

**Testimony of Cyrus Reed, Interim Director and Conservation Director, Lone Star Chapter, Sierra Club**

**October 17, 2019 Docket Identification No: EPA-HQ- OAR-2017-0757**  
Public Hearing Testimony

October 17<sup>th</sup>, 2019

My name is Cyrus Reed. I have worked for the Texas state chapter -- the Lone Star Chapter - of the Sierra Club for more than 10 years and have lived in Texas for almost 30 years, both in Austin and El Paso. I am currently both the interim director and conservation director of the state chapter. We have some 28,000 Sierra Club members in Texas, and while many of them do not live near oil and gas facilities, some do, and all of them are impacted by this proposed rule, which in essence increases pollution from oil and gas facilities, including pollution that makes climate disruption worse.

In case you are not from Texas, you should know that Texas is the leading oil and gas producing state in the U.S., and that oil and gas production has risen in the last 10 years, largely due to the advent of hydraulic fracturing. In fact we have had whole new areas of the state -- from the Eagle Ford Shale to the Delaware Basin -- see major oil and gas development where only minor production occurred before. You should also know that we as a state have not enacted specific regulations on oil and gas related to methane controls, or required leak detection and repair program, which is somewhat surprising given that we do have similar programs for our downstream chemical and refining plants.

You should know that as a state we routinely allow companies to vent methane during the initial 10 days of drilling of wells, and that while we have a general prohibition on flaring, our main oil and gas regulating agency, the Railroad Commission of Texas routinely grants exemptions to that prohibition, allowing flaring of methane for six months and sometimes longer during oil production, even in some cases when the gas could be captured and placed in nearby gas pipelines.

You should know that when the TCEQ dared to look at and approve slightly stronger air quality regulations around the Barnett Shale through the "Permit-By-Rule" process because of concerns over urban and suburban drilling, the

Legislature stepped in and essentially froze any additional regulations on air quality from occurring back in 2011 to any other parts of the state. The Legislature passed a bill that said TCEQ could not impose additional air quality regulation unless TCEQ was able to meet three tough criteria, including exhaustive studies, which the Legislature then refused to fund. Since then, there have been no additional state air quality regulations, other than some modest SMM Rules required by federal law.

This is not New Mexico. Our newly-elected political leaders and our state agency is not looking to pass new regulations to control methane and VOCs further than federal requirements. Several other oil and gas producing states have adopted state-level regulations, but we have not. This is Texas, and unfortunately I can say that we have often gone to the US EPA and our federal leaders to assure safety and environmental integrity when our state leaders fail to take action. In other words, in Texas we rely on the EPA to help us clean up our state. Or in Sierra Club's case, we go to court to improve our environment when state and federal environmental enforcement actors refuse to take action.

Except in this case, you are proposing to remove the only methane controls we have by rolling back methane standards on oil and gas wells, as well as all controls on storage and transmission equipment. The EPA's own analysis predicts that this will lead to more VOCs, more methane and more Hazardous Air Pollutants. What your analysis is really saying is that pollution will be here in Texas, because the other oil and gas states have for the most part --ok Oklahoma might be an exception - done more on the state level to control these very pollutants. In other words, I read this proposal as very deliberately increasing pollution in Texas, as we yet again become the sacrifice zone for the nation's addiction to fossil fuels.

In case you are not from Texas, you should also be aware that in Texas we have an issue with ground-level ozone, from here in Dallas-Fort Worth, to Austin and San Antonio, to El Paso and especially in Houston. While it would be false to suggest that this proposal by itself will be a major factor in continued high ground-level ozone levels, it would also be wrong to say this rollback will have no impact because some of those additional pounds and tons of VOCs -- one of the building blocks of ozone -- along with nitrogen oxide components -- will occur in air-sheds with ozone issues. Thus, this rollback could impact efforts to get our ozone problem in Texas in check. Texas currently has three areas -- Houston-Galveston-Brazoria, Dallas-Fort Worth, and San Antonio - that do not meet the

current health-based standards for ozone, and any increase in volatile organic compounds or nitrogen oxides associated with nearby oil and gas activity can make smog pollution worse. That leads to more lost days of work, more lost days of school, more cases of childhood asthma, and more premature deaths.

