

Environment & Energy

Texas Air Permits Fail Environmental Justice, Petition Alleges

By Zach Bright

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Texas' top environmental agency isn't meeting environmental justice obligations in its air permitting processes, 13 environmental groups alleged in a petition to the EPA on Tuesday.

The petition claims that the Texas Commission on Environmental Quality is violating the Clean Air Act and Civil Rights Act in a "systemic refusal to conduct any environmental justice review in its air permitting program." The groups requested that the EPA begin a State Implementation Plan Call to fulfill clean air standards and open a compliance review under Title VI of the Civil Rights Act to ensure people with limited English proficiency have meaningful program access.

"Approving permits for polluters with complete disregard to where their fencelines are located, which is consistently and purposefully done in communities of color, is the very definition of environmental racism," said Jennifer Hadyia, executive director of Air Alliance Houston, a petitioner.

1. The state's environmental commission currently restricts public comment in judicial reviews of permits to "affected persons" near facilities seeking permits. Environmental groups called the category narrow and arbitrary, noting that air pollution extends beyond a geographic boundary.
2. The petitioners—local advocates joined by the Environmental Integrity Project, Earthjustice, and the Sierra Club—said the commission empowers industry to withhold information like pollution releases by designating documents as "confidential." The Sierra Club has received funding from Bloomberg Philanthropies, the charitable organization founded by Michael Bloomberg. Bloomberg Law is operated by entities controlled by Michael Bloomberg.
3. Texas' Permit by Rule program allows companies with permits to authorize new construction and emissions without meaningful public input and without demonstrating that increases are safe, the petitioners said.
4. The Texas Commission on Environmental Quality said by email it had no comment on the petition. The EPA said it didn't have an immediate comment.

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