



# A Quiet Hell

## Thanks to lax enforcement by TCEQ, plants along the Houston Ship Channel launch tons of toxic gases into our air, and face little penalty even when they exceed pollution limits over and over again.

By Chris Vogel

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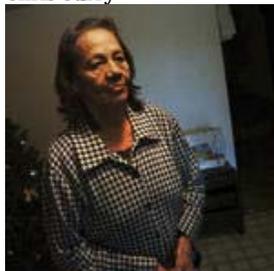
It was just after dawn along the Houston Ship Channel when all hell broke loose inside the Valero oil refinery. What had begun as a small fire in a storage tank quickly sparked an explosion, sending 3,461 pounds of sulfur dioxide into the air and five workers to the hospital.

There have been a lot of people wondering about the recall.

Get The Facts ↘



Chris Curry



Delia Del Valle, who has cancer that she believes was caused by air pollution, wants desperately to move out of her industrial neighborhood not far from Houston's downtown.

Courtesy of GHASP



From the Houston Ship Channel, it is easy to see the otherwise hidden

None of the toxic pollutant, which can trigger a range of respiratory, heart and lung diseases and forms acid rain, was permissible under the refinery's state-issued permit.

Shortly after the blast, television news stations broadcast images of burning equipment and charred debris. People living in the nearby Manchester neighborhood were ordered to close their windows and doors and stay inside.

On that humid morning of August 4, 2008, Delia Del Valle was among them. The 68-year-old retiree had spent the majority of her days living and raising her now-grown children less than ten blocks away from the Valero plant. She has lymphoma, and believes that her cancer was caused by the toxins and carcinogens routinely belched into the air by the scores of refineries and petrochemical plants that dominate east Houston along the ship channel, seven miles from downtown.

Del Valle, a petite woman whose wrinkled face is swollen from chemotherapy, remembers the explosion and being able to write her name in the ash that settled on top of her car afterward. Though that in itself was not unusual. Del Valle often found her car coated in debris, thanks to a never-ending drizzle of legal and illegal pollution.

Within days of the Valero explosion, other nearby plants also unexpectedly spit up huge amounts of toxins. On August 8, a tank overflowed at an ExxonMobil chemical plant in Baytown, releasing 3,623 pounds of benzene into the atmosphere. Benzene is one of the longest-known carcinogens and is used to make plastics, lubricants and rubbers. It also appears naturally in crude oil. The EPA requires that any accidental release of benzene greater

world of giant industrial complexes such as the Valero refinery.

Chris Curry



Ultimate insider Larry Soward, a former TCEQ commissioner, has been a long-time critic of the agency's industry-friendly rules and policies.

Chris Curry



Matt Tejada, director of the Galveston-Houston Association for Smog Prevention (GHASP), is one of many clean-air advocates who heavily criticizes the way TCEQ assesses violations and penalties.

Chris Curry



Rhonda Radliff, who grew up near the refineries and chemical plants along the ship channel, is angry that people such as her have leukemia, which she believes is due in part to neglect by companies and state regulators.

Subject(s):

[Houston Ship Channel](#), [air pollution](#), [lax TCEQ enforcement](#)

than ten pounds must be reported, and doctors say there is no known safe level of exposure to any carcinogen.

Nine days later, at the same ExxonMobil plant, an equipment failure caused the release of 16,325 pounds of pollutants in six hours, including carcinogens and other chemicals that can cause birth defects and damage the nervous system. That's the equivalent of eight toxic elephants stampeding into Houston. Two days after that, there was a valve malfunction at one of LyondellBasell's plants in Channelview, sending 6,346 pounds of benzene into the air, exceeding the unit's yearly allowable benzene emissions in a single incident.

On October 4, Houston Refining coughed 28,641 pounds of sulfur dioxide into the air, more than eight times as much as was released during the Valero explosion. And the day after Christmas, a gasket failure at another one of LyondellBasell's chemical plants in the Houston area emitted 11,542 pounds of a known carcinogen in less than five hours.

