



MESSING WITH TEXAS

*Exposing the Campaign to Shut Down Oil and Natural Gas
in the Lone Star State*

2 MILLION TEXAS JOBS

Oil and gas development supports **2 million** Texas jobs. Abundant supplies of natural gas have also helped spur **\$48 billion** in new manufacturing investments in the state.

Despite their claims about advocating on behalf of “local” communities, Texas environmental activists rely on large financial backers that are located out of state, including San Francisco and New York.

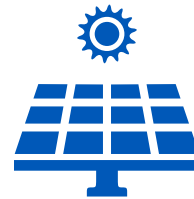
★ Many of the environmental groups most active in Texas are also part of the “Keep it in the Ground” campaign, an extreme and fringe movement to ban the use of all fossil fuels.

★ Campaigns against drilling in Texas are often deceptively phrased as “local control” or “best practices,” an attempt to mask the groups’ goal of stopping energy development, which is unpopular in Texas.

★ Many of the Texas environmental activist groups are involved in anti-fracking campaigns with their parent organizations – for example, Environment America’s “Stop Fracking Our Future” and Sierra Club’s “Beyond Oil” and “Beyond Natural Gas” campaigns.



Many Texas environmental activists support anti-drilling policies, including extreme setbacks and prohibitive regulations. This allows them to advocate for de facto drilling bans without having to admit they want to ban drilling.



One of the largest environmental groups in Texas – the Sierra Club – receives **\$750** from a solar company for each panel system the company installs.



The Sea Change Foundation receives significant contributions from an offshore account in Bermuda. Sea Change funds environmental groups directly, but also indirectly through millions of dollars in contributions to the Energy Foundation, which is a major funder of environmental activism in Texas.

Anti-drilling groups in Texas receive funding from deep-pocketed foundations and firms with renewable energy investments.

In the United States, no state produces more oil and natural gas than Texas. In fact, if Texas were a country it would be the second largest natural gas producing nation in the world.¹ In March 2015, Texas oil production surpassed **3.6 million barrels per day**,² meaning among the members of the Organization of Petroleum Exporting Countries (OPEC), only Saudi Arabia and Iraq produced more oil.³

Texas oil and natural gas production has been a boon for the state economy, supporting roughly **2 million jobs** for hardworking Texans and more than **\$15 billion** in royalties and state and local taxes.⁴ Expanded energy development has also spurred more than **\$48 billion** in new manufacturing investments in Texas,⁵ as low-cost natural gas has provided the U.S. Gulf Coast with a competitive advantage.

The overwhelming majority of Texans support oil and natural gas development. However, several environmental groups – whose funding sources and parent organizations are often located outside the state – have recently increased their efforts to shut down oil and natural gas development in Texas. One of the most prominent examples was the 2014 vote in Denton, Tex., to ban fracking. This costly and illegal measure was supported by the Washington, D.C. based Earthworks, the largest contributor to the campaign, as well as individuals affiliated with major environmental groups in San Francisco and New York.⁶

In many cases, however, the groups most active in Texas have tried to shut down oil and natural gas development through other means. Recognizing that few Texans would support an outright ban on drilling, many environmental groups push for measures that appear more benign, such as increased setbacks between well sites and buildings. Although Texas environmental groups may claim they are only interested in updating regulations, the measures they support would have the effect of banning oil and natural gas development.

Interestingly, these groups often have parent organizations that explicitly call for the elimination of fossil fuels, including endorsing bans on fracking and opposing all energy production. Many are actively involved in the “Keep It in The Ground” movement, a campaign to stop all fossil fuel development, particularly on public lands.

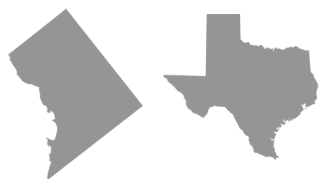
Very little has been written about who funds the environmental movement in Texas. Although many environmental groups receive donations from individuals, they primarily rely on large grants from foundations and other entities, many of which focus their giving on organizations that are trying to eliminate the use of oil and natural gas. In some cases, the funders themselves have admitted that they are intentionally bankrolling groups to oppose fracking. Environmental organizations are often portrayed as small groups with limited funds (the “David” in “David v. Goliath”), but the deep-pocketed foundations that support them demonstrate how the anti-fracking movement is actually a multi-million dollar campaign, at least based on the information that actually gets disclosed.

This report will help answer a fundamental question: Who are the environmental activist groups most active in Texas? It will explore their ties to organizations committed to ending fossil fuel production, and how these groups have tried to advance policies that would shut down Texas energy development, often under a false premise of “drilling oversight” or “local control.” It will also shed light on how these groups are funded, including the key out-of-state foundations that are facilitating opposition to oil and natural gas in Texas. Although this report is not inclusive of all environmental interests in Texas, it does provide a starting point for additional research that will help Texans better understand the true aims of these groups.



EARTHWORKS

Earthworks



BASED IN: Washington, D.C.
(but has organizers in North
and South Texas.)

FUNDED BY: Large foundations,
including the Park Foundation,
which says it wants to create
an “army” to oppose fracking;
also receives money from an
investment firm that helps
clients invest in renewable
energy.

KEY CAMPAIGN: Largest
financial supporter of the
campaign to ban fracking in
Denton.

★ Waging a self-described
“war on fracking” and
believes “no drilling should
be permitted for the
foreseeable future.”

*“The only surefire way to protect human
health, clean drinking water and the
global climate from coal, oil and gas is
to keep them in the ground.”*

JENNIFER KRILL,
EXECUTIVE DIRECTOR, EARTHWORKS

Earthworks often partners with local advocates to “reform government policies, improve corporate practices, influence investment decisions and encourage responsible materials sourcing and consumption,” according to its website. The group was formed by the combination of two organizations, the Mineral Policy Center and the Oil & Gas Accountability Project (OGAP), which merged in 2005.⁷ OGAP is still active, and the organization describes its purpose as working to “provide better enforcement of existing drilling oversight” and to “provide model regulations to state and local jurisdictions to provide citizens and regulators a template for better oversight.”⁸

Earthworks has a Gulf regional organizer who is based in North Texas, and the group recently hired a community organizer for South Texas. Most of the other staffers for the organization are based in Washington, D.C.⁹

Earthworks’ emphasis on “better enforcement” and “model regulations” belies an agenda that is actually aimed at stopping oil and natural gas development. In recent years, the group has taken a decidedly more aggressive tone against fracking, both in Texas and nationwide.

For example, instead of calling for “better enforcement,” Earthworks has said we should “drop all fossil fuels,”¹⁰ and has even committed itself to a “war on oil” and a “war on fracking.”¹¹ The group’s lead organizer in Texas has even compared fracking to sexual assault¹² and “domestic terrorism.”¹³

On its website, Earthworks describes the mission of OGAP as “working to reform government policies at the federal, state and local levels.” To achieve this reform, Earthworks employs a combination of legislative efforts and public campaigning. On the legislative end, the group notes that one of its “highest federal priorities” is the “Frack Pack” bills – a group of bills introduced in the U.S. Congress that focuses on various aspects of oil and natural gas development.¹⁴ These bills include the FRAC Act, BREATHE Act, FRESHER Act, CLEANER Act and SHARED Act. Designed to add new or expand existing federal regulation on oil and natural gas development, these bills would considerably restrict new production by introducing new rules, many of which are already enforced at the state level. The rules would also create a more complicated patchwork of regulations that would make compliance far more difficult.

The Fracturing Responsibility and Awareness of Chemicals (FRAC) Act, for example, was first introduced in the U.S. Senate in 2009 and would strip states of regulatory authority over fracking, handing control instead to the U.S. Environmental Protection Agency (EPA).¹⁵

The rule would also give more power to the federal government by requiring companies to publicly disclose chemicals used during the hydraulic fracturing process. This extra layer of oversight is not needed as states already require disclosure. According to Texas Rule §3.29, operators must disclose the additives used during hydraulic fracturing, the maximum concentration of each chemical and the Chemical Abstracts Service (CAS) number for each ingredient used. This information must then be published on a Chemical Disclosure Registry, such as FracFocus.org. Further, under Texas state law, information deemed “trade secret” by operators still must be disclosed to health professionals and emergency responders in case an incident arises.¹⁶

The Bringing Reductions to Energy’s Airborne Toxic Health Effects (BREATHE) Act is designed to eliminate an “exemption” for oil and natural gas production under the Clean Air Act that does not exist. The bill itself is so controversial that it has never been brought to a full vote in either the U.S. House or the Senate. In addition, a blogger for the left-wing website Daily Kos – who worked for 15 years at the American Lung Association – described the BREATHE Act as the “worst idea ever conceived by national

environmental organizations.” He went on to say that one reason lawmakers have introduced the bill is

*[b]ecause **groups like Sierra Club and Earthworks are interested in scaring people with false claims that the oil and gas industry and hydrogen sulfide are not regulated by the Clean Air Act....a scare campaign that has been going on since 2007 that has nothing at all to do with valid Clean Air Act stewardship and environmental enforcement/public health protection decision making and governance.**”¹⁷*

STOPPING DRILLING IN TEXAS

Earthworks’ official position on hydraulic fracturing states: “no new drilling should be permitted for the foreseeable future.”¹⁸ The group’s advocacy in Texas has been consistent with that position.

