Re the EPA Science Advisory Board review of EPA’s June 2015 Draft Assessment of the Impacts on Drinking Water Resources from Hydraulic Fracturing for Oil and Natural Gas

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.

Signed,

Food & Water Watch ~ Alaska Wilderness League ~ Alliance of Nurses for Healthy Environments ~ Breast Cancer Action ~ Center for Biological Diversity ~ Clean Water