

Congress of the United States
House of Representatives
Committee on Science, Space and Technology
Hearing Testimony July 14th 2020

Testimony by: "Hilton Kelley"
Founder & Director of the
Community In-power & Development Association Inc.

Good afternoon Chairwomen Johnson, Ranking member Lucas and members of the House Committee on Science, Space and Technology

My name is Hilton Kelley Founder and Director of the Community In-power & Development Association Inc, also known as C.I.D.A Inc. I am also members of the "Environmental Justice Leadership Forum. The EJ forum is a national coalition of nearly 60 environmental justice advocates and experts working to eliminate environmental injustice through technical assistance, capacity building and policy solutions.

I would like to start by saying, I sincerely appreciate this opportunity to speak before this body today and I hope that in some way I can shed some light on the Social and environmental impact issues which millions of Americans are dealing with on a daily base, which position them to be more susceptible to the Coronavirus and other issues which come with chronic flooding and climate change and the disproportionate exposure to pollution.

As stated, my name is "Hilton Kelley", I live in the city of Port Arthur Texas on the Gulf coast, Port Arthur Texas is also home to a large number of Refineries, Chemical plants and other petrochemical industries like Veolia chemical incineration facilities and Oxbow Calcining petroleum coke facility which dumps tons of Sulfur dioxide into the air ever day. It would be fair to say that out of all four of the oil refineries with Motiva being the largest producing 633,000 barrels of oil per day and the five chemical plants, Oxbow Calcining dumps more SO₂ than all of them combined, Oxbow Calcining pumps out 98% of the SO₂ which is emitted into our air everyday and they refuse to put in the necessary scrubbers to help protect human health and or the environment. Only 2% of the Sulfur Dioxide is emitted from the four oil refineries and five chemical plants combined.

When we speak of emission issues from refineries and Chemical plants many time it's due to power failures, Malfunctions, fugitive emission or start up and shut downs of they're processing united and during these time our communities are engulfed with strong pungent chemical odors, soot and smoke and on occasion there has been fuel tank explosions and process unit explosions like the one in Nederland Texas in November 2019 a day before Thanks Giving, many homes were damage and hundreds were evacuated to safer areas. After the explosion it was discovered that large amounts of 1-3 butadiene which is a known carcinogen was being released into the air unchecked due to the fact the processing unit was no longer there,

because of the large explosion this issue is still on going and has yet to be settled almost a year later.

In 2017 shortly after hurricane Harvey hit the Port Arthur Texas, Houston Texas, Beaumont Texas and all areas in between, many of the refineries and Chemical plants had to go into shutdown mode and was unable to operate due to flooding on they're grounds and when the shutdown procedure is in effect there's a lot of flaring which takes place because the material in the pipeline must be burned thus creating more pollution and often time things happen during a flood which is out of the facilities control like the tank explosion at the Valero oil refinery which took a few days to burn itself out, but in either case the workers at the plant, the community and the environment suffers.

Historically African Americans, People of color have been forced the live in heavily industrialized and lowland areas due to housing discrimination on a federal, state and local level and it is because of this historic fact that we are pledge with preexisting condition like Hyper tension, liver and kidney disease, acute asthma, bronchitis, COPD etc.

It has been discovered by our medical and healthcare experts that in the wake of COVID-19 those who suffer from the preexisting conditions mentioned earlier are more susceptible to being infected with COVID-19 than others and it has been proven so, due to the disproportionate large number of African American deaths with preexisting conditions which have taken place across our country. As we move further into the 2020 summer it is also understood by our weather experts that we're going to experience high heat temperature ranging from 98 to 104 degrees these high temperatures will further exacerbate the health conditions of those with preexisting condition rendering them more susceptible to the known Virus COVID-19.

As we get further into the summer of 2020 and closer to the peak of hurricane season hurricanes are expected due to the pattern which have been created within the last 15 years Hurricane Katrina and Rita in 2005, hurricane Gustav and Ike in 2008, Hurricane Sandy in 2012, Hurricane Gonzalo 2014 and fast forward Hurricane Harvey in 2017 which brought with-it record-breaking flooding throughout Southeast Texas leaving 80% of the Port Arthur Texas area inundated with water also due to the shutdown procedures of the petrochemical facilities we saw a 15,000 % spike in the release of known carcinogens. by On a personal level my home was flooded with three feet of water throughout the interior and because of the heat, mold and destruction to our home it was deemed uninhabitable and required major construction repairs and we had no choice but to live with relatives until we were able to obtain a FEMA mobile home which we were successful in doing and we stayed there for a year while we repaired our home.

Many people were not as fortunate as myself, many of the elderly and poor had to live in they're damage homes due to the fact they did not qualify for FEMA assistance and to live inside and moldy humid structure means certain Respiratory illness for the inhabitant.