In 2014, using the argument of “local control,” groups such as Frack Free Denton (with which Earthworks was affiliated) supported a ballot initiative in Denton, Tex., to ban fracking within the city limits. Anti-fracking activists were successful in passing the ban in November 2014, even though such a policy was illegal. A former Chief Justice of the Texas Supreme Court spoke publicly months before the vote about how a fracking ban is inconsistent with Texas law.¹⁹

According to campaign finance filings, Earthworks provided 60 percent of the funding for the “Pass the Ban” campaign in Denton. This included over \$6,700 for billboards and almost \$13,000 for anti-fracking mailers.²⁰ Earthworks also collected signatures to put the fracking ban measure on the ballot and set up a donation page to help fund the campaign.²¹ Earthworks – a 501(c)3 non-profit organization to which donations are tax deductible²² – raised about \$60,000 in donations but refused to disclose the donor names.²³

Earthworks’ role in the Denton fracking ban went beyond helping to initiate the vote and backing groups to pass the measure. Shortly after the ban was passed, the City of Denton was served by two separate lawsuits from the State of Texas and the Texas Oil and Gas Association. Prior to the vote, an Earthworks organizer told the city that it shouldn’t worry about legal costs to defend an illegal ban, because “legal assistance will come” from national environmental groups.²⁴

Appearing to make good on its promise, Earthworks petitioned in early December to intervene on behalf of the city to help defend the fracking ban, along with lawyers from two other environmental groups, Earthjustice and the Natural Resources Defense Council, headquartered in San Francisco and New York, respectively.²⁵

By late spring 2015, the city had already incurred \$220,000 in legal fees to defend the lawsuit that Earthworks supported,²⁶ making it the most expensive fracking ban in the country to that point. Other legal costs relating to Denton’s restrictive ordinance, which had been called a “de facto ban on new fracking operations,”²⁷ meant that anti-drilling advocacy ultimately cost Denton taxpayers more than \$1 million.²⁸

In May 2015, Governor Greg Abbott (R) signed House Bill 40, which passed the legislature by a wide bipartisan margin of 146 to 30. The new law clarified that cities had the authority to regulate surface

activities such as noise, traffic and emergency response – the first time those powers were explicitly enshrined in state law. However, the state, owing to its resources and technical expertise, retained authority over production activities, including hydraulic fracturing. By preventing bans on energy development, HB 40 was designed to protect Texas property owners. Since a ban denies residents their private property rights, including both mineral and surface owners who have a constitutionally protected right to use their own land, cities that have enacted bans have faced costly lawsuits for illegal government “takings,” the tab for which is paid by local taxpayers.

Denton’s illegal fracking ban remained in place, however, so the lawsuits remained active. In June 2015, Earthworks learned that it may have to pay attorneys’ fees, and the group filed a motion to exit the case.²⁹ Upon learning the news, local residents expressed frustration that Earthworks had promised to stand alongside the city and defray legal costs but then sought to exit the suit the minute the group discovered that it would actually have to pay some of the fees.³⁰ Earthworks’ maneuver effectively offloaded those potential costs onto city taxpayers.

In addition to explicit bans, Earthworks has publicly advocated for prohibitive regulation and even unusual regulatory enforcement. Chief among these is the group’s support for abnormally large setbacks, which are the mandated distances between a well site and structures such as buildings or homes. Under Texas law, cities are allowed to create and enforce setbacks. However, if setbacks are too large, they can effectively ban drilling by making it impossible to site a well. Landowners and real estate developers have also raised concerns about extreme setbacks, noting that they could prohibit construction of new homes and take away private property rights.³¹

When Flower Mound, a Dallas suburb, adopted a 1,500-foot setback in 2011, Earthworks praised the new rule.³² Months later, Flower Mound’s director of environmental services told the *Dallas Morning News*, “No new gas well pad site permits have been filed since the ordinance passed.” Similarly, after Southlake, another Dallas suburb, imposed a 1,000-foot setback, two of the largest natural gas producers in North Texas announced that they were pulling out of the city.³³

Earthworks celebrated Dallas’ 2013 drilling ordinance that mandated a 1,500-foot setback,³⁴ calling it a “de facto drilling ban” and “a victory for Dallas.” The group said the de facto ban “sets a new bar for all communities,” and encouraged other Texas cities to follow suit.³⁵ The lead Texas organizer for Earthworks recently wrote that Flower Mound and Dallas are the “only two Barnett Shale cities [that] have adequate setback distances.”³⁶

Earthworks also influenced an infamous U.S. EPA enforcement case in 2010 in Parker County, Tex., in which the agency’s regional administrator was caught tipping off environmental activists before accusing a natural gas driller of contaminating groundwater. According to emails published by the *New York Times*, Al Armendariz – then the Region 6 administrator for the EPA – emailed representatives from Earthworks and other activist groups that “we’re about to make a lot of news.” The EPA was planning to issue an unprecedented “endangerment order” against a natural gas company, alleging its operations had contaminated groundwater (multiple subsequent investigations³⁷ proved the EPA was wrong³⁸ and the agency rescinded the order in 2012).³⁹ Armendariz instructed the activists to “Tivo channel 8,” and then said: “Thank you both for helping to educate me on the public’s perspective of these issues.”⁴⁰ Earthworks’ lead Texas organizer, Sharon Wilson, replied to Armendariz, “Yee haw! Hats off to the new Sheriff and his deputies!”⁴¹

Two years later, Armendariz was forced to resign after video surfaced of him describing how his regulatory philosophy was similar to how the Romans used to “crucify” villagers they had conquered,

and that he sought to “make examples” out of the targets of his enforcement actions.⁴² Earthworks defended Armendariz, calling him a “champion” and an “effective regulator,” while also claiming that he “exemplified the very reason the Environmental Protection Agency exists.”⁴³ Two months after he resigned from the EPA, Armendariz was hired by the Sierra Club.⁴⁴

STOP THE FRACK ATTACK

On Earthworks’ website, a tab directs users to “Other EARTHWORKS Sites,” one of which is entitled “Stop the Frack Attack.” The mission of Stop the Frack Attack is to “spur the transition to a clean, renewable energy future.” The group’s social media pages are filled with anti-fossil fuel proclamations, including its Twitter profile, which currently reads in part, “No Fossil Fuels!”⁴⁵ Other members of Stop the Frack Attack include anti-fracking groups such as 350.org, the Center for Biological Diversity, Environment America, Food & Water Watch, Frack Free New York, Greenpeace and the Sierra Club.



As its name would suggest, the mission of Stop the Frack Attack is to coordinate groups in an effort to “aggregate our collective power around strategic initiatives and campaigns that can protect communities from the impacts of fracking and spur the transition to a clean, renewable energy future.”⁴⁶ The group’s definition of “fracking” is purposely broad and actually refers not just to the hydraulic fracturing process, but rather all oil and natural gas development. An official Stop the Frack Attack brochure states:

“Because the current oil and gas booms would not be possible without hydraulic fracturing, in our view, the definition of ‘fracking’ includes the entire life cycle and legacy of oil and gas exploration, development, production, waste disposal, infrastructure, transport and also includes environmental footprints and upstream and downstream negative economic, societal and health consequences.”

In essence, to “Stop the Frack Attack” means to end activities at every point in the oil and natural gas development process. As a member of the organization, Earthworks has committed to the same goals. The group’s brochure notes, “A member of the STFA network is defined as an organization who agrees to the mission of STFA and, if able to, pays dues to the networks.”⁴⁷

FUNDING

“With your help, Earthworks will expose the harm caused by oil, gas and mining companies.”

