



P.O. Box 103
Fremont Center, New York 12736

July 27, 2009

The Honorable Kirsten E. Gillibrand
478 Russell Senate Office Building
Washington, D. C. 20510

Re: Fracturing Responsibility and Awareness of Chemicals (FRAC) Act

Dear Senator Gillibrand:

I am writing to you on behalf of Catskill Citizens for Safe Energy, a grassroots organization with over 700 members in Delaware and Sullivan counties. We ask you to join Senator Charles Schumer in sponsoring the so-called "FRAC Act". This legislation will restore the federal regulations that protected our drinking water for over 30 years before the oil and gas industries secured exemptions under the *2005 Energy Act*.

Catskill Citizens is one of several new groups in New York State that have organized in response to the prospect of drilling in the Marcellus Shale. We are concerned that poorly regulated shale gas extraction could destroy virtually everything that we value: It has the potential to harm our health, damage our environment, disrupt our daily lives, diminish the value of our property, and undermine our local economy. Perhaps our single greatest worry is that our drinking water might become contaminated with dangerous chemicals.

As you may know, shale gas extraction relies on a process known as high-volume hydraulic fracturing, in which millions of gallons of chemically treated water ("fracking fluid") are pumped into the well bore to break up the rock formation that contains the natural gas. Despite industry claims to the contrary, the amount of chemicals used is significant. A May 2009 report published by the U.S. Geological Survey states:

Whereas the percentage of chemical additives in a typical hydrofrac fluid is commonly less than 0.5 percent by volume, the quantity of

fluid used in these hydrofracs is so large that the additives in a three million gallon hydrofrac job, for example, would result in about 15,000 gallons of chemical in the waste.

A single horizontal gas well may use up to 5 million gallons of water and 25,000 gallons of chemicals every time it is fracked—and most wells are fracked multiple times.

For any given well, drillers may use dozens of different chemicals in their fracking fluid. Some of these chemicals are biocides, some are lubricants, some anti-rust agents. Many are highly toxic. Spillage, flooding, defective well casings, improper disposal and underground fluid migration are some of the ways these toxic fluids can, and do, find their way into drinking water.

The USGS report quoted above also said:

While the... use of sophisticated hydraulic fracturing processes to extract gas resources from tight rock have improved over the past few decades, the knowledge of how this extraction might affect water resources has not kept pace.

And an April 2009 report by the Community Science Institute of Ithaca, New York concluded:

There is solid evidence that gas wells have contaminated drinking wells in the past. However very few systematic studies have been done and exact numbers are hard to come by.

Citing a 2007 study conducted by the Pennsylvania Cooperative Extension, the Community Science Institute estimated that gas wells contaminate between 1% and 5% of all the drinking water wells in the vicinity. (The Penn Coop study had estimated the contamination rate at 8%.)

One provision of the *FRAC Act* would require gas companies to disclose the chemicals they inject into the ground. Needless to say this information is absolutely necessary in order to test for and detect contaminants in drinking water. Industry claims that this is proprietary information cannot be allowed to trump public health and safety.

Despite all the evidence to the contrary, the oil and gas industry insists that fracking doesn't pose a threat to drinking water. In fact, it claims to have safely performed over one million hydraulic fractures with no adverse environmental effects. However, what they do not point out is that most of these procedures were performed between 1974 and 2005, when "fracking" was regulated by the Safe Drinking Water Act!

Now, faced with the prospect of once again being required to comply with the *SDWA*, oil and gas lobbyists are loudly complaining that they can't function if they have to worry about drinking water contamination. Frankly, it's impossible to square this claim with the assertion that fracking is perfectly safe. It is also impossible to reconcile the industry's claim to have successfully conducted hundreds of thousands of fracking jobs between 1974 and 2005, the period during which they were regulated, with their assertion that re-regulation would somehow cause massive job losses.

The oil and gas industry insists it must be exempted from the federal environmental legislation that governs all other sectors of our economy. For reasons never clearly articulated, oil and gas lobbyists assert that regulation of their industry is best left to the states. It's easy to see why energy companies would prefer to deal with state regulators - understaffed and underfunded state agencies are simply no match for the richest and most powerful corporations in the world. For example, the New York State Department of Environmental Protection has only 19 well inspectors, who are responsible for some 14,000 existing oil and gas wells in the state. With the department facing budget cuts and staff reductions, there is no reason to believe that it will be able to adequately regulate tens of thousands of new Marcellus Shale gas wells. Moreover, the NYS DEC apparently lacks the authority or the will to require energy companies to employ the methodologies that would best protect our environment. These include closed-loop drilling, which minimizes the chance of spills, and mandatory water well testing.

The days when the fate of our environment could be left to local governments or the tender mercies of large corporations are long past. Two generations ago, we recognized that our land, air, and water required the protections embodied in landmark legislation such as the *Clean Air Act*, the *Clean Water Act* and the *Safe Drinking Water Act*. These federal statutes are nothing less than our promise to future generations of Americans. Please see to it that we keep that promise by co-sponsoring the FRAC Act.

Sincerely,

Bruce Ferguson