High Flood waters on the Gulf coast has become a chronic problem over the years, so much so that many are elevating they're homes in neighborhood where once considered a high ground area no flood zone which are now flooding.

I have taken it upon myself to do what I can to assist my community and others with learning to fight climate change and chronic flooding to help sustain our communities, neighborhood and culture by joining up with Anthropocene Alliance / higher ground national network which help chronic flooding communities find experts and resource to help keep they're community strong and find new ways to co-exist with our forever changing climate and we are growing in number as more and more communities further inland began to flood. We Flood and we Vote is to be noted.

I would like to end my testimony with an ask: our low income people of color disenfranchised communities are in need of strong federal science in the study of cumulative impacts of various chemicals emitted by large polluting refineries and chemical plants and other large polluting industries in the Port Arthur Texas Jefferson county area and Hardin county areas in Texas and other states.

We are also in need of a strong federal study on emitted chemicals health impacts on the human body and a strong federal study on regulation and the possible impacts of deregulation of polluting industries in vulnerable people of color communities.

On the last page of my testimony you will find a list of chemicals emitted into our air in large quantities over the last five years and some of those chemicals are known carcinogens, the measure of those chemicals is in pounds and tons per year. The source of the information is also noted.

I would like to give my sincere thanks and appreciation for your attention and time and with all due respect I welcome any questions at this time.

Toxic Release Inventory – TRI – Report 2014-2018

Jefferson Co.	Total CARCINOGENIC Air Releases in LBS per year					
Row Labels	2014	2015	2016	2017	2018	Grand Total
TOTAL CARCINOGENIC RELEASES	10,595	35,277	39,914	58,491	28,058	172,335
1 3-BUTADIENE	14	22	495	3,575	3	4,109
BENZENE	10,276	34,562	37,598	54,406	13,630	150,472
BENZO(G H I)PERYLENE	-	-	2	3		6
COBALT COMPOUNDS	-	-	990			990
CUMENE					1,022	1,022
DIOXIN AND DIOXIN-LIKE COMPOUNDS					0	0
ETHYLBENZENE					11,806	11,806
NAPHTHALENE					1,425	1,425
NICKEL COMPOUNDS					55	55
POLYCYCLIC AROMATIC COMPOUNDS	41	66	102	100	3	312
STYRENE	264	627	726	407	114	2,138
TETRACHLOROETHYLENE	-	-	-	-		-
Total releases (including non-carcinogenic)	776,153	2,067,747	1,770,778	4,769,674	669,615	10,053,967

Port Arthur	Total CARCINOGENIC Air Releases in LBS per year					
Row Labels	2014	2015	2016	2017	2018	Grand Total
TOTAL CARCINOGENIC RELEASES	10,595	33,407	33,796	52,759	27,863	158,421
1 3-BUTADIENE	14	22	495	3,575	3	4,109
BENZENE	10,276	32,692	31,482	48,675	13,482	136,607
BENZO(G H I)PERYLENE	-	-	2	3		6
COBALT COMPOUNDS	-	-	990			990
CUMENE					1,022	1,022
DIOXIN AND DIOXIN-LIKE COMPOUNDS					0	0
ETHYLBENZENE					11,760	11,760
NAPHTHALENE					1,425	1,425
NICKEL COMPOUNDS					55	55
POLYCYCLIC AROMATIC COMPOUNDS	41	66	101	99	2	310
STYRENE	264	627	726	407	114	2,138
TETRACHLOROETHYLENE	-	-	-	-		-
Total releases (including non-carcinogenic)	776,153	2,058,760	1,741,660	4,730,986	666,783	9,974,341

National Ambient Air Quality Standards – NAAQS – TCEQ: Report 2014-2018

Jefferson Co.	Total Releases in Tons per Year					
Values	2014	2015	2016	2017	2018	Grand Total
Sulfur Dioxide - SO2	13,291.56	12,054.62	13,467.74	13,848.71	13,951.41	66,614.04
Lead – Pb	0.40	0.37	0.54	0.47	0.47	2.24
Particulate Matter - PM10	2,384.07	2,405.45	2,494.11	2,491.09	2,611.34	12,386.06
Particulate Matter - PM2.5	1,996.87	2,058.79	2,129.68	2,124.84	2,215.10	10,525.28
Carbon Monoxide - CO	5,045.33	5,204.94	6,314.96	6,520.74	6,746.72	29,832.69
Nitrogen Oxides - NOX	10,690.96	10,125.96	10,395.75	10,100.58	10,087.03	51,400.27
Volatile Organic Compound - VOC	7,736.72	7,829.21	7,840.57	7,448.87	7,464.94	38,320.31

