

GASLAND DEBUNKED



No Second Acts for GasLand

Anti-natural gas shock-u-mentary makes nationwide debut on HBO – but latest version of the film no more accurate than previous cuts

GasLand director Josh Fox is certainly a [busy man](#) these days, but apparently not too busy to review a [4,000-word rebuttal](#) to his film sent around two weeks ago by Energy In Depth.

So what'd he think of the write-up? According to one columnist for a major national daily with whom we both spoke, Fox's primary critique of the EID fact-check was that we had based it off an "earlier print of the film," not the new and improved version purchased by HBO. That iteration was going to be different, we were told -- different from the film he had previously screened in dozens of places all across the country. After all, it was an HBO product now. And certainly a network with more than 30 million U.S. subscribers couldn't be expected to just run any picture show it got its hands on without conducting a thorough job of vetting and reviewing it first. Right?

Our curiosity was officially piqued. What would Fox decide to change? The possibilities were endless. He could decide to strike the portion of the film on Dunkard Creek, which [even the local press](#) in the area have derided as a "glaring error." Maybe he'd decide to toss-in a quick mention of the [report from Colorado regulators](#) on the Markham well in Fort Lupton, which found the methane in the water had nothing to do with oil or gas development.

But then again, adding in that little disclaimer would sort of ruin the flammable faucet scene, wouldn't it? How about that bit about the endangered species in Wyoming? That part's factually incorrect as well, and easily confirmable as such. Would that segment make HBO's final cut? EID had to find out – even if it meant staying up well past its bedtime to do it.

So we watched the film, again. And what do you know? Dunkard Creek's still in there. And so is the flammable faucet. And so is the phantom claim that natural gas exploration in Wyoming is rendering the sage grouse extinct. Incidentally, if that's true, someone should tell the Wyoming Game and Fish Commission. It might want to discontinue its sage grouse [hunting season](#). Ditto for the [mule deer](#). We shouldn't be hunting endangered species.

So what did he actually change, then? In the final analysis, unfortunately, not a whole lot. Take a gander for yourself:

Previous version: "In 2004, the EPA was investigating a water contamination incident due to hydraulic fracturing **in Alabama**. But a panel rejected the inquiry, stating that although hazardous materials were being injected underground, EPA did not need to investigate." **(31:32)**

HBO version: "In 2004, the EPA was investigating water contamination incidents due to hydraulic fracturing **across the country**. But a panel rejected the inquiry, stating that although hazardous materials were being injected underground, EPA did not need to investigate." **(30:17)**

- Mercifully, someone informed the director that the 2004 EPA investigation in Alabama he previously cited did not actually take place. His new version for HBO excludes the mention of Alabama, but unfortunately still mischaracterizes EPA's course of study in this area.
- In the new version, Fox says that EPA "was investigating water contamination incidents," but then the agency apparently decided it "did not need to investigate" those incidents. Which one is it? Did EPA conduct an investigation focused on hydraulic fracturing in 2004, or didn't it?

- Here's what actually happened: In June 2004, EPA released the conclusions of a nationwide study on the relationship between the fracturing of coalbed methane wells and underground sources of drinking water. [What did it find?](#) "In its review of incidents of drinking water well contamination believed to be associated with hydraulic fracturing, EPA found no confirmed cases that are linked to fracturing ..."
- [More](#) on the scope of research involved in the EPA study: "In addition to reviewing more than 200 peer-reviewed publications, EPA also **interviewed 50 employees from state or local government agencies** and communicated with approximately 40 citizens who were concerned that CBM production impacted their drinking water wells. EPA made a draft of the report available for a 60-day public comment period in August 2002."

Previous version: "What I didn't know was that the 2005 energy bill pushed through Congress by Dick Cheney exempts the oil and natural gas industries from Clean Water Act, the Clean Air Act, the Safe Drinking Water Act, the Superfund law, and about a dozen other environmental and Democratic regulations." **(6:05)**

HBO version: "What I didn't know was that the 2005 energy bill pushed through Congress by Dick Cheney exempts the oil and natural gas industries from the Safe Drinking Water Act." **(5:03)**

- Once again, kudos to Fox for at least having the decency to convert what was previously an outright falsehood into a respectable distortion. As he concedes here, the Energy Policy Act of 2005 contains no such exemptions to the Clean Water Act, the Clean Air Act, the Superfund law, or any of the other "dozen" statutes he cites. [Click here](#) for EID's fact sheet on the various federal laws that apply to each step of the energy development process.
- The 2005 energy bill does, however, contain language relating to hydraulic fracturing and the Safe Drinking Water Act (SDWA). Here's what it does: It makes crystal clear Congress's long-standing position that hydraulic fracturing was never intended to be regulated under SDWA, and that the process is best regulated by state experts and officials on the ground, not by EPA staff in Washington, D.C. Is that what you would call an "exemption" to the law? Not exactly. It was simply a restatement of current law: how it is, how it was, how it's always been. For the past 36 years.
- As for the claim that the Vice President of the United States "pushed" the bill through Congress, consider: The Energy Policy Act of 2005 earned the support of nearly three-quarters of the U.S. Senate ([74 "yea" votes](#)), including the top Democrat on the Energy Committee; current Interior secretary Ken Salazar, then a senator from Colorado; and a former junior senator from Illinois named Barack Obama. In the U.S. House, [75 Democrats joined 200 Republicans](#) in supporting the final bill, including the top Democratic members on both the Energy & Commerce and Resources Committees. That's quite a push.

Two minor changes -- that's all we noticed in watching the "new" version of the film on HBO last night. Of course, we did pick up on a few little things we missed the first couple times around. For instance, Fox does an interview with one woman in Colorado, who is shown coughing on camera and stating that natural gas exploration is the reason "I'm never healthy." In the next scene (27:48), she's shown holding a cigarette. The woman also blames natural gas development for the occurrence of methane in her water well. For what it's worth, [Colorado regulators disagree](#): "COGCC sampled the McClure water well on 3/25/09. Sample results show **naturally occurring biogenic methane gas in well and no impact from O&G** [oil and natural gas] operations."

Next up for GasLand? An encore airing on HBO slated for Thursday afternoon at 1 p.m. EST. Check back at [energyindepth.org](#) for updates and additional points of debunkery from the film. Tough to imagine we're through with this yet.