



August 21, 2012

Mr. Josh Fox  
c/o International WOW Company  
37 Grand Avenue  
Third Floor  
Brooklyn, NY 11205

## Recommendations for *Gasland 2*

Dear Mr. Fox:

As someone who has consistently claimed to be a “filmmaker and journalist” – as well as someone who cites his own work as being protected by the Freedom of the Press clause – you are no doubt aware of the numerous responsibilities associated with being a legitimate, working journalist. Among these responsibilities is an unflinching commitment to accurate reporting.

You have also stated that your latest film project – *Gasland 2* – will be released soon. “I think we’re going to see it this summer,” is what you said in an interview last December. For that reason, Energy In Depth would like to recommend a few segments (if they are not already scheduled to appear in the film) that would demonstrate to your audience that this effort is not guided by blind ideology, as was on display in *Gasland* – but rather by a commitment to fact-based journalism that seeks to tell the truth about a topic as important as natural gas development.

What follows is a short list of facts and recent announcements that we hope you will consider incorporating into your film:

1. **An Update on Dimock:** In the original *Gasland*, Dimock, Pa., was portrayed as a town irrevocably harmed by natural gas development. In particular, your film sought to convince viewers that hydraulic fracturing had contaminated water. Because any legitimate investigation focuses on the facts, we recommend including in *Gasland 2* the conclusions released earlier this year by the U.S. Environmental Protection Agency, which completed four rounds of extensive sampling of water wells in the area. From EPA’s release announcing the results of that sampling:

*“The sampling and an evaluation of the particular circumstances at each home did not indicate levels of contaminants that would give EPA reason to take further action. Throughout EPA’s work in Dimock, the Agency has used the best available scientific data to provide clarity to Dimock residents and address their concerns about the safety of their drinking water.”*

We urge you to include these facts, as viewers might otherwise be led to believe hydraulic fracturing had contaminated water in Dimock, a conclusion that is demonstrably false.

2. **Experts Debunk Breast Cancer Claim.** In your recent short film, *The Sky Is Pink*, you attempt to connect increased rates of breast cancer with development of oil and natural gas from shale. But as you know, experts with the Texas Cancer Registry, the University of Texas Southwestern Medical Center in Dallas, and even Susan G. Komen for the Cure have all dismissed that claim as lacking in evidence. The Associated Press called the supposed link between breast cancer and development “one of the clearest examples of a misleading claim” used by opponents.

Scientists, and those interested in the scientific process, often develop hypotheses that are later disproven by empirical facts. Admitting that one’s hypothesis is incorrect should not be seen as an embarrassment, but rather a reflection of one’s sincere commitment to a fact-based dialogue.

[WWW.ENERGYINDEPTH.ORG](http://WWW.ENERGYINDEPTH.ORG)

1201 15<sup>th</sup> Street NW, Suite 300  Washington, DC 20005

3. **The Truth about Flaming Water in Colorado.** The most notable scene in *Gasland* is when a Colorado resident lights his tap on fire, an event that the movie links to nearby oil and gas development. But the Colorado Oil and Gas Conservation Commission (COGCC) – which regulates oil and gas development in the state – investigated that particular well (and several others) and concluded the complete opposite. Here's what COGCC said:

*“Gasland incorrectly attributes several cases of water well contamination in Colorado to oil and gas development when our investigations determined that the wells in question contained biogenic methane that is not attributable to such development.”*

4. **EPA's Recent Statements on Hydraulic Fracturing.** In May 2011, Lisa Jackson, current U.S. EPA administrator, said: “I'm not aware of any proven case where [hydraulic fracturing] itself has affected water.” In April of this year, Ms. Jackson reaffirmed this conclusion, stating: “In no case have we made a definitive determination that [hydraulic fracturing] has caused chemicals to enter groundwater.” And in remarks at Richard Stockton College of New Jersey in February, Ms. Jackson said the following:

*“[Hydraulic fracturing] requires smart regulation, smart rules of the road. What it doesn't necessarily require...is that all that smart rule of the road setting be done at the federal level. There are states that have been regulating oil and gas development for a long time.”*

Since *Gasland* focused so much attention on the supposed need for direct federal regulation of hydraulic fracturing, particularly by the EPA, we believe your viewers should be informed that even the EPA itself doesn't necessarily agree with that position.

