

**EPA Science Advisory Board  
Hydraulic Fracturing Research Advisory Panel  
Public Teleconference December 3, 2015  
Oral Statement by John Noel**

From: John Noel  
Sent: Thursday, December 03, 2015 4:55 PM  
To: Hanlon, Edward <Hanlon.Edward@epa.gov>  
Subject: can you post my testimony attached?

Hi Ed – Can you post my testimony attached? Thanks!

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John Noël  
National Oil & Gas Campaigns Coordinator  
Clean Water Action  
202.895.0420 x114  
[www.cleanwateraction.org](http://www.cleanwateraction.org)

1444 Eye St NW | Suite 400 | Washington D.C. | 20005



Clean Water Action Statement  
U.S. Environmental Protection Agency  
Public Teleconference SAB Panel Review of the Draft *Assessment of the Potential Impacts of Hydraulic Fracturing for Oil and Gas on Drinking Water Resources*  
December 3, 2015

I want to commend the Panel again for taking the time to help EPA develop a robust and accurate final Assessment. Clean Water Action appreciates the effort and expertise. In an effort to keep my comments short I will refer Panelist to our detailed comments submitted to the docket. I will reiterate what others have said; the Panel is correct in challenging the core conclusions in the Executive Summary. We request that in the final report to EPA you recommend the top-line assumptions be retracted and revised to more accurately reflect the science in the report and emphasize that no firm conclusions can be made given the lack of available data and excessive uncertainties.

After reading the preliminary comments and report from the October meeting, it appears the majority Panel is on its way to these recommendations. Some Panelists even offered compelling and precise language to make these revisions seamless for EPA.

In a review of the response to the charge questions, Panelists mentioned industry best practices a number of times. While industry best practices are of course important, they are not what this Assessment is designed to articulate. EPA was directed by Congress to look at potential impacts of fracking activities on drinking water. This does not include EPA's assessment or recounting of industry best practices. The point of the research was to look for where impacts have happened and where they can persist in the future.

Just this week EPA published draft revisions to the Unregulated Contaminant Monitoring Rule. This is a list of contaminants about which we know enough to be concerned and water systems will monitor their source water for them for 3 years to inform possibility if regulation. One contaminant on the list is bromide, which we know is present in oil and gas wastewater. The vulnerabilities EPA has identified are not theoretical and are playing out in the real world of implementation of the Safe Drinking Water Act.

Please incorporate new research from Harvard Law School's Environmental Policy Initiative in the Energy Policy journal. The paper is an update to a 2013 analysis of FracFocus. It indicates there is an increase in the withholding rate - meaning the rate of chemical entries withheld by companies claiming they are trade secrets or otherwise confidential. The results should further reinforce EPA's finding that withholding chemical information severely hampers EPA's ability to assess impacts to drinking water and is clearly unacceptable.

Further, impacts on drinking water do not have to be widespread to be significant – it's a critical resource for health and economic well being. Discounting impacts as geographically confined undermines how occasionally severe these impacts are and undervalues future threats.

**Contact:** John Noël, National Oil & Gas Campaigns Coordinator, Clean Water Action,  
[jnoel@cleanwater.org](mailto:jnoel@cleanwater.org), 202.895.420 x114