



## SARAH ECKHARDT

STATE SENATOR • DISTRICT 14

June 22, 2022

Sunset Advisory Commission  
PO Box 13066  
Austin, Texas 78711

Dear Chairman Schwertner and Vice Chair Holland,

Like you, I share a passion for the goal of protecting our state's public health and natural resources to ensure that all Texans can live in a beautiful, healthy, prosperous state. As the Sunset Advisory Commission turns its attention to the Texas Commission on Environmental Quality as it does every twelve years, I urge the Commission to consider how we can safeguard our water and air for all communities.

Environmental justice seeks to ensure that the burdens and benefits of environmental policies are shared equitably between all groups in society. We know that communities of color disproportionately bear the burden of industrial facilities like power plants, hazard waste management facilities, heavy manufacturing, petrochemical facilities and aggregate processing plants in or directly adjacent to their neighborhoods. This concentration of industry has health impacts that affect life expectancy and quality of life for children and adults, from higher rates of asthma to cancer clusters. In Travis County, children are hospitalized for asthma at a significantly higher rate than U.S. children overall, with the highest rates of emergency room visits and hospitalizations across the county occurring in eastern Travis County, where there is higher concentration of African American and Hispanic residents.

To address this issue, I filed SB 1294 in the 87th regular session, which would have established an Office of Environmental Justice within the TCEQ. The Office would be responsible for reviewing permit applications for facilities that are or would be located in what are called "environmental justice communities". These are census block groups in which 30% of the residents live below 200% of the poverty line, and/or 50% are racial or ethnic minorities. If a facility is located within three miles of such a community, its permit would be reviewed by the Office of Environmental Justice, and the Office would provide a recommendation regarding permit issuance.

In making the recommendation, it will consider whether the cumulative effects of pollution in the area (if the permit were approved) would exceed the statewide average; current vulnerabilities in the community, such as current exposure to pollution or the limited availability of health care; health factors in the community, such as increased prevalence of asthma; and proximity of the proposed facility to homes, schools,

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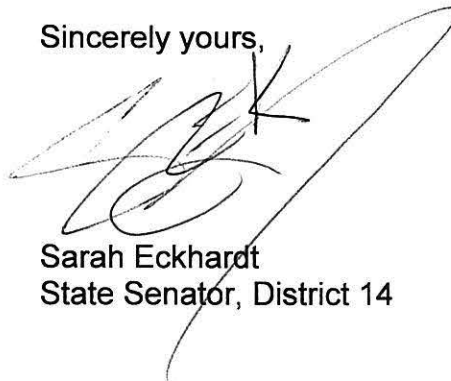


churches, day centers, and hospitals. In approving or denying the permit, TCEQ is required to consider the recommendation, but not to follow it.

Currently, each permit application is considered on its own merit, without consideration of neighboring facilities. Without a comprehensive evaluation of the cumulative impacts, TCEQ is issuing permits and creating a situation in which each permitted facility, considered singly, is not violating the law, but the total emissions from facilities subject a community to illegal levels of air pollution. A comprehensive look at the various environmental and societal factors will allow the Commission to make a more informed decision in issuing permits.

I believe that an Office of Environmental Justice would be an effective step in the critical balance of appropriately regulating industry to protect the health and well-being of Texans while allowing for Texas' growth. I urge the Sunset Advisory Commission to include in its recommendations for the Texas Commission on Environmental Quality the creation of an Office of Environmental Justice as outlined above. I stand ready and willing to assist you in any steps to examine and prevent the disproportionate negative environmental impact on communities of color, as we continue to serve as good stewards of our beautiful and bountiful state.

Sincerely yours,

A handwritten signature in black ink, appearing to be 'SE', with a long, sweeping horizontal line extending to the right.

Sarah Eckhardt  
State Senator, District 14

CC: Sunset Advisory Commission members  
Jennifer Jones, Executive Director  
Jon Niermann, Chair, TCEQ  
Emily Lindley, Commissioner, TCEQ  
Bobby Janecka, Commissioner, TCEQ  
Austin City Council  
Travis County Commissioners Court  
Bastrop County Commissioners Court