Texas is the leading producer of greenhouse gases. As a state according to the EIA (Energy Information Administration), in 2018, we produced some 657 million metric tons of carbon dioxide equivalent, roughly a third from the electric sector, a third from transportation and a third from industry. That was some 300 million metric tons more than the next largest state in terms of global warming gas emissions (California). This proposed rollback will not help lower that number, it will help increase it. We have already faced drought, 500-year-floods virtually every year, wildfires and hurricanes. We need to lower our emissions not increase them. Increasing our climate disruptive ability at the very time when our world is on fire is ludicrous.

Methane poses a grave a danger to our planet. It has over 87 times the warming power of carbon dioxide, making it a major driver of climate change. Rolling back the EPA's methane rules means more potent climate pollution, undercutting the climate benefit of natural gas over coal.

Leaks can occur at anytime and can happen anywhere. In order to protect communities living near new and modified oil and gas sites, we need to keep the EPA standards strong and in effect.

These standards use commonsense and cost-effective solutions to reduce methane emissions; EPA's own analysis found that these standards would achieve significant reductions of methane and other harmful air pollution at low cost.

By removing methane controls from this rule on new oil and gas facilities -- and by removing any VOC or methane controls on new transmission and storage components of the oil and gas production chain -- you are also declaring you will not ever require any controls on existing equipment. While there is a lot of new oil and gas production in Texas, there is also a lot of old equipment much of which was installed before the 2012 or 2016 NSPS were enacted. Thus, this proposed rollback also means we will not deal with emissions from that older equipment.

It is critical the EPA keep the New Source Performance Standards, which have

been in place and working for almost a year, strong and in effect to protect communities living near oil and gas development from harmful pollution, instead of selling our children and families out to polluting corporations and the oil and gas industry.

What is of course interesting is that many of the oil and gas industry are not asking for this rollback. "Small" companies like XTO -- Exxon-Mobil -- have said they are and can comply with the rules and are committed to getting their methane pollution under control. Electric generators like Calpine and utilities like Austin Energy that rely on natural gas have called on the US EPA not to move forward with the methane rollback rule as part of a coalition of companies called the MJ Bradley group. They understand they are dependent currently upon natural gas as a fuel for their power plants but they don't want to see the rules rolled back or less regulation.

Weakening these standards means more pollution in our air and is a blatant attack on the people who live near these facilities and depend on these protections to keep the air they breathe clean. This includes oil and gas workers.

EPA must continue to require operators to use proven, cost-effective technologies and practices to prevent harmful air pollution from oil and gas sites instead of putting corporate polluter profits ahead of the health of our families and future generations.

As a Texas resident for 30 years, who frequently travels in oil and gas producing areas, as a veteran at the Texas legislature, at state regulatory agencies, as a worker for the Sierra Club which frequently must take legal actions like citizen enforcement suits to make sure the law is followed, and as the father of three children living in Texas, I ask you to reconsider and withdraw this proposal. The existing rule works and should be strengthened by looking at existing older facilities not weakened.

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October 17, 2019

Re: Environmental Protection Agency's public hearing regarding Proposed Policy Amendments to the 2012 and 2016 New Source Performance Standards for the Oil and Gas Industry.

Good Morning,

I appreciate the opportunity to speak to you today. Your mission in the EPA states "to protect human health and the environment."<sup>1</sup> Gutting methane regulations will not only make us sick, and some of us sicker than others, but this is also immoral.

My name is Dorothy Perri and I am a registered nurse from Dallas, Texas with over four decades of nursing experience, and a member of ANHE (Alliance of Nurses for Healthy Environments)<sup>2</sup>. I speak to you today in my nursing role and as an advocate for those who may not be able to speak for themselves---the children, those with cardio-respiratory disease, pregnant women---those who are being made sick and killed by the immorality of releasing toxic methane into the atmosphere in order to benefit the fossil fuel industry.

