

October 16, 2024

Dear Dr. Earthea Nance,

We, the undersigned, are writing to urge the Environmental Protection Agency (EPA) Region 6 to utilize its existing authorities to stand against environmental racism and provide immediate relief to overburdened communities by objecting to the deepwater port licensing of the Texas GulfLink LLC Deepwater Port Project, a massive offshore oil export project proposed in the Gulf of Mexico, and rejecting the project's air permits.

Texas GulfLink is proposed to be built in the same area as the Sea Port Oil Terminal (SPOT), another massive oil export project granted a license in April for construction and operation. On October 7, 2022, former EPA Region 6 Deputy Regional Administrator Helena Wooden-Aguilar recommended Maritime Administrator Ann Phillips approve SPOT's deepwater port license, despite admitting "more emphasis is needed to ensure that environmental justice and climate change considerations are included in the project for the protection of overburdened communities."

Freeport, Texas and the surrounding areas where SPOT and GulfLink are proposed bear one of the nation's most environmentally unjust pollution burdens, including a decades-long legacy of industrial air toxics, ozone pollution, and other hazardous waste releases. Every day, these communities are at risk to explosions, fires, spills, and other hazardous disasters. Most recently, in June 2022, a massive explosion at the Freeport liquefied natural gas export terminal rocked the Freeport community, sending a giant fireball into the sky and causing a fire that burned for 40 minutes. The explosion left residents shaken and concerned for their safety and health—as they were initially left in the dark by Freeport LNG and public authorities about the cause of the explosion and any detrimental impacts it might have on air and water quality.

The EPA itself has classified Brazoria County in severe nonattainment for ground-level ozone, a combination of health-compromising pollutants that would be generated in significant quantities by GulfLink and other deepwater export terminals if built. The Gulf Coast is already experiencing severe damage from climate disasters like Hurricane Beryl and Hurricane Helene that are being worsened and made more frequent by fossil fuel pollution. Approving more fossil fuel projects is at complete odds with keeping Gulf Coast communities and environments safe. The cumulative impacts SPOT and GulfLink would have on overburdened communities and the climate will bring no local benefit and continue the legacy of environmental racism in the United States. Licensing two massive projects to burden the very same area would be a textbook example of facilitating environmental injustice and adverse cumulative impacts.

Texas GulfLink and SPOT are two of four offshore oil export projects proposed in the Gulf of Mexico. In addition to ozone and other toxic pollution, over their 30-year timespan, these facilities would generate 24 billion metric tons of carbon once burned—equivalent to the carbon pollution generated by 5.7 billion cars or 6,169 coal plants. The EPA cannot allow for the approval of another new oil project in the U.S. at a time when it is clear we need to phase out fossil fuels to avoid even more catastrophic levels of climate disasters like heat waves, fires, hurricanes, and floods. Allowing facilities to add to pollution in areas that are already overburdened by industrial pollution and causing disproportionate adverse health and environmental effects to frontline communities is discriminatory under civil rights law and unfair under environmental justice policies.

Contrary to the claims of Big Oil, there is no evidence that projects like Texas GulfLink will replace existing export operations at nearshore ports. Instead, GulfLink and other deepwater export terminals would increase overall export capacity and induce more drilling and fracking. In their environmental review, the Maritime Administration and U.S. Coast Guard have deliberately overlooked this critical fact when evaluating the consequences of building out pipelines and unprecedented export capacity.

Agencies have also overlooked that these deepwater export terminals are located in critical habitat for the endangered Kemp's Ridley sea turtle, the Texas state sea turtle and the most endangered sea turtle in the world. The oil terminals and their pipeline infrastructure also would directly threaten the critically endangered Rice's whale, of which there are 50 individuals remaining that exclusively inhabit Gulf waters. Scientists conclude that the loss of even a single whale from vessel strike, underwater noise or oil spill could lead to the species' extinction. The final environmental impact statement for Texas GulfLink does not mention the tricolored bat as a federally proposed endangered species, yet the project's proposed action area is within tricolored bat range.

This is a critical moment for the Biden-Harris Administration to stand against environmental racism and uphold EPA's commitments to combatting the climate crisis. The EPA must object to the U.S. Department of Transportation's review of Texas GulfLink based on its failure to account for the project's true environmental justice, air pollution, greenhouse gas emissions, and endangered species impacts. EPA must object to the issuance of the Deepwater Port Act (DWPA) license for Texas GulfLink (MARAD-2019-0093), refer the issue to the Council on Environmental Quality (CEQ), and use its authority to deny the air permit applications for this project.

Thank you,