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Deputy Administrator
Pipeline and Hazardous Materials Safety
Administration
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Willie Phillips
Chairman,
Federal Energy Regulatory Commission
888 First St NE
Washington, DC 20426

CC:

Commissioner James Danly
Commissioner Allison Clements
Commissioner Mark C. Christie

March 17, 2023

Dear Deputy Administrator Brown and Chairman Phillips,

We, the undersigned, are residents of communities on the frontlines of the extreme and overwhelming buildout of LNG export terminals in the region. All of us live, work, and recreate near existing or planned LNG sites and over the past few years we have been forced to grapple with the challenges of what that means for our families and communities. The purpose of this letter is to express solidarity with the people of Freeport who are very worried about the reopening of Freeport LNG and share with you a few of our needs moving forward.

We have had a stiff learning curve. We've had to teach ourselves about "flaring," research the carcinogenic effects of chemicals like "benzene," and learn how the air pollutants and particulate matter in our environments cause respiratory illness and impact our reproductive health. Our fishermen and shrimpers have had to learn to navigate around massive LNG tankers and to find new places to harvest shrimp and oysters. We have kept our heads above water during unprecedented hurricanes and winter storms just to struggle with less tourism, a decrease in commercial and recreational fishing, and other environmentally-friendly industries that cannot exist along with the LNG export terminals. While we were promised that industry would be good for our local economies, we have learned that tax abatement programs mean no new money for our counties and parishes and that the industry from other parts of this nation. Households have learned that exporting gas to Asia and Europe means that our own energy prices go up, along with the cost of food and our other daily products. All of this new collective knowledge has led us to the conclusion that WE DO NOT WANT these LNG export terminals.

After Freeport LNG exploded last June, we learned that we also need to worry about "vapor clouds", "blast zones", and "emergency management plans". We learned that all of the claims that LNG is SAFE are wrong. It turns out that of the five LNG export terminals operating in the Gulf, at least two (Freeport LNG and Sabine Pass LNG) have had major problems that could

have been catastrophic for our communities. And when we ask about their safety and risk management plans, we are told that the information is either *classified* to protect national security or *classified* because the companies want to protect their business trade secrets. This is an un-American conspiracy. It makes no sense that these big industries and your government agencies put us at risk of major explosions and catastrophes, and then keep that information about these risks from us - including safety plans we could use to protect ourselves, our families, and our communities. We are indeed a “sacrifice zone” for greed and world energy policies that do not even take our own people into account.

LNG export terminals were forced onto and forcibly marketed to our communities. And we are reiterating that WE DO NOT WANT THEM and the risks that they pose to our children, our landscape, our rich culture, our way of life, and our future possibilities for diverse and self-sufficient economies. We will continue to speak out against the ones that have not yet been built and will continue to work to hold those that are operational accountable for their corporate sins. We will keep demanding that government agencies like FERC and PHMSA put our families’ wellbeing over oil and gas interests. We want to have OUR VOICE HEARD in how these LNG terminals are permitted and regulated, and we want for us and our loved ones to have access to information about what is happening in our backyards. We are at this point far too aware of all of the previous gas-related disasters, including the 2004 explosion at a gas liquefaction plant in Algeria that killed 27 people and the 2005 vapor cloud that exploded at the BP refinery that killed 15 people. No one should have to die for profit, and we feel every single one of those losses.

Today, we, the undersigned, write in support of the good people and families of Brazoria County, Texas and their adamant opposition to FERC’s recent order to allow Freeport LNG to resume producing and shipping LNG. We share the concern that appropriate repairs have not been made to the facility and that the company has not done enough to ensure that they will not experience another catastrophic event. We echo the call of Brazoria County’s families for FERC and PHMSA to rescind the authorization letters allowing Freeport LNG to resume operation, and we further demand accountability in the form of protective measures, action plans, and investments in our public spaces and public health for putting us directly in harm’s way.

This is what we want from FERC and PHMSA.

Inspections. We want to know what the inspection protocols and schedules are - and not just for Freeport reopening, but for all of the LNG terminals. We do not trust oil and gas companies to be honest and forthcoming in their self-inspections, and we demand that FERC and PHMSA do a better job inspecting them, holding them accountable, and informing us and our communities when any issues arise. We also want to have UNREDACTED access to inspection reports so that we can know about the issues that a facility is having before it has an explosion that kills and poisons people. IF your response is as it has been in the past that FERC and PHMSA do not have the resources to conduct regular, in-person inspections, then you should just shut down the plants until you can get those resources. We are Americans too, and you are supposed to represent and fight for us like you would represent and fight for your own families.

