



SENATOR WENDY R DAVIS
District 10

The Senate of The State of Texas

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FOR IMMEDIATE RELEASE ...

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Senator Wendy Davis Requests Detailed Records from State Environmental Officials

FORT WORTH, TX – In pursuit of full accountability from state environmental officials, Senator Wendy Davis filed a comprehensive open records request today with the Texas Commission on Environmental Quality (TCEQ), seeking to learn what the agency knows about potential health risks in the Barnett Shale area and whether officials deliberately withheld vital information from the public.

Recent media reports suggest that Governor Perry's TCEQ deliberately hid air test results for cancer-causing levels of benzene from the public.

“I want the TCEQ to turn over all documents pertaining to the air testing in the Barnett Shale arena so that we can determine the level at which the TCEQ has been dishonest with the public,” Davis said. “The TCEQ must be transparent and held accountable to the taxpayers, and we cannot allow an agency to play fast and loose with the health and safety of our communities.”

Senator Davis, who on Thursday said the agency's credibility has been badly damaged, is seeking all TCEQ documents related to the Barnett Shale and benzene or other harmful chemicals that may, could be, or were found in the air in testing done thus far. The request asks

for specific documents related to the air samples collected by the TCEQ on Dec. 15-17, 2009. Davis also asked for communications between the TCEQ and all parties, ranging from the governor to agency staff to TCEQ managers and commissioners to any third-party regarding air quality in the Barnett Shale area. She also is seeking documents related to the internal investigation that reportedly revealed that inaccurate data was released to the public and accurate data was kept from the public for months.

Davis blames failed leadership in Austin for not better managing TCEQ and its commissioners.

"It is disappointing that TCEQ has violated the public's trust and now local officials are being forced to spend scarce local dollars to perform their own air quality tests," she said.

Davis also said that a lack of accurate information from TCEQ makes it more difficult for ethical and honest operators in the gas drilling industry to identify and address problems.

According to published reports on Wednesday, TCEQ represented to the residents of Fort Worth on Jan. 12, 2010, that air samples collected on Dec. 15-17, 2009, showed no signs of the cancer-causing chemical benzene, and that based on their study, the air was "safe." An anonymous fraud complaint was filed by a concerned individual, leading to an internal investigation, which showed, according to reports, that upper management knew the study was inconclusive and not based on reliable scientific testing methods. On Jan. 22, 2010, canister samples were evaluated by the agency's Austin laboratory, which determined four of eight samples contained benzene amounts that were elevated above long-term exposure levels. The agency waited four months to reveal these disturbing test results -- only doing so after a press leak occurred, which revealed their past actions. Afterward, TCEQ quietly posted a report deep in their website on May 21, 2010. The agency had determined the public had been exposed to

elevated levels of benzene, and yet the public and their elected officials were not made aware of these exposures.

Senator Davis met with officials from the TCEQ on multiple occasions in January, February, and March 2010 to discuss concerns voiced by her constituents about the health impacts of gas drilling and to identify ways for the agency to meet their stated mission of protecting the public's safety. Officials from the agency did not disclose the fraud complaint, internal investigation, nor the lab's benzene test results to her during the meetings, although that information was known by them.

"We are putting our hard-earned tax dollars toward an agency charged with keeping us informed on potential health risks so that we can protect our families, but that agency has failed us," Davis said.

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ATTACHMENTS:

Texas Public Information Act Request from Senator Davis to the TCEQ, 5/28/10 (7 pages)

Overview of Texas Public Information Act Request, 5/28/10 (2 pages)

FURTHER INFORMATION:

For TCEQ's original press statement on their air test results, see the following:
Oil and Gas Air Tests in Ft. Worth Find "No Cause for Concern," TCEQ, January 12, 2010:
http://www.tceq.state.tx.us/comm_exec/communication/media/011210FWOilandGas"

A copy of the agency's presentation that was given to the people of Fort Worth can be viewed at this link:

http://www.tceq.state.tx.us/assets/public/implementation/barnett_shale/2010.01.11-sadlier-FW_review.pdf