

COMMISSION SHIFT ACTION

**Testimony on HB 2790 Relating to liability for capturing and storing carbon dioxide
Provided by Virginia Palacios
Executive Director of Commission Shift Action
Before the House Judiciary and Civil Jurisprudence Committee
April 23, 2025**

My name is Virginia Palacios, Executive Director of Commission Shift Action. Commission Shift Action is the advocacy partner of Commission Shift, a statewide organization focused on accountability at the Railroad Commission of Texas. I am testifying against HB 2790, because I can see my house on maps of proposed carbon capture and storage (CCS) facilities. I am a fourth generation land and mineral owner in Webb County, and I discovered oil contamination in my water well just a few weeks ago. Facility failure isn't a hypothetical, it can be expected.

CCS technologies have not yet been widely deployed at commercial scale in Texas. Carbon injection well failures can cause groundwater acidification, and the first Class VI long-term carbon injection wells in the country demonstrated leakage last year, after only 13 years of operation. We can expect worse if smaller, less prudent operators enter the market.

A CO₂ pipeline operated by Texas-based Denbury Gulf Coast Pipeline exploded in 2020, causing dozens of people to go to the hospital with symptoms of hypoxia, and some individuals still experience chronic short term memory loss. This bill would make it nearly impossible for claims to be filed for non-economic damages including loss of consortium or disfigurement.

EPA is currently reviewing CO₂ injection well permits in 14 Texas counties, and potential pipeline routes could cross from Houston to Laredo and Corpus Christi to Midland (see attachment). More Texans will be put in touch with carbon dioxide infrastructure than ever before. This bill requires a burden of proof for an injured person that would be nearly impossible to meet, and I urge you not to advance it.