

September 26, 2016

Gina McCarthy, Administrator
U.S. Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator McCarthy:

One year ago, many of us wrote to you to express our serious concerns over the agency's June 2015 draft study of impacts on drinking water resources from hydraulic fracturing, or fracking. Since then, our concerns about the draft study have been reiterated, expounded and amplified by the EPA's independent Science Advisory Board (SAB).

We are writing you now to urge you to act quickly on the recommendations from the SAB. We also wish to make certain our concerns are clear. As with the SAB, our concerns begin with the draft study's problematic and scientifically unsupported top finding.

Briefly, the executive summary of the draft study stated: "We did not find evidence that these mechanisms have led to widespread, systemic impacts on drinking water resources in the United States." Here, the "mechanisms" include "water withdrawals in times of, or in areas with, low water availability; spills of hydraulic fracturing fluids and produced water; fracturing directly into underground drinking water resources; below ground migration of liquids and gases; and inadequate treatment and discharge of wastewater."

The EPA's corresponding news release made the top finding more definitive, and therefore even further mischaracterized the conclusions of the study, reading: "Assessment shows hydraulic fracturing activities have not led to widespread, systemic impacts to drinking water resources and identifies important vulnerabilities to drinking water resources."

News media quickly relayed this wholly inaccurate statement about the findings of the 1000-page study, much to the delight of the oil and gas

industry and much to the satisfaction of the large financial interests invested in continued drilling and fracking for decades, to maximize U.S. oil and gas production.

But the EPA's choice to run with the "widespread, systemic" line, without providing a scientific basis for that line, has proven controversial. After more than a year of careful review, the SAB has now issued its final peer-review report on the EPA's June 2015 draft assessment. It includes a clear rebuke of the agency on the controversial line:

"The SAB concludes that if the EPA retains this conclusion, the EPA should provide quantitative analysis that supports its conclusion that hydraulic fracturing has not led to widespread, systemic impacts on drinking water resources."

That is, the SAB has instructed the agency to either drop the language it used for its top finding, or "provide quantitative analysis that supports" the statement.

We believe that the EPA owes it to the public to revisit its statements of findings, consistent with the SAB recommendations, and resolve the three major problems with the controversial line.

First, the EPA did not provide a sense of what the agency would have considered "widespread, systemic impacts on drinking water resources in the United States." In a departure from the agency's past uses of the word "widespread," the EPA only defined "widespread, systemic impacts" implicitly; i.e., as a threshold beyond current levels of damage. There is no discussion of whether "widespread, systemic" is an appropriate threshold.

Second, the "widespread, systemic" line is problematic because it presumes, without discussion, that looking on a national scale, over several years, provides an appropriate metric for evaluating the significance of known impacts. The SAB has asked EPA to place more emphasis on the significance of local impacts. Moreover, the EPA failed to consider impacts that residents of heavily targeted counties and states can expect over the coming decades, given financial and policy

commitments to continued drilling and fracking, toward maximizing oil and gas production.

Third, the “widespread, systemic” line is problematic because the EPA failed to explain adequately the impediments to arriving at quantitative estimates for the frequencies and severities of the impacts already occurring. The agency should use the instances of contamination it has documented in the draft assessment to fully explain all sources of data gaps and uncertainties, as well as outline steps that could be taken to fill these gaps and reduce the uncertainties.

By dismissing fracking’s impacts on drinking water resources as not “widespread, systemic,” the EPA seriously misrepresented the findings of its underlying study. This has done the public a disservice. We feel the agency now owes it to the public — and particularly to those already impacted by “hydraulic fracturing activities” — to address the above three criticisms.

Further, the SAB has also recognized the agency’s failure to include information on three high-profile cases of contamination. We support the following statement from the SAB on these cases:

"The SAB recommends that the EPA should include and fully explain the status, data on potential releases, and findings if available for the EPA and state investigations conducted in Dimock, Pennsylvania; Pavillion, Wyoming; and Parker County, Texas where many members of the public have stated that hydraulic fracturing activities have caused local impacts to drinking water resources."