Out of all of these emission events, most caused by some type of equipment failure, only the Valero explosion — the smallest and the one to make the afternoon news — received an enforcement citation from the state's regulatory agency, the Texas Commission on Environmental Quality. It penalized the plant \$20,900 but then reduced the fine to \$8,000, cutting the penalty by 62 percent. The other incidents slipped by, unnoticed by the public and unpunished by TCEQ. They represent just a small handful of the emission events that occur almost every single day of the year at the nearly 150 chemical and petroleum plants in Harris County.

The health and environmental costs of air pollution are not shouldered solely by people such as Del Valle who live close to the refineries and chemical plants. Once the toxins and carcinogens are air-borne, they know no bounds, and doctors say they can just as easily find their prey in River Oaks or Katy as they can in Manchester.

During a four-month investigation, the *Houston Press* examined emission reports submitted to TCEQ over the past six and a half years by 20 facilities along the Houston Ship Channel (see "[Twenty Emitters](#)"). The *Press* looked at hundreds of thousands of data entries for individual pollutants that were emitted during non-routine operations. The *Press* found that:

- More than 20 million pounds of pollutants, 450,000 of which are known carcinogens, were emitted due to equipment breakdowns or unscheduled maintenance, startup or shutdown events;
- TCEQ rarely took enforcement action, and when the agency did, the fines were nominal and in most cases later significantly reduced;

- The plants with the most violations paid the lowest percentage of their fines;
- TCEQ is so understaffed that it can take years to finalize penalties, and some critics say it avoids assessing time-consuming violations altogether.
- And, as a matter of policy, TCEQ strayed from federal law by combining multiple federal permit violations into a single state violation, thereby giving industry a break by assessing fewer and less costly penalties.

TCEQ is run by three commissioners who are appointed by the state's governor, currently Republican Rick Perry. Studies show that Perry (as well as other politicians throughout the state) has received more campaign money from the oil and gas industry than any other governor in the country, and critics say he has a vested interest in keeping air pollution regulation and enforcement at a minimum and appointing commissioners who share his pro-business agenda.

Not only does TCEQ allow plants to self-report information used to assess violations, insiders also say that companies frequently kick out state inspectors who ask troublesome questions. And TCEQ appears to do nothing about it.

In fact, TCEQ receives most of its funding from permitting and licensing fees from the very industry it is charged with overseeing, which critics call an obvious conflict of interest. A practice of lax enforcement, ineffective penalty policies and questionable permitting practices (see "[A Quiet Hell: Game Time](#)") at TCEQ has been the status quo in Texas for years.

As it turns out, even the supposedly friendly flares, those great bursts of flame most Houstonians grew up seeing along the horizon and were told safely burn off all the toxic crap before it enters the air, may not be so effective.

In fact, they may not be that effective at all — just like the TCEQ.

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The refineries and chemical plants along the Houston Ship Channel are difficult to see from the street. Most of them are tucked away behind guarded fences, forming their own intensely private community along the water. The only way to get a good look is by boat.

Cruising down the channel is like entering another world, one made of scaffolding and smokestacks as tall as city buildings. The machinery is larger than the imagination. One complex stands next to another, and the spaghetti-network of tubes and pipes look like something out of a sci-fi novel, the combination of a drab Dickensian prison and a shiny new-age factory.

Each one of these plants is required to report every emission event to TCEQ. Some report a lot, some report very few. An emission event can be an equipment breakdown or malfunction, unscheduled maintenance, unplanned startup or shutdowns, and any other airburst that is not routine. The reports contain, among other things, a list of the chemicals emitted, how much was released and the emission limit for each chemical. All of the information reported comes directly from the facilities themselves. Industry critics claim that almost all emission events are preventable.

The *Houston Press* examined the emission reports for 20 local facilities, a mix of refineries and chemical plants, from February 1, 2003, through October 7, 2009. The *Press* tabulated how many pounds of each chemical were emitted and the number of times each pollutant exceeded the stated limit.

