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August 15, 2011

Amy Bodett
Natural Gas Subcommittee of Secretary of Energy Advisory Board
U.S. Department of Energy
1000 Independence Avenue, SW.
Washington, DC 20585
seab@hq.doe.gov

Dear Ms. Bodett,

On behalf of Public Citizen's more than 250,000 members and supporters across the United States, I submit these comments to the 90 day report issued by the Subcommittee on August 11.

I appreciate the hard work the Subcommittee continues to do to develop suggested best practices to ensure that hydraulic fracturing of natural gas is conducted in a sustainable way that prioritizes the security of water resources.

To that end, I offer the following recommendations for improvements to the report:

- 1. Restore accountability by eliminating special exemptions from federal oversight.** The Subcommittee must urge Congress to repeal the exemption from the Safe Drinking Water Act granted to the hydraulic fracturing industry in Section 322 of the Energy Policy Act of 2005. In addition, the Subcommittee must demand that Congress subject hydraulic fracturing to regulation under the Federal Water Pollution Control Act by removing the exemption currently under 33 USC § 1362(6)(B). These exemptions from critical federal environmental laws limit the federal government's ability to ensure that protection of water resources is prioritized.
- 2. Wait for the forthcoming EPA Science Advisory Board report before making public assertions that risks to drinking water from hydraulic fracturing are "remote."** I strongly disagree that there is a "prevailing view that the risk of fracturing fluid leakage into

drinking water sources through fractures made in deep shale reservoirs is remote." At a minimum, the Subcommittee should refrain from making such sweeping statements before the government's scientific survey of such risks is complete.

3. **Corporations should have no "proprietary" entitlements to mask the full public identification of toxic chemicals and other hazards that are injected into the ground through the hydraulic fracturing process.** While we applaud the Subcommittee's support of fracturing fluid disclosure, there should be no exemptions granted for "proprietary" claims.
4. **Data collection on methane emissions should be mandatory, not voluntary.** The Subcommittee should urge Congress to make such data collection and reporting mandatory for all producers, so that the public has access to comprehensive, rather than select, emissions data.
5. **While the Subcommittee's charge is natural gas extraction, the best practices recommendations should include oil shale as well.** The recent explosive growth of the Eagle Ford shale play highlights similar concerns with hydraulic fracturing and crude oil production.
6. **The Subcommittee must address integrity issues surrounding abandoned wells in shale formations where active or planned hydraulic fracturing is occurring.** Reports indicate that drinking water contamination has occurred when fracking fluid and other contaminants enters abandoned wells. The Subcommittee must develop recommendations to Congress to ensure that new drilling and hydraulic fracturing activity does not move forward until the integrity of nearby abandoned wells in and near the formation has been documented.
7. **The ability for stakeholders in communities that are most affected by hydrofracking to participate in the public comment process has been limited.** Of the four meetings open to the public, three of them took place in Washington, D.C., while the fourth was in Washington, PA. Moving forward we urge the subcommittee to make every effort to incorporate public input into its final report, which must include more hearings in the geographic locations most impacted by fracking. Public Citizen recommends that the interim report be presented and available for public comment in the areas most impacted by hydraulic fracturing.

Thank you very much for your consideration of Public Citizen's comments.

Sincerely,

Tyson Slocum, Director
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