Statement About Trump’s EPA Giving Companies a Pass to Pollute
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Public Statement: To Communities Across the Nation

As vulnerable lives throughout the Nation are severely impacted by COVID-19 and cases continue to rise, some populations are more vulnerable than others. Factors include age, income, access to resources, and those already sick, such as those with impaired immune systems, upper respiratory issues, cancer patients, pregnant mothers, and those with cardiovascular issues. These vulnerabilities are part of their everyday lives, and in many cases require regular medical attention.

Families and hardworking individuals are tightening their belts and making every attempt to cope, as urgent requests from hospitals and the medical community seek relief and necessary supplies from county, state, and federal governments. During such an urgent and sensitive time, Trump, the U.S. Environmental Protection Agency (EPA), and the U.S. Department of Energy (DOE)—both under Trump’s direction, and the Texas Commission on Environmental Quality (TCEQ) have moved, within days of each other, on efforts to weaken environmental protections, precisely at a time when the health of communities is most at risk.

“How anything is to be done during the COVID-19 pandemic, the EPA and all of our government should be more stringent with enforcing standards when so many are at risk,” Sister Ceil Roeger, Promoter of Justice, Peace and Care of Creation for the Dominican Sisters of Houston, reflected after hearing the news.

How the Trump Administration Bowed to Industry Pressure Amid the Imminent COVID-19 Crisis Well Before National Emergency Declaration

Profit Over People: Industry Efforts to Stake the First Claim

On March 10th, in the midst of growing concerns over the coronavirus, and prior to Trump’s national emergency declaration due to the COVID-19 outbreak, the White House and industry expeditiously took and proposed at least three actions with major implications for communities. From an Administration whose initial response was to deny the severity of the global pandemic and haphazardly form a response on the fly—they were certain to prioritize the needs of industry over the health and safety of our Nation’s communities. Prior to endorsing protective measures, such as stay-at-home orders, hand washing, and social distancing, the Administration heeded to oil and gas industry concerns, a move that stands in stark contrast to its response to protect public health.

On March 11th, and days prior to public industry statements, the American Petroleum Institute (API), the Association of Oil Pipe Lines (AOPL), and the International Association of Geophysical Contractors (IAGC), submitted a letter to EPA seeking relief from the public input process known as the National Environmental Policy Act (NEPA). NEPA secures the public’s right to obtain crucial information about major federal projects (such as highways), including, environmental justice issues, human health impacts, project alternatives, environmental impacts, and allows communities to comment, ask questions, and oppose projects. The same day, Trump discussed a federal aid package for the shale industry, potentially in the form of low-interest loans. A White House statement reveals that, contrary to the obvious, industry does not want this assistance to be seen as a bail-out. DOE also suspended the sale of crude oil from the...
Strategic Petroleum Reserve, a move that proved to set the stage for Trump’s later actions. In response to the sale suspension API CEO, Mike Sommers, stated: “We want to make sure the government continues to make these kinds of decisions that are good for the oil industry.”

These actions harm vulnerable communities, especially those around oil and gas extraction sites. “I am really concerned about all of these emergency measures in the name of the COVID-19 pandemic, both as a retired nurse and a person who lives with lung problems,” said Alicia Hewtty, retired registered nurse from Big Spring, Texas. “Right now, a fracking rig is going up across the street from my church. Because of EPA’s actions, West Texas communities like mine must now face the pandemic, while choking on even more unregulated hydrogen sulfide (H2S) emissions from oil companies. Our bodies already suffer from H2S exposure and its serious risks, like memory loss, appetite loss, nasal larynx problems, abnormal heart rhythms, irritation to the nose and eyes, and even death. My church and the people we serve need me right now, why is my government jeopardizing our lives?”

March 11th was also the day that the World Health Organization (WHO) Director-General declared that the COVID-19 outbreak has reached pandemic status and would have global health implications. As COVID-19 cases rose across the Nation, and before an official National emergency declaration, oil lobbyists met with White House staffers to discuss the coronavirus, economy, and oil markets. Bethany Aronhalt, an API spokeswoman, stated that the API does not seek federal aid, even as the White House considered federal assistance for the shale industry and industry applauded federal intervention in the oil markets.

Delayed Response: National Emergency Announced

On March 13, in an official statement, Trump announced a National Emergency and released a Proclamation concerning the COVID-19 pandemic. Leaving the public amiss, Trump did not propose a single actionable step, but did, based on the price of oil, “instruct[] the Secretary of Energy to purchase, at a very good price, large quantities of crude oil for storage in the U.S. Strategic Petroleum Reserve. We’re going to fill it right up to the top.” The Strategic Petroleum Reserve is a series of underground storage tanks connected by pipelines along the Gulf Coast between Texas and Louisiana. DOE does not see a problem burdening Gulf Coast communities with even more oil activities.