**EARTHWORKS’
DONATION PAGE**

According to Earthworks’ tax filings from 2010,⁴⁸ the group funneled approximately \$700,000 to the Oil & Gas Accountability Project (OGAP) for regulatory and government reform efforts, as well as media and community organizing activities to push their agenda. By 2014, that figure jumped to over \$1 million,⁴⁹ with the group’s 990 PF form (a financial report filed each year with the IRS by organizations exempt from federal income tax) specifically mentioning that money was going toward “raising awareness” about unconventional oil and natural gas activities, including hydraulic fracturing.

Many of the same foundations supporting Earthworks also financially support the Keep It in the Ground campaign and other anti-fracking initiatives. For example, the **Park Foundation**, a New York-based non-profit, gave Earthworks \$375,000 from 2011 through 2015 for general operating support and funding for OGAP projects, including \$10,000 last year to fund the 2015 Stop the Frack Attack national summit.

The Park Foundation has stated publicly that it is deliberately bankrolling the anti-fracking movement. Adelaide Park Gomer, the foundation’s president, said in 2011: “In our work to oppose fracking, the Park Foundation has simply helped to fuel an army of courageous individuals and NGOs [non-governmental organizations].”⁵⁰ The Park Foundation funded both anti-fracking *Gasland* movies, as well as a who’s who of other anti-fracking interests, ranging from New Yorkers Against Fracking to 350.org, the latter of which received \$165,000 from Park to support its “Fossil Fuel Divestment Campaign.” Inside Philanthropy, a watchdog for foundation giving, has described the Park Foundation as a “hero for fracking opponents.”⁵¹

The California-based **Hewlett Foundation** contributed \$400,000 to Earthworks between 2013 and 2014 to support OGAP. Further, a \$300,000 grant from Hewlett in 2014 was earmarked, noting that “Earthworks would concentrate in North Dakota, Montana, Texas, and California.” In 2010, Hewlett gave Earthworks \$20,000 to support the National People’s Oil and Gas Summit, which brought together anti-drilling activists from across the country in order to “greatly increase momentum on pushing local, state, and national reform efforts.” The event also featured a screening of *Gasland*.⁵² Since 2011, the Hewlett Foundation has given more than \$2.5 million to the Sierra Club for its anti-fossil fuel advocacy, including \$250,000 earmarked for the Club’s “Beyond Oil” campaign.⁵³

OTHER NOTABLE FUNDERS⁵⁴ OF EARTHWORKS INCLUDE:

David & Lucile Packard Foundation, \$180,000 (2011 to 2013). The Packard Foundation is “supporting the transition to clean energy sources,” according to its website. Packard also believes that “the transition to renewable energy – including solar and wind – is happening but the pace of growth needs to increase.”⁵⁵



Heinz Endowments, \$180,000 (2011⁵⁶ to 2013⁵⁷). Heinz heavily supported groups that advocated for the New York fracking ban, as well as ending oil and gas development in the Marcellus and Utica shales.



Energy Foundation, \$135,000 (2013 to 2014). According to a report from the U.S. Senate Environment & Public Works (EPW) Committee, the Energy Foundation is “a prime example of a ‘pass through’ public charity,” which “funds a variety of activist organizations.”⁵⁸ In 2011, nearly 15 percent of the Energy Foundation’s revenue came from the Sea Change Foundation, which receives significant funding from Klein, Ltd., a Bermuda-based firm.⁵⁹ From 2010⁶⁰ to 2012,⁶¹ the Energy Foundation gave more than \$1 million each to the League of Conservation Voters, the Natural Resources Defense Council and the Sierra Club.



Tides Foundation, \$175,000 (2012 to 2014). With offices in New York and San Francisco, Tides funds environmental activism all over the world.⁶² From 2010 to 2012, the Tides Foundation received over \$39 million from the Tides Center, an offshoot of the Foundation.^{63, 64} Over the same period, the Center received over \$10 million from the Foundation. As the U.S. Senate EPW report mentioned, “it is unclear what purpose the transfer of funds between these two organizations serves, other than obscuring the money train.” The founder of the Tides Foundation, Drummond Pike, has even admitted, “Anonymity is very important to most of the people we work with.” The Foundation also supported the Occupy Wall Street movement.⁶⁵



Trillium Asset Management, an investment management firm that helps clients invest in non-fossil fuel assets, including renewable energy.⁶⁶



Patagonia, a California-based clothing company whose CEO has declared, “Patagonia is against fracking.”⁶⁷



SIERRA
CLUB

Lone Star Chapter of the Sierra Club



BASED IN: Austin, TX
(The Sierra Club is headquartered in Oakland, CA. The “Lone Star” Chapter is based in Texas.)

FUNDED BY: Foundations like the Hewlett Foundation and the Rockefeller Brothers Fund bankroll the Sierra Club, specifically for anti-oil advocacy. Sierra Club also receives \$750 from a solar panel company for each panel system the company installs.

KEY CAMPAIGNS: National chapter runs campaigns called “Beyond Oil” and “Beyond Natural Gas.”

★ Sierra Club had been supportive of natural gas, but later flip-flopped and now opposes it.

“[T]he Sierra Club is opposed to fracking, period.”

**MICHAEL BRUNE,
EXECUTIVE DIRECTOR,
SIERRA CLUB**

★ Opposes exports of liquefied natural gas, a projected source of billions of dollars in investment and thousands of new jobs.

Much like other activist groups in Texas, Sierra Club is an active member in the Keep It in the Ground movement.⁶⁸ Recently, Sierra Club has stepped up its nationwide efforts against oil and natural gas, launching its Beyond Oil and Beyond Natural Gas campaigns. In Texas, the Sierra Club has focused significant attention on trying to ban exports of liquefied natural gas, in addition to promoting increased regulations on production-related activities.

TEXAS ADVOCACY

In Texas, the Sierra Club recognizes that an explicit ban on oil and natural gas development would be overwhelmingly rejected. Thus, like other Texas environmental groups with a national agenda of banning fracking, the Sierra Club chooses to focus primarily on regulations and other policies to stop drilling.

For example, the Sierra Club signed on to a letter (through its Dallas affiliate) in 2013 supporting a 1,500-foot drilling setback in the Dallas city limits. The letter touted the 1,500-foot setback in Flower Mound,⁶⁹ which – after it was implemented – halted new permitting for well pads in the city.⁷⁰ The Natural Resources Defense Council, while trying to suggest the Dallas ordinance “is not a ban,” admitted it to be “true” that the 1,500-foot setback is a “de facto ban on drilling.”⁷¹ In 2012, the Sierra Club joined a coalition of other environmental groups calling for a setback of at least 3,000 feet, which was described not as a ban, but as a “truly protective buffer zone.”⁷²

Legislatively, the Lone Star Chapter of the Sierra Club has supported bills that would pose significant barriers to successfully producing and utilizing oil and natural gas in Texas. The group posted a list of energy bills in the Texas legislature during the 84th session (January to June 2015), and 66 percent of the bills it supported involved increased regulation or monitoring of oil and natural gas activity, including costly new requirements on air emissions that are already addressed with existing rules.⁷³

One policy that the Sierra Club supports is a mandate for all new oil and natural gas facilities in Texas to use vapor recovery units (VRUs), which recover condensate from storage tanks. However, there is an insufficient quantity of condensate produced from natural gas wells in many parts of Texas (including the Barnett Shale) to make VRUs economically viable. Thus, the VRU mandates are little more than another attempt to increase the cost of drilling without any significant environmental benefit.⁷⁴

The Sierra Club has also called for Texas to comply with the U.S. EPA’s Clean Power Plan, which aims to regulate carbon emissions from



power plants. In early 2016, the U.S. Supreme Court put a stay on EPA's rule, although the Sierra Club has joined a lawsuit to support EPA's rule.⁷⁵ Natural gas is the largest source of electricity in Texas, but environmental groups⁷⁶ and the media⁷⁷ have acknowledged that the Clean Power Plan could lead to a shift away from natural gas power plants.

Although the Sierra Club often claims to support new rules and regulations in Texas, the organization's broader mission – i.e. Beyond Oil and Beyond Natural Gas – does make itself apparent from time to time.

