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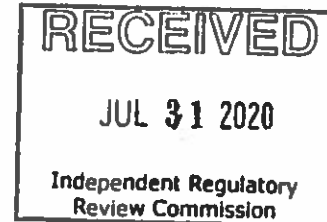
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**Re: Proposed Rulemaking: Control of VOC Emissions from Oil and Natural Gas Sources (#7-544)**

July 27, 2020

To Whom It May Concern:

Below please find Councilmember Katherine Gilmore Richardson's comments on the Department's Proposed Rulemaking on Control of VOC Emissions from Oil and Natural Gas Sources (#7-544) on behalf of the undersigned members of the Philadelphia City Council Committee on the Environment, Councilmembers Katherine Gilmore Richardson, Kendra Brooks, Jamie Gauthier, Derek Green, and Helen Gym.

**1. General Comments**

- a. The draft rule does not go far enough in reducing VOC emissions, which are directly linked to significant health impacts that overwhelmingly affect communities of color.*

Philadelphia continues to struggle with air quality issues. In last year's State of the Air report from the American Lung Association, Philadelphia ranked among the worst cities for both ozone and particle pollution, putting our residents' health at risk.<sup>1</sup>

<sup>1</sup> American Lung Association. 2019. "State of the Air Most Polluted Cities." Available at <http://www.stateoftheair.org/city-rankings/most-polluted-cities.html>

Poor air quality hits communities of color particularly hard. People of color are more likely to live near polluting industries.<sup>2</sup> They are also more likely to suffer from urban heat island impacts.<sup>3</sup> A study in the Proceedings of the National Academy of Sciences found that pollution exposure among Black and Hispanic people far outweighs the amount of pollution they cause.<sup>4</sup> These environmental impacts have led to significant health disparities for Black and Hispanic Americans, including higher rates of asthma<sup>5</sup>, as well as premature, underweight, and stillborn births<sup>6</sup> to name only a few.

Asthma is of particular concern in Philadelphia, especially among children. According to the Asthma and Allergy Foundation of America, Philadelphia ranks as the fourth most challenging US metropolitan area to live with asthma.<sup>7</sup> In 2018, the average rate of hospitalizations for children with asthma was 59.1 per 10,000.<sup>8</sup> Among Black and Hispanic children, rates are significantly higher: 76.7 hospitalizations per 10,000 Black children and 62.5 hospitalizations per 10,000 Hispanic children.<sup>9</sup> On pre-term births, a recent study found that gas flaring poses a significant risk to expectant mothers, especially Hispanic women.<sup>10</sup> The lead author of the study noted, “It’s on par with the increased risk you see for women who smoke.”<sup>11</sup> Most recently, we’ve seen significantly higher rates of Covid-19 infection and mortality among people of color which can likely be attributed to systemic conditions that cause racial health disparities, such as pollution and toxin exposure.<sup>12</sup>

As written, the proposed rule includes a production threshold for conventional natural gas wells, meaning that fewer than one half of one percent of these facilities across the state would have to comply. While the rule does cover all unconventional natural gas wells, there are nearly ten times more conventional gas wells across the state. Overall, tens of thousands of sites could potentially leak VOCs and methane in local communities without any oversight. This is unacceptable, and it shows a complete

<sup>2</sup> Tabuchi, H. May 17, 2020. “In the Shadow of America’s Smokestacks, Virus is One More Deadly Risk.” *The New York Times*. Available at <https://www.nytimes.com/2020/05/17/climate/pollution-poverty-coronavirus.html>

<sup>3</sup> Popovich N. and Flavelle, C. August 9, 2019. “Summer in the City is Hot, but Some Neighborhoods Suffer More.” *The New York Times*. Available at <https://www.nytimes.com/interactive/2019/08/09/climate/city-heat-islands.html>

<sup>4</sup> Tessum, C.W., Apte, J.S., et. al. March 26, 2019. “Inequity in consumption of goods and services adds to racial-ethnic disparities in air pollution exposure.” *PNAS* 116 (13). Available at <https://www.pnas.org/content/116/13/6001>

<sup>5</sup> Caffrey, M. August 8, 2017. “Princeton Study: Being Black Doesn’t Cause Asthma; The Neighborhood Does.” *American Journal of Managed Care*. In Focus Blog. Available at <https://www.ajmc.com/focus-of-the-week/princeton-study-being-black-doesnt-cause-asthma-the-neighborhood-does>

<sup>6</sup> Flavelle, C. June 18, 2020. “Climate Change Tied to Pregnancy Risks, Affecting Black Mothers Most.” *The New York Times*. Available at [https://www.nytimes.com/2020/06/18/climate/climate-change-pregnancy-study.html?algo=identity&fallback=false&imp\\_id=827029242&action=click&module=Science%20%20Technology&pgtype=Homepage](https://www.nytimes.com/2020/06/18/climate/climate-change-pregnancy-study.html?algo=identity&fallback=false&imp_id=827029242&action=click&module=Science%20%20Technology&pgtype=Homepage)

<sup>7</sup> Asthma and Allergy Foundation of America. 2019. *Asthma Capitals*. Available at <https://www.aafa.org/asthma-capitals/>

<sup>8</sup> City of Philadelphia Dept. of Public Health. 2019. *Health of the City*. Available at [https://www.phila.gov/media/20191219114641/Health\\_of\\_City\\_2019-FINAL.pdf](https://www.phila.gov/media/20191219114641/Health_of_City_2019-FINAL.pdf)

