



August 10th, 2020

Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, TX 78753

RE: 2021 Revisions to the Procedures to Implement the Texas Surface Water Quality Standards - Plastics Rule

Dear Commission,

Thank you for acting to address the threat of plastic pollution in our waterways. With 46 permitted plastic production facilities in Texas, more than any other state in the country, our beaches, wetlands, and coastal communities find themselves inundated with toxic discharges of pre-production plastics, including nurdles, pellets, powder and flakes.¹ The hundreds of millions of plastic particles that accumulate on our beaches each year are dangerous: absorbing toxic chemicals like DDT, PCBs, and mercury, the particles become poison pills that wildlife mistake for food, and ultimately enter our food system to endanger our health.² Regulating these pollutants, and establishing a threshold of zero discharge, is essential to keep our communities and our wildlife safe.

To fully protect our communities and wildlife, we recommend TCEQ fully address the scope of the problem by: (1) precisely defining the size of plastics regulated to include microplastics, and (2) expanding the types of facilities regulated to include all transporters, bulk terminal operators, and recycling facilities that handle, transport or dispose of pre-production plastics.

Imprecise definitions, specifically using the word “visible” to limit the scope of regulation, will not adequately protect our communities and wildlife. In addition to being too open to interpretation by polluters, “visible” plastics excludes smaller plastic particles and microplastics < 5mm, which kill over 1 million birds and 100,000 marine mammals each year and may not be visible to the eye³. It is already a significant problem in Texas: one study observed microplastics in the stomachs of 45% of Brazos River Basin sunfish.⁴ Toxic plastic-derived chemicals have also been found in foods ranging from beer to sea salt, where they make us sick by weakening our immune systems and disrupting hormone pathways.⁵ We cannot fully protect our communities

¹Trevino, Julissa and Undark, “The Lost Nurdles Polluting Texas Beaches,” *The Atlantic*, July 5, 2019, available at: <https://www.theatlantic.com/science/archive/2019/07/plastic-pellets-nurdles-pollute-oceans/593317/>

²Ibid.

³“Factsheet: Marine Pollution” United Nations Ocean Conference, June 2017, available at: https://sustainabledevelopment.un.org/content/documents/Ocean_Factsheet_Pollution.pdf

⁴Peters, Coleen, “Microplastic Contamination of Texas Waters and Potential Impacts on Fish,” Bayou Preservation, available at” https://www.bayoupreservation.org/BPASite/media/BPA/Symposium/2015/Peters_Colleen_symposium_2015.pdf

⁵Becker, Alexandra, “Microplastics Have Invaded the Food Supply,” Texas Medical Center, October 23, 2019, available at: <https://www.tmc.edu/news/2019/10/microplastics-have-invaded-the-food-supply/>



from toxic plastic pollution with the current definition: it needs to be revised to be more specific and include smaller types of plastic.

While smaller types of plastic can be hard to remove from waste effluent, best management practices (BMPs) that include nature based-infrastructure can remove pollutants more generally and keep waste water from rushing directly into our rivers and streams. Rain gardens, green roofs and other nature-based solutions can remove up to 96% of solid pollutants from water while providing a host of other benefits to the community.⁶ Nature-based infrastructure solutions should be geographically prioritized near plastic processing facilities in addition to traditional methods for point source capture of plastic pollution.

It will be impossible, however, to reach the threshold of zero discharge if processing plants are the only type of facility regulated. Nurdles that spill from a transport truck cause the same threat to human health and safety as nurdles from the effluent of a processing plant. To protect our communities, TCEQ must expand the types of facilities regulated to include all transporters, bulk terminal operators, and recycling facilities that handle, transport or dispose of pre-production plastics.

Finally, we would also like to express our support for The Surfrider Foundation's comments, particularly (1) the importance of strengthening the enforcement measures, monitoring provisions, reporting requirements, and operations/maintenance procedures, and (2) the shortening of the time to comply from three years to one. Inadequate enforcement and delays in regulation will only increase the amount of toxic plastic pollution in our environment and heighten the dangers already facing our communities and our wildlife.

We are thankful that the commission has taken this step to address plastic pollution in our state and hopes TCEQ follows up this regulation with additional rules for post-production plastics.

Sincerely,

A handwritten signature in blue ink that reads "Anna Farrell-Sherman".

Anna Farrell-Sherman
Clean Water Associate
Environment Texas Research and Policy Center

⁶ Weiss, Peter T., LeFevre, Greg, and John S. Gulliver, "Contamination of Soil and Groundwater Due to Stormwater Infiltration Practices: A Literature Review," University of Minnesota, June 23, 2008, available at: <https://www.pca.state.mn.us/sites/default/files/stormwater-r-weiss0608.pdf>