

Date: June 13, 2024

To: Chairman Brian Birdwell and the Members of the Senate Committee on Natural Resources & Economic Development

CC: Sen. Judith Zaffirini, Sen. Carol Alvarado, Sen. César Blanco, Sen. Kelly Hancock, Sen. Bryan Hughes, Sen. Lois W. Kolkhorst, Sen. Borris L. Miles, Sen. Kevin Sparks

*Via hand delivery and by email.*

**From: Adrian Shelley, Public Citizen, [ashelley@citizen.org](mailto:ashelley@citizen.org), 512-477-1155**

**Re: Overcoming Federal Incompetence**

Dear Chairman Birdwell and Members of the Committee:

Public Citizen appreciates the opportunity to offer this testimony. There are many examples of federal competence providing billions of dollars in health, safety, and environmental benefits to Texans. Perhaps the best example of a federal law, competently enacted with the cooperation of the states, yielding massive public health benefits, is the Clean Air Act.

**The Clean Air Act saves hundreds of thousands of lives.**

The Clean Air Act Amendments of 1990 have prevented hundreds of thousands of deaths and achieved a benefit-cost ration of 30-to-1.<sup>1</sup> Houston went from having up to 200 high ozone days a year to only 20 or 30. 2023, the hottest year in recorded history, saw an increase in ozone days to 53.<sup>2</sup> In Houston, when ozone increases from 70 to 90 ppb for just one day, heart attacks that day increase by 4% and asthma attacks increase that day by 21%.<sup>3</sup> Houstonians and Texans in our other nonattainment areas need the continued cooperation of state and federal governments to save us from air pollution.

The new fine particulate matter (PM<sub>2.5</sub>) National Ambient Air Quality Standards will provide nationwide health benefits of up to 4,500 avoided premature deaths, 800,000 avoided cases of asthma symptoms, and 290,000 avoided lost workdays. By 2032 the net health benefits of the new fine PM standard will reach \$46 billion, with a benefit/cost ratio of 77 to 1.<sup>4</sup> Again, state and federal cooperation is needed to implement this

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<sup>1</sup> <https://www.epa.gov/sites/default/files/2015-07/documents/factsheet.pdf>

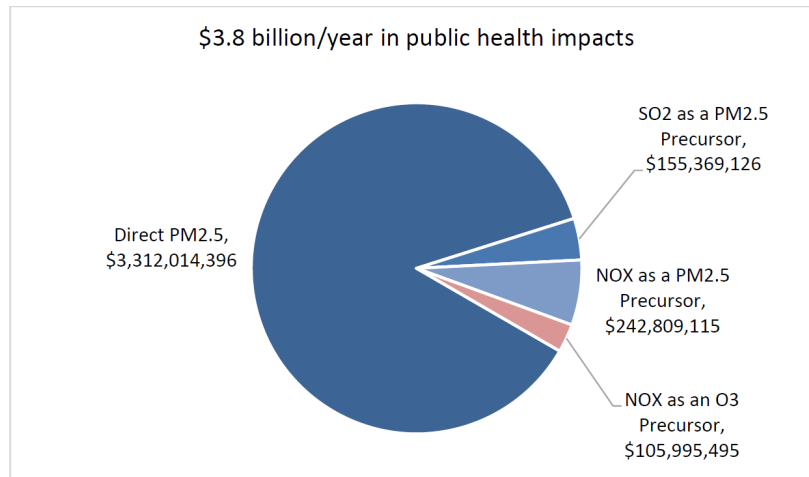
<sup>2</sup> <https://www.h-gac.com/getmedia/f8e31ae3-7305-4b9c-bfd6-b538139bd237/ITEM-2d-Regional-Air-Quality-Monitoring-October-2023>.

<sup>3</sup> See Ensor, K. B., Raun, L. H. and Persse, D. (2013). A Case-Crossover Analysis of Out-of-Hospital Cardiac Arrest and Air Pollution. *Circulation*. V127, pp 1192-1199.

<http://www.ncbi.nlm.nih.gov/pubmed/23406673>; Raun, L. H., Ensor, K. B. and Persse, D. (2014) Using community level strategies to reduce asthma attacks triggered by outdoor air pollution: a case crossover analysis. *Environmental Health*, 13:58. <http://www.ehjournal.net/content/13/1/58> Raun, L. and Ensor, KB. 2012. Association of out-of-hospital cardiac arrest with exposure to fine particulate and ozone ambient air pollution from case-crossover analysis results: are the standards protective? James A. Baker III Institute for Public Policy of Rice University. <http://bakerinstitute.org/files/594/>.

