



**Public Input of Virginia E. Palacios  
Executive Director of Commission Shift  
Railroad Commission of Texas Open Meeting  
February 19, 2025**

Thank you for issuing clear timelines for the development of guidance on the waste pit rulemaking. We really appreciate the transparency and we see the effort. I would like to request that the RRC open up a similar guidance process to define “Environmental Justice” in its Chapter 5 Carbon Dioxide rules - something the commission said it would work on with the U.S. Environmental Protection Agency in a Memorandum of Understanding if primacy were to be granted for Class VI injection.<sup>1</sup> Executive orders recently issued by President Trump and Governor Abbott emphasize the importance of “a government committed to serving every person with equal dignity and respect,”<sup>2</sup> and directing state and federal agencies to comply with the “color-blind guarantee of both state and federal Constitutions.”<sup>3</sup> But these executive orders also aim to eliminate initiatives related to diversity, equity, and inclusion and environmental justice - and are therefore self-contradicting.

The landmark civil rights case *Hernandez v. Texas* -decided in 1954- acknowledged that although certain policies did not directly prohibit Mexican Americans from serving on juries,

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<sup>1</sup> Railroad Commission of Texas. Amendments to 16 TAC Chapter 5, relating to Carbon Dioxide (CO2). August 22, 2023. P. 15 of 97, lines 20 - 23.

<sup>2</sup> The White House. January 20, 2025. Ending Radical And Wasteful Government DEI Programs And Preferencing. Retrieved from: <https://www.whitehouse.gov/presidential-actions/2025/01/ending-radical-and-wasteful-government-dei-programs-and-preferencing/>

<sup>3</sup> Governor Greg Abbott. January 31, 2025. Executive Order GA 55. Retrieved from: [https://gov.texas.gov/uploads/files/press/EO-GA-55\\_Prohibiting\\_Govt\\_Race\\_Discrim\\_IMAGE\\_2024-01-31.pdf](https://gov.texas.gov/uploads/files/press/EO-GA-55_Prohibiting_Govt_Race_Discrim_IMAGE_2024-01-31.pdf)

none had been chosen for juries over the past two and a half decades.<sup>4</sup> This inherent bias in jury selection -although presumably “color-blind”- prevented a fair trial. In order to ensure justice and equality, we therefore have to acknowledge race and disproportionate impacts faced by racial groups and other populations susceptible to environmental impacts.

The Railroad Commission’s carbon dioxide rules include requirements for permit applicants to do additional outreach in “Environmental Justice” communities and Limited English-Speaking household communities. We appreciate that these were included, although we had asked for something that addressed disproportionate burdens and cumulative impacts. For people impacted by oil and gas pollution, distance from Austin, and the time required to deal with property damage and illnesses seem to be the greatest barriers to their participation at the commission. Some people face added barriers based on their income, race, or language. In order to achieve equality and justice, we must acknowledge and remedy the fact that some communities face greater barriers to participating in government.

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<sup>4</sup> Allsup, V. Carl. Oct. 13, 2022. Hernandez v. State of Texas. Texas State Historical Association. <https://www.tshaonline.org/handbook/entries/hernandez-v-state-of-texas>