

RECEIVED

2016 APR 26 AM 10:49

OFFICE OF THE
EXECUTIVE SECRETARIAT

April 20, 2016

Administrator Gina McCarthy
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460

Dear Administrator McCarthy,

We are writing to urge you to reject the dissent authored and signed by four members of the EPA Science Advisory Board hydraulic fracturing research panel. The four members do not have any scientific basis for their dissent. They represent the oil and gas industry, and have clear conflicts of interest. Their dissent is based on political considerations, not the public's best interest in clarifying the science on fracking's impacts to drinking water resources.

The dissent is the direct product of the oil and gas industry's political interest in EPA maintaining its misleading top-line from the agency's June 2015 draft study. The misleading conclusion was not supported by the analysis, but it was a big public relations victory for the oil and gas industry as news media ran with the top-line that fracking wasn't that bad. Now, as the Science Advisory Board finalizes its panel's peer-review of the June draft study, the oil and gas industry is clinging to this victory.

The 31 scientists, engineers and industry representatives on the peer-review panel have been engaged in a tireless review of the 1,000-page June draft study, and the vast majority of the panel has voiced its frustration with the agency's misleading top-line. At meetings in October 2015, frustration on the panel over the "widespread, systemic" line spilled over when the panel erupted in applause after one of the panelists offered up a rewrite of the summary of findings that emphasized data gaps and omitted the widespread, systemic line.

Four industry representatives on the panel — each of whom have spent decades working in and with the oil and gas industry — have now broken from the panel over what the EPA should be told about its misleading conclusion. Each of these four industry representatives has a vested interest in the industry position.

Mr. Walter Hufford, the lead U.S. lobbyist for a Spanish oil and gas corporation, wrote the dissenting opinion.¹ He simply thinks EPA's "holistic" conclusion, as he put it, is fine as is, without clarification.²

What could be more anti-science than rejecting the panel's request for scientific clarity?

Mr. Hufford has served as the lead lobbyist at Talisman Energy since December 2010, a company acquired in November 2015 by REPSOL, a worldwide fracking leader based in

Madrid, Spain.³ Before joining Talisman Energy, Mr. Hufford spent 10 years at BP managing environmental compliance for offshore operations at BP.⁴ During the BP Deepwater Horizon spill, Mr. Hufford was a manager at BP on construction and decommissioning of offshore wells, and he claims to have served BP as an expert witness in numerous court cases.⁵

Mr. Hufford, touts his record as a corporate lobbyist as one who “successfully advocates legislative and regulatory policy changes in support of desired initiatives at federal and state levels.”⁶ With his dissent, it seems Mr. Hufford is just doing his job.

Dr. Stephen Almond, Mr. John Fontana and Professor Shari Dunn-Norman have joined Mr. Hufford’s dissent, and sided with the agency’s top-line. Each of the four dissenters are deeply invested in continued drilling and fracking for oil and gas.

Dr. Almond, the second dissenter, became a senior manager over a 27-year career at Halliburton, which pioneered fracking and dominates much of the oil and gas well services industry today.⁷ At Halliburton, Dr. Almond began as a chemist, coming up with and experimenting with various chemical additives for drilling and fracking fluids. He also spent three and a half recent years as technical director of chemicals at MeadWestvaco in Virginia, before returning to Houston to join Fritz Industries in December 2014.⁸

About his relatively new position at Fritz Industries, Dr. Almond said "I'm looking forward to growing Fritz Industries in the Houston area. With over 35 years in the industry, I'm anxious to put my expertise to work."⁹

The oil and gas industry is Fritz Industries’ primary market, and Dr. Almond directs the company’s research and development on chemicals that help its clients maximize oil and gas production.¹⁰ The company manufactures 48 different chemical additives and other products used by the industry for concrete, drilling muds and fracking fluids.¹¹

Mr. Fontana, the third dissenter, is an oil and gas industry consultant and owns his own firm, Vista GeoScience LLC based in Colorado.¹² The value and growth of his business is premised on continued drilling and fracking for oil and gas, both in the United States and internationally.

Mr. Fontana’s company operates in support of the oil and gas industry in two ways. First, Vista specializes in generating and interpreting geochemical data to help companies find more oil and gas. Second, Vista specializes in methods used to flush or chemically neutralize underground contamination, even including injections that create fractures.¹³

Under Mr. Fontana, Vista has conducted such surveys in all the major U.S. oil and gas basins, as well as around the world.¹⁴ Mr. Fontana’s clients amount to a who’s who of the fracking industry, including: Anadarko, Anschutz, Chesapeake, Continental, Devon, Encana, EOG, Koch Exploration, Noble, Pioneer, and Talisman.¹⁵ In 2014, Vista had revenues of about \$2.5 million, up 30 percent from 2013.¹⁶

