Committee have received a combined total of \$433,000 so far this year from the mining and electric power industries that stand to benefit from this coal-friendly legislation. The data below reflect corporate contributions from January 1 through May 31 of 2011, or from lobbyists or employees of those companies and their family members.

Energy and Commerce Committee chairman Fred Upton (R-MI), an original sponsor of the TRAIN bill, reported a total of \$96,650 in contributions from mining and electric power political action committees, and individuals who work for or represent those industries. DTE Energy’s political action committee and employees have contributed \$13,000 this year, the National Mining Association, Peabody Energy, and Alpha Natural Resources (new owner of the Massey mines) have already chipped in \$5,000 apiece, and at least six power companies have donated that much: Ameren, Dominion, Duke, Edison International, Exelon, and American Electric Power.

Congressman McKinley (R-WV), author of the bill to restrict EPA’s ability to regulate coal ash, reported over \$185,000 in political donations from mining and electric power interests, including both PAC and individual totals. More than a third of that comes from corporate or individual donations from four coal mining companies: MEPCO (\$34,700); Alpha Natural Resources (\$11,000); the International Coal Group (\$15,900); and Patriot Coal (\$10,000).

House Energy and Power Subcommittee Chairman Ed Whitfield of Kentucky, cosponsor of both the “Train” bill and Representative McKinley’s coal ash legislation, reports \$51,250 in donations from coal and power interests. Other Members receiving more than \$25,000 from these industries in 2011 include Republicans John Shimkus of Illinois (\$37,750), Joe Barton of Texas (\$32,400), and Tim Murphy of Pennsylvania (\$29,500).

Corporate contributions to Congressman Upton from the coal and power industry through May of 2011 were more than two and a half times greater than they were from January to May of 2009, the comparable period at the beginning of the last election cycle (See Table B).

The tally above includes contributions from corporations or trade associations, from individuals employed by power or mining companies or their family members, and lobbyists for those interests, and is based on reports available through the Federal Election Commission's website at <http://www.fec.gov/disclosure.shtml>.

The quarterly report filed by Congressman McKinley's office did not identify the occupation of 48 donors who contributed \$500 or more, although federal election law requires such disclosure. Those individual donors are included in the McKinley totals where research indicated their connection to coal mining or power companies.

These donations will likely accelerate as the 2012 election year approaches. Companies with ties to the electric power or coal mining industries have already donated more than \$4 million to US Senate or House campaigns (including contributions to political parties). The same industries report spending more than \$34 million in the first quarter of 2011 to lobby the US Congress on energy and environmental issues.

The bills are part of a broader attack on EPA's authority to limit the release of mercury and other air pollutants from coal-fired power plants, to keep waterways from being buried by rubble from mountaintop mining, and to require cleanup of ash ponds that leak arsenic and other toxic metals into groundwater. These standards are being developed under laws passed by Congress more than twenty years ago. Faced with the prospect of having to finally comply with these requirements, the coal industry is lobbying for still more delay, or even worse, to roll back laws already on the books or block their enforcement by EPA.

No doubt the Congressmen receiving these large sums are sincere in their support for legislation that coal interests want so badly. But are politicians who raise such large sums of money from coal the best qualified to rewrite regulations that affect that industry? Or should these standards be set by EPA, after taking into account both economic cost *and* the public's interest in a healthy and clean environment? That is a question the American people will have to answer.

Table A

Congressman	State	Party	2011 Donations from Electric Power & Coal Mining Interests ^{1,2}		
			Corporate PACs*	Individuals**	Total
Fred Upton	MI	R	\$81,150.00	\$15,500.00	\$96,650.00
Joe Barton	TX	R	\$24,500.00	\$7,900.00	\$32,400.00
Ed Whitfield	KY	R	\$48,000.00	\$3,250.00	\$51,250.00
John Shimkus	IL	R	\$36,500.00	\$1,250.00	\$37,750.00
Tim Murphy	PA	R	\$26,000.00	\$3,500.00	\$29,500.00
David McKinley	WV	R	\$49,000.00	\$136,678.00	\$185,678.00

Notes:

* PAC donation data available through May, 2011

** Individual donation data available only for first quarter of 2011

Sources:

¹ Federal Election Commission, Campaign Finance Reports and Data, *available at:* <http://www.fec.gov/disclosure.shtml> (last visited July 11, 2011).

² U.S. Senate, Lobbying Disclosure Act Database, *available at:* <http://soprweb.senate.gov/index.cfm?event=selectfields> (last visited July 11, 2011).

Table B

Congressman	State	Party	Comparison of Donations from Electric Power and Coal Mining PACs ¹		
			Jan - May 2011	Jan - May 2009	Percent Increase
Fred Upton	MI	R	\$81,150.00	\$36,100.00	125%
Joe Barton	TX	R	\$24,500.00	\$61,500.00	-60%
Ed Whitfield	KY	R	\$48,000.00	\$17,500.00	174%
John Shimkus	IL	R	\$36,500.00	\$13,000.00	181%
Tim Murphy	PA	R	\$26,000.00	\$23,500.00	11%
David McKinley	WV	R	\$49,000.00	Not Available	Not Available

Source:

¹ Federal Election Commission, Campaign Finance Reports and Data, *available at*: <http://www.fec.gov/disclosure.shtml> (last visited July 11, 2011).