In slightly more than six and a half years, the 20 plants pumped out 4,864,730 pounds of sulfur dioxide, 452,080 pounds of carcinogens and a total of 20,716,547 pounds of pollutants during emission events (see "[Pollutants by Pounds](#)").

It is a violation under the federal Clean Air Act each time a pollutant is emitted beyond its permitted limit. Individually counting each chemical that is released during a single emission event is called "speciation." The EPA uses this method; so does the Texas Attorney General's Office. The only environmental enforcement agency that does not is TCEQ. Instead, TCEQ treats each event, no matter how many pollutants exceeded their limit, as a single violation. One event, however, could include the unauthorized release of hundreds of chemicals and thus hundreds of violations under federal law.

The difference is significant in the amount of fines that can be assessed and the subsequent ability that the penalties have to deter polluters. Under state law, there is a \$10,000 per day maximum penalty.

So if ten chemicals exceed their limit in one day, under TCEQ's system it would be a \$10,000 fine. Under federal law, it could be as much as \$100,000.

The *Press* discovered that individual chemicals at the 20 facilities exceeded the limit 12,701 times during the six and a half years.

TCEQ documents obtained through an open records request for the 20 plants show that the agency found 469 violations over the past six and a half years, 240 of which listed excess pollution during an emission event as the reason. Those 240 violations represent less than 2 percent of the number of times that individual pollutants exceeded their limit during emission events.

Many people, including former TCEQ Commissioner Larry Soward, see this as one of the ways TCEQ gives industry a big break.

In May 2008, TCEQ commissioners Soward, Bryan Shaw and Buddy Garcia discussed speciation during a recorded work session obtained by the *Press*. It was clear that Soward was the only one for it. Garcia sat on the fence, ultimately saying he wasn't ready to make a decision. Shaw, however, seemed dead opposed to the idea.

"My position and a lot of the staff's position," says Soward, whose six-year term expired in August, "was that we would love to be able to use speciation. But when staff tried to do it in 2008, they were basically rebuffed by a majority of the commissioners. That wasn't something that they felt like they could do or should do. The agency always errs conservatively, and I think it should err on the side of the environment and public health as opposed to erring on the side of whether industry thinks it's something it can afford and wants to do."

Much of Shaw's concern centered around the \$10,000 per day maximum fine. He claimed he did not think TCEQ could legally impose the larger fines under speciation without violating the \$10,000 limit. Shaw maintained his stance despite the fact that the Texas attorney general ruled that the agency can do it.

"The statute would allow it," says Soward, "because it says \$10,000 a day per violation, and I've always maintained that every permit limit that's violated is a violation."

It would be one thing if the penalties that TCEQ issues really packed a wallop, but to the billion-dollar refineries and chemical companies, they are hardly a fly in the oil and chemical-rich ointment. TCEQ proudly says, for example, that in 2008 it issued 1,600 enforcement orders for \$16 million. That equals \$10,000 per enforcement, the statutory max.

"If a company knows that their only liability is \$10,000 a day," says Soward, "they can make a business decision based on that. They'll say, 'We emitted and we'll probably continue to emit because all it's going to cost us is \$10,000 a day.'" It's simply cheaper to pay the fine than it is to upgrade or replace aging or failing equipment.

In 2003, the State Auditor's Office reviewed TCEQ and discovered that the economic benefit for companies during periods of noncompliance was tremendous. For the years 2001-2003, the audit concluded, companies were fined only 19 percent of what they gained.

"In other words," says Tom "Smitty" Smith, state director of the environmental group Public Citizen, "the penalty was one-fifth the cost of proper disposal of the pollutants. That's a stunning number."

As evidence that fines are not a deterrent, Matthew Tejada, executive director of the Galveston-Houston Association for Smog Prevention, points to a study he helped publish showing that in 2007 at least 80 percent of companies in the Houston region that received a violation were repeat offenders and had previously been penalized for that same violation. Nearly half of the facilities had ten or more similar infractions and some had more than 50.