<sup>9</sup> *Id.*

<sup>10</sup> Cushing, J., Vavra-Musser, K., Chau, K., Franklin, M. & Johnston, J. July 15, 2020. “Flaring from Unconventional Oil and Gas Development and Birth Outcomes in the Eagle Ford Shale in South Texas.” *Environmental Health Perspectives* 128 (7). Available at <https://ehp.niehs.nih.gov/doi/10.1289/EHP6394>

<sup>11</sup> Rosen, J. & Friedman, L. July 22, 2020. “Gas Flaring and Preterm Births.” *The New York Times*. Available at <https://www.nytimes.com/2020/07/22/climate/nyt-climate-newsletter-premature-babies.html?smtyp=cur&smid=tw-nyclimate>

<sup>12</sup> Ray, R. April 9, 2020. “Why are Blacks dying at higher rates from COVID-19?” *The Brookings Institution*. Available at <https://www.brookings.edu/blog/fixgov/2020/04/09/why-are-blacks-dying-at-higher-rates-from-covid-19/>

disregard for the health and wellbeing of community members who live near these sites and the workers who operate the facilities.

The proposed rule already attempts to balance the costs to industry as part of its consideration, calling on facilities to utilize the RACT standard. Industry claims they share in the environmental goals to reduce these toxic pollutants. In response to the December 17, 2019 action by the Environmental Quality Board approving the draft rule, David Spigelmyer, President of the Marcellus Shale Coalition, stated, “Our industry is focused on ensuring methane, the product we produce and sell, as well as related emissions are effectively and safely managed. To continue to build upon our air quality-related successes, we’re enhancing best practices, utilizing new technologies and collaborating as an industry around these shared environmental and business goals, all while pushing record production levels.”<sup>13</sup> If industry is so committed to meeting these shared goals and utilizing the newest technology to ensure public health and safety, then it should be no problem for all natural gas wells in the state to comply with this regulation.

A 2014 study conducted by ICF International and updated in 2016 following decreasing natural gas prices found that when pricing natural gas at just \$2/McF<sup>14</sup>, the cost of reducing methane emissions by forty percent is just over one cent per McF of natural gas produced.<sup>15</sup> The cost effective nature of the available technology to monitor and capture VOCs and methane over five years ago, means that today, even with significantly lower commodity prices, oil and gas wells of any size should be able to comply with these regulations without a significant burden to their bottom line.

*b. The draft rule does not move us far enough when it comes to combating climate change.*

Climate change continues to pose an existential threat to the health and wellbeing of our planet. The significant increase in US natural gas production has led to drastic declines in the use of coal, which has benefitted our efforts to reduce carbon emissions. However, natural gas production releases significant amounts of methane, which is more potent than carbon. We cannot rely solely on reductions of carbon emissions to halt the impacts of climate change. We must consider a comprehensive approach that not only significantly reduces carbon, but also limits methane. By excluding nearly all conventional wells, the draft rule does not go far enough when it comes to combating climate change.

A recent report from the Environmental Defense Fund analyzed methane emissions from 2017 and found that actual emissions were seven times higher than reported.<sup>16</sup> Shockingly, despite having over 70,000 sites across the Commonwealth, DEP does not collect data on conventional well emissions. EDF’s estimate shows that while unconventional wells may produce significantly higher methane

<sup>13</sup> PA Environmental Digest Blog. December 19, 2019. “Marcellus Shale Coalition comments on proposed DEP methane reduction rule from oil & gas operations.” Available at <https://paenvironmentdaily.blogspot.com/2019/12/marcellus-shale-coalition-comments-on.html>

<sup>14</sup> Note: Today’s natural gas price according to Market Insider is \$1.78. Available at <https://markets.businessinsider.com/commodities/natural-gas-price>. Accessed July 24, 2020.

<sup>15</sup> Brownstein, M. March 21, 2016. “Do lower gas prices alter conclusion of the ICF study on methane reduction costs?” Environmental Defense Fund Energy Exchange Blog. Available at <http://blogs.edf.org/energyexchange/2016/03/21/do-lower-gas-prices-alter-conclusion-of-the-icf-study-on-methane-reduction-costs/>

<sup>16</sup> Environmental Defense Fund. “Pennsylvania Oil and Gas Emissions Data.” Available at <https://www.edf.org/pa-oil-gas/#/air-emissions>

emissions per site (543,000 short tons over 7,900 sites), conventional wells contribute more than half of the 1.1 million short tons of methane.<sup>17</sup> These sites must be regulated in order to effectively reduce methane and curb climate change, and it is appalling that the state does not currently require emissions reporting of such toxic pollutants. With the cost-effective technology available, a strong final rule requiring across the board compliance will have a significant impact on combating climate change.

## 2. Conclusion

As written, the draft rule does not do enough to reduce VOC and methane emissions which cause devastating health impacts and contribute to global warming. With the overwhelming data on disparate health impacts of toxic air pollution on communities of color, as well as the alarming reports on the impacts of climate change, the Department must be bold in its action. This rule, while moving the Commonwealth forward on reductions of toxic air pollutants, is too weak to effectively protect our most vulnerable residents. We respectfully request that DEP consider amending the rule to require all oil and gas facilities in the state to comply with these perfectly reasonable and cost-effective safety measures.

In Service,



Councilmember Katherine Gilmore Richardson  
Member At-Large, City of Philadelphia  
Chair, Committee on the Environment



Councilmember Jamie Gauthier  
Third Council District, City of Philadelphia



Councilmember Kendra Brooks  
Member At-Large, City of Philadelphia



Councilmember Derek Green  
Member At-Large, City of Philadelphia



Councilmember Helen Gym  
Member At-Large, City of Philadelphia

<sup>17</sup> *Id.*