



TEXAS HOUSE OF REPRESENTATIVES

Senfronia Thompson

Capitol Office:
Room 3S.6
P.O. Box 2910
Austin, Texas 78768
phone (512) 463-0720

District Office:
10527 Homestead
Houston, Texas 77016
phone (713) 633-3390
fax (713) 633-7830

June 22, 2022

The Honorable Charles Schwertner
Texas Sunset Advisory Commission
PO Box 13066
Austin, Texas 78711

Delivered Electronically & In-Person

RE: Texas Commission on Environmental Quality (TCEQ) Sunset Review

Dear Chairman Schwertner and Members of the Sunset Advisory Commission,

Thank you for your tireless work to improve the governance and operations of our state agencies. As a former member of Sunset, I understand that it's no easy undertaking but a necessary function for our constituents to have a reliable set of agencies to fulfill their mission and obligations to the state while protecting the broader public's public health and safety.

I write to you to submit my comments regarding the Texas Commission on Environmental Quality's Sunset Review. In particular, I will be focusing comments on my constituents' struggle with environmental racism and systemic discrimination as it relates to the high concentration of concrete batch plants in low-income communities of color who often have underlying health issues and disproportionate health outcomes.

My constituents have felt that it's been very difficult to stop the permitting or location of concrete batch plants in the Houston region and attempts made by stakeholders to persuade the TCEQ to evaluate and regulate the cumulative impact of these plants have been unsuccessful despite scientific evidence that highlights the negative health impacts of particulate matter emissions.

Community members and other stakeholders who have been impacted by poor air quality as a result of these concrete batch plants and rock crushing facilities also feel as though their voices go unheard at the agency. By the time the general public has an opportunity to provide public comments, the agency has already ensured that the industry has checked the boxes required to meet agency approval for the requested permit without any consideration of their health and safety. If a contested case hearing is requested, the "effective party" status is another hurdle to overcome. Finally, language barriers between communities of interest and the agency's notifications are a significant hurdle to the public's engagement. Public comments are one of the few opportunities that constituents possess to voice their concerns and the comment period shouldn't be treated as a mere formality.





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I have also heard concerns about the monitoring, compliance and enforcement function of the agency's operations as it relates to concrete batch plants. My constituents have consistently said that the air pollution they experience does not match what is reflected by the agency, and the Sunset Staff Report validates those concerns. While the agency may not have the full authority to decide where concrete batch plants are located, it does have the responsibility to evaluate the risk to public health, ensure compliance with emissions are followed, and should use current science to evaluate the cumulative impact on the public when issuing permits. It's disheartening that communities of color cannot rely on the TCEQ to make best-practice decisions to protect their public health while balancing the interests of our growing state.

As you're aware, the TCEQ relies heavily on industry to report self-monitored emissions and cannot keep up with regularly scheduled inspections of concrete batch and rock crushing facilities. In addition, the Sunset Staff Report outlines issues with obtaining a full, comprehensive compliance history rating. It's no surprise that the public and relevant stakeholders have the impression that TCEQ favors industry.

I fully understand the need to meet the exponential growth in the state, but that cannot come at a detrimental cost to our constituents and without more transparency, meaningful public engagement, and consequential penalties for those bad actors who violate federal and state air quality standards.

I appreciate the opportunity to share the concerns of Texas House District 141 and look forward to working with you and the Sunset Advisory Committee on recommendations moving forward.

Sincerely,

Senfronia Thompson

Senfronia Thompson
State Representative