Methane gas is not only converted into a component of ozone air pollution, but contributes to the greenhouse gas effect of global warming. The American Lung Association has given Dallas a failing grade of "F" for our ozone air pollution.<sup>3</sup> Ozone is an irritating gas that forms on hot, sunny days and irritates our lungs----like a bad sunburn causing swelling, mucus production and wheezing as the airways close. This is asthma and it is life-threatening! Our children are at the highest risk due to their rapid breathing rate and developing lungs.

As a certified school nurse, I witnessed first-hand the impacts of dirty air on children. I will tell you a story about a 9 year-old child who wanted to play outside with his friends, but suffered severely with asthma growing up near the dusty oil and gas fields in West Texas. When his family relocated to Dallas, this precious child had high hopes of being able to play outdoors without wheezing. Just before school started in August, his mother brought his asthma inhaler to my

clinic, but she doubted that he would need the inhaler in Dallas. However, during the first week of school---when horrendous August heat and ozone levels soared, this child was urgently brought to the clinic during recess, gasping for air. After restoring his airway with life-saving medication, he sadly said to me, “Nurse Perri, I thought my asthma would be better when I moved to Dallas.” Sadly, his asthma was just as bad, if not worse.

According to the CDC, asthma accounts for more than 10 million missed school days a year.<sup>4</sup> Kids can’t learn if they can’t breathe and aren’t healthy. Hurting people for profit is not only immoral and making us sick, but it is making some of us sicker than others. African-American children have 2 times the incidence of asthma, 4 times increased risk of hospitalization and 10 times higher risk of dying from an asthma attack, than a white child.<sup>5</sup> One in six Texans do not have health insurance. The purchase of this \$75 prescription albuterol asthma inhaler [SHOW INHALER] is a major burden for low income families and the uninsured. This is environmental injustice, and it is immoral to allow children to breathe dirty, polluted air.

Potent methane gas intensifies the heat on our increasingly warming “Mother Earth”---summers are getting hotter and hotter, with extreme heat starting earlier and lasting longer. Our children and citizens are suffering and dying now. In our neighboring Tarrant County, which has the 2<sup>nd</sup> highest number of gas wells in Texas<sup>6</sup>, killer heat struck last August. On the 2<sup>nd</sup> day of middle school football practice, a 13 year old boy---who loved football and dreamed of playing with the Dallas Cowboys-- lost his life to a heat stroke on the practice field. A child’s body can heat up 3 to 5 times faster than an adult’s. Just last month, we experienced the hottest, driest September on record. It is immoral to allow “killer heat” to hurt and take the lives of people.

On a personal level, I worry about the future of my 3 month old grandson, Amos (PICTURE), who lives near the Eagle Ford Shale gas wells. Amos’ father (my son) has asthma; therefore, genetically this darling baby has a 3 to 6 times increased risk of developing asthma also. Every child has the right to thrive in a world with clean air and a sustainable environment.

As a nurse, a parent, and grandparent, I am passionate in urging the EPA to oppose efforts to delay, revise, or rescind the EPA methane rule. Decreasing methane emissions is an essential step in safeguarding our children, future generations and communities, but the benefits go far outside the impact on the climate. This is both a moral and environmental justice issue---it is truly immoral to hurt people and our world. To reiterate, the EPA’s Mission Statement is “to protect human health and the environment.”<sup>7</sup>

#### Citations and References

1. Environmental Protection Administration (EPA) Mission Statement. Retrieved from: EPA.gov

2. Alliance of Nurses for Healthy Environments (ANHE): “Nurses Caring for Climate and Health”<https://envirn.org/>
3. American Lung Association: “State of the Air 2019”. Retrieved from: <https://www.lung.org/assets/documents/healthy-air/state-of-the-air/>
4. and 5. Center for Disease Control (CDC) Retrieved from: <https://www.cdc.gov/nchs/fastats/asthma.htm>
- 6 . Railroad Commission of Texas, May 2018. Retrieved from: [rrc.state.tx.us](http://rrc.state.tx.us)
7. Environmental Protection Administration (EPA) Mission Statement. Retrieved from: [EPA.gov](http://EPA.gov)

