

From: [Sunset Advisory Commission](#)
To: [Elizabeth Jones](#)
Subject: FW: Public Input Form for Agencies Under Review (Private/Before Publication)
Date: Monday, June 27, 2022 8:56:23 PM

From: Texas Sunset Advisory Commission <sunset@sunset.texas.gov>
Sent: Monday, June 27, 2022 4:49 PM
To: Sunset Advisory Commission <Sunset.AdvisoryCommission@sunset.texas.gov>
Subject: Public Input Form for Agencies Under Review (Private/Before Publication)

Submitted on Mon, 06/27/2022 - 14:44

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

Melissa

Last Name

Thraikill

Title

Ms.

Organization you are affiliated with

Self

Email

City

Dallas

State

Texas

Your Comments or Concerns

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, 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. Texas public policy does not ask TCEQ to place industry before people, nor does it require that permits be issued when they simply are not feasible with protecting public health. By allowing public comment early-on, TCEQ not only gets a greater understanding of the full implications of a permit or application, but also has a better ability to make sound policy decisions based on data, logic, and public input.

Additionally, 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 and Texans 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. This not only has negative health impacts for Texans, and disproportionately affects marginalized Texans, but it also costs more for the state in other areas. The state is left paying the economic consequences of Texans who need Texas's medical resources and public benefits system to pay for medical conditions caused by environmental pollution, as well as the economic consequences of clean-up, bringing businesses into compliance, and disaster-related preparedness and recovery.

Finally, the Commission also fails to give adequate consideration to special-use areas surrounding sites of pollution. 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. TCEQ should allow the public to help set policy priorities in permitting.

Your Proposed Solution

While TCEQ does not have zoning authority, it does have a necessary role in combating environmental racism and adequately, fairly, and equally protecting all Texans from environmental

pollution and degradation of air and water resources.

To better protect the public health and develop itself as an impartial commission that takes seriously its role to balance all economic needs with protection against hazardous environmental pollution, TCEQ should immediately begin incorporating community engagement sessions prior to drafting permits to allow for more meaningful public participation. The permitting process should involve public comments and meetings throughout the entire process. Further, TCEQ should establish rules that would seriously reduce ongoing and increasing pollution in regions that are already overburdened by industrial development and pollution. Applications in these regions and localities should not be granted.

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.

TCEQ should make enforcement a priority and develop rules, policies, and procedures that deter violations. 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. Further, 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. Texans should not have to bear the burdens of industries who refuse to follow the law and who do so repeatedly. These operators should not have the benefit of government permits when they show they are incapable of following governmental laws and regulations.

The economic consequences of pollution are felt by all, and these costs are long-lasting. While some polluting industries may be a necessary evil for the State's economy and to meet human needs, the burdens must be equal and public health should always be the priority, as failure to do so will have long-term impacts that will also detrimentally affect the Texas economy.

My Comments Will Be Made Public

Yes