



EID Friday Fact Check: HF Opponents Say the Darndest Things

A Top 10 List of Errors, Half-Truths and Full-On Falsehoods Targeting Hydraulic Fracturing

August has always been a month of last days and final hurrahs - that last trip to the beach, that final good-bye to long, lazy days, glory's last shot in professional golf. And as the final days of summer set in, so too has the reality for opponents of responsible energy development that, despite millions of dollars spent and an extraordinarily well-coordinated attack strategy deployed, momentum on Capitol Hill to ban the safe, well-regulated energy technology known as hydraulic fracturing has significantly, **perhaps irrevocably waned**.

The tide has turned. And perhaps in recognition of that fact, anti-frac forces are ratcheting up their efforts in a last ditch attempt to discredit an energy technique that's been in **safe and efficient** use for more than 60 years.

Unfortunately, instead of confronting the issue on its merits and in acknowledgement of the facts, the opposition remains hard at work constructing an alternate history and corresponding narrative related to fracturing technology - one in which HF is characterized (wrongly) as new, unsafe, untested, unnecessary and completely unregulated.

Make no mistake: Limiting our list to 10 of the most outrageous frac-related utterances over the past few months was no easy task. With that said, the following represents our best stab at isolating the most egregious cases of disinformation, and correcting the record where appropriate

#10 Claim: "The fluids' contents are largely unregulated and unknown, the result of oil and gas industry exemptions from the federal Safe Drinking Water Act..." *Jennifer Tomsey; LTE in [Binghamton Press & Sun-Bulletin](#); August 16, 2009*

Response: Hydraulic fracturing has never been regulated under the **Safe Drinking Water Act** - not today, not before 2005, not at any point during the law's 35-year run on the books. Thankfully, fracturing continues to be aggressively regulated by the states through their groundwater protection programs - and has been since the technology was invented. How can something earn an exemption from a law that never regulated it in the first place?

Regarding the assertion that materials used in the fracturing process are "unknown," a detailed list of those "unknown" substances can be found **here, here** (page 62), and **on the website** of the Pennsylvania Department of Environmental Protection (DEP).

#9 Claim: "[D]espite not really knowing what chemicals are being used and despite strong correlative evidence linking hydrofracking with polluted drinking water, there are no regulations in place to govern the use of the process." *John Moore, Canadian radio host; op-ed in [The Huffington Post](#); August 4, 2009*

Response: See above for a listing of these "secret" materials. Regarding the second point: "The states," according to an April 2009 report from the [Ground Water Protection Council](#) (GWPC), "**have broad powers to regulate, permit, and enforce all activities**-the drilling and fracture of the well, production operations, management and disposal of wastes, and abandonment and plugging of the well." Moreover: "[S]tate laws generally give the state oil and gas director or agency the discretion to require whatever is necessary to protect human health and the environment."

#8 Claim: "Hydraulic fracturing is linked to drinking water contamination in Pennsylvania and around the country." *Erika Staaf; LTE in [Delaware Co. \(Pa.\) Daily Times](#); August 4, 2009*

Response: From the [Pennsylvania DEP website](#): "Department of Environmental Protection has collected dozens of water supply samples ... and determined that nearby gas well hydro fracturing activity **has not impacted local wells.**"

#7 Claim: "[A] question came from a woman concerned about natural gas drilling, who claimed that where there is fracking out in Colorado, there are 'no live births of livestock' ..." *Carney: the one question not about health care; [Pocono \(Pa.\) News](#); August, 18, 2009*

Response: According to the [Colorado Department of Agriculture](#), the state has birthed more than 89,000 dairy cows, 225,000 sheep, 800,000 swine, and 2.6 million cattle - some, presumably, having been born over the past several decades in which modern fracturing technology has been deployed.

#6 Claim: "You have very substantial economic elements that are concerned about their abilities to do whatever they want to for their own economic advantages." *U.S. Rep. Maurice Hinchey (D-N.Y.); as quoted by [ProPublica's](#) Abrahm Lustgarten; May 26, 2009*

Response: Hydraulic fracturing only about corporate profits? We present the following quotes in response:

"[Marcellus Shale gas] presents an opportunity for [New York] to unlock substantial economic value while helping to achieve a key energy policy objective of importance to the State's energy security." *NY Gov. David Paterson (D); as excerpted from [draft NY energy plan](#); August, 12, 2009*

"Labor income from salaries, wages and benefits **will increase by almost \$793 million from the creation of over 16,000 person-years of employment.**" *[Potential Economic Impacts from Natural Gas Production in Broome Co.](#); prepared by Bernard L. Weinstein, Ph.D and Terry L. Clower, Ph.D., July 29, 2009*