## **EPA Hearing on Rollback of Methane Pollution Safeguards**

**Dallas, TX - October 2019**

**Dan Green, Dallas Tx, Retired EE, Concerned Citizen**

**I’m here today to oppose the U.S. Environmental Protection Agency (EPA) proposed amendments to the 2012 and 2016 New Source Performance Standards (NSPS) for the Oil and Natural Gas Industry.**

**Donald Trump and EPA Administrator Andrew Wheeler are proposing deregulatory steps to save the oil and gas industry money rather than supporting actions designed to protect public health, safety and welfare from climate-changing pollution and conventional air pollution. This action will hurt vulnerable communities living near these oil and gas operations and ignores the EPA’s responsibility to protect the health and safety of American families.**

**Why is this being done? Aside from the stated rationale, the rollbacks are estimated to save the oil and gas industry \$17 to 19 million in compliance costs each year. The U.S. oil and gas industry's total revenue for 2018, was more than \$180 billion. This represents an estimated 0.01% (one-hundredth of one percent) savings for the industry ---**

**reaped at the expense of human health and accelerating damage to the earth’s climate system.**

**In perspective, equivalent to a \$10 annual savings for family earning \$100K/yr**

**This proposed amendment follows a long laundry list of environmentally damaging moves by the Trump administration and current EPA, see Appendix, Chart 1.**

**The EPA's performance standards are critical to protecting public health. Oil and gas companies release 13M metric tons of methane into the air every year. Along with methane, other dangerous pollutants that create soot and smog and known human carcinogens such as benzene are also emitted.**

**EPA has found that emissions from Wise County, Texas, from oil and gas collection and production in the Barnett Shale field, are contributing to unhealthy levels of smog in DFW**

**Leaking methane is invisible to the naked eye but prevalent in all stages of production. Leaking methane along extraction, storage and transmission sites has been well documented utilizing a FLIR GF 320 optical gas imaging camera.**

**Per EPA own admission, this proposal would increase methane emissions by 370k tons by 2025, volatile organic compounds by 10k tons, and air toxins by 300 tons-- these numbers may well be much higher.**

**That is moving in the wrong direction to protect the climate and is contrary to the strong warnings outlined in our own federal government's 2018 National Climate Assessment**

**Health Impacts:**

**Over 9 million people face a greater risk of cancer because they live in areas directly affected by emissions from nearby oil and gas facilities and transmission routes.**

**Our children are at the greatest health risk from air pollution because they are more likely to be active outdoors while their lungs are still developing.**



**Asthma strikes nearly one out of every 10 school children in the United States and is the number one health issue that causes kids to miss 500K days of school each year.**

**Climate Impacts:**

**Methane is a powerful greenhouse gas that contributes greatly to global warming.**

**Extraction and distribution of fossil fuels is a significant source of methane emissions.**

**Currently, the oil and gas industry emit at least 13M metric tons of methane pollution a year. That has the same climate impact as running nearly 300 coal-burning power plants or operating over 200M motor vehicles per year. Source:journal *Science***

**Conclusion:**

**These proposed amendments appear to be a very poor risk/reward proposition.**

- Reward the FF industry with one-hundredth of one percent (0.01% ) savings on compliance costs**
- while Risking the health and safety of Americans and the earth's climate system.**

**It is critical the EPA not just maintain but strengthen the current NSPS to protect our climate and safeguard communities living near oil and gas development from harmful pollution.**

**EPA must continue to require operators to use proven, cost-effective technologies and practices to prevent harmful air pollution instead of putting corporate polluter profits ahead of the health & safety of our families and protecting the earth for future generations.**

**Thank you for the opportunity to offer comment**

**Appendix:**

**Background:**

**On August 28, 2019, the U.S. Environmental Protection Agency (EPA) signed proposed amendments to the 2012 and 2016 New Source**

**Performance Standards (NSPS) for the Oil and Natural Gas Industry that would remove regulatory duplication and save the industry millions of dollars in compliance costs each year, while maintaining health and environmental protection from oil and gas sources that the Agency considers appropriate to regulate. The proposed amendments are estimated to save the oil and gas industry \$17 to 19 million a year, for a total of \$97 to \$123 million from 2019 through 2025. Comments must be received on or before November 25, 2019.**

