

Texas Sunset Advisory Commission – Texas Railroad Commission Hearing August 22, 2016

Chairman Gonzalez and Committee Members,

Two years ago, when I ran for a spot on the Texas Railroad Commission, I travelled throughout the state and met with literally thousands of people. I learned about their health and safety concerns, and their feeling that the deck is stacked against them. We discussed ways to better balance the pursuit for energy independence and growth while also conserving our water resources, protecting property rights and transitioning to cleaner energy sources. I travelled the state not knowing that some of the most egregious examples of RRC negligence and harm were in my backyard in the Chasewood subdivision. I could have saved a lot of gas money had I known that.

To that end, I want to reiterate my call for the Legislature to establish an Office of Public Advocacy within the Railroad Commission that will serve as the public's ombudsman, a watchdog that advises the Commissioners on how their votes might impact Texas landowners and impacted communities, and assist citizens with navigating the RRC's hearing and grievance process. I recommend that the Legislature give the RRC the power to weigh quality of life factors when approving permits for wells and disposal pits. Finally, I believe that the Legislature should do more to empower communities impacted by oil/gas extraction by establishing local health and safety councils that advise the RRC on risk mitigation strategies,

and to ameliorate health and safety impacts. These councils would consist of public health and emergency response officials, and representatives from local governments, school districts, TCEQ, DSHS and homeowner associations.

This brings me back to the Chasewood (and Briargate) communities, and the recommendations before you today. It's infuriating to know that someone at the RRC knew that there was a potential risk of exposure to radioactive elements in the drinking water that these communities depended on and no one bothered to inform them. That risk extended to nearby schools and day care facilities, nursing homes and community centers. That lack of coordination and communication may have resulted in the loss of life and that's unacceptable.

We deserve a RRC that prioritizes community health and safety above oil/gas profits and we demand accountability!

Once an abandoned well is identified by the RRC, that should trigger a set of actions to intensify the monitoring of that site, notify nearby communities, and instruct the Department of State Health Services to immediately assess the public health risks by conducting community health surveys to determine if a cancer cluster is present. Local district attorneys or the state's Attorney General's office should be empowered to recover damages from well operators who's negligence results in harmful community impacts and/or deaths. These communities should not be left unprotected by our state, and forced to scramble to hire attorneys to represent them. The state needs to represent these communities and try to make these taxpayers whole again.

Finally, as a state, we need to encourage the transition of oil/gas development, like that in East Fort Bend, into solar and wind farms. In that spirit I support changing this agency's name to the Texas Energy Resources Commission, and ask that the Legislature fully embrace our state's renewable energy potential and future. One day we will have a state where oil derricks and hydraulic fracking will be replaced by solar panels and wind turbines. Until then, the intersection between industry and local communities must be transparent, collaborative and always yield on the side of quality of life.

Steve Brown