Many emission events never receive enforcement and are legally excused. However, *InsideEPA*, a news service covering the EPA, has reported that the agency is considering revoking those excuses, which critics say are far too broadly applied.

While some news stories have applauded TCEQ for assessing record amounts of fines this past year, the *Houston Press* found that the agency routinely gives companies a break by reducing the fines and that the facilities with the most violations paid the least percentage of their penalties.

According to calculations obtained through an open records request, TCEQ over the last three years assessed more than \$5.7 million worth of fines to the 20 plants, but only ended up charging the facilities slightly more than \$2.5 million, meaning the companies paid just 43.9 percent of the assessed penalties.

And the more violations a plant had, the lower the percentage of the penalty it paid.

LyondellBasell's Houston Refining plant, for instance, was cited for 44 violations and \$467,306 in penalties. However, TCEQ only made the plant pay 29 percent of that amount. ExxonMobil's Baytown refinery was assessed 32 violations and more than \$1.25 million and only had to fork over 35 percent of it. On the other end of the spectrum, the Lubrizol plant was cited for seven violations and had to pay all of its fines, totaling \$20,410, and the Rohm and Haas facility, which had ten violations, had to pay 80 percent of its \$236,175 in fines (see ["Paying the Price"](#)).

In response, TCEQ said in an e-mail that the agency "assesses penalties based on statutory requirements."

Says Soward, "Penalties start out usually as a reasonably high number, but then it starts getting ratcheted down because the company gets credit for this and credit for that. Week after week I'd see enforcement orders that said, 'The penalty amount has been reduced to meet statutory limits,' and the agency has to dumb it down."

In addition, it can take as long as four years for TCEQ to finalize a penalty. A TCEQ spokesman acknowledged this problem, saying that "TCEQ is striving to lessen the amount of time it takes to process an enforcement case and issue an effective order."

The penalty process, says Tejada, is another example of how TCEQ does not deter companies from polluting.

"If you have a system like we do where you recover less than 50 percent of assessed penalties," he says, "that's a major failing. If the state doesn't use its penalty policy effectively, then they are effectively neutered."

Additionally, allowing frequent violators to pay less of their penalty than those who are in compliance is unfair to the industry.

"It creates an unbalanced playing field," Tejada says, "because the bigger companies, the ones who have better lawyers and have more representation, can game the system to their advantage, whereas the smaller companies are less adept at it. The whole penalty process needs to be transparent, efficient and accountable, not only to the citizens who suffer the pollution but also to the industries, and right now neither of those things exist."

It was an unusually warm spring day in Texas City on March 23, 2005, when workers at the BP refinery tried to start up a unit that had been down for repairs. As they pumped petroleum into a tower, the tower began to overflow, sending a geyser of gas into the air. This caused a highly flammable vapor cloud to form just above the ground, which exploded, killing 15 workers and injuring another 180. The U.S. Chemical Safety Board later ruled that the initial plume of gas that erupted was caused because the chemicals were vented directly into the atmosphere.

It was one of the most disastrous workplace catastrophes in the country in more than a decade. Experts intimate with the details surrounding the explosion claim that TCEQ could have prevented it from ever happening.

"It's a classic example of incompetence and indifference and the agency's inability to do the job," says Jim Tarr, who helped set up the Texas environmental agency's Houston office in the 1970s and now runs a consulting company in California that was involved in one of the post-explosion lawsuits against BP.

According to court papers, state regulators never knew about or permitted the emissions source, a vent, that led to the explosion, meaning its use was illegal.

For 30 years, says Tarr, every time BP applied for a permit, the company never told TCEQ about the vent. And TCEQ never found it.

"Permit engineers at TCEQ never asked the right questions to figure out if it was present and operating and needed to be controlled," he says. "The primary responsibility was clearly BP's, but TCEQ had a contingent responsibility as clear as the nose on my face. And their failure to do that contributed to the death of those people."