For example, in February of 2016, the Lone Star Chapter of the Sierra Club joined with other activist groups to formally protest the inclusion of 36,000 acres of public land in a U.S. Bureau of Land Management oil and natural gas lease auction.⁷⁸ When the federal government acquiesced and removed the Texas parcels, the conservation director of Sierra Club's Lone Star Chapter praised the ruling and claimed that what it means by "best practices" is shutting down drilling entirely:

*"As BLM [Bureau of Land Management] looks to the future, serious reforms are needed in its auction process so the public has an opportunity to raise concerns and **insist on best practices, including keeping oil and gas in the ground.**"*⁷⁹

The Lone Star Chapter of the Sierra Club has recently turned its focus toward opposing exports of liquefied natural gas (LNG). Thanks to hydraulic fracturing, natural gas production in Texas has skyrocketed, with marketed production growing by more than 1.1 trillion cubic feet in just the past six years.⁸⁰ In addition to using more natural gas in Texas power plants, this growth in production has also helped enable an increase in natural gas exports from Texas, which more than doubled between 2010 and 2014.⁸¹

LNG export projects represent billions of dollars in investment and thousands of new Texas jobs. The Texas LNG terminal alone, one of several new proposed LNG projects in the Port of Brownsville, represents an estimated \$1.3 billion in direct investment and \$11 million in annual state and local tax revenue.⁸² A report by Dr. Richard Muller from the University of California at Berkeley found that increased use of natural gas worldwide – which exports of LNG from Texas would facilitate – would be "beneficial to society" by reducing air pollution that "is currently killing over three million people each year," as well as by reducing greenhouse gas emissions.⁸³

Despite these benefits, the Lone Star Chapter of the Sierra Club is actively fighting against the proposed LNG export facilities in the Port of Brownsville, using a combination of community organizing and the threat of legal action.⁸⁴ In a recent report focusing on the Brownsville area projects, the Sierra Club claimed that "exporting natural gas will encourage the destructive practice of fracking," and that the facilities would cause "dangerous emissions."⁸⁵ Local officials, however, have dismissed the report for its factual inaccuracies. "Some of the examples cited in the report by the Sierra Club are examples of incidents that have occurred in foreign countries that do not maintain the same standards as those imposed in the U.S.," said Eduardo Campirano, director and CEO of the Port of Brownsville.⁸⁶

The Sierra Club has also sued to block other LNG export projects in Texas. A federal appeals court recently rejected the Sierra Club's attempt to stop construction of the Freeport LNG terminal, although the Sierra Club has promised to sue other federal entities in order to halt exports.⁸⁷

BEYOND OIL AND BEYOND NATURAL GAS

At a national level, the Sierra Club is unabashedly opposed to fossil fuels. As part of its Beyond Oil campaign, the group says that it will fight “extreme” sources of energy such as shale oil, which includes everything from opposing refinery expansions and the use of trains or pipelines to transport oil, to opposing any production-related activities. Essentially, the Sierra Club is working to block all stages of development through its advocacy and lobbying efforts. As the group states:

“We have effectively lobbied federal agencies, organized grassroots pressure, and litigated to stop extreme oil drilling, mining, pipelines, and refineries.”⁸⁸

This is not unique to oil, however. Through its Beyond Natural Gas campaign, the Sierra Club calls for putting an end to fracking, blocking the export of liquefied natural gas and opposing the construction of new natural gas-fired power plants.⁸⁹ Interestingly, the Sierra Club used to support natural gas as a clean energy option. According to the *Wall Street Journal*, the Sierra Club’s about-face was due to the success of fracking:

“So why is the Sierra Club suddenly portraying natural gas as a villain? The answer surely is the industry’s drilling success. The greens were happy to support natural gas as a ‘bridge fuel to the 21st century’ when it cost \$8 or more per million BTUs and seemed to be in limited domestic supply.

“But now that the hydraulic fracturing and shale revolution has sent gas prices down to \$2.50, the lobby fears natural gas will come to dominate U.S. energy production. At that price, the Sierra Club’s Valhalla of wind, solar and biofuel power may never be competitive. So the green left has decided it must do everything it can to reduce the supply of gas and keep its price as high as possible.”⁹⁰





The Sierra Club has attempted to give itself wiggle room against accusations that it is only trying to shut down drilling. For example, throughout the Sierra Club's Beyond Natural Gas webpage, the group declares: "If we can't drill safely, then we shouldn't be drilling at all." A casual reader may think that the Sierra Club is not opposed to oil and natural gas, only that it's opposed to *unsafe* development of oil and natural gas.

But Michael Brune, the executive director of the Sierra Club, has made it clear that the Sierra Club is not interested in regulation. In 2014, Brune wrote:

*"Because of these unacceptable risks to our communities, our environment, and our climate, the Sierra Club is opposed to fracking, period."*⁹¹

The Sierra Club is also a willing participant in the Keep It in the Ground movement,⁹² a campaign to end all fossil fuel production. As part of that campaign, Michael Brune has called for more bans and moratoria on fracking:

"Instead of blindly allowing destructive fracking to continue in our communities, we should extend statewide fracking bans, like the one in New York, and moratoriums, like the one in Maryland."

FUNDING FOR THE SIERRA CLUB

The Sierra Club is bankrolled by a myriad of deep-pocketed foundations and organizations. Groups such as the Rockefeller Brothers Fund, the Energy Foundation and the Tides Foundation have all given generously to the Sierra Club and its campaigns to stop fracking and other energy development.



Hewlett Foundation, \$4.9 million since 2010. Hewlett gave the Sierra Club \$250,000 in 2015, which was earmarked for the Beyond Oil campaign.⁹³ In 2013, Hewlett funded the Sierra Club's efforts "to reduce oil use in transportation" with a grant of \$500,000.⁹⁴



Rockefeller Brothers Fund, over \$2 million since 2009. RBF has given Sierra Club grants that were earmarked for everything from anti-oil advocacy to a campaign against free trade.⁹⁵



Energy Foundation, over \$8 million (2013 to 2014).⁹⁶ Grants from the Energy Foundation were vaguely defined, including millions of dollars to "promote education and analysis to build markets for clean, affordable energy that protects public health." Another grant was designed to "promote education and outreach to build a clean energy future."⁹⁷ As the U.S. Senate Environment and Public Works Committee noted, however, the Energy Foundation is a "pass through" entity that funnels money – including funds that originate offshore – to other foundations, which in

newventurefund

turn fund environmental activist groups themselves.⁹⁸

New Venture Fund, \$370,000 (2013 to 2014). Headquartered in Washington, D.C., the New Venture Fund's environmental grants are to support "alternative energy sources and reduction of fossil fuels," according to the Fund's tax documents.⁹⁹ In 2014, the New Venture Fund gave \$85,000 to the activist group 350.org; \$80,000 to Bold Nebraska (a leading opponent of the Keystone XL pipeline); \$25,000 to Friends of the Earth and \$125,000 to the Natural Resources Defense Council, among others.¹⁰⁰



Tides Foundation, over \$1.4 million (2011 to 2014). Tides funds environmental activism all over the world, including the tens of thousands of dollars it has given to the Sierra Club in Canada.¹⁰¹ There is also evidence that Tides is serving as a pass-through entity for donors to conceal their anti-oil and gas funding, as it regularly receives millions of dollars from (and then redistributes to) other large environmental foundations.¹⁰²



Another funding source of the Sierra Club could raise conflict of interest concerns: **Sungevity**, a rooftop solar company, gives the Sierra Club \$750 every time someone installs a Sungevity solar panel system.¹⁰³



Environment Texas



BASED IN: Austin, TX
(Parent organization, Environment America, is based in Boston, MA.)

FUNDED BY: Deep pocketed, anti-fossil fuel foundations.

KEY CAMPAIGN:
"Stop Fracking Our Future"

★ Pushes for de facto bans on fracking in Texas with deceptive terms like "best practices" and "local control."

***"Fracking
should not occur
anywhere."***

ENVIRONMENT TEXAS

★ Research from Environment Texas has received significant criticism from state experts for exaggerating risks and misstating facts.



Environment Texas is a project of the Boston-based activist group Environment America, which is a “federation of state-based citizen-funded environmental advocacy organizations.”¹⁰⁴ Although the group claims to “raise awareness of environmental issues and promote sensible solutions,”¹⁰⁵ it actively campaigns to shut down oil and natural gas production, including a ban on fracking.

Environment Texas is actually comprised of two coordinating entities – Environment Texas, Inc. and Environment Texas Research and Policy Center. Environment Texas focuses on community organizing, media campaigns and legal actions; the Research and Policy Center publishes reports to bring attention to the group’s overall efforts. Environment Texas often collaborates with other activist groups to publish reports or organize anti-energy demonstrations across the state.