In 2013 he published an account of his company's efforts surveying an Arctic region in Canada, and argued his expertise could "aide regional exploration in similar environments and geologic settings."¹⁷

Prof. Dunn-Norman, the fourth dissenter, is a petroleum engineer at Missouri University of Science and Technology, Rolla, Missouri. For decades Prof. Dunn-Norman has worked closely with the oil and gas industry as a public academic focused on helping companies solve the oil and gas industry's engineering problems.¹⁸

During the three days of EPA SAB panel meetings in October 2015, Prof. Dunn-Norman repeatedly used the words "we" and "industry" interchangeably.¹⁹

At Missouri S&T, she's enjoyed significant oil funding from the industry and the Department of Energy²⁰. Before joining the faculty of the Rolla, Missouri school, she spent eight years working at Atlantic Richfield and Arco.²¹ She maintains a side-job with Petroleum ETC teaching private courses that costs about \$3,000 per four-day course, per student.²²

In a July 2012 seminar, Prof. Dunn-Norman spoke in detail about the 2010 BP spill in the Gulf of Mexico, saying "Our industry is so sophisticated, we rival NASA. One of the good things about the BP experience is that people got to see, through webcam, just how high-tech our industry is."²³

Prof. Dunn-Norman is likely dissenting because she is deeply and personally invested in continued drilling and fracking. "I definitely agree with continuing drilling," she's said, adding "I think the government saying we're going to stop drilling is akin to having an automobile accident and saying we're going to stop manufacturing cars."²⁴

Back in February, these four oil and gas industry panelists had already succeeded in softening the language throughout the panel's peer-review report, including in the paragraph from which they are now dissenting. Specifically, they succeeded in getting a sentence removed that would have emphasized how data limitations and uncertainties raise questions about the agency's scientific basis for the controversial top-line.²⁵

The whole episode of the four dissenter's narrow dissent gets to the heart of the matter.

The agency's misleading top-line, itself, was based on political not scientific ground. As one panelist put it, "Congress never asked the EPA to determine whether the impacts were widespread and systemic. EPA's choice to make this definitive statement at this time is inappropriate based on data gaps and limitations."²⁶

The result of the EPA's political "choice" is that the vested interests of the industry representatives on the peer-review panel have been laid bare.

We call on you acknowledge this fact, reject the dissent from the four industry representatives on the panel, and revise the top-line finding so that it is clearly supported by the science on fracking's impacts to drinking water resources.

Sincerely,

Americans Against Fracking Coalition

CC: David A. Dzombak, Chair, EPA Hydraulic Fracturing Research Advisory Panel Peter S. Thorne, Chair, EPA Chartered Science Advisory Board

Endnotes

¹ Hufford, Walter. LinkedIn Profile. Accessed April 14, 2016, available at <https://www.linkedin.com/in/walter-hufford-6b60494>; REPSOL. "About Us." Accessed April 14, 2016, available at http://www.repsol.com/es_en/corporacion/conocer-repsol/contactos.aspx.

² U.S. EPA Science Advisory Board. "Suggested Topics for Discussion From Dr. David Dzombak, Chair of EPA Science Advisory Board (SAB) Hydraulic Fracturing Research Advisory Panel." March 2, 2016 at 5.

³ Hufford, Walter. LinkedIn Profile. Accessed April 14, 2016, available at <https://www.linkedin.com/in/walter-hufford-6b60494>; REPSOL. "About Us." Accessed April 14, 2016, available at http://www.repsol.com/es_en/corporacion/conocer-repsol/contactos.aspx; Platts. "Platts Top 250: Global Energy Company Rankings." 2015 Accessed April 14, 2016, available at <https://top250.platts.com/Top250Rankings>; REPSOL. "Repsol Worldwide." Accessed April 14, 2016, available at http://www.repsol.com/es_en/corporacion/conocer-repsol/repsol-en-el-mundo/; REPSOL. [Newsletter]. "Unconventional Horizon." Accessed April 14, 2016, available at http://www.repsol.com/imagenes/es_en/Unconventional_future_tcm11-607030.pdf.

⁴ Hufford, Walter. LinkedIn Profile. Accessed April 14, 2016, available at <https://www.linkedin.com/in/walter-hufford-6b60494>.

⁵ Hufford, Walter. LinkedIn Profile. Accessed April 14, 2016, available at <https://www.linkedin.com/in/walter-hufford-6b60494>.

⁶ Hufford, Walter. LinkedIn Profile. Accessed April 14, 2016, available at <https://www.linkedin.com/in/walter-hufford-6b60494>.

⁷ Almond, Steve. LinkedIn Profile. Accessed April 14, 2016, available at <https://www.linkedin.com/in/stevealmond52>; U.S. Department of Justice. [Press Release]. "Justice Department Sues to Block Halliburton's Acquisition of Baker Hughes." April 6, 2016. Accessed April 14, 2016, available at <https://www.justice.gov/opa/pr/justice-department-sues-block-halliburton-s-acquisition-baker-hughes>; De La Merced, Michael and William Alden. "Halliburton Is in Talks to Buy Rival Baker Hughes." *New York Times*. November 13, 2014.