<sup>4</sup> <https://www.epa.gov/newsreleases/epa-finalizes-stronger-standards-harmful-soot-pollution-significantly-increasing>

standard. The health benefits for Texans will easily reach into the billions of dollars. For example, the public health costs of air pollution in Central Texas is estimated at \$3.8 billion each year, with \$3.3 of that caused by particulate matter.<sup>5</sup>



### Extreme weather costs hundreds of lives and hundreds of billions of dollars.

Texas is the most vulnerable state to extreme weather events, which includes hurricanes, floods, wildfires, droughts, and winter storms. 46 percent of all billion-dollar disasters in the United States have impacted Texas. That's 179 of 387 events since 1980.<sup>6</sup> Many of these extreme weather events are made more likely by climate change.<sup>7</sup>

A few examples of extreme weather events that have impacted Texas are:

**Drought:** the 2022 drought caused almost \$8 billion in direct agricultural losses, including \$2.1 billion among cotton farmers, and nearly \$17 billion in total losses, according to the Comptroller's office.<sup>8</sup>

**Winter Storm Uri:** caused at least 246 deaths<sup>9</sup> and up to \$130 billion in damages.<sup>10</sup>

**Hurricane Harvey:** more than 100 deaths, damage estimated at \$150 – 180 billion.<sup>11</sup>

<sup>5</sup> See "CAC Meeting 8/12/2020 Item 6: Consider Participation in EPA's Particulate Matter Advance Program" memo from Andrew Hoekzema, CAPCOG Director of Regional Planning and Services, to Clean Air Coalition Members (3 August, 2020).

<sup>6</sup> <https://www.ncei.noaa.gov/access/billions/mapping>

<sup>7</sup> <https://www.noaa.gov/news-release/climate-attribution-tools-critical-for-understanding-extreme-events>

<sup>8</sup> <https://www.texastribune.org/2024/06/06/texas-drought-crop-insurance-climate-change/>

<sup>9</sup> <https://www.texastribune.org/2022/01/02/texas-winter-storm-final-death-toll-246/>

<sup>10</sup> <https://www.chron.com/politics/article/Texas-winter-storm-freeze-deaths-financial-cost-16585329.php>

<sup>11</sup> <https://fortune.com/2017/09/03/hurricane-harvey-damages-cost/>

**Wildfires:** The Panhandle wildfires this February caused three deaths and more than \$1 billion in damage.

### **Wildfires and Well Plugging**

The Panhandle Wildfires in February were the largest in Texas history.<sup>12</sup> Losses from the Panhandle fires also included:

- More than one million acres burned
- Hundreds of water wells
- 15,000 cattle
- 138 homes

The House Investigative Committee on the Panhandle Wildfires noted that these fires occurred outside of Texas traditional wildfire season.<sup>13</sup> Unusually high temperatures, low humidity, and high winds were to blame. Although the House report doesn't attribute these conditions to climate change—and indeed, does not mention climate change at all—the National Oceanographic and Atmospheric Administration does.<sup>14</sup>

The investigative report identified decaying utility poles and neglected oil wells as the most common causes of wildfires. The report refers to the Railroad Commission's oversight of marginal, or "stripper" wells as, "grossly deficient."<sup>15</sup>

The Railroad Commission was able to double its annual well plugging target from 1,000 to 2,000 with more than \$60 million per year in federal funding from the Infrastructure Investment and Jobs Act. The table below includes the well plugging allocation each fiscal year, the state contribution from Account 5155, and the federal allocation, which for 2024-2025 includes funding from the Bipartisan Infrastructure Act<sup>16</sup> and the Infrastructure Investment and Jobs Act.

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<sup>12</sup> <https://www.house.texas.gov/media/pdf/committees/reports/88interim/House-Interim-Committee-on-The-Panhandle-Wildfires-Report.pdf>

<sup>13</sup> See p. 5, <https://www.house.texas.gov/media/pdf/committees/reports/88interim/House-Interim-Committee-on-The-Panhandle-Wildfires-Report.pdf>

<sup>14</sup> "Research has shown that climate change is likely causing the fire season to start earlier and extend longer. This is attributed to an increase in the number of hot and dry days throughout the year, conditions conducive to wildfires." National Environmental Satellite, Data, and Information Service, NOAA (7 Mar 2024), <https://www.nesdis.noaa.gov/news/fires-rage-across-texas-panhandle>

<sup>15</sup> See p. 18, <https://www.house.texas.gov/media/pdf/committees/reports/88interim/House-Interim-Committee-on-The-Panhandle-Wildfires-Report.pdf>

<sup>16</sup> <https://www.rrc.texas.gov/news/010323-federal-well-plugging-data-visualization/>

### Well Plugging in the Railroad Commission’s Budget<sup>17</sup>

Year	Allocation	Acct. 5155	Federal	Target
FY 2020	\$53,493,886	\$77,260,636	\$7,202,000	1,400
FY 2021	\$55,797,266	\$77,817,750	\$7,202,000	1,400
FY 2022	\$55,951,658	\$59,021,334	\$6,860,000	1,000
FY 2023	\$56,151,742	\$59,989,019	\$6,860,000	1,000
FY 2024	\$125,940,858	\$77,728,084	\$68,671,300	2,000
FY 2025	\$126,490,870	\$71,170,183	\$69,760,000	2,200

### Chemical Safety

The EPA’s Risk Management Program rule was finalized earlier this year. The rule brings much needed updates to the EPA’s chemical safety program, including:<sup>18</sup>

- Requiring approximately 1,500 chemical plants across the country to evaluate safer technologies.
- Allowing the EPA to gather and share information about new, safer designs.
- Creating a publicly searchable database of information on RMP facilities.