Some of the organization’s “current priorities” include protecting public parks and encouraging a nationwide transition to 100 percent renewable energy.¹⁰⁶ But Environment Texas often calls for more regulation of fracking, including everything from more fluid disclosure to additional federal oversight from the U.S. EPA.

Environment Texas does not always call for outright bans on drilling, choosing instead to use arguments like “best practices” and “local control” to mask its agenda.

In a press release describing an Environment Texas report on drilling on University of Texas lands, the group said it was calling on the University Lands Office to “review best practices around the nation and write strong environmental protections into leases with oil and gas companies.”¹⁰⁷ Many media outlets took Environment Texas at its word, writing that the group was simply asking the University Lands Office to “draft environmental protections to be included in fracking leases with the oil and gas industry.”¹⁰⁸ The *Houston Chronicle* even provided column space for Luke Metzger with Environment Texas to claim that he wanted the UT system to “identify and implement best practices” on UT lands. Metzger said that smart rules would “allow revenues to continue, while lessening the impact to Texans’ health and environment.”¹⁰⁹ That Metzger’s group wants to stop drilling – and thus halt revenues from flowing on University Lands entirely – was not disclosed.

In 2015, Metzger penned op-eds in several of the largest Texas newspapers accusing “energy interests” of “threatening local control.”¹¹⁰ Metzger said that cities have “rightly responded” to the risks of oil and natural gas development by “adopting some limits” on drilling. A version of the op-ed appeared in the *Dallas Morning News*, the *Houston Chronicle*¹¹¹ and the *San Antonio Express-News*.¹¹²

Despite its calls for more regulation in press releases and in the media, Environment Texas has occasionally made its real position clear. For example, Environment Texas has asserted that “no plausible system of regulation appears likely to address the scale and severity of fracking’s impacts.”¹¹³ In its University Lands report, Environment Texas stated flatly: “Fracking should not occur anywhere.”¹¹⁴ In other words, Environment Texas does not really believe in more regulation, much less “local control,” because the group does not believe any amount of regulation will be adequate. The group is only truly interested in banning fracking, a point that is reinforced by its “Stop Fracking Our Future” campaign.¹¹⁵

The mission of “Stop Fracking Our Future” is to create “massive public support to stop the oil and gas industry from fracking our future.” The group asserts that fracking is “dirty drilling” that “is threatening our environment and health.” To reinforce these claims, Environment Texas occasionally publishes reports, such as its “Fracking by the Numbers” paper, which concluded:

“...to address the environmental and public health threats from fracking across the nation, states should prohibit fracking.”¹¹⁶

In case there were any doubt, Environment America, the parent entity of Environment Texas, proclaims the need for “immediate action” on its website, adding: “we’re working to ban fracking wherever we can—from New York to North Carolina to California.”¹¹⁷ The group also has a petition to the U.S. Congress that reads in part, “To protect our environment and health, please ban fracking.”¹¹⁸ Environment America has publicly supported federal legislation spurred by the Keep It in the Ground campaign, which would ban oil, natural gas and coal leasing on federal lands.¹¹⁹

“The Keep It in the Ground Act will protect our beaches, the fragile Arctic, and some of our most treasured natural areas – all while keeping dirty fuels in the ground where they belong.”

**RACHEL RICHARDSON,
DIRECTOR OF THE “STOP
DRILLING PROGRAM,”
ENVIRONMENT AMERICA**



Research from Environment Texas has received significant criticism for exaggerating risks and misstating facts. At a forum hosted by the *Texas Tribune* in 2015, Luke Metzger from Environment Texas asked Dr. Scott Tinker, the state geologist of Texas, about oversight on University Lands, based on research Environment Texas had recently published. Dr. Tinker responded that the state “actually has pretty strict regulations,” and that there were “lots of factual errors” in the Environment Texas report. “It was passionate, but passion doesn’t always lead to good science,” Dr. Tinker added.¹²⁰

Mark Houser, the CEO of UT’s University Lands, said the Environment Texas report was “one-sided,” and that it failed to contextualize its figures. For example, Environment Texas asserted more than 1.6 million gallons of drilling-related fluids had spilled on University Lands. Houser responded by noting, “that’s about the equivalent of one can of Coke per acre per year over this eight-year period,” adding that spills are cleaned up and that the University Lands have an “impressive record” of safe operations.¹²¹ He also said, “We go far beyond what is required by state and federal regulations to protect university lands.”¹²²

In addition to reports and advocacy campaigns focused on stopping oil and natural gas activities, Environment Texas has a legislative agenda that supports policies to further restrict oil and natural gas development in Texas. The agenda also calls for “more wind and solar energy.”¹²³

SPECIFIC LEGISLATIVE PRIORITIES FOR ENVIRONMENT TEXAS INCLUDE:

Stripping the state of its authority to

regulate drilling: Environment Texas believes cities and towns should be able set drilling standards, not the state, even though the state has the technical expertise needed to adequately regulate oil and natural gas production in Texas. Although this is often pursued under the benign sounding “local control,” Texas environmental groups (including Environment Texas) typically only defend this principle when a locality bans or restricts drilling.

Banning freshwater use during fracking:

Even though fracking only accounts for 0.5 percent of statewide water use, Environment Texas claims it consumes “billions of gallons” of water, and that freshwater use should be banned by 2020. Although the use of non-potable water supplies for fracking is increasing,¹²⁴ this policy would effectively

ban fracking in Texas. Previous research from North Texans for Natural Gas¹²⁵ has shown that hydraulic fracturing – and the natural gas it unlocks – actually helps conserve water in Texas, since natural gas-fired electricity requires 60-70 percent less water than other baseload energy alternatives.

Banning flaring and venting of natural gas:

Flaring and venting are typically minimized once pipeline infrastructure is built out, but both processes are also used as safety precautions. Flaring and venting can prevent dangerous gas accumulations that would otherwise put onsite workers at risk. As such, calling for a ban on flaring and venting suggests that Environment Texas either does not understand the purpose of these processes, or simply wants to ban drilling – if not both.

Like the use of “setbacks” to advocate against drilling, these legislative priorities do not appear to include an outright ban on development. Functionally, however, they are aimed at restricting and ultimately shutting down oil and natural gas production in Texas – a goal that Environment Texas has explicitly advocated.

FUNDING FOR ENVIRONMENT TEXAS

Similar to Earthworks, many of the main funders for Environment Texas (and Environment America, its parent organization) are deep-pocketed foundations that are headquartered outside of Texas, and which also bankroll the anti-fossil fuel movement nationwide.



Park Foundation, almost \$300,000 (2012 to 2015). Park contributed to the Environment America Research and Policy Center from 2012 to 2015, with \$180,000 earmarked specifically for stopping fracking. Park’s 2014 grant for \$60,000 states that the money is part of an effort to “build a national anti-fracking movement.”¹²⁶ A separate \$60,000 grant from Park in 2013 was intended to “build greater awareness and support for stronger public policy on fracking.”¹²⁷ In 2012, Environment America received \$60,000 to “launch an expanded initiative to fight fracking in individual states, building up to national regulation.”¹²⁸



millions of dollars from the Sea Change Foundation,^{130,131,132} an organization that has come under fire for foreign donations that are possibly being funneled to U.S. environmental groups or other foundations.¹³³

Sea Change Foundation, \$600,000 in fiscal year 2012. In a single year (2012), Sea Change contributed \$600,000 to Environment America with the vague purpose to “educate [the] public about climate and clean energy.” Inside Philanthropy says the Sea Change Foundation “quietly funds the giants of climate change work” and has “very little public presence.” It is also described as “the philanthropic shop of Nathaniel Simons,”¹³⁴ who runs a venture capital firm that invests in green energy companies.¹³⁵ Between fiscal years 2010 and 2011, donations to Sea Change from a Bermuda-based firm called Klein, Ltd., comprised more than 40 percent of the total contributions that Sea Change took in over that period.¹³⁶

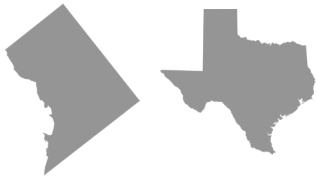


Energy Foundation, over \$1 million since 2012. The Energy Foundation’s donations to Environment America (and its various chapters) include \$30,000 in 2012 specifically earmarked to “advance stringent energy codes in Texas.”¹²⁹ The Energy Foundation has received



PUBLICCITIZEN

Public Citizen Texas



BASED IN: Washington, D.C.
(parent organization HQ
founded by Ralph Nader)
and Austin (the Texas-based
arm HQ)

FUNDED BY: Foundations
that bankroll other anti-energy
groups and campaigns,
including the Rockefeller
Brothers Fund and the Energy
Foundation

★ Public Citizen Texas
calls for mandated pipeline
infrastructure before
fracking occurs, but also
opposes construction of
new pipelines.

