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Reel Slanted: *Split Estate* Movie Long on Anecdote, Hyperbole; Short on Facts, Evidence

Energy In Depth breaks down the anti-energy documentary, separates fact from fiction on history, performance of HF

"Split Estate," an editorial in [Colorado's Grand Junction paper](#) argued last week, "is a polemic, aimed at highlighting one side's views ... not at presenting a balanced picture of the arguments related to fracking." But as we lay out in further detail below, "balance" isn't the only component of responsible story-telling that was left on the cutting room floor by [film director Debra Anderson](#).

Having been screened in near-empty theaters in [New York and Los Angeles](#) earlier this summer, and on satellite TV earlier this month, the producers of *Split Estate* appear now to be focused on advancing their message in a more targeted, overtly political way – asking supporters to demand the film be played at local county commission hearings, and sending out frequent calls-to-action requesting that [letters of support for the FRAC Act](#) be mailed to Washington, D.C.

Make no mistake: Every bit of *Split Estate* is directed at advocating a specific policy position as it relates to responsible energy development in the United States: Stop it. All of it. Smartly, the film's supporters and director recognize the extent to which attacking [hydraulic fracturing](#) can be used to deliver the practical outcomes they seek.

Movies are fun to watch. This is a movie. But none of that should absolve those in positions of responsibility from checking up on some of these assertions for themselves, and perhaps even thinking critically about why they were made in the first place. The fact sheet provided below seeks, in the very least, to begin such a process.

What follows are a few of the most outrageous examples of distortion, disinformation, and outright dishonesty included in the film:

Movie Message #1: The process that led to hydraulic fracturing earning an "exemption" from [federal law in 2005](#) was quite a scandal – and everyone, as it were, was in on it.

Narrator: *"In 2004, the Bush-Cheney administration's Environmental Protection Agency asserted that fracturing does not threaten drinking water."*

EPA's Weston Wilson: *"Within a few months of coming into office, [the] vice president was pressuring the administrator of EPA, Christie Todd Whitman, to exempt hydraulic fracturing from Safe Drinking Water Act regulation."*

Narrator: *"Because of its high cost, [hydraulic fracturing] was not widely used until recently, in the 1990s, when the price of natural gas shot up high enough to make it affordable."*

Fact Check:

- Interestingly, [the 2004 EPA report](#) that found hydraulic fracturing to be a safe and effective energy technology was initiated **not** by the “Bush-Cheney” EPA, but by EPA administrator Carol Browner during the Clinton administration. This fact is directly at odds with several assertions made in the film.
- Currently serving in the White House as President Obama’s energy advisor, [Ms. Browner wrote in 1995](#) that there was “no evidence” that hydraulic fracturing contributed to contamination, and that even the possibility of contamination happening in the future was “extremely remote.”
- Hydraulic fracturing did not earn an exemption to federal law under the Bush administration – it was [never regulated under federal law](#) to begin with. The 2005 energy bill, [supported by then-Sen. Barack Obama \(D-Ill.\)](#), simply clarified the reach of the existing statute, making clear that states – who have been regulating fracturing activities for more than a half century – were best-equipped to oversee this process.
- Fracturing first came into commercial use in the late 1940s, and has been used consistently and efficiently over the years not only to produce oil and natural gas, but to tap water wells and even by EPA to clean up Superfund sites. It is not a new technology.
- The EPA study demonstrating the safety of hydraulic fracturing is one of many – [all of which conclude](#) that fracturing is environmentally safe as currently regulated.
- It should also be noted that EPA is an independent agency of the federal government, one that exists outside the structure of existing executive departments. It’s an agency with more than 18,000 employees – only a handful of which must be confirmed by the Senate, and even fewer selected by the president.
- To refer to the agency circa 2004 as the “Bush-Cheney administration’s EPA” is an attempt to obfuscate this fact, and to insinuate (without evidence) that the president ordered EPA scientists to produce analysis favorable to hydraulic fracturing.

Message #2: Medical personnel, state regulators, the general public – no one has any way of knowing what sort of materials are used in the fracturing process.