5. **The Truth about Well Casing/Cement Integrity.** In *The Sky Is Pink*, you argue that the failure rate for cementing or casing on wells drilled into shale and other tight formations was 16.7 percent, or one in every six wells – an improvement, we suppose, from past declarations by you on television that the failure rate was much higher (the numbers you cited changed with each appearance).

But according to a comprehensive report from the Ground Water Protection Council in 2011, which utilized real-world data in states across the country, cementing or casing failures in Ohio over the past 25 years occurred at a rate of only 0.03 percent, or one incident for every 2,833 wells drilled. More than 80 percent of these occurred in the 1980s and 1990s, well before modern technology and updated regulations went into effect over the past ten years. In Texas, the incident rate was even lower: 0.01 percent.

We also believe it would be useful if you informed your audience, regardless of how small it is, that at least one of the documents you referenced on failure rates was actually an advertisement for a product that can help reduce casing pressure volumes in the Gulf of Mexico.

6. **Updates from EPA on Parker County and Pavillion Claims.** In 2010, the U.S. EPA issued an order against Range Resources in Parker County, Texas, for allegedly contaminating water wells, despite clear and available scientific evidence showing the methane was naturally occurring. State regulators and independent experts confirmed that it was biogenic methane after the EPA issued its order. With all of the evidence clearly pointing to natural causes, earlier this year EPA withdrew its order against Range. Weeks later, a video surfaced of EPA Region 6 administrator Al Armendariz (who issued the original order and also appeared in *Gasland*) saying his strategy of enforcing the law was to “crucify” oil and gas companies. Mr. Armendariz later resigned and joined the Sierra Club.

In Pavillion, Wyo., the EPA issued a draft report in December 2011 claiming fracturing was “likely” the culprit behind its discovery of chemicals in groundwater. But evidence that surfaced soon after the report was issued, including but not limited to the EPA's flawed methodology and improper sampling techniques, forced EPA to suspend peer review of its draft report, and order a completely new battery of water tests for the region. As you know, that report was the focus of a Capitol Hill hearing which you attended – and at which you were arrested, as planned, for filming without the proper media credentials. After your arrest, you issued a statement stating that you featured Pavillion in *Gasland* as an example of hydraulic fracturing contaminating groundwater, adding that “I have continued to



document the catastrophic water contamination in Pavillion for the upcoming sequel GASLAND 2.” But EPA’s Region 8 administrator, Jim Martin, has said the following about EPA’s findings:

*“We make clear that the causal link [of water contamination] to hydraulic fracturing has not been demonstrated conclusively, and that our analysis is limited to the particular geologic conditions in the Pavillion gas field and should not be assumed to apply to fracturing in other geologic settings.”*

Given the above evidence, your audience should know the full story so it can make its own judgment. Since you already plan to discuss Pavillion in *Gasland 2*, it would be quite easy to add these important facts.

- 7. Natural Gas Helps United States Reduce CO2 Emissions.** The U.S. Energy Information Administration (EIA) released a report this month that found total CO2 emissions in the United States have fallen to a level last seen in 1992. This decline is attributable in no small part to the increased use of natural gas, and is made possible by large deposits of natural gas in shale formations across the country. As the Associated Press noted:

*“In a surprising turnaround, the amount of carbon dioxide being released into the atmosphere in the U.S. has fallen dramatically to its lowest level in 20 years, and government officials say the biggest reason is that cheap and plentiful natural gas has led many power plant operators to switch from dirtier-burning coal.”*

As someone who has called for an energy future with lower emissions, this is clearly something that should interest you. And, in as much as your film will include commentary and opinions, this is an example of an intriguing story that is actually grounded in empirical data.

While there are certainly other important stories that should be described in *Gasland 2*, we feel that including these in particular will help fill the credibility gap that was created after the release of the original. With the public hungry for a reality-based dialogue about this issue, we hope that you will avoid the kind of sensationalism and hyperbole that needlessly instills fear by obscuring, misstating, or even ignoring the truth.

Residents who have concerns about future oil and gas development deserve to have their questions answered with facts and an honest commitment to responsible discourse. Leveraging fear and uncertainty to advance an agenda is not only irresponsible, but actually does a disservice to the public.

It is our hope that your stated commitment to journalism is more than simple rhetoric, and that you will serve the public’s interest by incorporating these facts into your latest film – however inconvenient they may be.

Sincerely,

A handwritten signature in black ink that reads "Lee O. Fuller". The signature is fluid and cursive, with the first name "Lee" being particularly prominent.

Lee O. Fuller  
Executive Director  
Energy In Depth