November 20, 2026

Submitted via email

Rules Coordinator
rulescoordinator@rrc.texas.gov
Railroad Commission of Texas
Office of General Counsel
P.O Drawer 12967
Austin, TX 78711-2967

RE: Comment for Proposed Amendments to Rules §§ 3.15 and 3.58, Related to Senate Bill 1150

Dear Rules Coordinator,

In the interest of protecting the health, safety, and well-being of Texas's children and youth, Our Children's Trust and Texas Community Law Partners provide these comments on the Railroad Commission's (Commission's) proposed amendments to rules §§ 3.15 and 3.58, related to Senate Bill 1150. Our Children's Trust is the Nation's only law firm dedicated to representing children and youth whose constitutional rights are infringed by government conduct that causes harmful fossil fuel pollution that endangers their lives, health, and futures. Texas Community Law Partners represents community groups on complex issues impacting the quality of life in their neighborhoods.

The Commission's proposed rule amendments provide significant loopholes to the requisite timely plugging of inactive oil and gas wells, endangering children's constitutional rights to health, safety, and bodily integrity, and violating the Commission's public trust duties and children's rights in the preservation and conservation of all natural resources. Tex. Const. art. I, § 19; Tex. Const. art. XVI, § 59(a). The loopholes in the Commission's proposed rules are unjustified by law, science, economic prosperity, energy security, or any other reason. And importantly, they are inadequate to address the air and water pollution caused by oil and gas wells that harms children's health and safety in Texas. The proposed rules apply to oil and gas wells that have already been inactive for 15 or more years. Therefore, the significant, open-ended extensions to plugging wells allowed by these rule amendments, worsens the adverse health effects youth in Texas are already suffering from the inhalation and exposure to the localized pollution from oil and gas wells. The rule amendments will also increase heat-trapping greenhouse gases (GHGs) released from inactive wells, resulting in further dangerous disruptions of the climate system on which these youths' health and lives depend.

The Commission should eliminate extensions to the plugging of inactive wells under these proposed rule amendments for financial hardship (or at minimum, strictly define "financial hardship") and should not allow for the creation of a compliance plan that would authorize inactive wells to remain unplugged until 2042. If there is to be an extension for the creation of a compliance

plan, all wells included in the plan should be plugged as fast as technically possible. In addition, the Commission should not allow operators to avoid plugging requirements through promises to bring inactive wells back online, which may mean just briefly restarting a marginal well, resulting in minimal economic value and outsized harm.

Inactive oil and gas wells pose hazards to the health and safety of the public, including children, and Texas' environment, thereby necessitating strict rules that do prolong these hazards. For example, inactive oil and gas wells in Texas are a significant source of methane, a potent GHG pollutant. The warming effect of methane in the atmosphere is 80 times stronger than that of carbon dioxide (CO_2), and this stronger warming effect lasts from the time the methane is emitted into the atmosphere until the methane breaks down to become CO_2 about 20 years later. The resulting CO_2 can remain in the atmosphere for centuries.[1] In addition to methane, inactive oil and gas wells in Texas release hydrogen sulfide and harmful carcinogenic chemicals such as benzene, toluene, ethylbenzene, and xylene.[2]

Proposed rule amendment 16 TAC 3.15(i)(2)(C) provides the Commission may deny a plugging extension if "the inactive well poses potential hazards to health and safety of the public or the environment." We appreciate that this recognizes the hazards to the health and safety of the public and environment from inactive wells. Given such hazards, the other proposed amendments allowing extensions to plugging should be excluded from the final rules.

The best available science is clear that every ton of GHGs emitted into the atmosphere contributes to dangerous climate change and further endangers the health and welfare of children. Scientific consensus by the Intergovernmental Panel on Climate Change (IPCC) and all scientific agencies of the federal government through the National Climate Assessment is that every ton of CO_2 matters and causes further harm, and that every ton of CO_2 not emitted lessens the harm. The scientific consensus establishes that we are already well past safe thresholds for CO_2 in the atmosphere.[3] Any and every reduction of fossil fuel pollution in Texas promotes the health and welfare of the population, especially children and youth, whose well-being is most relevant to the Nation's and Texas's long-term productive capacity.

Children in Texas are already adversely impacted by air pollution and climate change. GHGs and other air pollutants emitted from unplugged inactive wells cause unhealthy local air quality, trap heat, accelerate and elongate wildfires and wildfire smoke seasons, strengthen storm systems and flooding, and cause drought, which impacts food and water security and imposes economic hardships on Texans. Leaving inactive wells unplugged also increases the probability of

[1] Mar, K. et al., Env. Sci. & Policy, Beyond CO2 equivalence: The impacts of methane on climate, ecosystems, and health (2022).
[2] Texas Commission on Environmental Quality, *Texas Voluntary Marginal Conventional well Plugging Program*, https://www.tceq.texas.gov/airquality/txmcw/well-plugging-grants.
[3] IPCC, *Summary for Policymakers*, *in* Climate Change 2021: The Physical Science Basis 28, Figure SPM.10 (2021), https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC_AR6_WGI_FullReport_small.pdf; Fifth National Climate Assessment, https://nca5.climate.us/.

them being abandoned and increases the risk of leaking infrastructure or blow outs that contaminate the ground and crucial water supplies.[4]

Children in Texas pay the price of being exposed to air and water pollution from inactive and abandoned wells. They carry the harms in their bodies, burdens they carry for their lives. Children are uniquely vulnerable to air and water pollution because of their developing bodies, higher exposure to air, food, and water per unit body weight, unique behavior patterns, dependence on caregivers, political powerlessness, and longevity on the planet. The U.S. Environmental Protection Agency has reported as such.[5]

The protection of constitutional rights of children, by following the science, is of the utmost importance and must be incorporated in all relevant rulemakings and policies. Children in Texas rely on, and their health and safety depend on, the Commission fulfilling its duty to protect children's rights to life and liberty and the preservation and conservation of natural resources. Eliminating extensions provided in the proposed rule amendments means that the inactive wells that are causing harm to children will be plugged and the air and water pollution will be prevented from being emitted into Texas' air and water. We hope the Commission will consider the lives and futures of children and eliminate these unnecessary extensions built into the proposed rule amendments.

Sincerely,

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[4] NewsWest9, *Texas rancher warns of toxic water contamination from abandoned oil wells near the Pecos River* (Sept. 30, 2026), https://www.newswest9.com/article/news/local/rancher-warns-toxic-water-contamination-oil-wells-pecos-river/513-37d2ddc2-aac1-4289-9f84-241f85aa3891; Texas Tribune, *Abandoned Texas oil wells seen as "ticking time bombs" of contamination* (Dec. 21, 2016), https://www.texastribune.org/2016/12/21/texas-abandoned-oil-wells-seen-ticking-time-bombs/.
[5] EPA, *Climate Change and Children's Health and Well-Being in the United States*, EPA 430-R-23-001 (2023).