



September 4, 2020

The Honorable Wayne Christian
The Honorable Christi Craddick
The Honorable Ryan Sitton
Railroad Commission of Texas

Re: Proposed amendment to Statewide Rule 32 Exception Data Sheet

Dear Chairman Christian and Commissioners Craddick and Sitton,

We, the undersigned, write to express our dismay with the gross waste of natural gas that is occurring in Texas oilfields. While your proposed changes to the Rule 32 Exception Data Sheet may help to better understand the practice of flaring, these changes do not confront the gravity of the issue.

As many of us stated in a letter just four weeks ago, "In the last seven years, the Commission has granted operators more than 27,000 permits to flare,¹ resulting in the burning of nearly one trillion cubic feet of natural gas."² Routine flaring comprises a significant portion of this waste and is not adequately addressed by the proposal.

This profligacy wastes the state's fossil fuel resources, results in lost tax revenue, harms our environment and public health, and is a "black eye" for the state of Texas. We once again urge you to adopt a formal policy goal to end routine flaring by 2025.

¹ "Pipeline giant sues Railroad Commission, alleging lax oversight of natural gas flaring," Texas Tribune, Dec. 3, 2019,

<https://www.texastribune.org/2019/12/03/railroad-commission-sued-lax-oversight-natural-gas-flaring/>

² "A zero flaring policy is long overdue, and investors can help make it reality," Environmental Defense Fund, May 27, 2020,

<http://blogs.edf.org/energyexchange/2020/05/27/a-zero-flaring-policy-is-long-overdue-and-investors-can-help-make-it-reality/>

While the new proposal reduces the number of days that operators may flare under an administrative exception to 90 days, companies may still extend the duration of flaring well past 90 or 180 days by seeking an administrative hearing. Without a firm commitment to end routine flaring by 2025, this proposal will do little to reduce the sheer amount of gas flared in the state of Texas.

Furthermore, in spite of public outrage about the practice, since publishing this proposal, the Commission has approved over 30 permits to flare, demonstrating the futility of limiting administrative exceptions. Addressing pollution from flaring and venting will require decisive action to limit the amount of permits issued by the Commission, including an explicit goal to end routine flaring.

We appreciate Chairman Christian's response to our August letter, and would like to communicate two concerns:

1. The presentation on flaring and venting presented during the August meeting revealed that RRC staff found 477 rule violations during just the 1,934 flare vent facility inspections conducted since last winter. This means nearly a quarter of inspected facilities are not in compliance with the Commission's already lax standards. As a result of this, we encourage you to continue to increase monitoring and enforcement efforts throughout Texas.
2. The data that Chairman Christian cites to claim that flaring is decreasing inaccurately represents the problem. The statistic that 99.5% of the natural gas produced in Texas is sent to the energy market includes production from gas wells, which are much less likely to flare because their sole purpose is to extract and ship natural gas to market. To receive a more accurate picture of the amount of gas flared, we would like to request that the Commission provide similar data on the amount of gas flared by oil wells alone during the same time period.

We cannot ignore that flaring rates in Texas are twice the rates in neighboring New Mexico.³ This difference is no coincidence -- the state of New Mexico has already taken regulatory action to reduce flaring.⁴

More thorough data collection via the flaring application form is a step in the right direction, but alone, these changes will do little to reduce pollution from flaring and venting. Developing a plan to end routine flaring in Texas would prevent waste,⁵ better protect our health and environment, steer the industry toward more responsible management of our resources, and remind the world once again of Texas' energy leadership.

³ "Crossing state lines? Oil firms flare Texas gas as investors vent on climate," Reuters, Mar. 12, 2020, <https://www.reuters.com/article/us-climate-change-flaring-analysis/crossing-state-lines-oil-firms-flare-texas-gas-as-investors-vent-onclimate-idUSKBN20Z23C>

⁴ *ibid*

⁵ Texas Natural Resources Code § 85-202(b)

We look forward to continuing to work with each of you to protect the great State of Texas from harmful pollution.

Sincerely,



José Rodríguez
Texas Senate District 29



Sarah Eckhardt
Texas Senate District 14



Nathan Johnson
Texas Senate District 16



Lina Ortega
Texas House District 77



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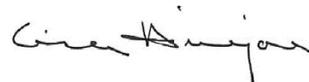
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