The Louisiana Gulf Coast is replete with fenceline communities overwhelmed by toxic pollution from the oil, gas, and chemical industry, akin to Houston Ship Channel communities. “In this trying time when the whole world is in mourning and not knowing what tomorrow may bring, EPA wants to wreak more havoc in the form of emissions and other pollution. EPA and other agencies’ actions will add on to the pandemic and put us at risk for an environmental atrocity,” said Sharon Lavigne, founder of RISE St. James in St. James Parish, Louisiana.
“By making the rule suspension retroactive, EPA wants to include violations that took place well before the pandemic took hold in my community. In St. James, my community suffers because of toxicity emitted from plastic feedstock production at Formosa’s petrochemical facility - we need enforcement. This is a prime example of the quid pro quo at the expense of community health,” she said.

In the midst of a global health crisis, other events went largely ignored. The one-year anniversary of the Intercontinental Terminal Company (ITC) major chemical disaster on March 17, 2019 was one of them. The flames engulfed millions of barrels of chemicals and fuels, causing a multi-day chemical disaster. Many victims still suffer from the consequences of ITC’s negligence. The ITC disaster caused closures of schools and a shelter-in-place for thousands of residents who did not know when the disaster would end.

Our federal government’s COVID-19 pandemic response has left communities without critical information, and even misrepresented the facts. People continue to flock to grocery stores searching for water in fear of contamination. Shelter-in-place orders and movement restriction guidelines have been issued with ending dates that keep changing, just like during the ITC disaster.

Today, millions of people largely inexperienced with stay-at-home orders are locked away in their homes. But our Nation’s most vulnerable communities have suffered the isolation and mental stress of quarantine style refuge over the fear of irreversible physical harm by invisible threats. For fenceline communities, many of which are at higher risk for impaired immune systems, fear does not just arise from the COVID-19 pandemic, but also from constant threats of toxic pollution from petrochemical plants, incinerators of medical waste, fracksites, and countless other sources.

Response Timeline: Prioritizing Profits Over People

March 19, 2020, six days after the National Emergency declaration, and in the thick of medical supply shortages, Trump directed DOE to fill up the 77 million barrel Strategic Petroleum Reserve, of which 30 million was quickly formally solicited by DOE. Sweeping requests from the API and others soon followed.

On March 20, 2020, the American Petroleum Institute (API) sent a letter to Trump requesting “critical infrastructure designations and temporary relief through non-essential compliance discretion.” This is industry’s first formal request, vaguely outlining the types of deregulation that industry sought.

On March 22, 2020, Texas Governor Greg Abbott issues an Executive Order Increasing Hospital Capacity as the COVID-19 pandemic took a fierce hold on the state. The next day, TCEQ issued a regulatory guidance, in part, allowing for late submission of reporting requirements.

Three days later, on March 23, 2020, API sent a second letter, this time to EPA. In an attachment, the letter provided EPA with a list of priority issues from API member companies for EPA’s COVID-19 pandemic
response. Among these, API asked EPA to waive monitoring and reporting requirements. For communities living next to toxic polluters, one less official eye on emissions data can mean prolonged exposure to immune weakening toxicants that can cause undetected and definite increased risk of contracting diseases, like COVID-19 that attack the lungs.

**In the upcoming days, Trump’s EPA and state agencies, would begin to cede to industry concerns which throw communities under the bus and allow industry to pollute at its discretion.** Chief among these is EPA’s March 25th memo announces a sweeping suspension of EPA’s duty to enforce environmental laws. In it, EPA suspends federal monitoring and reporting requirements for industry and states, with no consideration for those that pose hazardous threats to already vulnerable communities. The suspension includes requests made by API, such as air monitoring. To make matters worse, industry does not have to “catch-up” on requirements are due in intervals of less than three months. Meaning that monitoring and reporting done on a daily, weekly, or monthly basis is permanently waived so long as industry can meet EPA’s lenient test for showing pandemic-related disruptions. The rule suspension has no ending date.

The federal aid that API’s Bethany Aronhalt denounced on March 11th ultimately made it into the federal aid package. In a letter to Senators, Senate Minority Leader, Chuck Schumer, said that Democrats had eliminated from the legislation a “$3 billion bailout for big oil” in efforts to redirect aid to those hurt by layoffs, closures, and to fight the exponential growth of coronavirus cases. For now, this means that the Strategic Petroleum Reserve will not be filled, but DOE Secretary, Dan Brouillette, has made clear that DOE will continue to seek funding from Congress.

“Caving to industry pressure, EPA suspends rules that hold polluters accountable,” said Juan Parras, Co-Executive Director of t.e.j.a.s. “Communities like Manchester, located in Houston’s East End, have a long history of daily exposure to 12 hazardous air pollutants, 7 of which cause cancer. Many Houston Ship Channel communities, like Manchester, are Spanish-speaking and are not aware of these deregulatory actions because they are only in English. Fenceline residents, chemical plant workers, and first responders are at increased risk for a major disaster. We are in critical times and facing the spread of the coronavirus is not easy, likewise, opening the doors for environmental disasters is irresponsible and has huge consequences for fenceline communities. We must rely on local authorities, like Harris County, to fill the void, even as they respond to the pandemic. This is an ‘Environmental Pandemic’ in the making, and our federal government will be to blame.”