Port Arthur	Total Releases in Tons per Year					
Values	2014	2015	2016	2017	2018	Grand Total
Sulfur Dioxide - SO2	12,220.98	10,935.14	12,266.46	12,599.31	12,723.35	60,745.24
Lead – Pb	0.30	0.26	0.43	0.36	0.36	1.69
Particulate Matter - PM10	1,425.83	1,424.31	1,473.49	1,462.45	1,598.86	7,384.95
Particulate Matter - PM2.5	1,243.09	1,273.90	1,307.23	1,279.65	1,362.58	6,466.46
Carbon Monoxide - CO	2,179.36	2,549.40	2,869.83	2,950.21	2,982.56	13,531.36
Nitrogen Oxides - NOX	6,021.75	5,944.74	6,176.14	6,070.63	6,113.58	30,326.84
Volatile Organic Compound - VOC	2,948.15	3,147.59	3,332.19	3,535.14	3,539.86	16,502.93

Cancer, Respiratory and other Health Disparities

A 2017 [report from the NAACP](#) pointed to [Texas Cancer Registry](#) data showing that **Black** people in Jefferson County, which includes Port Arthur, had **cancer rates 15 % higher** than average **Texans**; the **cancer mortality rate** for these Black residents was **nearly 40 percent higher** than the state average.¹

- One 2010 study² found that **Port Arthur residents** were **more than 4 times more likely to suffer from heart problems, respiratory issues, skin and nervous system disorders**, head- and muscle aches and ear nose and throat problems.
- A 2001 study discovered that **more than 80 %** of residents of Port Arthur's predominantly **Black West Side** suffered **heart and lung ailments**.

Hurricane Harvey Accelerated Carcinogenic Emissions Rate

Below the data for the carcinogenic emissions related to Hurricane Harvey. The figures below are for the Golden Triangle in the period from Aug 27 – Sept 19 for both years. This period reflects the emissions from incidents, facility shut-downs and start-ups, related to Hurricane Harvey.

In 2017, the 24 days during and immediately after Harvey the **carcinogenic emissions** were 157 times higher than the same period the year prior. During this 24-day period, the **TCEQ reports emissions every single day** in 2017. If you were to **spread** the emissions **out evenly** over those 24 days, **we were exposed to over 400 LBS of carcinogens daily**.

Golden Triangle CARCINOGENIC RELEASE IN LBS AUG 27 – Sept 19, 2017			
Year	1,3-BUTADIENE	Benzene	Grand Total
2016	9.05	52.67	61.72
2017	9,329.25	357.28	9,686.53

Source: TCEQ Air Emission Events Report
<http://www2.tceq.texas.gov/oce/eer/>

¹ https://www.vice.com/en_us/article/3a8nk3/sentenced-to-death-what-its-like-living-in-a-cancer-plagued-oil-town

² <https://www.ncbi.nlm.nih.gov/pubmed/16121907>

Hilton Kelley's Bio 2015 update

Hilton Kelley, *Founder and CEO, Community In-power & Development Association Inc. (CIDA)*

Hilton Kelley is a leading figure in the battle for environmental justice on the Texas Gulf Coast, as he fights for communities living in the shadow of polluting industries. Mr. Kelley is originally from and currently lives in the refinery and chemical manufacturing town of Port Arthur, Texas. In addition to being a community organizer, Mr. Kelley is an electrician and former second class petty officer in the U.S. Navy. After the Navy, Mr. Kelley remained in California where he worked as a youth activist and was recognized for his youth anti-gang violence efforts and acting ability. He was admitted to the Screen Actors Guild in 1991. Mr. Kelley moved back to Port Arthur in order to help rebuild and save the community from which he came. Pollution, neglect, and deep despair had taken a heavy toll on Port Arthur. In response, Mr. Kelley organized CIDA and began to challenge the regulatory agencies and their policies, and the environmental violations of the plants that loom over the community. CIDA collects scientific data about the sources, types, and amounts of pollution emitted by polluting neighbors and educates residents of Port Arthur (who are overwhelmingly low-income individuals and people of color) about the toxic burden they shoulder.

Mr. Kelley has testified before the Texas legislature and the U.S. Senate, addressed UNESCO in Paris, as recent as March 2014 Mr. Kelley was invited by Senator Barbara Boxer to capital hill to help shine a spotlight on the harmful nature of tar sands crude oil on vulnerable communities at a national press conference, he was also invited to the White House to meet with President Obama to share his views on the environmental state of the U.S. He received the 2003 Environmental Justice Award from the Sierra Club Lone Star Chapter, the 2004 Ben & Jerry Award for Environmental Activism, and the North America 2011 Goldman Environmental Prize winner. Mr. Kelley served on the National Environmental Justice Advisory Council (NEJAC) to EPA from 2009-2011 he also served as vice chairmen of the "Regional Health Equity Council" from 2011-2013

Mr. Kelley is presently serving as a Regional Health Equity Council member still, Locally in his home town he is a member of the Pipeline committee and a National Partnership for Action (NPA) member. Mr. Kelley's work in his community continues.