★ Supports illegal seizure of all “economic
benefit” stemming from oil and natural
production if any regulatory violation, including
administrative, occurs.

★ Worked with other anti-energy groups to call
for strict methane emission regulations from
the U.S. EPA that financial analysts have said
would wipe out smaller drilling companies.

***“On behalf of Americans
who live in every U.S. state
and territory, we urge that
you employ any legal means
to put a halt to hydraulic
fracturing (‘fracking’).”***

**LETTER SIGNED BY ROBERT WEISSMAN,
PRESIDENT, PUBLIC CITIZEN**

While not as well-known as other national groups like Earthworks and Sierra Club, Public Citizen has still made its anti-energy efforts felt throughout Texas. To achieve its goal, Public Citizen places greater focus on legislative activities while also participating in community advocacy campaigns. On its website, Public Citizen Texas says it supports “mandates for more renewable energy,” as well as policies that will “combat greenhouse gas emissions which are responsible for global climate change.”¹³⁷ The group says its mission is “to be the most effective advocates for the environment and its citizens against government and corporate irresponsibility.”¹³⁸

The group’s “Fighting Dirty Energy in Texas” campaign does not list oil and natural gas drilling or fracking, but focuses instead on opposing coal, nuclear power and reducing emissions from diesel.¹³⁹ However, the group’s actions speak much louder than words on its website.

Public Citizen’s 2015 legislative priorities document includes a call to “reduce flaring and venting by ensuring pipelines are in place before fracking a well.”¹⁴⁰ “Pipelines can cost millions of dollars and require months or even years to get permitted, a process that is prolonged by groups such as Public Citizen Texas, whose 2015 goals also called for additional hearings and restrictions on pipelines. Public Citizen has even blogged about the “danger” of gathering pipelines,¹⁴¹ which are what connect producing wells to storage sites and, ultimately, the broader distribution system.

Companies cannot justify a massive capital investment in pipeline infrastructure unless and until the volume of production from a given well has been proven. Otherwise, if a well does not have adequate production after it has been completed, a company would have spent millions of dollars building out pipeline infrastructure with no way to recover the cost. Forcing a company to incur that kind of financial liability before hydraulic fracturing occurs would bring drilling to a halt in many parts of the state, as it would make development prohibitively expensive. In many cases, the pipeline company is not the same as the company that drilled or completed the well, adding yet another layer of complexity to Public Citizen’s impractical recommendation.

An even more onerous proposal from Public Citizen is “forfeiture of economic benefit for violating air or water pollution laws.” Public Citizen is effectively calling for an illegal seizure of all “economic benefit” stemming from production if any violation occurs. Many, if not most, violations involve paperwork errors. Often times, spills that do occur are small and contained, and do not pose a threat to the environment. But according to Public Citizen’s priorities, any such mistake would be grounds for government confiscation of property.

Perhaps unsurprisingly, Public Citizen pushes its anti-energy agenda under the guise of “local control,” which includes stripping the state of its authority to regulate oil and natural gas production activities and letting cities and towns impose their own patchwork of regulations. But just like other environmental groups in Texas, Public Citizen’s “local control” advocacy only applies when there is a drilling ban to defend.

For example, after Denton approved its fracking ban in 2014, Public Citizen praised the effort, while also committing to defend the ban however it could. As the group wrote on its TexasVox blog:

“There will be legal challenges to the Denton fracking ban, and possibly legislative action to try to roll it back. That’s where the rest of us who care about protecting human health and the environment come in. We can’t leave Denton residents to fight alone.”¹⁴²

After an overwhelmingly bipartisan majority in the Texas legislature clarified that the state has the power to regulate production, Public Citizen Texas spokesman Tom “Smitty” Smith participated in a public strategy session put on by a local anti-energy group, entitled “The Future of Fighting Fracking in Texas.”¹⁴³ The event, which suffered from a “small turnout” according to the *Dallas Morning News*, included the distribution of organizing pamphlets with headlines like “Rules for Raising Constructive Hell.”¹⁴⁴

Smitty was so angry at the new state law – which gives cities authority over the surface activities they traditionally have regulated, but forbids local drilling bans – that he compared Texas Governor Greg Abbott to a mass murderer:

“And so now we have Greg Abbott declaring the state is more powerful than cities or local communities and their desires...It looks like a Stalinist dictatorship is beginning.”¹⁴⁵

Along with production, Public Citizen Texas also opposes the transport of oil and the use of natural gas. The group has spoken out against pipeline projects, including Keystone XL, which it described as “not in our national interest”¹⁴⁶– an ironic position given that the group has also called for “ensuring pipelines are in place” before fracking occurs. Public Citizen Texas similarly opposes the transport of oil by train, which Smitty calls “firebombs on rail.”¹⁴⁷ The group also opposes building new natural gas-fired power plants in Texas. In November 2015, Smitty spoke out against a plan to build two new gas plants in Denton, even though they are part of an effort to move the city from 41 percent renewable generation to 70 percent.¹⁴⁸ As the group previously wrote on its blog:

“Natural gas is not a clean or harmless energy choice. Its use should be minimized as much as possible. That includes moving away from natural gas-fired power plants, not building more of them.”¹⁴⁹

The organization has worked with other anti-energy groups such as Earthworks and the Sierra Club to call for stricter EPA regulations on methane emissions from oil and natural gas production,¹⁵⁰ a policy that financial analysts have said would wipe out smaller drilling companies.¹⁵¹

An active member of the Keep It in the Ground movement, Public Citizen has a petition declaring that “we need to halt fracking on our land and drilling in our waters.”¹⁵² In a letter addressed to President Obama, Public Citizen and dozens of other environmental groups wrote that “the longstanding U.S. policy of leasing federal public lands and oceans to corporations for coal, oil and gas extraction must end.”¹⁵³

Public Citizen was also involved in the Parker County case from 2010, when the EPA issued an endangerment order against a local driller that was later proven to be unwarranted. Tom “Smitty” Smith from Public Citizen was one of the local activists emailed by EPA Region 6 administrator Al Armendariz.¹⁵⁴ Later, Public Citizen praised Armendariz’s decision to strip Texas of its permitting authority for a refinery in Corpus Christi.¹⁵⁵

FUNDING

“[I]t is time to break our addiction to fossil fuels.”

**RALPH NADER,
FOUNDER OF PUBLIC CITIZEN¹⁵⁶**

It is not just Public Citizen’s actions and policies that are indicative of its anti-oil and natural gas agenda, but also the group’s funding and associations. Founded by Ralph Nader, the Green Party presidential candidate in 1996 and 2000, Public Citizen’s position on oil and natural gas issues is the same as Nader’s. While the group states that “we accept no government or corporate money,” it does receive significant funding from large foundations that bankroll other anti-energy groups and campaigns.