We urge you to act quickly on these and other recommendations in the SAB’s report, and we look forward to the agency finalizing an assessment of fracking’s impacts on drinking water resources.

We expect, given the SAB’s firm recommendations, that the agency’s final assessment will be clear about where thorough scientific analysis ends and any political considerations begin.

Sincerely,

Food & Water Watch
Sierra Club
Natural Resources Defense Council
League of Conservation Voters
350.org
Greenpeace
Waterkeeper Alliance
Alaska Wilderness League
Alliance of Nurses for Healthy Environments
Breast Cancer Action
Center for a Competitive Waste Industry
Center for Biological Diversity
Clean Water Action
Earth Action
Earthjustice
Earthworks
EcoFlight
Emerge USA
Environment America
Environmental Action
Food Empowerment Project
Friends of the Earth
Great Old Broads for Wilderness
Honor the Earth
Indigenous Environmental Network
Intertribal Territories Recovery
Oil Change International
People Demanding Action
Physicians for Social Responsibility
Popular Resistance
Rainforest Action Network
Save the Manatee Club
Union of Concerned Scientists

United Native Americans
WildEarth Guardians
Cook Inletkeeper
Prince William Soundkeeper
Justice Action Mobilization Network
Los Padres ForestWatch
Marin Water Coalition
Protect Monterey County
Rootskeeper
Santa Cruz Climate Action Network
350 Santa Cruz
350 Silicon Valley
Association of Irrigated Residents
Californians for Western Wilderness
Courage Campaign
Frack Free LA County
FrackFreeCulverCity
Fresnans against Fracking
SLO CLEAN WATER
Sunflower Alliance
Women Donors Network
COCRN
Frack Free Colorado
350 Fort Collins
Colorado People's Alliance
Community for sustainable energy
North Metro Neighbors for Safe Energy
Our Health, Our Future, Our Longmont
Colorado Interfaith Power and Light
CT Citizen Action Group- CCAG
Dynage
Friends Committee on National Legislation
350 CT

ACOTE: Advisory Commission on the Environment for Hartford, CT
East CT Green Action
Green Council of Eastern Connecticut
Human Race
New Haven Leon SCP
Occupy Danbury
PACE-CT People Action for Clean Energy CT
Sierra Club-CT Chapter
Town of Windham Energy Commission
Damascus Citizens for Sustainability
350JAX
Aquamarine Studio
Democratic Women's Club of Bay County, FL
Florida Clean Water Network
Floridians Against Fracking, FL Federation of Garden Clubs
Hernando County Democratic Club
Loxahatchee Group of the Sierra Club
Nature Coast Conservation, Inc.
Sierra Club-Loxahatchee Group
South Florida Wildlands Association
Tampa Bay Climate Action Network
Unitarian Universalist Church in the Pines
Denker Law Office and Waters without Borders
GreenLaw
Savannah Riverkeeper
Kootenai Environmental Alliance
Sierra Club Member
Atchafalaya Basinkeeper
Bold Louisiana
350 Louisiana
GASPP

Springfield Climate Justice Coalition
Assateague Coastal Trust/Assateague Coastkeeper
Chesapeake Sustainable Business Council
Community-Vision Partners
Howard County Climate Change (name changing shortly to Howard County Climate Action)
350 Central Mass
Arise for Social Justice
Climate Action Now, Massachusetts
Partnership for Policy Integrity
Chesapeake Earth First!
Chesapeake Physicians for Social Responsibility
Citizen Shale
Don't Frack Western Maryland
Husky Power Dogsledding
Mountain MD Kennels, LLC
Myersville Citizens for a Rural Community
We Are Cove Point
Concerned Citizens of Cheboygan and Emmet County
Progressive Democrats of America
TC350
We Want Green too
Emmet County DPW
Great Lakes Bioneers Detroit
Manistee Water Guardians
Michigan Citizens for Water Conservation
Michigan Land Air and Water Defense
Porter Family Foundation
Sierra Club Michigan Chapter
SEED: Stopping Extraction and Exports Destruction
ADK Mothers Out Front