EPA’s Weston Wilson: *“We cannot know what the industry injects in our land. It is exempt from being reported.”*

Activist Theo Colborn: *“You may only get five percent of what’s in that product, and the rest is proprietary or they just don’t give it – they don’t have to.”*

Ms. Colborn: *“There is no way a physician can truly treat what he’s seeing. They have not been given a list of these chemicals that are being used.”*

Fact Check:

- Mr. Wilson’s assertion (echoed by Ms. Colborn) that “we cannot know” what materials are involved in the fracturing process is demonstrably untrue.
- Mandated by the federal government, documents known as [Material Safety Data Sheets](#) (MSDS) are required to be kept on-hand at all well sites. These sheets contain full listings of the materials involved in the fracturing process, and are even available on the Internet. They are also readily available to all medical and emergency response personnel.

- States in which fracturing activities take place have required a complete list of materials used in the process be submitted to state agencies when they have found it necessary.
- Some states, such as Pennsylvania, post those material sheets online ([available here](#)). Additional sheets can be accessed from [Energy In Depth](#) and the [Ground Water Protection Council](#).

Ms. Colborn: *“For people who are telling you that these products are safe, first, ask them what they have been trained in; two, find out who’s paying their salary; and third, actually hand them a real glass full of something that you have taken from an evaporation well, and ask them to drink it.”*

- Ms. Colborn, a former [zoology professor](#) at the University of Florida, previously [drew a salary](#) from the professional environmental interest group WWF.
- Groundwater is not the same thing as drinking water, nor is it similar to the liquids involved in the fracturing of a well. The Safe Drinking Water Act requires groundwater to be treated to meet federal standards before it can be used in public water supplies. One of the treatment chemicals used in public water management is – and has been for over a hundred years – [chlorine](#). It destroys water-borne bacteria; but no one would suggest drinking concentrated chlorine.
- Water residing thousands of feet underground (naturally) and brought to the surface following the fracturing process is called “produced water.” It must be managed to protect the environment under either the federal Clean Water Act or the Safe Drinking Water Act. No one suggests that it should be considered as drinking water.
- According to the [Ground Water Protection Council](#), “[M]ost additives contained in fracture fluids including sodium chloride, potassium chloride, and diluted acids, present low to very low risks to human health and the environment.”

Message #3: The 2004 EPA study proving fracturing to be safe was “unsupportable” – EPA’s own experts said so.

Narrator: *“[The 2004 EPA study] was challenged by a 30-year EPA environmental engineer Weston Wilson, acting under protected whistleblower status.”*

Fact Check:

- Mr. Wilson does indeed work (to this day) for EPA’s regional office in Denver. His areas of expertise (as defined by himself) are in Clean Air Act and National Environmental Policy Act (NEPA) enforcement, not in the Safe Drinking Water Act or hydraulic fracturing. Consequently, Mr. Wilson was not part of the team of scientists and engineers that spent more than five years studying hydraulic fracturing for EPA.
- Wilson has a [long and well-documented history](#) of aggressive opposition to responsible resource and mineral development. Over his 35-year career, Mr. Wilson has invoked “whistleblower” status to fight dam construction in Colorado, oil and gas development in Montana, and the mining of gold in Wyoming.
- Wilson in [his own words](#): “The American public would be shocked if they knew we make six figures and we basically sit around and do nothing.”

Message #4: Energy producers in America benefit from unprecedented exemptions to existing federal environmental laws.

Graphic box: “The oil and gas industry is exempt from sections of the following U.S. Laws: Clean Water Act, Safe Drinking Water Act, Clean Air Act, Resource Conservation and Recovery Act, CERCLA, and The Planning and Community Right-to-Know Act”

NRDC’s Amy Mall: “What’s most important is for Congress to close these loopholes – and to hold the oil and gas industry to the same standards as other industries.”

Fact Check:

- Notice here the documentarian doesn’t say energy producers are exempt from these laws – they’re only exempt from “sections” of them. Obviously, not every section of every environmental law deals with oil and gas production.
- Whereas some sections of the environmental statutes identified by the film’s director do not cover oil and gas, other “sections” in those same laws do. And that’s true for [every single one cited](#) in this documentary.
- In fact, federal environmental laws include sections that distinguish between different dischargers – industries, municipalities, agriculture – because no law written can be applied identically to all situations and circumstances.
- The oil and gas industry is among the most heavily regulated sectors in the U.S. economy. Every stage – from the wellhead to the burner tip – is covered extensively by state, local and federal laws.

Message #5: The [Amos Well](#) case demonstrates clearly why Congress needs to act to restrict hydraulic fracturing.