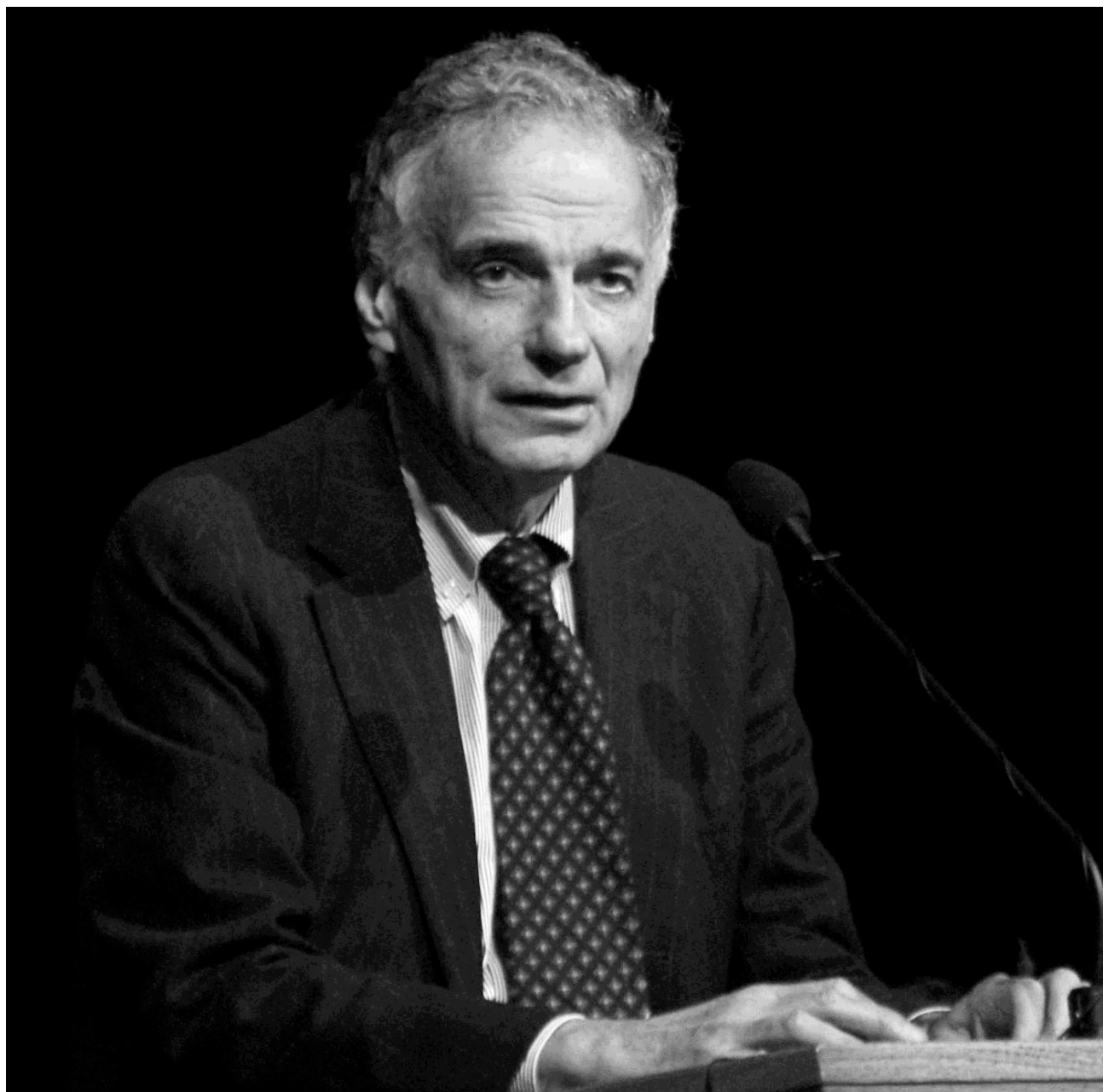


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FOUNDATIONS BACKING PUBLIC CITIZEN INCLUDE:



Energy Foundation, \$350,000 (2014). While vague, the grants all focus on a transition from fossil fuel energy, such as “to support education and analysis to build markets” for “renewable energy,” or “energy efficiency” and “clean, affordable energy that protects public health.”¹⁵⁷ As described earlier, the Energy Foundation is a pass-through organization that funds major anti-oil and natural gas groups nationwide.



Rockefeller Brothers Fund, \$765,000 (2012 to 2014). Environmental activist Bill McKibben has called RBF a “great ally,” particularly for its help in funding the organization he co-founded, 350.org. Grants to Public Citizen include \$65,000 for the “effort to align global investment rules with democratic environmental, and development objectives.”^{158, 159}



newventurefund

Tides Foundation, \$150,000 (2011 to 2014). Of this amount, \$47,000 went directly toward “research, education and organizing on dirty fuels and pipelines,” according to the foundation’s 2012¹⁶⁰ and 2013¹⁶¹ tax filings.

New Venture Fund, \$90,000 (2012¹⁶² to 2014¹⁶³). Two grants totaling \$90,000 were earmarked for “Environmental (Climate, Conservation & Energy) Programs.” While this does not provide much information on what NVF was funding, NVF also contributed \$62,500 in 2012 to the anti-fracking group Oil Change International, listing the same purpose of “Environmental (Climate, Conservation & Energy) Programs.”

Other Environmental Activists in Texas

While the above-mentioned groups are quite active in Texas, they are not the only environmental interests trying to restrict oil and natural gas activity in the state. For example, **Food & Water Watch** – an extreme activist group that often leads anti-fracking events across the country – has tried and failed to get traction in Texas. Although the group has tried to gin up fear and opposition in South Texas, Food & Water Watch's Southwest Director admitted to the *San Antonio Business Journal* that “so far, it’s been a tough road for us in this state.”¹⁶⁴

Other groups active in Texas include **Downwinders at Risk**, based in Dallas, and **Texas Campaign for the Environment (TCE)**, based in Austin. While these groups may be smaller than Earthworks, Sierra Club and Environment Texas, they similarly advocate against oil and natural gas development by calling for a prohibitive regulatory regime instead of explicit bans. Additionally, Downwinders and TCE often collaborate with these groups to further their anti-energy goals, while TCE even shares funding sources with them.

Both Downwinders and TCE focus on community organizing and advocacy efforts around fossil fuel production and use. TCE has helped mobilize communities around the issues of “local control” and more stringent regulation of natural gas production, as the group advocates for increased drilling setbacks throughout the Barnett Shale. Downwinders, on the other hand, puts greater emphasis on changing policy through its advocacy, lobbying for stricter air regulations and organizing to overturn state laws with which it disagrees.

In terms of legislation, TCE has heavily criticized the Texas Railroad Commission (RRC) on the false assumption that the state’s oil and gas regulatory framework is somehow deficient in ensuring environmental safety. The group has been working to take advantage of the “Sunset Review” of the RRC – a state review of the agency that occurs every 10 years – in an effort to change how the state regulates issues involving land, air and water quality.¹⁶⁵

TCE’s advocacy on this front is really intended to target oil and natural gas development, based on false allegations and a lack of understanding of how state regulations works. TCE writes:

“Enforcing existing state laws designed to protect our air, water and land shouldn’t be a controversial issue. Better enforcement could improve other areas such as our chronic smog problem in D/FW—much of our regional ozone pollution can be traced to oil and gas emissions. It could even affect the growing number of earthquakes caused by the oil and gas industry, because if state officials want to put rules in place to prevent this damaging seismic activity, they’ll be utterly useless without proper enforcement.”¹⁶⁶



Food & Water Watch
Based in:
Washington, D.C.



Downwinders at Risk
Based in: Dallas, TX



Texas Campaign for the Environment (TCE)
Based in: Austin, TX



TCE's claim that "much of our regional ozone pollution can be traced to oil and gas emissions" is not true. State data show that ozone precursors in the Dallas-Fort Worth area come primarily from the millions of cars and trucks on the road, in addition to other mobile sources like aircraft.¹⁶⁷ In 2014, the RRC updated its rules on injection wells to address concerns about seismicity, which included increased monitoring and the ability to apply special permitting conditions. The U.S. EPA recently commended the RRC for these new standards.¹⁶⁸ Since the rule was passed, over 60 percent of all disposal well applications have been denied, withdrawn, or had additional restrictions placed on them.¹⁶⁹ These facts suggest that TCE is using a state regulatory process as an excuse to attack – and ultimately try to restrict the operations of – the Texas oil and natural gas industry.

Downwinders, too, has tried to change regulation in Texas to make it prohibitive to produce oil and natural gas. Recently the group organized a four-day event geared toward "strategizing" over HB40, the state law that clarifies oil and gas regulatory powers for the state and local governments.¹⁷⁰ The highlight of this four-day event was an "all-star" panel discussion over how to best overturn HB40 or circumvent its ruling.¹⁷¹ Speaking about the event, the head of Downwinders, Jim Schermbeck, stated it "could potentially have the biggest impact on the Texas environmental movement."¹⁷² Unfortunately for Schermbeck and Downwinders, fewer than 30 people showed up to this "statewide" public strategy session, leaving the venue with mostly empty seats.