"We need to put the money in the hands of the people who own the land and the mineral rights. **Not the politicians** ... It's our land, our royalties and our lives. I am an American. We are the people. If we the

people don't protect our rights, we have no one to blame but ourselves." *Carol Robinson, unemployed pipeline worker and Hinchey constituent; as quoted in [Binghamton Press & Sun-Bulletin](#); August 24, 2009*

#5 **Claim:** "EPA Confirms Drinking Water Contamination by Toxics Used in Hydraulic Fracturing" *Headline; [Earthwork's press release](#); August 14, 2009*

Response, from EPA staffer: The [possible contamination] could have come from other things, such as cleaning solvents..." *Greg Oberley, EPA staffer, as quoted by [Energy Daily](#) (subs. req'd); August 25, 2009*

Admission, from [ProPublica's Abraham Lustgarten](#): "EPA officials told residents that some of the substances found in their water may have been poured down a sink drain."

#4 **Claim:** "Among the contaminants found in some of the [Wyoming] wells was 2-butoxyethanol, or 2-BE ... which researchers say causes the breakdown of red blood cells, leading to blood in the urine and feces, and can damage the kidneys, liver, spleen and bone marrow." *Jon Hurdle, [Reuters](#), August 27, 2008*

Response: Setting aside the fact that EPA has made no claim related to how 2-BE may have found its way into the water in question (and has even suggested, as cited above, that it may have simply been "poured down a sink drain"), consider the following description of the compound offered by the CDC's [Agency for Toxic Substances and Disease Registry](#):

"Many people are exposed to small amounts of 2-butoxyethanol and 2-butoxyethanol acetate every day."

"2-Butoxyethanol and 2-butoxyethanol acetate do not build up in plants and animals."

More on 2-BE's everyday [household use](#):

"The main use of 2-butoxyethanol is as a solvent in paints and surface coatings ... Other products which contain 2-butoxyethanol include ... firefighting foam, leather protectors, oil spill dispersants, bowling pin and lane degreaser ... 2-BE is a primary ingredient of various whiteboard cleaners, liquid soaps, cosmetics, [and] dry cleaning solutions."

"2-Butoxyethanol usually decomposes in the environment within a few days and **has not been identified as a major environmental contaminant.**"

#3 **Claim:** "It's just ridiculous ... Their forecasting showing production going down dramatically doesn't make sense, because all we're trying to do is to go back to the way things were in 2004, before the loophole was inserted in the 2005 energy bill." *Jeff Lieberman, spokesman for Rep. Maurice Hinchey; [Platts Gas Daily](#) (subs. req'd); June 1, 2009*

Response: Easily could've been awarded the top spot on this list; had it come from a member instead of a staffer, it would have. Here are the facts: The "way things were in 2004" is identical to the way things are

in 2009; that is, states continue to [aggressively regulate](#) hydraulic fracturing through their ground water protection programs, continue to have access to the [all the information they need](#) to exercise full oversight over the process, and continue to update and improve their regulations to reflect changes in landscape, science and new technology.

#2 Claim: "Whether the EPA applied the [Safe Drinking Water Act] to fracturing or not, prior to 2005 it had the authority to do so, according to the agency's former assistant administrator for water, Benjamin Grumbles. Now it does not." *Abrahm Lustgarten; [ProPublica](#); July 13, 2009*

Response #1: "EPA does not regulate - and does not believe it is legally required to regulate - the hydraulic fracturing of methane gas production wells." *Fmr. EPA administrator Carol Browner; [letter to David Ludder](#); May 5, 1995*

Response #2: "The fact is, if the language clarifying hydraulic fracturing had not been in the 2005 Energy Policy Act, every state in the union would be in exactly the same regulatory posture as they are today, except Alabama." *Dennis Lathem; LTE in [Grand Junction \(Colo.\) Daily Sentinel](#); July 14, 2009*

... Drum Roll Please ...

#1 Claim #1: "[M]ore than 1,000 other cases of contamination have been documented by courts and state and local governments in Colorado, New Mexico, Alabama, Ohio and Pennsylvania." *Abrahm Lustgarten; [ProPublica](#); November 13, 2008*

Claim #2: "If they find that the contamination did result from drilling, [it] would become the first site where fracturing fluids have been scientifically linked to groundwater contamination." *Abrahm Lustgarten; [ProPublica](#); August 25, 2009*

Response: Which is it? Thousands of cases of contamination, or just one? These two statements openly contradict one another.