

The Associated Press State & Local Wire

July 21, 2004, Wednesday, BC cycle

Plaintiffs sue power companies over global warming

By MARK JOHNSON, Associated Press Writer

ALBANY, N.Y.

Eight states and New York City have joined to sue five of the country's largest power companies, saying the carbon dioxide they emit can destroy the environment and human health.

A draft statement obtained by The Associated Press states that global warming from greenhouse gases could have catastrophic effects, including increased asthma and heat-related illness, depletion of drinking water supplies, a decline in fisheries and erosion of infrastructure.

Attorneys general from California, Connecticut, Iowa, New Jersey, New York, Rhode Island, Vermont and Wisconsin, along with New York City's corporation counsel, filed a public nuisance lawsuit Wednesday in federal district court in Manhattan.

The attorneys general are trying to force the power producers to cut carbon dioxide emissions and curb global warming. The companies named are: American Electric Power Co., Southern Co., Minneapolis-based Xcel Energy Inc., Cinergy Corp. and the federal Tennessee Valley Authority.

The states that are suing claim those power producers own 174 fossil fuel-burning power plants that produce 646 million tons of carbon dioxide annually - about 10 percent of the nation's total.

Carbon dioxide is believed to be one of the main culprits of global warming. The greenhouse gas is produced when coal, gasoline and other fossil fuels burn. If nothing is done, climatologists forecast continued temperature increases that will cause rising tides, droughts, and other climate disruptions.

The statement said CO₂ emissions can be reduced by increasing efficiency at coal-burning plants, switching from coal to cleaner burning fuels, investing in energy conservation and using clean energy sources such as wind and solar power.

Scott Segal, director of Electric Reliability Coordinating Council, a group that includes Atlanta-based Southern, said the states are relying on "political

science," not environmental science by holding individual companies responsible for global climate change.

"If you gave the facts of global climate change to a first-year law student, and they recommended a public nuisance case, they would get an 'F,'" Segal said.

Jeffrey Marks, with the National Association of Manufacturers, which represents AEP, Southern and Cincinnati-based Cinergy, said regulating carbon dioxide emissions would severely depress the U.S. economy, limit the use of fossil fuels, and hinder environmental improvements.

Representatives of Ohio-based AEP and TVA said their companies have been industry leaders on climate change issues by voluntarily reducing their emissions.

Paul Adelman, a spokesman for Xcel Energy, and Kathy May, spokeswoman for TVA, both said their utilities were taking voluntary steps to reduce CO2 emissions. Xcel plans to reduce carbon dioxide emissions by 12 million tons by 2009 and will triple its wind generating capacity to 2,500 megawatts by 2012, Adelman said.

Plaintiffs in the lawsuit say AEP produces 226 million tons of carbon dioxide emissions annually, Southern and TVA produce 171 million, Xcel produces 75 million and Cinergy produces 70 million. Combined, the companies reported more than \$46 billion in revenue last year, according to the statement from the attorneys general.

New York, New Jersey and Connecticut have targeted power companies before - accusing them of causing acid rain - but a spokesman for New York Attorney General Eliot Spitzer, said the lawsuit is precedent-setting.

Spitzer's spokesman Marc Violette said it will "put global warming on the litigation map."

Copyright 2004 Associated Press All Rights Reserved