Narrator: *In 2004, some residents in Garfield County [Colo.] began to complain that they were getting sick as a result of the drilling activities ... A young woman from Silt, Laura Amos, was one of the earliest and loudest voices.”*

Fact Check:

- In 2001 (not 2004), Ms. Amos first complained to the Colorado Oil and Gas Conservation Commission (COGCC) about a variety of problems associated with her drinking water well, including reduced volume and the suspected presence of methane.
- According to Ms. Amos, these problems were caused by hydraulic fracturing operations conducted on gas wells approximately 1,000 feet from her home. Reports indicate that fracturing operations took place at depths of over 2,000 feet; the Amos well is 225-feet deep.
- COGCC undertook a thorough investigation of Ms. Amos’s complaints. On at least eight occasions between 2001 and 2005, the agency tested the Amos well for contaminants. [Nothing of note](#) was ever detected in any of these samples.

Message #6: America’s open spaces are currently under siege – the product of an unprecedented drilling boom initiated by President Bush, and surreptitiously aided by Vice President Cheney.

U.S. Sen. John Kerry (D-Mass): “The attitude of the previous administration was drill, drill, drill – and drill some more.”

Narrator: “Back in 2000, after the Bush-Cheney election, there was a dramatic acceleration in drilling activity.”

Fact Check:

- According to the Congressional Research Service (report available [upon request](#)), more federal acreage was offered for lease under the Clinton administration than under the Bush administration – 31.3 million acres more.
- While it's true that more wells were developed during President Bush's tenure, that increase reflects a change in the dynamics of price -- not a change in national policy.

Administration	Offshore Acreage	Onshore Acreage	Total Acreage
Clinton (1993-2000)	420,277,357	46,427,365	466,704,722
Bush (2001-2008)	403,953,986	31,488,455	435,442,441

Source: Congressional Research Service (published Jan. 14, 2009)

Odds and Ends

Sen. Kerry: *"Sixty-five percent of the current [federal] subsidies go to gas and oil, and you have this imbalance. We ought to have 65 percent or more – 80 percent – ought to be going to alternative, renewable technologies -- to energy efficiency."*

Ms. Colborn: *"Let's work on alternatives. Let's serve the country through alternative energy."*

Fact Check: The [Energy information Administration](#) (EIA) estimates that total federal subsidies for electric production are \$24.34 per megawatt hour for solar power and \$23.37 for wind, compared to 25 cents per megawatt hour for natural gas and petroleum fueled technologies—98 times higher. Yet, even with these subsidies, solar generated only 0.02 percent of U.S. electricity in 2008. Wind barely delivered one percent.

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Narrator: *"Industry has brought jobs and money to the county, but for Gilbert Armenta, the price has been much too high."*

Mr. Armenta: *"The industry has the mentality that, [the land] is all theirs and it don't belong to nobody else."*

Fact Check: Mr. Armenta is a fourth generation American who, by his own admission, owns "over 100,000 acres of ranchland" in Bloomfield, New Mexico. In his county, energy development accounts for [more than eight percent of the total workforce](#). Perhaps it's not unreasonable for residents in his community not fortunate enough to own 100,000 acres of ranchland to pursue high-wage, family-supporting employment opportunities in this field.

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Narrator: *"In an effort to convince authorities that the bubbling was not occurring naturally, Lisa [Bracken] and her family demonstrated that the gas would ignite."*

Fact: Gas [ignites](#). That's true whether the methane found in the Bracken stream arrived there through natural means or not. Once again, the director confuses a basic point of science in her rush to blame hydraulic fracturing for a phenomenon that occurs naturally every single day. This explains why public water systems de-gas their water during treatment; unfortunately, many private wells do not.

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Additional resources available at [Energy In Depth](#):

- **Editorial:** [Gas documentary offers anecdotes, not evidence](#)
- **Press Release:** [Duplicative hydraulic fracturing rules could imperil U.S. economy](#)
- **Wyoming Memo:** [Mind the O-Gap](#)
- **GWPC Study:** [State Oil and Natural Gas Regulations Designed to Protect Water Resources](#)
- **Graphic:** [How Far Down Do We Frac?](#)
- **Graphic:** [What's In Frac Fluids?](#)
- **Fact Sheet:** [New Federal Regulations Will Cost Americans Jobs, Revenue, and Security](#)
- **EPA Study:** [Study to Evaluate the Impacts to USDWs by Hydraulic Fracturing of Coalbed Methane Reservoirs](#)
- **Browner Memo:** [Letter of Support for Hydraulic Fracturing from Carol Browner, Fmr. EPA Administrator](#)

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