Over the past week, we have learned that over a dozen monitors are down, including the Deer Park monitor, or appear to be impaired. “We need constant monitoring at chemical facility hotspots to identify air quality and health concerns for vulnerable frontline communities. It’s our job to check these monitors daily. Right now, we are seeing an increasing number of monitors reporting missing data and data gaps,” said Nalleli Hidalgo, Community Outreach and Education Liaison with t.e.j.a.s.
While monitoring information becomes more inconsistent, communities voice concerns over the federal response to the pandemic, which has been criticized by many medical professionals. Voices arise from lived experience and love for their neighbors in communities like Baytown, Texas, on the fence line of ExxonMobil, who now face a double threat from not only emissions, but the COVID-19 pandemic.

"I do not think it is a wise time to lax any kind of regulations for industries, in fact, doing so could allow toxins and chemicals into the air that may allow viruses and illnesses, such as COVID-19, to do more harm to our resident’s bodies, especially our most vulnerable residents, the elderly and the young. I hope that EPA and the other entities would decide in favor of our communities, to not be more stressed out about what is being released into our atmosphere, especially at this time.”

Agustin Loredo, a west Baytown community member.

On behalf of communities, we commend all medical staff and stand with them during such an urgent crisis. We request everyone’s support in protecting vulnerable communities whose first priorities should be keeping calm and tending to their immediate needs without fears of a higher chance of their children having asthma attacks, more chemical fires, or being left in the dark.

**On the Horizon: Corporate Bailouts**

The oil and gas industry seeks to protect its future profits, at the expense of taxpayers and vulnerable communities. At the height of the 2016 oil bust, the Texas Comptroller exempted more than $8 million in oil taxes for thousands of oil wells—when oil prices are low, more than 200 thousand wells can claim this exemption. This exemption is purely economic and insulates the oil and gas industry from market volatility to ensure profitability during economic downturns. The exemption remains on the books, with ready application forms available online. In the wake of the COVID-19 pandemic, the Texas oil and gas industry yet again wants to artificially manipulate the market in their favor. Small and medium oil producers have requested that the Texas Railroad Commission order production cuts, a power the agency has not used since 1973, in an effort to raise oil prices. The Commission will likely consider this request at its April 21, 2020 public meeting.

All this while EPA indefinitely halts the backbone of environmental protection in this country and leaves our most vulnerable communities with little recourse to hold polluters accountable. Peoples’ health and safety should come first, not industry profit margins.
Timeline

March 10, 2020

- API, AOPL, and IAGC industry groups ask EPA to weaken the NEPA public input process.
- Trump discusses a federal aid package for the shale industry, potentially in the form of low-interest loans. A White House official does not want the potential assistance to be seen as a bailout.
- DOE suspends sale of crude oil from the Strategic Petroleum Reserve.

March 11, 2020

- In response to the crude oil sale suspension, API CEO, Mike Sommers, is quoted saying: “We want to make sure the government continues to make these kinds of decisions that are good for the oil industry.”
- Oil lobbyists meet with White House staffers to discuss coronavirus, economy, and the oil markets. API says it is not seeking federal aid.

March 13, 2020

- Trump releases Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak.
- Trump directs DOE to purchase oil for Strategic Petroleum Reserve.

March 17, 2020

- ITC disaster anniversary.

March 18, 2020

- U.S. Bureau of Ocean Energy Management proceeds with Gulf Coast oil and gas lease bidding and obtains record low bids. Environmental groups sue alleging the agency failed to analyze environmental risks.

March 19, 2020

- DOE begins solicitation for crude oil purchase for the Strategic Petroleum Reserve.

March 20, 2020

- API sends a letter to Trump requesting “critical infrastructure designations and temporary relief through non-essential compliance discretion.”
March 22, 2020

- Governor Abbott issues Executive Order Increasing Hospital Capacity.

March 23, 2020

- API sends a letter to EPA Administrator Andrew Wheeler with an enclosed attachment of API member company priority issues for COVID-19 response.

- TCEQ Tweets that it “has prepared regulatory guidance and is taking steps to minimize the impact of COVID-19 on both our staff and our customers [industry].”

- Governor Abbott Requests Major Disaster Declaration from the White House which is granted on March 25. This opens up a new source of funding for the state.

March 25, 2020

- EPA issues a memo outlining relaxed enforcement for state federal reporting requirements and regulated industries, including those that pose hazardous threats to vulnerable communities.

- Planned purchase of millions of barrels of oil will not be paid for through the $2 trillion stimulus package. Chuck Schumer, states that Democrats eliminated a 3 million dollar bailout for crude oil.

- The TCEQ Deer Park air quality monitor stops reporting; this is the site of the major ITC fire.

March 31, 2020

- Governor Abbott issues an executive order regarding statewide continuity of essential services and activities during the COVID-19 disaster, including school closures until at least May 4, 2020.

April 21, 2020

- The Texas Railroad Commission will likely consider requests from small and medium oil producers to cut statewide production in an effort to raise oil prices.

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