Additionally, while Downwinders hosted this anti-fracking event, several of the activist groups mentioned in this paper partnered with Downwinders to support it. As the event's website lists, "Root and Branch Partners" include: Earthworks, Dallas Sierra Club, Public Citizen/Texas and Texas Campaign for the Environment, among others.¹⁷³ Further, leaders from these groups participated in the HB40 "strategizing" panel, including Adam Briggles from Frack Free Denton, Tom "Smitty" Smith from Public Citizen and Zac Trahan of Texas Campaign for the Environment, who moderated the event.¹⁷⁴

While Downwinders looked to overturn HB40, TCE's activities have centered on introducing significantly greater drilling setbacks in North Texas. In Dallas specifically, the group began by supporting a 1,000-foot setback in 2011 – over three times larger than the setback in place at the time – and canvassing for supporters "to pressure council members into creating tough regulation on gas drilling."¹⁷⁵ Just a few years later, TCE pushed for an even more extreme drilling ordinance in Dallas, including a setback of 1,500 feet – almost a third of a mile.¹⁷⁶ Such an extreme setback amounts to a de facto ban, as no drilling could take place within the city. TCE celebrates the 1,500-foot setback in Dallas as one of its "victories."¹⁷⁷

But TCE does not describe these so-called setback bans as prohibitions on development, unlike their allies Earthworks.¹⁷⁸ Instead, TCE has referred to large setbacks as “stronger accountability for oil and gas operations,” and part of the broader advocacy tactic known as “local control.”¹⁷⁹ TCE has even claimed that local fracking bans are simply part of “the right to self-govern.”¹⁸⁰

TCE’s support of increased setbacks is unsurprising however, considering the group shares funding sources with many of the national environmental activist groups. While funding is not as readily available for smaller regional groups like TCE, their tax returns show that the Educational Foundation of America contributed \$10,000 to TCE in 2015.¹⁸¹ That same year, the Educational Foundation of America gave Earthworks \$50,000 for “Fighting Climate Change and Reducing Methane Emissions by Using Infrared Video Imagery and Impacted Community Stories to Advance Federal Regulations.”¹⁸² Additionally, TCE is a member of EarthShare, a collaboration of activist organizations in Texas. EarthShare contributed thousands of dollars to TCE, the Lone Star Chapter of the Sierra Club and Public Citizen Texas in 2015,¹⁸³ while Environment America is listed as one of the group’s “National/International” members.¹⁸⁴

Both Downwinders and TCE also support stricter regulations on air emissions in Texas. TCE’s mission statement on emissions suggests that it wants to end not only oil and natural gas development, but virtually any economic development. “We envision a Texas free from pollution,” TCE writes on its website.¹⁸⁵ Since even the manufacturing of wind turbines and solar panels results in emissions, it’s unclear exactly what energy sources TCE supports, much less what the Texas economy would look like under TCE’s vision.

Downwinders has also partnered with larger activist groups – specifically the Sierra Club – to push for more expansive regulations in Texas. For example, last year Downwinders and the Lone Star Chapter of the Sierra Club submitted a 62-page document to the Texas Commission on Environmental Quality (TCEQ) criticizing the agency’s new air emissions plan.¹⁸⁶ In 2014, the two groups worked together to lobby the North Central Texas Council of Governments, arguing against the State’s current anti-smog plan in favor of more stringent regulations. Additionally, Downwinders – along with Earthworks, Sierra Club, TCE and Public Citizen – petitioned the EPA at a public hearing last September to support increased regulation of oil and natural gas activity in Texas.¹⁸⁷

Along with these efforts, Downwinders recently contributed \$120,000 to researchers at the University of North Texas (UNT) to study air emissions and ozone formation in the region. Focusing on emissions such as nitrogen oxide (NOx) and volatile organic compounds (VOCs) – precursors for ozone (smog) – the group used the study to link Barnett Shale development and ozone non-compliance in Dallas-Fort Worth.

While it is legal for an anti-energy group to give large sums of money to university professors for air modeling research, the funding raised ethical questions. While the Downwinders study was being developed, the same research team was working on separate research that linked natural gas drilling to ozone in North Texas. When the team published its report in a peer-reviewed journal, it did not disclose that it was working with Downwinders at Risk on a project examining the same subject.¹⁸⁸ The president of the American Council on Science and Health blogged that this constituted an “obvious conflict of interest.”¹⁸⁹

More importantly, the UNT modeling project that Downwinders funded actually shows that emissions from natural gas production are not a significant contributor to ozone in DFW. According to the report, even a 100 percent reduction in NOx and VOCs in the Barnett and Haynesville Shales (i.e. a complete

shutdown of production) would have, at most, a minimal impact on ozone levels in Dallas-Fort Worth. The largest reduction would be 5.4 parts per billion, which would only occur at one of the region's many air quality monitors.¹⁹⁰

Interestingly, Schermbeck told the media that the data used in the report came directly from TCEQ:

*"We do not have an agenda, but in this case the study was directly from their [that state's] model, so that agenda has no way of showing up in the model itself. That's all from the state."*¹⁹¹

However, according to TCEQ, the data used by UNT researchers do not match the agency's numbers. As TCEQ pointed out:

*"The TCEQ notes that **the UNT modeling does not replicate the TCEQ's 2018 future baseline design values for each monitor**. UNT uses the term 'TCEQ Projection' and reports associated RFF and future design values based on the top 10 days test for 2018 at each monitor, but **these do not match** any of the RFF and future design values reported by the TCEQ and the AD analysis for 2018 that was adopted in June 2015."*¹⁹²

Further, Downwinders has shown an attitude of hostility, rather than collaboration, when it comes to energy production and state regulatory agencies. As Schermbeck wrote in February 2016, following a town hall meeting where anti-fracking activists berated TCEQ officials:

*"We're proud to have played a part in making DFW a hostile work environment for the political hacks who now run and staff the Texas Commission on Environmental Quality. They don't deserve to have an easy time of it. **They should fear being run out on a rail or verbally tarred and feathered every time they make an appearance here.**"*¹⁹³



Texas has a proud history of oil and natural gas development. Millions of jobs throughout the state depend on a robust energy sector, which in turn pumps billions of dollars into education and other public services. Shutting down oil and natural gas production would devastate the Texas economy, a fact that even critics of the industry will sometimes concede.

Yet, as this report shows, many of the environmental groups that are active in Texas have promoted their agenda not as an attempt to stop energy development, but rather under deceptive labels like “accountability,” “local control” or even “best practices.” Unfortunately, few may realize that these groups are actively trying to shut down one of the most important industries in Texas, as the only exposure to their work comes from media coverage that rarely describes their true agenda.

Even more curious is how these groups are actually funded. While they do solicit donations from individuals, many of the environmental activist groups in Texas rely heavily on funding from deep-pocketed foundations thousands of miles away from Texas that manage tens of millions of dollars in assets. Although Texas environmental groups have recently tried to use “local control” to advocate against oil and natural gas development, the entities that fund their parent organizations are often located in San Francisco, New York or Washington, D.C.

Although this report has examined some of the more notable environmental groups that are trying to influence public policy in Texas, more research and a bigger spotlight are needed. Jim Schermbeck with Downwinders at Risk is a registered lobbyist in the City of Dallas, and his group’s activism has influenced decisions made by the Dallas City Council. Downwinders, however, does not disclose any of its funders on its website. Many of the groups listed in this report do include on their websites the names of prominent foundations that support their work, but researchers must dig through documents filed with the Internal Revenue Service to discover other organizations that provide significant funding.

It’s also unclear what relationship many of the supposedly “local” activist groups have with more prominent environmental groups that are headquartered outside of Texas. Activists in Colorado who claim to advocate for the local community, for example, have been caught attempting to hide their connections to larger groups that are based in California or New York.¹⁹⁴ A peer-reviewed study published in March 2016 examined the “hyper-linkages” between locally-focused anti-fracking activists and national or even international environmental groups. The study also explored how certain activists are “networking with groups that are too small to appear in a transnational network,” but who are nonetheless connected.¹⁹⁵ Given Frack Free Denton’s close affiliation with the Washington, D.C.-based Earthworks, it is certainly plausible that environmental interests in Texas are working with other out-of-state groups on “local” advocacy. To what extent this is occurring was not the focus of this report, although it is a field that warrants additional research.

When environmental interests call for more regulation on oil and natural gas development in Texas, the public deserves to know what they’re really trying to do – and who is pulling the strings. As this report has shown, many of the groups most active in Texas are attempting to have it both ways: distancing their advocacy in Texas from drilling bans or other extreme anti-fossil fuel policies, while simultaneously supporting the Keep It in the Ground agenda of their parent organizations and their funders.

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