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Court Confirms FERC Failed to Study Climate, Environmental Justice Impacts of Brownsville Fracked Gas Export Terminals

FERC must now revisit analysis of Rio Grande LNG and Texas LNG

Washington, DC -- In a victory for Gulf Coast communities, the U.S. Court of Appeals for the District of Columbia [ruled](#) today that the Federal Energy Regulatory Commission (FERC) failed to conduct an adequate analysis of the climate and environmental justice impacts of two fracked gas export terminals proposed for the lower Rio Grande Valley in Texas.

Today's ruling comes in response to a legal challenge filed by the Sierra Club, the city of Port Isabel, and "Vecinos para el Bienestar de la Comunidad Costera," a group of local residents from Laguna Heights, to FERC's November approval of the Rio Grande LNG and Texas LNG facilities, as well as the now-canceled Annova LNG facility.

If built, these gas export facilities would threaten local tourism and fishing industries and put low-income Latinx residents in nearby neighborhoods at disproportionate risk of health impacts from dangerous air pollution.

Texas RioGrande Legal Aid attorney Jennifer Richards said the appellate ruling sends a strong message to regulators that they must consider the social and environmental costs of such developments. "Before the Commission can say these projects are in the public interest, it needs to evaluate their environmental justice impacts on communities like Laguna Heights where residents lack adequate access to healthcare and rely on local fishing and tourism economies for their livelihood," Richards said. "The Court's decision today will hopefully prompt FERC to do just that." TRLA represents the Laguna Heights community fighting the terminals.

At the time of FERC's approval, then-Commissioner Richard Glick argued in his dissent that, "The upshot of the Commission's approach is to signal to developers that they can sidestep environmental justice concerns so long as they ensure that all, or substantially all, of a project's adverse impacts fall on low-income or minority communities." Glick, who is now FERC Chairman, has [committed](#) to better incorporate environmental justice and equity concerns into the Commission's decision-making process.

"In approving these polluting facilities, FERC ignored concerns about how they would harm already-marginalized communities of color in the Rio Grande Valley. We are glad to see the

court hold FERC accountable for this failure, and we hope that Chairman Glick's commitment to better addressing environmental justice concerns will result in real change in FERC's decision making, which has too long been a rubber stamp for the fossil fuel industry," said **Sierra Club Senior Gulf Coast Campaign Representative Rebekah Hinojosa**. "The slew of fracked gas export facilities proposed for the Gulf Coast would devastate our local economy, subject our families to dangerous pollution, and worsen the climate crisis. We will continue to fight to ensure that Rio Grande LNG and Texas LNG are never built."

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