Anonymous Reporting. We have learned that for most industrial accidents in the U.S., workers flagged the problem before the accident occurred and the plant operators failed to take action. Often, these accidents occur as a direct result of continuously dangerous working cultures. The EPA Risk Management Program is considering adopting a rule creating an anonymous reporting mechanism, which gives plant workers a way to report issues directly to the agency, bypassing the company. This ensures that workers do not suffer retaliation for reporting problems and it gives regulatory agencies notice when problems arise, maximizing the response time. We want FERC and PHMSA to adopt anonymous reporting through accessible, convenient, and protective means so that workers can communicate issues as they arise. We also want FERC and PHMSA to follow up immediately, restricting operations at the facility if necessary - even if it means the company has to sacrifice short term profits. Again, if you cannot fund or staff this, then simply DO NOT PERMIT any additional facilities until you can. If an employee reports a potential problem and FERC and PHMSA deem it a possible threat, our communities have the right to know.

Hazardous Materials. Our communities should know on a daily basis how much methane gas, LNG, refrigerants, and other hazardous materials are on site as well as when permit violations occur due to the release of these materials. This will help us know what we are being exposed to and when our risks are highest, so that we can plan potential safety measures.

Transparency. We need and demand access to more information. Trade secrets are not more important than our lives, and it is corrupt and simply ethically abhorrent that Freeport LNG was allowed to redact so much of their accident report. We need and have a right to know what exactly happened and what these folks are doing to mitigate risks of their future explosions. We also need and have a right to access risk analyses of all LNG export terminals, both planned and currently operational. We need and have a right to know the “blast zones” for the plants and how companies will respond in case of emergency. We do not want to keep running into issues like they do in Cameron, LA, where they report that alarms go off all the time at Venture Global’s Calcasieu Pass LNG, but they do not even know what they mean. Companies like Venture Global should be proactively and consistently communicating with their local residents about these alarms, why they are constantly burning massive flares, and what risks the plant does actually pose across a variety of metrics to the communities they exist within.

And national security is not a real reason to act sneaky and keep information from us. If these plants are such a threat to national security, simply do not build them, and certainly do not put them where people live.

Additionally, the recent Freeport explosion demonstrates that mechanical failure and human error happen all of the time and are significant risks impacting frontline communities. It also shows that the existing emergency management plans are not sufficient and most likely will fail - just like Freeport LNG’s plan did on June 8, 2022. We need something better and we need something NOW.

Counties and Parishes in Texas and Louisiana are supposed to have local Emergency Management Committees. Sadly, those committees are largely populated by industry staff and supporters and local politicians that support industry. Residents do not feel like these are safe, productive spaces and have largely stayed away from them.

Worker Safety. It is extremely lucky and by the grace of some sort of higher power that no one was killed by the Freeport explosion and fire. However, several people and even someone standing outside of the plant were injured. Our communities are deeply concerned about worker safety - not only for our friends and families working in the plants, but even for the workers that come from out of state. During the February 11, 2023 community meeting, our Freeport friends asked PHMSA officials how they are protecting workers. They told us that OSHA is the agency responsible for worker safety. However, when we looked into that, we found an OSHA Standard Interpretation that says, "OSHA's PSM Standard, 29 CFR § 1910.119 does not apply to LNG facilities, including export facilities, subject to the U.S. Department of Transportation's (DOT) pipeline safety regulation, 49 CFR Part 193. OSHA's PSM Standard is preempted by DOT regulation, 49 CFR § 193 which address the same working conditions."¹

Who is protecting our workers at these LNG plants? PHMSA? OSHA? What is being done to mitigate the risks of harm to our friends and family working in these LNG terminals?

Evacuation Plans. Recognizing that LNG facilities pose a risk to our region, community members have the right to know what the evacuation plans are in case there is an explosion or emergency. The residents of Quintana Island were not evacuated, though the risk of an even larger blast was significant in the wake of the first. Venture Global is currently building Plaquemines LNG on the only road in and out of the Parish. If Plaquemines were to have an incident like Freeport, or worse, the few thousand people south of the facility would not even have one single escape route. This would be especially problematic if an explosion were coupled with a hurricane or other flooding event. FERC and PHMSA must require LNG export terminals to coordinate with other existing area agencies and boards to have effective evacuation plans that are well-coordinated with local emergency responders and which even protect the most vulnerable areas.

These are just a few of our needs from FERC and PHMSA.

We are grateful that PHMSA staff took the time to come to Freeport to meet with the families concerned about Freeport LNG. However, they are just one community of the many more who are worried for the safety and wellbeing of our families in proxy to the LNG buildout. We need more face-to-face meetings to talk about our concerns. Last fall, two FERC Commissioners and their staff visited Port Arthur, Texas and Lake Charles, Louisiana, as well as Plaquemines Parish, Louisiana. They met with community members and started a conversation about how these facilities impact families, and how they can partner with other federal and state agencies to keep people safe and healthy. We want more of this. And we want community voices reflected in agency decisions regarding these projects.

¹ (<https://www.osha.gov/laws-regs/standardinterpretations/2021-04-27>)

We invite FERC and PHMSA officials and staff to join our conversation even more. Come learn about us like we have had to learn about you. Our communities are warm and loving, and while we cannot always promise you clean air or clean water, we will gladly get you a bowl of gumbo or plate of tacos and show you some hospitality. You cannot do your jobs well unless you get out of your DC offices and learn about the places and people impacted by your decisions.

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