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Good morning, Commissioners.

I'm Kathryn Guerra, with Public Citizen's Texas office. Public Citizen is a nonprofit consumer advocacy organization with over 1M members and supporters that champions public interest in the halls of power.

We were disappointed that, despite numerous environmental advocacy organizations submitting relevant comments that would have strengthened this rule and aligned it with the Sunset Advisory Commission's recommendation, the agency rejected or refuted every comment they provided. Instead, the agency has amended the rule from its original draft to acquiesce to industry.

If these comments sound familiar, it's because I delivered them two weeks ago during the most recently adopted rulemaking on Compliance Histories. Unfortunately, they still apply here because the underlying problem at this agency remains.

Today, the TCEQ will adopt its public participation rulemaking by rejecting all of the public's participation.

This rulemaking was intended to correct a failure identified by the Sunset Advisory Commission: that the TCEQ does not adequately incorporate the interests of the communities it serves. Instead of addressing that failure, this rulemaking reinforces it. TCEQ staff rejected 51 - 100% - of the comments provided by community and environmental advocates. Many were dismissed as "outside the scope of the rulemaking".

You have designed a system that pretends to consider public input while structuring rulemaking in a way that excludes community voices. These rule proposals are drafted by the same TCEQ staff that the Sunset Commission found lacked sufficient consideration of the community's interests to begin with. Any comments that address the commission's inadequacies are summarily dismissed as "outside the scope of the rulemaking" because the rules are drafted without consideration of the needs of communities across Texas, and the agency has no intention of addressing them.

That is not meaningful engagement. That is a closed feedback loop.

Public participation in governmental decisions is not optional. It is our legal right and essential to public trust.

Consider the imbalance of influence on display here. While 51 comments from community advocates were dismissed, 15 industry comments were accepted, including those that weakened



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the agency's initially proposed rule and rolled back the proposed provisions that would have improved transparency, public notice and accountability.

That is not neutral decision-making. That's prioritizing polluters over people's health.

If this commission's leadership were serious about restoring public trust, this rulemaking would look very different. What we see here, instead, is an agency that continues to require external oversight and accountability. We will continue to monitor and document these agency deficiencies and challenge efforts to narrow public participation or create rules that serve industry interest at the expense of the environment and the public.