**SUMMARY from EPA bulletin:**

**This action proposes reconsideration amendments to the new source performance standards (NSPS). These amendments, if finalized, would remove sources in the transmission and storage segment from the source category, rescind the NSPS (including both the volatile organic compounds (VOC) and methane requirements) applicable to those sources, and rescind the methane-specific requirements (the “methane requirements”) of the NSPS applicable to sources in the production and processing segments. The U.S. Environmental Protection Agency (EPA) is also proposing, as an alternative, to rescind the methane requirements of the NSPS applicable to all oil and natural gas sources, without removing any sources from the source category. Furthermore, the EPA is taking comment on alternative interpretations of its statutory authority to regulate pollutants under the Clean Air Act (CAA), and associated record and policy questions.**

**Chart 1 -- 85 Environmental Rules Being Rolled Back Under Trump  
By NADJA POPOVICH, LIVIA ALBECK-RIPKA and KENDRA PIERRE-LOUIS  
UPDATED Sept. 12, 2019**

**Figure 2 -- <https://www.edf.org/sites/default/files/climate/maps-dallas-thumb-500x357.jpg>**

**Emissions from leaks in Dallas**

- 1. Logistics and General Information:  
EPA will hold a public hearing on the proposed rule Thursday, October 17, 2019, from 8:00 a.m. - 6:00 p.m. in Dallas, TX at the Earle Cabell Federal Courthouse.  
When: Thursday, October 17, 2019, from 8:00 a.m. - 6:00 p.m. (local time) Where: Earle Cabell Federal Courthouse, 1100 Commerce Street, Dallas, Texas**

## **Ron Unger Testimony at EPA hearing on methane rule**

**for the repeal, Thursday October 17, 2019 in Dallas**

**My name is Ron Unger and I am here today to speak on behalf of my children's future. That future is under dire threat due to the crisis of global warming caused by the production and burning of fossil fuels. The EPA has a mission "to protect human health and the environment" and thus should be tightening restrictions on fossil fuel production, consumption and emission, not relaxing them as this proposed methane emissions rule change would do.**

**GHGs drive global warming. The largest contributor by far to the rise in GHGs in the atmosphere is the fossil fuel industry. The latest IPCC report, Special Report 1.5 (IPCC SR1.5) published in October, 2018, makes clear the risks posed by global warming due to the continued use of fossil fuels.**

**There are direct and quantitative effects of global warming which we are beginning to experience on a global scale and include:**

- increased intensity of storms**
- increased risk and severity of flooding**
- increased drought**
- increased heat related deaths**
- spread of historically tropical diseases into higher latitudes**
- reduction in water quality and quantity**
- increased risk of wild fire**
- negative impact on food production in many areas**
- climate refugee issue as people flee unlivable conditions**
- loss of livable conditions in coastal areas as sea levels rise**

**These effects have both social and financial costs. The US Federal estimate of the annual cost of global warming due to CO<sub>2</sub> is \$37/ton of CO<sub>2</sub> emitted (Stanford DICE model shows a much higher number of around \$220/ton). This equates to an annual cost in the US of \$200 billion (\$1.2 trillion using the DICE model). That cost of GHG emissions is currently being borne by each of us in the US.**

**So what's the big deal with methane? Well, according to the EPA, methane is 25 times more potent than CO<sub>2</sub> and currently comprises 10% of CO<sub>2</sub> equivalent annual emissions. Relaxing the rules for methane emission monitoring and control will undoubtedly result in increased methane emissions, with a 25 times larger effect per pound than CO<sub>2</sub>. This equates to a financial cost to Americans on the order of \$20 billion per year according to Federal estimates and much higher according to most other estimates from science-based models.**