Citizens for Fair Rates and the Environment
Honor Our Pueblo Existence (HOPE)
NC WARN
Sisters of Mercy West Midwest Community
Already Devalued and Devastated Homeowners of Parsippany
Franciscan Response to Fracking
Head Start Program
Northjersey Pipeline Walkers
Raritan Riverkeeper
St. Mary's Parish
Sustainable West Milford
Dooda (NO) Desert Rock
Earth Care
Interfaith Worker Justice - New Mexico
New Energy Economy
Northern New Mexico Climate Activists
Rio Grande Chapter of Sierra Club
Securing Economic and Energy Democracy for SW NM
Tewa Women United
Audubon New Mexico
Global Warming Express
Northern New Mexico Group, Rio Grande Chapter, Sierra Club
350NYC
Catskill Mountainkeeper
Citizen Action of New York
Citizens For Water
Concerned Citizens of Allegany County Inc.
Concerned Residents of Oxford
Environmental Task Force of the WNY Peace Center
Frack Action
Frack Free Catskills

Grassroots Environmental Education
Mothers Out Front - Southern Tier
New York Society for Ethical Culture
New Yorkers Against Fracking
Physicians for Social Responsibility/New York
Riverkeeper
Solutions Grassroots Project
Stop the Algonquin Pipeline Expansion
Sustainable Warwick
The Natural History Museum
Three Parks Independent Democrats
NYH2o
ECHO Action: #FossilFree603
Citizens for a Clean Pompton Lakes
Coastal Monmouth Democratic Club
Don't Gas the Pinelands
Essex/Passaic Green Party
Monmouth Community Climate Coalition
Roseland Against the Compressor Station (RACS)
WATERSPIRIT
Multicultural Alliance for a Safe Environment
Physicians for Social Responsibility, NM Chapter
Calhoun County Citizens Against Fracking
Rio Arriba Concerned Citizens
Stewards of the Earth
River Guardian Foundation
Breathe Easy Susquehanna County
Bethlehem Ecodefense
Complete It Cuomo
Concerned Citizens of Otego NY
Gas Free Seneca
PF Pictures

Seneca Lake Guardian, a Waterkeeper Affiliate
The God is Dead Theology Movement
United for Action
Athens (OH) County Fracking Action Network
NEOGAP (Network for Oil and Gas Accountability and Protection)
LEAD Agency, Inc.
Lehigh Valley Gas Truth
Pennsylvania Alliance for Clean Water and Air
Schuylkill Pipeline Awareness
Northern Colorado Community Rights Network
Michael 2016, Green Party, State Rep. PA-64
Middle Susquehanna Riverkeeper Association, Inc.
Patriots From The Oil & Gas Shales
Responsible Drilling Alliance
FANG: Fighting Against Natural Gas
Tennessee Riverkeeper
Waterkeepers Chesapeake
Chesapeake Climate Action Network

New Mexico Environmental Law Center
PSR-TN [Physicians for Social Responsibility, TN Chapter]
Big Bend Conservation Alliance
Defend Big Bend
The Red Nation
Nashville TN chapter Physicians for Social Responsibility
Big Mountain Dineh Nation
Native Plant Society of Texas/Defend Big Bend
Office of Justice and Peace of the Sisters of the Congregation of Notre Dame United States
Wild Virginia
Potomac Riverkeeper Network
Appalachian Mountain Advocates
West Virginia Rivers Coalition
SkyTruth
Pioneer Valley Mothers Out Front
Milwaukee Riverkeeper
Physicians for Social Responsibility Wisconsin
Wyoming Outdoor Council