Neil Carman worked as a Texas environmental enforcement inspector for 12 years before joining the Sierra Club in 1992. He says that if inspectors had found the vent they could have required a flare, which would have diverted the overflow through a pipe to be safely burned instead of shooting it directly into the air.

"It is another indication that the accident in Texas City was fully preventable," he says.

A TCEQ spokesman said that the agency cannot comment on the BP explosion because of pending litigation.

In another instance, says former TCEQ inspector Wayne Strickler, a colleague of his was allegedly kicked out of a plant for finding violations and later reprimanded for doing so by supervisors. Strickler wrote a letter dated January 2007 complaining about the alleged incident to the agency's commissioners.

Sometime at the end of 2005 or start of 2006, Strickler claims, an inspector went to Texas City to check out a chemical plant. While reviewing a database used to keep track of compliance, the inspector began noting violations. Suddenly, a company representative stopped the inspection, saying, "We gave \$4 million to the Republican Party; what do you think you are doing finding violations at our plant?" The investigator was then escorted out.

The inspector later had a meeting with several superiors and someone from the chemical company, during which supervisors chastised the inspector and dismissed the violations that were found, says Strickler. The inspector was then transferred to another division.

The inspector "talked about it to everybody and anybody," says Strickler, "and was very upset. When I heard it, I was in total disbelief."

The *Press* contacted the inspector, who did not deny the allegations. The *Press* also submitted an open records request to TCEQ for materials related to the alleged incident, but the agency is contesting the request.

Former commissioner Larry Soward says he does not remember Strickler's letter, but that it hardly surprises him to hear that a company would kick out an inspector.

"It happens all the time," he says. "They don't want staff in there inspecting."

Carman says he knows plenty of war stories.

"I've had friends around the state," he says, "who have been removed from investigations because companies thought they were writing too many violations. When I was with the agency, there was no review, no investigation, no scrutiny at all. And the atmosphere hasn't changed that much."

Other inspectors say the same.

"The agency has always been very forgiving," said one investigator, who asked to remain anonymous to protect his career. TCEQ "is so backed up that it's had to cut corners in order to dispose of violations rather than ensure compliance and assess fines and penalties. The enforcement forms are very complex, very user-unfriendly, and it takes more time to process a violation with fines than it does to just tell a plant, 'Fix this,' and then just go away."

Paul Judice retired in 2006 after 18 years with TCEQ. "I came to [TCEQ] from Exxon," he says, "so I knew how the system worked and how to fix a problem without going through all the agency's damn bureaucracy. It was obvious to me that [the agency] was created to be ineffective, so the best you could hope for was to be efficiently ineffective."

One of the biggest concerns Carman and others have about enforcement is that TCEQ relies heavily on company-reported information.

"It's just guesswork," says Carman. "Just fuzzy math estimates."

Most Houston area residents living near chemical plants are fairly well versed in common procedure. When there is a plant explosion as there was at the American Acryl plant in Seabrook last week, police and fire departments race to the scene while people in nearby schools and residents know to shelter in place. The citizenry has been well trained, as well, not to get too excited when flares light up the skies, knowing by that action that plants are burning off toxins before they can endanger anyone.

But even those supposedly trustworthy flares may not work as well as we think. When companies calculate emissions, they assume a 98 to 99 percent combustion rate from flares.

"In reality," says Joshua Kratka, an attorney with the National Environmental Law Center in Boston, who has worked on several cases dealing with emission events in Texas, "it is most likely extremely rare that those flares are operating at that efficiency."

Kratka, like many others, blames underreporting and an enforcement system that puts too much trust in companies and is easy to abuse.

In an e-mail, TCEQ says that the facilities use "widely-accepted methods" and are "thoroughly familiar with their plant and have information about the event...to calculate the emissions."