Texas, and especially Houston, will benefit significantly from the rule. It’s been estimated that Houston experiences a chemical accident every six weeks.<sup>19</sup> The table below lists some of the significant chemical incidents in Texas over the last decade.

<sup>17</sup> General Appropriations Act 2024-2025, p. VI-52 (pdf p. 708), Railroad Commission Strategy C.2.1, p. VI\_56, [https://www.lbb.texas.gov/Documents/GAA/General\\_Appropriations\\_Act\\_2024\\_2025.pdf](https://www.lbb.texas.gov/Documents/GAA/General_Appropriations_Act_2024_2025.pdf); General Appropriations Act 2022-2023, p. VI-49 (pdf p. 705), Railroad Commission Strategy C.2.1, [https://www.lbb.texas.gov/Documents/GAA/General\\_Appropriations\\_Act\\_2022\\_2023.pdf](https://www.lbb.texas.gov/Documents/GAA/General_Appropriations_Act_2022_2023.pdf); General Appropriations Act 2020-2021, p. VI-48 (pdf p. 702), Railroad Commission Strategy C.2.1, [https://www.lbb.state.tx.us/Documents/GAA/General\\_Appropriations\\_Act\\_2020\\_2021.pdf](https://www.lbb.state.tx.us/Documents/GAA/General_Appropriations_Act_2020_2021.pdf).

<sup>18</sup> <https://www.houstonchronicle.com/opinion/outlook/article/crenshaw-chemical-risk-management-19399833.php>

<sup>19</sup> <https://truthout.org/articles/houston-suffers-a-petrochemical-disaster-every-six-weeks/>

**Significant Chemical Accidents in Texas 2013 – 2023<sup>20</sup>**

Date	Company	Event	Location	Casualties
5/15/23	Marathon	Explosion	Galveston Co.	1 dead, 2 hospitalized
5/5/23	Shell/Pemex	Deer Park Refinery Fire	Deer Park	9 injured
9/29/22	NRG Energy	WA Parish chemical leak	Fort Bend	6 hospitalized, 100 evaluated
6/8/22	Freeport LNG	Explosion and 450 foot fireball	Freeport	
1/24/2020	Watson Manf.	Chemical plant explosion	north Houston	3 dead
1/29/2020	Chesapeake	Oil well blow out	Burleson Co.	3 dead
11/27/2019	TPC Group	Chemical plant explosion	Port Neches	50,000 evacuated
7/31/2019	ExxonMobil	Fire	Baytown	66 workers injured
4/2/2019	KMCO	Explosion and fire	Crosby	1 dead, 2 injured
3/18/2019	ITC	3-day tank fire and chemical spill	Deer Park	
8/31/2017	Arkema	Chemical explosion in Harvey	Crosby	
11/15/2014	DuPont	Chemical leak	La Porte	4 killed
4/17/2013	West Fertilizer	Fertilizer explosion	West	15 dead, 160-200 injured

<sup>20</sup> <https://www.tceq.texas.gov/response/shell-pemex-deer-park/>;  
<https://www.click2houston.com/news/local/2022/09/29/2-employees-at-generating-station-in-critical-condition-following-chemical-leak/>; <https://www.bloomberg.com/news/articles/2022-07-12/freeport-lng-blast-created-450-feet-high-fireball-report-shows>; [https://en.wikipedia.org/wiki/2020\\_Houston\\_explosion](https://en.wikipedia.org/wiki/2020_Houston_explosion);  
[https://www.csb.gov/assets/1/6/watson\\_final\\_report\\_2023-06-29.pdf](https://www.csb.gov/assets/1/6/watson_final_report_2023-06-29.pdf);  
<https://www.thechemicalengineer.com/news/three-killed-in-texas-oil-well-blowout/>;  
<https://www.texastribune.org/2020/01/30/texas-plant-reported-increasing-rogue-emissions-explosion/>;  
<https://www.texastribune.org/2019/11/27/texas-plant-rocked-explosions-mandatory-evacuations-ordered/>;  
<https://www.beaumontenterprise.com/news/article/Report-cites-TPC-Group-for-unauthorized-butadiene-14914367.php>; <https://www.beaumontenterprise.com/news/article/EXCLUSIVE-Communications-after-TPC-Group-blast-15078676.php>; <https://www.wsj.com/articles/large-fire-breaks-out-at-exxons-baytown-plant-in-texas-11564594125>; <https://www.houstonpublicmedia.org/articles/news/2019/04/03/327691/kmco-fire-raises-legal-safety-questions/>; <https://www.houstonchronicle.com/news/houston-texas/houston/article/New-fire-erupts-at-Deer-Park-plant-as-leaking-13710439.php>; <https://www.houstonchronicle.com/news/houston-texas/article/duPont-la-porte-leak-deaths-fined-sixteen-million-17915839.php>;  
[https://en.wikipedia.org/wiki/West\\_Fertilizer\\_Company\\_explosion](https://en.wikipedia.org/wiki/West_Fertilizer_Company_explosion)