

Hinchey among Reps Pushing for Disclosure of Fracking Chemicals

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Congressman Maurice Hinchey and eight other NY representatives have joined forces with other House Democrats in urging the federal government to require disclosure of chemicals used in hydraulic fracturing on public lands. “This is a critical step forward in encouraging the oil and gas industry to be more transparent and to responsibly address the potential implications of hydraulic fracturing on water supplies and public health,” the group wrote in a letter to Department of Interior Secretary Ken Salazar.

In November, Salazar told the press that the Department of the Interior, which has the authority to require disclosure on public lands, is considering such a rule.

Hinchey, along with Representatives Diana DeGette and Jared Polis, had been trying to get Congress to enact new restrictions on hydraulic fracturing through the FRAC Act. That act, stalled in Congress for months, called for amending the Safe Drinking Water Act to require drillers to disclose their chemicals.

Although the U.S. Environmental Protection Agency (EPA) has undertaken a new study on the safety and impacts of fracking chemicals, water contamination problems due to drilling continue.

“When big energy companies decide they want to drill on public lands, they should have to tell the public exactly what chemicals they're pumping into the ground,” Hinchey said in a press release last week. Pointing to numerous cases of contaminated drinking water, he reminded both the public and the industry that researchers have already identified several carcinogens and neurotoxins used in drilling process.

“If the industry had their way, we wouldn't find out about the other chemicals being used until they show up in the water supply,” Hinchey said. “The people have a right to know what is being done to their land and what risks that may carry.”

While Hinchey is referring to drilling on public lands, most of which happens west of the Mississippi, his sentiments resonate with New Yorkers who want to see more protective state regulations adopted before high-volume horizontal hydro-fracking is allowed in NY.

In September 2010, Wyoming adopted new rules that require gas drillers to disclose the chemicals they use to frack wells. But these regulations, now considered the best in the country, still fall short of full transparency say some groups.

Deb Thomas, an organizer with the Powder River Basin Resource Council, worked for ten years to get her state to adopt more protective regulations. “The state has taken a strong first step with fracking disclosure,” she admits. Earlier that month the EPA warned some residents of Pavillion, WY, not to drink from private water wells after tests found hydrocarbons, methane and high sodium that may have come from fracking operations.

The problem is not just Wyoming, Thomas notes. “We still need legislation to protect citizens in every gas drilling state and prevent drilling companies from trying to keep chemicals used in oil and gas drilling, fracking, and production secret.”

Congresswoman Diana DeGette, in comments to the press, noted that oil and gas companies continually assure the public that their drilling processes are safe. “But those same companies refuse to back up their assertions by disclosing the chemicals used in the hydraulic fracturing process.”

Without disclosure, DeGette says, authorities investigating contamination incidents are unable to prove whether fracking might have played a role. Noting the role gas plays in the country’s energy policy, DeGette emphatically stated that Congress has a responsibility to “ensure that its extraction does not come at the expense of the health of local communities.”

Given the makeup of the new Congress, House Democrats have a right to be concerned that politics may trump environment and health concerns. Especially in a climate where money talks, writes Abrahm Lustgarten at ProPublica. His recent recently back-of-the-envelope analysis of campaign financing show that members of Congress who align themselves with the Natural Gas Caucus received 19 times more money from the oil and gas industry between 2009 and 2010 than 46 signatories to the Salazar letter.

Sidebar – (gets shaded)

Wyoming’s New Rules Don’t Go Far Enough

While Wyoming’s new regulations on fracking disclosure go farther than the limited disclosure in other states, there are still shortcomings, says Gwen Lachelt, director of EARTHWORKS’ Oil and Gas Accountability Project. Furthermore, she pointed out, the burden is on residents to seek out the information on a state website in what she characterizes as a “complicated and confusing search process”.

Lachelt highlighted three places Wyoming’s new rules fall short:

- Although companies must list on their drilling permit applications the chemicals and concentrations they plan to use, compounds patented as proprietary will be disclosed only to the state Oil and Gas Conservation Commission and will not be made public;
- Reports filed upon completion of wells will disclose the actual amounts of chemicals used, and the constituent ingredients of proprietary compounds, but those reports may not be available for a year after drilling begins. If a well is stimulated more than once, disclosure of additional chemicals is on the honor system;
- Landowners and neighbors of drill sites will not be provided notice of the disclosure and well completion reports, but will have to go online to see if they stand to be directly affected by drilling operations.

“Wyoming has raised the bar, but it took 10 years, intervention by two federal agencies and the poisoning of a community's drinking water,” said Lachelt. She emphasized the need for a federal standard and called on companies nationwide to voluntarily disclose the chemicals they use.