The *Press* contacted 20 facilities, fewer than half of which responded. Emily Thompson of Kinder Morgan, which owns a plant in Pasadena, says that the facility follows federal guidelines to calculate emissions and that the numbers reported to TCEQ "represent worst case estimates." Kevin Allexon of ExxonMobil also says his company complies with state and federal calculation methods, noting that its plants have reduced flaring and "reportable air incidents by more than 40 percent in the last several years."

Rick Hagar, spokesman for the French company Total, defends the industry, saying that if anything, the plants overestimate their emissions to avoid getting in trouble later on.

"It's better to be more open than less open," he says.

Critics, however, say the agency seldom audits the calculations that companies use to determine how much pollution was emitted.

"Those numbers in the reports have zero value unless they can be documented," says Tarr, "and the agency doesn't look at the documentation and doesn't require the companies to justify their numbers in general. Whatever the company says, the agency buys. It's like taking Bernie Madoff's word that your investments are soaring."

Soward agrees the system is not ideal, but says given the finite number of staff at TCEQ and the large number of facilities across the state, relying on industry-reported information is a "practical problem" that is tough to fix. "The agency doesn't have the manpower to monitor all of those things on any kind of a regular basis," he says.

TCEQ claims that investigators may ask companies for calculations and other materials not submitted in an emission event report.

"If industry knew that the teacher was going to check the homework," says Tejada, "industry would do a better job."

With such puny penalties, activist groups have begun filing an increasing number of lawsuits against companies for illegal pollution during emission events.

Kratka is one of the lawyers representing Environment Texas Citizen Lobby and the Sierra Club in two such lawsuits against Shell Oil's Deer Park plant and Chevron Phillips's chemical plant in Baytown. The two groups claim that the plants have emitted millions of pounds of pollutants during emission events, resulting in thousands of violations under the Clean Air Act.

In June, Shell settled its lawsuit, agreeing to cut its emissions by more than half in the next three years, improve emissions accounting, fix and replace equipment, and pay \$5.8 million to local environmental programs. That's more than double the amount that TCEQ made all 20 of the plants that the *Press* investigated pay in fines over the past three years.

"It's pathetic," says Kratka. "We got [Shell] to pay nearly \$6 million and spend probably several times that on upgrades, and what TCEQ has done to all of those other facilities is just a drop in the bucket compared to what one company really needed to do."

Many see these citizen-group lawsuits as a sign that TCEQ is derelict in its enforcement duties.

"I've been doing environmental work all over this country for 30 years," says Tarr, "and TCEQ is without a doubt the worst environmental regulatory agency operating in the United States of America in 2009. That's my experience. And it's extremely disturbing and extremely sad."

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It's hard to see cancer coming. Benzene, for instance, is colorless and can only be detected by its faint, sickly sweet smell. It attacks bone marrow, which can lead to anemia. It damages the liver, lungs, heart and kidneys. It breaks up DNA strands and can cause cancer.

Rhonda Radliff, who grew up in Milby Park, a neighborhood near the Houston Ship Channel, is not angry that she has acute myeloid leukemia. She is, however, furious over how she believes she got it.

"The only known causes of my cancer are exposure to high doses of radiation and benzene," says the 45-year-old woman. "I haven't had much radiation, but I did live near all those plants, and they emit a lot of benzene. I'm so frustrated and pissed that something as violent as cancer can happen to people through neglect. Neglect by the companies and neglect by the regulators."

Radliff was diagnosed in 2007, more than 20 years after she left her old neighborhood to go to Georgetown University, from which she moved on to a legal career in Houston. Every day she undergoes chemotherapy. She says the drugs make her face swell, her lungs fill with liquid, and give her rashes, headaches, nausea and "bone pain that just makes you crazy, like they're pulsing, just bursting from the inside." Every month she suffers a battery of exams and medical tests from a bevy of doctors, including cardiologists, dermatologists and leukemia specialists.

It all takes its toll. She is constantly exhausted.

