

Date: March 27, 2023

To: Chairman Goldman and the Members of the House Committee on Energy Resources.

CC: Rep. Eddie Morales, Rep. Rafael Anchía, Rep. Charles "Doc" Anderson, Rep. Ernest Bailes, Rep. Tom Craddick, Rep. Drew Darby, Rep. Stan Gerdes, Rep. R. D. "Bobby" Guerra, Rep. Shawn Thierry, Rep. Erin Zwiener
Via hand delivery and by email.

From: Adrian Shelley, Public Citizen, ashelley@citizen.org, 512-477-1155

Re: HB 33 – Opposition Testimony by Public Citizen

Dear Chairman Goldman and Members of the Committee:

Public Citizen appreciates the opportunity to testify against HB 33 by Representative Brooks Landgraf, relating to the enforcement of certain federal laws regulating oil and gas operations within the State of Texas.

Cooperation with the federal government is important in Texas' effort to reduce pollution and improve public health. Fossil fuel burning kills 17,000 Texans each year just from particulate matter pollution.¹ Texas should take every opportunity to cooperate with federal and local governments to reduce this pollution and save lives.

Texas' oil and gas regulatory agencies include the Texas Commission on Environmental Quality (TCEQ) and the Railroad Commission. These agencies often lack the resources for comprehensive enforcement of pollution laws that protect Texans from the negative effects of the oil and gas industry. The federal government, including the Environmental Protection Agency, often assists with enforcement of these laws. If the state is unwilling to regulate and enforce the law, the federal government does have the authority to impose its own regulatory and legal enforcement programs. We should value this investment in Texans' lives and cooperate with, not obstruct, the federal government.

Significant federal programs do and will continue to regulate oil and gas operations.

There are significant federal programs pending implementation that will or may regulate oil and gas operations including the following Environmental Protection Agency rules:

- The Good Neighbor Plan
- The Regional Haze Program
- The Supplemental Proposal to Reduce Methane and Other Harmful Pollution from Oil and Natural Gas Operations
- The fine particulate matter (PM2.5) National Ambient Air Quality Standard revision

¹ Vohra K, Vodonos A, Schwartz J, Marais EA, Sulprizio MP, Mickley LJ. "Global mortality from outdoor fine particle pollution generated by fossil fuel combustion: Results from GEOS-Chem." Environ Res. 2021 Apr;195:110754. <https://doi.org/10.1016/j.envres.2021.110754>. Epub 2021 Feb 9. PMID: 33577774, available at <https://pubmed.ncbi.nlm.nih.gov/33577774/>.



People • Power • Progress YEARS

We support these programs primarily for their public health, but also for their climate, benefits. We believe that Texas should cooperate with the EPA and other branches of the federal government on these and similar existing programs.

Texas could jeopardize federal delegation by refusing to enforce federal law.

Texas has delegated authority from the federal government for a variety of programs, including the Clean Air Act and oil and gas wastewater discharges. Failing to enforce federal law could jeopardize Texas' delegated authority.

Failing to enforce federal law might cause the federal government to reassume control of delegated programs. This would lead to lawsuits, which HB 33 requires the Attorney General to defend the state against (P.1, L.19-21). We do not support the AG's office using its resources for this purpose.

The memorandum of agreement seems redundant, whether it is to implement state law or to execute delegated authority (P.1, L.22 – P.2, L.3). The state doesn't need an MOA to do these things. The federal government may be disinclined to use its resources for this redundant approach.

Texas should take advantage of federal funding now, including \$60 million a year for the Railroad Commission.

There are billions of dollars of funding available now in federal legislation such as the Infrastructure Investment and Jobs Act and the Inflation Reduction Act. Texas is already planning to access some of these funds and has many more opportunities. The Railroad Commission's budget for FY 23-24 includes more than \$60 million a year in well plugging funds from the Infrastructure Investment and Jobs Act of 2021 (IIJA). This funding will be used to plug 2,200 orphaned oil and gas wells. This is one example of what Texas can achieve with federal cooperation.

Texas should take advantage of this funding now to invest in clean energy projects and retire fossil fuel projects. Refusing to enforce federal oil and gas laws may limit access to federal funds. This is another reason we oppose this bill.