⁸ "Texas energy manufacturing company expands to Katy." *Houston Business Journal*. November 17, 2015; Almond, Steve. LinkedIn Profile. Accessed April 14, 2016, available at <https://www.linkedin.com/in/stevealmond52>.

⁹ Fritz Industries, Inc. [Press Release.] "Fritz Industries Hired Director of Technology for Houston Technology Center." December 8, 2014.

¹⁰ "Texas energy manufacturing company expands to Katy." *Houston Business Journal*. November 17, 2015; Almond, Steve. LinkedIn Profile. Accessed April 14, 2016, available at <https://www.linkedin.com/in/stevealmond52>.

¹¹ Fritz Industries. Oilfield Products. Accessed April 14, 2016, available at <http://www.fritzind.com/oilfield-products/>.

¹² Fontana, John. LinkedIn Profile. Accessed April 14, 2016, available at <https://www.linkedin.com/in/johnvfontana>.

-
- ¹³ Fontana, John. LinkedIn Profile. Accessed April 14, 2016, available at <https://www.linkedin.com/in/johnvfontana>: Vista GeoScience. [Website.] Accessed April 14, 2016, available at <http://www.vistageoscience.com/>.
- ¹⁴ Vista GeoScience. Project Experience. Accessed April 14, 2016, available at <http://www.vistageoscience.com/exp/index.php?page=pe>.
- ¹⁵ Vista GeoScience. Satisfied Client List. Accessed April 14, 2016, available at <http://www.vistageoscience.com/exp/index.php?page=scl>.
- ¹⁶ "Top 250 Private Companies." *ColoradoBiz*. November/December 2015 at 7.
- ¹⁷ Fontana, John V. and David M. Seneshen. "Geochemical Surface Expression of Oil and Gas in Arctic Terrains." *GeoExPro*. Vol. 10. No. 1. February 2013 at 68.
- ¹⁸ Missouri University S&T. "Missouri S&T professor earns distinguished status." April 15, 2016. Accessed April 14, 2016, available at <http://news.mst.edu/2015/07/missouri-st-professor-earns-distinguished-status/>.
- ¹⁹ Food & Water Watch notes from EPA SAB Hydraulic Fracturing Research Panel meetings and teleconferences held on the following dates: October 28-30, 2015, December 3, 2015, February 1-2, 2016, and March 7 and 10, 2016.
- ²⁰ Missouri University S&T. "Oil research could bring revenue to Missouri." January 29, 2003. Accessed April 14, 2016, available at http://news.mst.edu/2003/01/oil_research_could_bring_reven/.
- ²¹ Missouri University S&T. "Missouri S&T professor earns distinguished status." April 15, 2016. Accessed April 14, 2016, available at <http://news.mst.edu/2015/07/missouri-st-professor-earns-distinguished-status/>.
- ²² Petroleum ETC. [Agenda]. "Advanced Frac School." October 22-26, 2012. Accessed April 14, 2016, available at http://petroleumetc.com/training/pdfs/past_agendas/adfrac/2012_10_AdFrac_Agenda.pdf; Petroleum ETC. "Frac School." Accessed April 14, 2016, available at <http://petroleumetc.com/training/frac-school/>.
- ²³ YouTube video of lecture. "Putting the BP Mancondo Blowout in Perspective." Quote at 28:58. Accessed April 14, 2016, available at https://www.youtube.com/watch?v=tFdWq9_zvHE
- ²⁴ YouTube video of lecture. "Putting the BP Mancondo Blowout in Perspective." Quote at 58:45. Accessed April 14, 2016, available at https://www.youtube.com/watch?v=tFdWq9_zvHE
- ²⁵ Food & Water Watch notes from EPA SAB Hydraulic Fracturing Research Panel teleconference held February 1-2, 2016; U.S. EPA Science Advisory Board. "Science Advisory Board (SAB) Draft Report (2/16/16) to Assist Panel Deliberations: Strike/Shade changes made to the 1/7/16 draft SAB Panel Report." Accessed April 14, 2016, available at [https://yosemite.epa.gov/sab/sabproduct.nsf/4CF68F09429EDF0C85257F5B0061DFDB/\\$File/2-16-16+Draft+SAB+HF+Rpt+\(Redline\).pdf](https://yosemite.epa.gov/sab/sabproduct.nsf/4CF68F09429EDF0C85257F5B0061DFDB/$File/2-16-16+Draft+SAB+HF+Rpt+(Redline).pdf).
- ²⁶ Food & Water Watch notes from EPA SAB Hydraulic Fracturing Research Panel meetings and teleconferences held February 1-2, 2016.