



**Public Input of Virginia Palacios
Executive Director of Commission Shift
Railroad Commission of Texas Open Meeting
March 25, 2026**

The comment period for the 2027 Monitoring and Enforcement Plan is open. There have been a number of positive changes made to the commission's process for accepting stakeholder input on the plan, including a new email address for submitting comments and the commission previously accepting substantive recommendations from the public in the last two plans.

Commission Shift is preparing comments on the plan, and I'd like to highlight one suggestion we have related to venting and flaring: that is, to develop meaningful metrics and monitoring procedures to demonstrate whether flaring rule enforcement prevents waste.

Our research has shown that the Railroad Commission approves almost all flaring rule exception requests, or "permits," and is on track to allow more flaring than ever before.¹ Penalties have only been issued 11 times,² and never for operators who exceed the volume or duration limits set in their permits. Part of the reason for this is that the commission is allowing operators to release volumes of gas that far exceed what the operators actually need to vent or flare. It goes like this: the operator asks for 10 times what they need, the Railroad Commission negotiates to half of that volume, and the operator flares the same amount they would have without a permit. Meanwhile, two new analyses by Environmental Defense Fund, RMI, and

¹ RRC denied only 32 flaring permits from May 2021 through December 2022. "For 20 of the 32 denied permits, the Railroad Commission granted the same operator another flaring permit for the very same property before the end of the year in which the denial occurred." see Andrew Wheat, "Permission Granted: Texas Oil and Gas Regulators on Track to Allow More Flaring Waste Than Ever," Commission Shift, September 2024. p. 23

<https://commissionshift.org/news/permission-granted-new-report-on-flaring-reveals-texas-oil-and-gas-regulators-on-track-to-allow-more-flaring-waste-than-ever/>

² "The agency levied just 11 fines for unpermitted flaring from 2010 through 2022." (Wheat, 2024)

Purvis Advisors have demonstrated that operators are under-reporting how much they vent and flare.^{3,4}

The Railroad Commission regulates flaring under its statutory duty to prevent waste.⁵ But these data demonstrate that the commission is enabling waste, not preventing it. The commission has published a report showing the percentage of gas flared over time,⁶ using all gas produced in the state as a denominator in that calculation. This statistic cannot demonstrate progress in reducing preventable waste, because gas wells in the state are already connected to pipelines. Most flaring is happening at oil wells, therefore rates of gas flared from oil wells would be a more useful metric to report.

Commission Shift spent time in the highest flaring county in the Eagle Ford Shale this month. We met people living next to flares who have experienced preterm birth, cancer, and fumes inside their home that make it difficult to breathe and swallow.

The Railroad Commission may not have jurisdiction to examine flaring permits from an air quality or public health perspective, but that hasn't stopped you from getting involved in lawsuits to stop federal air pollution rules that would put an end to routine flaring.⁷ The commission has a duty not only to prevent waste, but to do right by the people of Texas. Developing a better way to monitor flaring rule compliance is an important step.

³ James P. Williams et al., "Methane Intensity and Emissions across Major Oil and Gas Basins and Individual Jurisdictions Using MethaneSAT Observations," *EGUsphere*, December 30, 2025, 1–30, <https://doi.org/10.5194/egusphere-2025-6126>.

⁴ "More than a third of the oil wells in Texas report some oil production without any associated gas produced or disposed. This is an impossibility; some amount of gas is always co-produced with oil, no matter where it is extracted." Dwayne Purvis et al., *Drilling Down on Methane Loss* (RMI and Purvis Advisors, 2026), <https://rmi.org/drilling-down-on-methane-loss/>.

⁵ Tex. Nat. Res. Code 85.045 and 85.046

⁶ Railroad Commission of Texas. *Flaring in Texas: Monthly Production and Flaring Report. FY 2023*. <https://www.rrc.texas.gov/oil-and-gas/compliance-enforcement/enforcement-activities/>

⁷ Railroad Commission of Texas. March 8, 2024. *Texas Challenges Controversial Federal Methane Rule*. <https://www.rrc.texas.gov/news/030824-texas-challenges-controversial-federal-methane-rule/>