"If you're a working person like I am," she says, "by the time you get home, that's it, you're done. There's no more energy and you're so sore. Your life is cut in half between survival and sleeping, and you don't have the energy to go camping or do dinner with friends. It steals your right now, and it steals your hope and ability to plan your future. And it's not something that's going to go away. It's here with me forever. Overcoming it is just learning to cope."

There is little question that Houston has a benzene problem. According to the EPA, oil and chemical plants in Harris County coughed up 567,422 pounds of benzene in 2007, the latest year for which data is available. That's significantly less than the 907,114 pounds those industries emitted in 2003, but critics say it is still far too much.

According to the City of Houston, a six-month survey in 2008 showed that six out of seven air monitors near the ship channel detected benzene levels above what the EPA says can cause cancer in ten out of every million people. That's ten times higher than what is considered an acceptable risk.

"Until recently I didn't even know they were releasing any benzene into the atmosphere," says Dr. Charles Koller, a leukemia specialist at MD Anderson. "It's shocking to me. It seems, frankly, criminal."

It can take more than ten years for anemia to develop in someone who has been exposed to benzene, says Koller, and even longer for leukemia. A person also needs to be genetically susceptible.

"We don't know how susceptibility works," he says, "we just know that it works."

Because genetic Russian roulette plays a role in whether someone is at risk of getting leukemia from benzene exposure, and there is almost no way to know if someone is susceptible, that means everyone should be concerned, says Koller.

"Once benzene gets in the air," he says, "it's everywhere. So even in Katy, there's someone who, if they're susceptible, will get [sick] from what's going on in the Houston Ship Channel."

Radliff says she never thought it would be her.

"I'm grateful for the plants, for how they help the economy and people's families, and of course I drive a car that uses gas," she says. "But we need to do better. Every time the number goes up of people here who get cancer every year, that's a number on a piece of paper to everyone else, but that's not just a number, that's one of me. No one ever believes it will be them, but it could be."

Volumes have been written about the connection between benzene and cancer, but doctors say that there has been very little research into what effects the entire toxic soup of chemicals and pollutants that exists in Houston's air has on people.

"Our entire focus on air quality is because of health," says Dr. Bonnie New, an occupational and environmental consultant. "And that has not been given the attention that you would think it would. We, the general public, depend on TCEQ to be acting on behalf of our best interests healthwise, and they have not really performed that function for us."

Robert Clowers, a city commissioner in Galena Park, a blue-collar suburb just north of the ship channel, agrees. He's lived there since 1947 and says he's seen "too many people die of cancer for the air to be clean. There's not a lot that working people here can do, though, until the powers that be decide it's important to stop killing us and letting us be killed."

When asked why he hasn't moved out of the area, Clowers says, "I'm just a dumb-ass, I guess."

Radliff got away from Milby Park, but she did not escape the toxic exposure of her youth. And she is still paying, literally. In the two years since her diagnosis with leukemia, Radliff has spent more than \$250,000 on medical care.

"What's happening," says Koller, "is that the companies are transferring the costs from their bottom lines to patients' bottom lines."

If true, then companies have a lot more money to spend in other places.

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The oil and gas industry gives more money to Texas political candidates than to those in any other state, and Rick Perry, the longest-serving governor in Texas history, leads the pack.

According to The National Institute on Money in State Politics, a nonprofit that tracks campaign money, Texas candidates hauled in more than \$15.2 million in oil and gas industry campaign contributions during the three election cycles from 1999 to 2004, more than double that of the next closest state, California. That accounts for 25 percent of all campaign dollars that the industry donated to state political candidates across the country during that time.

Some of the largest individual contributors have operations around Houston, including Chevron, ExxonMobil, Valero and the Texas Oil & Gas Association, a 2,000-member organization that promotes petroleum interests. From 2001 to 2004, the industry gave Perry nearly \$2.4 million, making him tops among all state candidates in the nation.

In the current election for governor, the energy and natural resources industry has given Perry more than \$2.3 million, according to Texans for Public Justice, a political watchdog organization. That's more than any other special interest group has given to Perry.

