



Clean Water Action Statement
U.S. Environmental Protection Agency
Public Meeting for SAB Panel Review of the Draft *Assessment of the Potential Impacts of Hydraulic Fracturing for Oil and Gas on Drinking Water Resources*
October 28, 2015

My name is John Noël and I am the National Oil & Gas Campaigns Coordinator for Clean Water Action. We are a national citizens' organization of 1 million members and are active in over a dozen states, several of which we are engaged in work to help address concerns around the impacts of oil and gas development on water resources. I appreciate the opportunity to submit this statement on behalf of Clean Water Action. We also submitted technical comments to the docket with the Natural Resources Defense Council.

EPA's study design was appropriate, given the constrained resources, and the results identified dozens of vulnerabilities throughout the hydraulic fracturing water lifecycle. We commend the EPA on the hard work of developing an extensive review of the current science that will remain a useful resource for many years. The findings of this Assessment can greatly inform our understanding of the impacts of hydraulic fracturing activity in order to support updating protections where necessary. Now we urge the Panel to be as rigorous and comprehensive as possible in reviewing EPA's latest draft and we believe this is an appropriate and in fact critically needed use of EPA resources.

Include Updated Research and Explain Missing Prospective Case Study Section

The Panel should recommend that EPA highlight shallow hydraulic fracturing as a high-risk activity with increased likelihood of contamination of drinking water described by new research from Stanford University and from the California Council on Science and Technology.

The Panel should recommend EPA add a section specifically dedicated to the heightened threats that wastewater disposal in pits poses to drinking water resources in light of new information from the Ground Water Protection Council, California Council on Science and Technology and a report earlier this year from Clean Water Action.

The Panel should recommend EPA add a section discussing the prospective case studies and any plans to resume this work. The prospective case studies, featured in the 2011 Final Study Plan and again in the 2012 Progress Report, were a highly anticipated aspect of the EPA's research plan. Yet, in this Assessment there is zero mention of the case study results or future plans. Given the intense public interest in this area, EPA has an obligation to explain exactly why this work was not completed and if it was due to noncooperation from the industry.

Revise Executive Summary to Accurately Convey the Findings of the Assessment

The Executive Summary does not faithfully summarize the results of the study. The statement, "*We did not find evidence that these mechanisms have led to widespread, systemic impacts on drinking water resources in the United States*" misrepresents the level of certainty with which the EPA can identify

impacts on drinking water. And the subsequent statement, *“The number of identified cases, however, was small compared to the number of hydraulically fractured wells”* implies EPA systematically investigated the water quality near every single hydraulically fractured well, which it did not claim to do even for a statistically significant sample of wells, and elsewhere in the Assessment EPA indicates there is no a definitive count or location of every hydraulically fractured well. This is misleading for anyone who does not read the full findings contained in the lengthy chapters of the Assessment.

The body of the report outlines vulnerabilities in every stage of the water lifecycle, but importantly it places greater emphasis on EPA’s inability to determine with any certainty the frequency of impacts due to a lack of available data. There a dozens of instances in the Assessment where EPA reveals a lack of available data, which could lead to undervaluing threats to drinking water.

One key phrase is found in the synthesis chapter (p. 10-17), *“This assessment used available data and literature to examine the potential impacts of hydraulic fracturing for oil and gas on drinking water resources nationally. As part of this effort we identified data limitations and uncertainties associated with current information on hydraulic fracturing and its potential to affect drinking water resources. **In particular, data limitations preclude a determination of the frequency of impacts with any certainty. There is a high degree of uncertainty about whether the relatively few instances of impacts noted in this report are the result of rarity of effects or a lack of data.**”*

This statement focuses on the uncertainty inherent in drawing any firm conclusion about hydraulic fracturing impacts on drinking water resources. Unfortunately, this is also the point that is lost in the Major Findings section of the Executive Summary.

Again, we believe this is misleading to the general public and to journalists reporting on the Assessments initial release.

A LexisNexis search for “EPA hydraulic fracturing” and “EPA fracking” during the two weeks after the Assessment yielded 27 results, the majority of which interpreted the report to be a positive assessment of hydraulic fracturing, and almost every press release or article cited the summary sentence, *“We did not find evidence that these mechanisms have led to widespread, systemic impacts on drinking water resources in the United States.”*

Examples of headlines include:

“EPA: Fracking has no 'widespread' impact on drinking water” - *The Register Herald*

“EPA review clears fracking” – *The Dominion Post*

“Study: No water contamination problems yet from fracking” – *Desert Morning News*

“API: EPA Hydraulic Fracturing Review Confirms Safety” – *India Energy News*

“THE EPA FRACKING MIRACLE” – *Wall Street Journal*

In sum, in order to avoid having the Assessment's findings misunderstood or intentionally misconstrued, the high level conclusions must be supported by the underlying data. We request EPA revise the Major Findings and Conclusions section of the Executive Summary to make it clear that EPA cannot say with any certainty how widespread or systemic the impacts of hydraulic fracturing are due to the lack of available data and due to the fact that EPA did not perform a statistical analysis of the number of cases of drinking water impacted by fracturing activities versus the number of fracturing activities.

Thank you for the opportunity to submit these comments. Please refer to our written comments for more detail.

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