**For perspective, the proposed relaxation in the rules will save the oil industry an estimated \$16-\$19 million in the face of a \$200 billion annual cost imposed on the American people as a result of GHG emission produced directly or indirectly by this very same industry. We are already facing a global existential threat from abrupt (from a historical geological perspective) global warming due to the burning of fossil fuels. To address this crisis the steps are clear, as laid out plainly in IPCC SR1.5. The international community must reduce fossil fuel consumption by 50% by 2030 and 100% by 2050 in order to avoid reaching a point of no return.**

**Given the urgency of the potential for global catastrophic impacts of continued fossil fuel consumption, the EPA, to fulfill it's mission "to protect human health and the environment", should be increasing**

**restrictions on fossil fuel production and emissions to assist in meeting the goal of saving the environment for our children's future. Instead, the EPA, by relaxing restrictions and controls on production of fossil fuels and on the emission of GHGs, is assisting in the destruction of the very environment we all need to survive and is in direct violation of its mission.**

**The EPA's mission is "to protect human health and the environment" not to protect the profits of the fossil fuel industry. As a citizen and parent concerned for the future of my children and the environment we depend on, I implore you to do your job!**

**John MacFarlane**

**Greater Fort Worth Sierra Club**

**Fort Worth, TX 76110**

**October 17, 2019**

**Docket Identification No: EPA-HQ- OAR-2017-0757**

**I am the chair of the Greater Fort Worth Sierra Club and our mission is to explore, enjoy, and protect the environment. I am here speaking on behalf of over 3,000 voting members of the Sierra Club in the Fort Worth region. Our goal here is to ensure the protection of our air quality and our health from the oil and gas industry. By eliminating the New Source Performance Standards for methane, the EPA and the Trump Administration will endanger the health and lives of possibly millions of Americans, including our most treasured resource, our children. I live in central Fort Worth, the home to the Barnett Shale, one of the largest gas reserves in the nation. As**

of today, Fort Worth has almost 2,000 producing wells, meaning that there are also thousands of miles of pipeline and many compressor stations and processing facilities. In fact, my two children go to a school that is literally 626 feet from a multi well gas facility. These facilities can leak methane and by repealing the methane standards, the EPA will ensure that these leaks will be worse. Would you want your kids going to school that close to leaking gas wells?

Methane is 87 times more potent than carbon dioxide as a greenhouse gas. Thus, by repealing these standards the EPA will not only endanger millions of lives, it will also exacerbate climate change, the greatest threat to human existence on this planet. Is the EPA willing to be part of a concerted effort by the current administration to reduce regulations and put hundreds of millions of lives at risk?

EPA itself admits that this proposal would increase methane emissions by 370,000 tons by 2025, volatile organic compounds by 10,000 tons, and air toxins by 300 tons—and these numbers may well be much higher. As you know, three areas in Texas currently don't meet National Ambient Air Quality Standards for ozone. Any increase in volatile organic compounds from nearby oil and gas activity can make smog pollution worse. That leads to more lost days of work, more lost days of school, more cases of childhood asthma, and more preliminary deaths. Children miss 500,000 days of school nationally each year due to ozone resulting from oil and gas pollution.

The EPA has the power to save lives and slow the effects of climate change by not only maintaining these standards, but also strengthening them. Why repeal standards that work? EPA's current standards use commonsense and cost-effective solutions like green completion equipment to reduce methane emissions from these facilities. Preventing leaks not only make financial sense for the oil and gas industry, but also protects the people living near these facilities. EPA's own analysis, including industry analysis, found that these standards achieve significant reductions of methane and other harmful pollutants at low cost. Unlike states like Colorado or Wyoming, Texas has not taken any specific steps to reduce methane pollution or other oil and gas industry emissions. Thus, existing federal rules and standards are critical for protecting Texans from oil and gas-associated air pollution, meaning we are at greater risk from these proposed rollbacks than most other states. And, the people of Fort Worth, Arlington, and the surrounding area are at greater risk because we live right in the middle of the Barnett Shale where thousands of gas wells are still pumping and where hundreds of compressor stations are still working.

**In closing, I urge the EPA to maintain the NSPS for methane and even strengthen them, to secure the health and livelihood of millions of Americans. Let's not let President Trump and Administrator Wheeler sell out our children and families to polluting corporations and the oil and gas industry.**