



Who's Protecting Us?

From One Breath Partnership

TCEQ makes many questionable decisions. Here are some of the worst.

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There's no evidence that TCEQ took any air quality measurements during Hurricane Harvey.
Photo: Jill Carson.



By Michael Coleman

When Hurricane Harvey swirled into our state and devastated Houston in 2017, the Texas Commission on Environmental Quality was missing in action.

There's no evidence that TCEQ took any air quality measurements during Harvey, saying that it didn't want to risk damaging equipment, despite the staggering damage to the petrochemical facilities along the Ship Channel.

The City of Houston asked the Environmental Defense Fund and Air Alliance Houston to help. The organizations found alarmingly high concentrations of the cancer-causing chemical benzene, a gasoline byproduct, in Manchester, a neighborhood in southeast Houston beside a Valero refinery.

Meanwhile, the Environmental Protection Agency and TCEQ both issued statements assuring the public that air quality was safe.

In all, [more than 100 toxic releases were reported to have been caused by Harvey](#). But TCEQ's response is just one of the agency's many head-scratching decisions.

In early 2019, it was reported that, also during Harvey, NASA had planned to fly an advanced pollution-spotting plane over the region. But [TCEQ Chief Toxicologist Michael Honeycutt blocked the effort](#), apparently concerned that "NASA will run with this dataset to the press and ... make EPA and TCEQ look bad."

While scientists, advocates and responsible officials have been working to demonstrate the dangers of pollution to our health, TCEQ has gone the other way.

Attempting to circumvent tougher federal standards on ozone levels, TCEQ spent months during President Obama's administration manufacturing a position that ran against established scientific consensus. In October 2014, [Honeycutt said that pollution just might be good for you](#). "I haven't seen the data that says lowering ozone will produce a health benefit. In fact, I've seen data that shows it might have a negative health benefit."

In August 2015, a critical pump failed at the Shell plant in Deer Park southeast of Houston. Released into the air were more than 300,000 pounds of 1,3-butadiene — a highly explosive chemical used to make rubber that is known to cause cancer. It was reported that [the plant spewed 258 times more of that chemical into the atmosphere than allowed](#) by state law.

You'd think the international energy giant would be subject to harsh penalties, right? State records show TCEQ fined them just \$25,000. And the paltry amount points to a separate problem: That's the maximum penalty allowed. Texans deserve better from the agency charged with protecting our health and environment.

The Ship Channel is lined with facilities that are notorious polluters, and there's ample evidence that, in the water, PCBs and dioxin, another cancer-causing chemical, have poisoned people who live and fish there. In 2012, more than \$5 million in federal money was spent on researching the issue, but TCEQ, it was reported, both [withheld that research from the public and then "shut down a fact-](#)

[finding committee](#) ... that had proposed new standards ... that could have been costly to politically powerful corporate polluters.”

Benzene, another toxic chemical, is regularly emitted by the petrochemical industry in Texas. The pollutant has long been linked to leukemia and other blood disorders. But, in 2007, under the supervision of Honeycutt, [TCEQ relaxed the state's long-term air pollution guidelines for benzene](#). The Center for Environmental Integrity found that the new regulation was 40 percent weaker. Jim Tarr, who consults on air quality and worked for the TCEQ's predecessor agency in the 1970s, said it was “the most irresponsible action I've heard of in my life.”

That regulation is still in effect today.

And when it comes to levying fines, TCEQ appears more interested in punishing small gas station operators than going after the producers of that gasoline when they're reckless.

Data of TCEQ's enforcement activity between 2009 and 2017 show that [TCEQ collected \\$24 million from tank operators, most of whom are gas station owners](#). Meanwhile, the thousands of industrial facilities in Texas — refineries, concrete batch plants, plastics plants — were fined a total of \$30 million. The average penalty for tank operators, \$1,250, was double that of industrial polluters, \$580.

Since 2011, TCEQ has penalized companies for less than 3 percent of illegal releases of air pollutants. Clearly, the agency's priorities are not aligned with public health. Let's call on our elected officials to hold the powerful state agency responsible and clean up TCEQ.

Coleman is the communications strategist for Public Citizen's Texas office. A former Washington correspondent for the Albuquerque Journal, Coleman has written and reported on environmental and energy policy in the West since 2000. He lives in South Austin with his wife and daughter.

Take Action

1. [Join hundreds of Texans and sign the petition to #CleanUpTCEQ](#)
 2. [Meet the face of the petrochemical industry's recklessness](#)
 3. [Read the Houston Chronicle's story about Gov. Greg Abbott's third TCEQ appointment](#)
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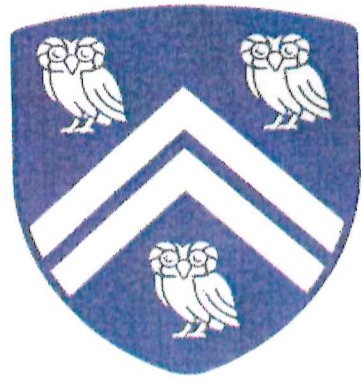
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