Perry makes no bones about being pro-business, and has criticized ideas such as climate legislation, saying it would seriously injure Texas industry. Companies appear to take advantage of that. According to a 2005 City of Houston study that relies on EPA information, Texas allows the emission of far more carcinogens per 1,000 barrels of refined oil than either Louisiana or California, both states with huge refinery operations. Texas also has the highest percentage of carcinogen emissions versus refining capacity of any state in the country.

In order to help implement his philosophy, critics say, Perry appoints TCEQ commissioners who more often than not share his views and agenda.

"That's what governors do," says former commissioner Soward, who was frequently on the losing end of 2-1 votes on the commission. "That's just the real world."

In August, Soward, who was appointed by Perry, was replaced on the commission by Carlos Rubenstein, TCEQ's deputy executive director since June 2008. Most insiders say it's still too early to tell which way he will vote on important issues. The other two commissioners are Buddy Garcia and Chairman Bryan Shaw.

Before Perry appointed Garcia in 2007, Garcia worked for his hometown state senator, Eddie Lucio Jr. of Brownsville, and held a slew of jobs under Perry, including deputy secretary of state, border commerce coordinator and senate liaison for the governor's office. Garcia even worked for Perry as a

border adviser when Perry was still lieutenant governor. With a degree in political science from Southwest Texas State University, now Texas State University, Garcia took the commissioner post with hardly any scientific, engineering or environmental experience.

In August 2007, former commission chairwoman Kathleen White's terms expired, leaving just Garcia and Soward on the job, and a vacancy for the spot of top dog. Perry appointed Garcia, passing over Soward, a lawyer with more than a decade's worth of experience with the Texas Water Commission and four years as a TCEQ commissioner. Soward had been a vocal critic of the agency for its industry-friendly permit policies and for not being aggressive enough in the fight against pollution.

"The governor puts people in there who have very little training in this field," says Carman. "He picks people too concerned with the political wind."

The state legislature confirmed Shaw as a commissioner in May 2009. Four months later, Perry appointed the former associate professor in the Biological and Agricultural Engineering Department at Texas A&M University to be chairman. Shaw grew up on ranches in west Texas and has said that he believes his duty is to protect the environment, but in a way that maintains the economy.

Clean-air advocates have been going berserk this year over Shaw's stance on climate change and the control of greenhouse gases, such as carbon dioxide.

"The science on global warming is far from settled," Shaw said in a statement this fall. "Reducing CO<sub>2</sub> in Texas will do nothing to lower CO<sub>2</sub> globally, but will have the effect of sending U.S. jobs to China and India."

Lobbyist Cyrus Reed of the Sierra Club says that Shaw's view that humans can't necessarily slow or reverse climate change is tantamount to saying that nothing should be done that can hurt industry.

"The commissioners tend to just listen to the industry point of view," he says, "and it's case after case after case."

When asked what the commissioners' reactions are to criticism that they are overly pro-business, an agency spokesman side-stepped the question, e-mailing the *Press* a statement saying, "The TCEQ aggressively enforces its environmental laws," followed by some broad agency enforcement statistics.

Looking at all the money that industry gives to Perry and whom he appoints to TCEQ, says Smith of Public Citizen, it becomes evident that companies have established a clear sphere of influence in Austin.

"When the energy and petrochemical folks want something done," he says, "they have a straight shot to Perry or to TCEQ."

Back in Manchester, several blocks from the Valero refinery, Delia Del Valle is desperate to move out. She doesn't want to die of cancer in the same place that she's convinced caused it. But she cannot afford to. The retired Luby's waitress collects less than \$500 a month from Social Security, and her crumbling clapboard home is practically worthless. Not that anyone would buy it, especially in that neighborhood.

The exception is Valero. For years the company has been purchasing homes near its refinery, offering residents a last-ditch ray of hope to get away.

The problem is that Del Valle's home is just two blocks west of the cutoff point and is not eligible.

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