



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

DEC 11 2013

OFFICE OF CONGRESSIONAL  
AND INTERGOVERNMENTAL RELATIONS

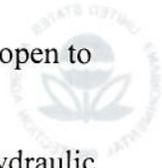
The Honorable Chris Stewart  
Chairman  
Committee on Science, Space and Technology  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

I am writing in response to your May 2, 2013, letter to Dr. David Dzombak, the chair of the Environmental Protection Agency's (EPA's) Science Advisory Board Hydraulic Fracturing Research Advisory Panel, and Dr. David Allen, the chair of the EPA's chartered Science Advisory Board (SAB). Your letter asked the EPA's SAB to address 14 questions related to hydraulic fracturing. The EPA understands your interest in obtaining the best advice on this and other scientific issues. We at the EPA share that interest, and regret the delay in responding to your letter.

As you know, staff of the EPA has had several conversations with your staff on how the EPA can best evaluate and respond to the Committee's requests that the EPA's SAB consider certain questions or take certain actions. Since at least 2003, the formal charter of the EPA's SAB, which is filed with your Committee each time it is renewed, has stated that "[w]hile the SAB reports to the EPA Administrator, certain congressional committees may ask the EPA Administrator to have the SAB address a particular issue." As demonstrated by this provision, the longstanding approach by the EPA and the relevant committees of Congress has been for the interested Congressional committee to direct its request to the EPA Administrator. Consistent with the charter of the EPA's SAB, any requests from your Committee for scientific advice from the EPA's SAB should be directed to the EPA Administrator. On behalf of the Administrator, I assure you that your requests will be given significant attention and reviewed by relevant personnel of the EPA. Once the EPA has reviewed your request, we will provide you with a response.

Based on discussions between our staffs, I understand we may not be in complete agreement about the meaning of the Environmental Research, Development, and Demonstration Authorization Act, the Federal Advisory Committee Act, and other relevant legal authorities. Having said that, the EPA remains hopeful that our commitment to meaningfully consider and respond to your Committee's requests for actions by the EPA's SAB will be responsive to the Committee's requests on this issue. I also understand that, prior to the government shutdown, staff of the EPA and members of your staff were in the midst of discussions regarding the EPA SAB's charter. Because the EPA's SAB would have been automatically terminated by the Federal Advisory Committee Act if we had not renewed the EPA's SAB charter by November 4, 2013, once the shutdown was over the EPA needed to quickly move forward with the charter approval process. This prevented us from having further discussions with your



staff on this issue, but as we explained to them upon our return from the shutdown, we are open to continuing those discussions.

With regard to your May 2, 2013, letter on the EPA's research on the potential effects of hydraulic fracturing on drinking water resources, Dr. Dzombak called the letter to the attention of the relevant panel of the EPA's SAB during its meeting on May 7-8, 2013. However, as the purpose of that meeting was for the panel members to receive briefings from staff of the EPA and to provide individual expert comments, and not to develop consensus advice, there is no formal SAB response that we can provide the Committee from that meeting. Thereafter, on May 31, 2013, Christopher Zarba, the Acting Director of the SAB Staff Office, provided a response to three of the questions contained in your letter. This letter provides a response to the remaining questions you submitted.

With regard to the eleven remaining questions, many of them seek evaluation of the EPA's efforts to better understand aspects of hydraulic fracturing, focusing on the purpose, scope, and design of the EPA's research study.

The SAB's review of and advice on the EPA's draft Plan to Study the Potential Impacts of Hydraulic Fracturing on Drinking Water Resources, conveyed on August 4, 2011, addresses many of the themes embodied in the questions contained in your letter, in particular, questions 1, 2, 3, 4, 8, and 10. Within SAB's August 4, 2011, advisory report, the SAB also provided advice to the EPA on its collection of baseline hydrologic and water quality data, which relates to question 12. A copy of the SAB's advisory letter is enclosed.

Question 5 would require new research to answer and question 9 as posed asks about administrative procedures. The themes of question 9 along with questions 12, 13, and 14, may be appropriate for consideration by the EPA's SAB once the EPA has completed its Draft Hydraulic Fracturing Drinking Water Assessment Report. At that time, the EPA will consider the extent to which these and other questions provide the necessary focus for the SAB's review in developing a charge for the SAB's review of the Assessment Report.

Again, the EPA is committed to meaningful consideration of Congress's scientific questions and accommodating those requests when possible and appropriate. We are available to discuss the agency's response to your questions and options for responding to the requests of the Committee. If you have any further questions, please contact me or your staff may contact Laura Gomez in the EPA's Office of Congressional and Intergovernmental Relations, by phone at (202)-564-5736, or by email at [gomez.laura@epa.gov](mailto:gomez.laura@epa.gov).

Sincerely,

Laura E. Vaught  
Associate Administrator

Enclosure