



My name is Virginia Palacios, Executive Director of Commission Shift, and I came from Laredo, Texas to be here today. Commission Shift is a nonpartisan statewide nonprofit that is building public support to hold the Railroad Commission of Texas accountable to its mission in a shifting energy landscape.

Two weeks ago, our Deputy Director, Dr. Maria Reyes spoke on a panel at the Pipeline Safety Trust Conference in New Orleans.¹ Pipeline Safety Trust is an organization that formed after a natural gas pipeline explosion killed three young boys in Bellingham, Washington. They host an annual convening with members of the public, state and federal pipeline safety officials, and representatives from pipeline companies, who seek constructive solutions out of competing priorities.

I want to highlight a few takeaways from the panel Dr. Reyes was on. First, we heard from Debrae Burns, a survivor of the 2020 Denbury Gulf Coast Pipeline carbon dioxide pipeline explosion in Mississippi. Mr. Burns shared that he was driving home from a fishing trip with his brother when they drove through a plume of carbon dioxide, and their engine shut off. His brother was convulsing and foaming at the mouth. Mr. Burns later told me he spent a week at the hospital on a ventilator. He now suffers short term memory loss, and has been unemployed as a result. His daughters had to move out because he can no longer support them. He said he can no longer cook food on the stove because he forgets that it is on, and has almost burned the house down on several occasions.

In reports to PHMSA, Denbury reported no injuries,² even though dozens of people affected by the plume were taken to the hospital and many spent the night at the hospital.³ I'm telling you



this because the data you receive from operators about pipeline incidents may not always tell the full story of risks and consequences to our communities, and because Denbury is a company headquartered in Texas. As the commission continues to seek primacy for Class VI carbon dioxide injection, more of our communities will be exposed to hazards of carbon dioxide infrastructure, and we are counting on you to keep us safe.

My colleague, Dr. Reyes, discussed our contributions to the American Petroleum Institutes' Pipeline Public Engagement Recommended Practice - RP 1185. The Recommended Practice provides guidance to hazardous liquids and gas transmission and gathering pipeline operators, interested parties in the public, governments, and rights holders for effective stakeholder engagement, moving beyond public awareness which is fundamentally a one-way communication activity. The ballot on RP 1185 is now open for comment online at ballots.api.org. Guests can download the standard and submit comments by using ballot ID 5959 and leaving the login ID blank. The comment period ends January 30, 2023.

I am requesting that you ask the Oversight and Safety Division to review the Recommended Practice and consider ways that the Railroad Commission can better integrate two-way public engagement into its permitting and processes, including the Draft Monitoring and Enforcement Plan that the commission opens for comment each spring. This is relevant now because Texas' energy landscape is changing rapidly -especially with expected growth in carbon dioxide and hydrogen transportation across the state.

Last, but not least, we heard from Linda Daugherty, Deputy Associate Administrator for Field Operations in the Office of Pipeline Safety at PHMSA. Linda discussed an internal analysis showing that a five-year-old growing up in a socially disadvantaged area was more likely to experience a pipeline incident than a five-year-old growing up in an affluent area. The findings

align with two other peer-reviewed studies: one finding higher pipeline density in socially vulnerable communities,⁴ and another I co-authored that found a higher incidence of natural gas pipeline leaks in low-income communities and in communities of color.⁵ Linda's team is now working on a tool that utilities and state regulators can use to assess disparities in pipeline leaks across census blocks, considering a social vulnerability index. It is essential that pipelines are repaired and replaced based on risk, and that communities are not unfairly left behind because of their race, ethnicity, income, or other demographic factors. I want to encourage you to follow these developments at PHMSA and work to provide equal safety to all communities in Texas. Thank you for your time.

¹ Pipeline Safety Trust. December 1 - 2, 2022. The Future of Pipeline Safety – Technology, Tools, and Transition. Pipelines' Effects on Vulnerable Communities. <https://pstrust.org/2022-conference/>

² CTEH. June 20, 2020. Denbury Resources Air Monitoring Report. Cited in Wesley Mathews, & Chris Ruhl. (n.d.). *Failure Investigation Report - Denbury Gulf Coast Pipelines, LLC - Pipeline Rupture/ Natural Force Damage*. Retrieved December 11, 2022, from <https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/2022-05/Failure%20Investigation%20Report%20-%20Denbury%20Gulf%20Coast%20Pipeline.pdf>

³ Dan Zegart. (2021, August 26). The Gassing Of Satartia. *Huffpost*. https://www.huffpost.com/entry/gassing-satartia-mississippi-co2-pipeline_n_60ddea9fe4b0ddef8b0ddc8f

⁴ Emanuel, R. E., Caretta, M. A., Rivers, L., & Vasudevan, P. (2021). Natural Gas Gathering and Transmission Pipelines and Social Vulnerability in the United States. *GeoHealth*, 5(6). <https://doi.org/10.1029/2021gh000442>

⁵ Weller, Z. D., Im, S., Palacios, V., Stuchiner, E., & von Fischer, J. C. (2022). Environmental Injustices of Leaks from Urban Natural Gas Distribution Systems: Patterns among and within 13 U.S. Metro Areas. *Environmental Science and Technology*, 56(12), 8599–8609. https://doi.org/10.1021/ACS.EST.2C00097/ASSET/IMAGES/LARGE/ES2C00097_0007.JPEG