

**From:** [Sunset Advisory Commission](#)  
**To:** [Elizabeth Jones](#)  
**Subject:** FW: Public Input Form for Agencies Under Review (Private/Before Publication)  
**Date:** Monday, June 27, 2022 4:00:12 PM

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**From:** Texas Sunset Advisory Commission <[sunset@sunset.texas.gov](mailto:sunset@sunset.texas.gov)>  
**Sent:** Monday, June 27, 2022 3:42 PM  
**To:** Sunset Advisory Commission <[Sunset.AdvisoryCommission@sunset.texas.gov](mailto:Sunset.AdvisoryCommission@sunset.texas.gov)>  
**Subject:** Public Input Form for Agencies Under Review (Private/Before Publication)

Submitted on Mon, 06/27/2022 - 14:40

Submitted by: Visitor

Submitted values are:

**Choose the agency that you would like to provide input about**

[Texas Commission on Environmental Quality](#)

#### **Public Comments**

1

#### **First Name**

Ryan

#### **Last Name**

Hess

#### **Organization you are affiliated with**

Southern Sector Rising

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#### **City**

Dallas

#### **State**

Texas

#### **Your Comments or Concerns**

Since TCEQ's last Sunset Review 12 years ago, little has been done to combat industrial development in residential communities, especially in poorer and non-majority white communities. By granting permits indiscriminately without considering the character of the surrounding community, the public

health impact on that community, and the pollution burdens already facing a community, TCEQ's process has continuously enabled environmental injustice by creating and perpetuating the development of "sacrifice zones" wherein Black and Brown Texans' public health and quality of life are disproportionately burdened and threatened for generations.

A recent study entitled "Poisoned by Zip Code" showed that rates of asthma, respiratory illnesses, and premature death are significantly higher in those areas of the city (or zip codes) that are burdened by concrete batch plants, factories, and other polluters. These zip codes are predominantly located in South Dallas County, which is also a part of the city and County where mostly Black and Brown residents reside and that experience larger percentages of residents living in poverty. In short, the data shows that marginalized communities in Dallas not only bear the brunt of the health consequences related to industrial pollution, but that their life expectancy is lower as a result of it. A person's life expectancy can be evaluated based on their zip code and its pollution burdens.

TCEQ does little to engage the public and inform them of possible developments in their community until it's too late. For example, public engagement sessions are only held after draft permits have been issued, depriving communities the opportunity to inform the agency of their data, concerns, and factors the commission should consider in drafting and issuing any permit. By leaving the public out of the permitting process until after the agency has already drafted its final permit, the commission cannot honestly say that it has considered all factors affecting the public and public, nor is it in a position to make any major changes based on any meaningful public input. Furthermore, by delaying public input, the TCEQ appears as nothing more than a partner of industry. While the commission's purpose is to balance economic needs with public health and safety and protection of Texans' air and water, inviting the public to the table only after it has made a decision to issue a permit and drafted its final form leaves the public in the dark and sacrifices one constituency's need over the needs and rights of the other.

Additionally, the TCEQ does not adequately consider a permit applicant's history of non-compliance, and it grants permits to businesses that have continually violated regulatory environmental standards. Again, this practice tends to show TCEQ as an entity designed only to facilitate profit and revenue for the State and its businesses, rather than as an entity tasked with the duty to ensure that Texans' health is not sacrificed in the name of business. By failing to render forceful consequences in response to illegal pollution, TCEQ allows industry to thrive without fear of repercussions, while frontline communities suffer. TCEQ's current practices regarding enforcement and compliance do not adequately evaluate an actor's non-compliance history, which leaves the commission ignorant when considering that actor in enforcement decisions and future permitting decisions.

Finally, the Commission also fails to give adequate consideration to special-use areas surrounding these sites. Industrial polluters have been allowed to operate next to day-cares, schools, and homes at the expense of all of those who use those facilities. Public health and health equity are seemingly ignored when it comes to permit approval, as TCEQ continues to renew permits to industrial polluters who have known health impacts on surrounding areas. TCEQ should hold public meetings and consider publicly the various factors that should be considered in making permitting decisions. While TCEQ cannot make a zoning determination, it can consider a variety of factors when analyzing

the public health impacts of industrial pollution in certain communities.

### **Your Proposed Solution**

While we understand that TCEQ does not have zoning authority, they have a necessary role in combating environmental racism.

We propose that TCEQ incorporate community engagement sessions prior to drafting permits to allow for more meaningful public participation by neighborhoods most impacted by a permit application. Further, TCEQ should establish rules that would seriously reduce ongoing and increased pollution in regions that are already overburdened by industrial development and pollution. Applications in these regions and localities should not be granted. In an effort to more evenly distribute the pollution burden of Texan communities, we recommend TCEQ take a comprehensive look at the already-existing pollution burden in the area before moving forward.

Health equity and environmental justice must be given greater consideration throughout the permitting process. Given comments from the TCEQ chair at a recent hearing, it is evident that the agency does not give enough consideration to the fact that Black, Brown, and low-income people are disproportionately burdened by industrial pollution. TCEQ should be well-informed on how environmental injustice continues to impact communities around the state, and make its decisions with an emphasis on health equity.

Texans' homes, schools, and child-care facilities are deserving of special protections. We implore the agency to enforce stringent boundaries regarding industrial proximity to sensitive-use areas. The health of Texans' is an utmost priority, and the Commission's decisions should reflect that. Similarly, applicants who have a track record of being out-of-compliance should not be given permit renewals, and must be held accountable for their actions. TCEQ must become an enforcer of environmental protections rather than an enabler of industry. The Commission's failure to fine or cite out-of-compliance facilities has allowed illegal pollution to go unchecked at the expense of all Texans.

### **Attachment**

[PoisonedbyZipCode.pdf](#) (781.58 KB)

### **My Comments Will Be Made Public**

Yes