

Lessons Learned: EPA's Investigations of Hydraulic Fracturing

Witnesses:

Dr. Fred Hauchman

Director, Office of Science Policy, Office of Research and Development, Environmental Protection Agency

Dr. David A. Dzombak

Chair, Environmental Protection Agency Science Advisory Board, Hydraulic Fracturing Research Advisory Panel

Mr. John Rogers

Associate Director, Oil and Gas, Division of Oil, Gas, and Mining, Utah Department of Natural Resources

Dr. Brian Rahm

New York Water Resources Institute, Cornell University

Committee Members Present:

Chris Stewart (R-UT), Environment Subcommittee Chair

Suzanne Bonamici (D-OR), Environment Subcommittee Ranking Member

Cynthia M. Lummis (R-WY), Energy Subcommittee Chair

Eric Swalwell (D-CA), Energy Subcommittee Ranking Member

Lamar Smith (R-TX), Full Committee Chair

Eddie Bernice Johnson (D-TX), Full Committee Ranking Member

Mark A. Takano (D-CA)

Randy Weber (R-TX)

Dana Rohrabacher (R-CA)

Donna Edwards (D-MD)

Randy Hultgren (R-IL)

Marc Veasey (D-TX)

Ralph M. Hall (R-TX)

On July 24, 2013, the House Committee on Science, Space, and Technology Subcommittees on Environment and Energy held a hearing on Lessons Learned: EPA's Investigations of Hydraulic Fracturing.

The focus of the hearing was EPA's ongoing study of the potential impacts of hydraulic fracturing on drinking water resources, which is required by the fiscal year 2010 Department of the Interior, Environment, and Related Agencies Appropriations Act (P.L. 111-88). A final study plan was released in November 2011, and a progress report was released in December 2012. The final report will be released in late 2014 for peer review and public comment.

In their opening statements, Representatives Chris Stewart (R-UT), Cynthia Lummis (R-WY), and Lamar Smith (R-TX) expressed concern with the EPA's investigations of the impacts of hydraulic fracturing on groundwater in Parker County, Texas; Pavillion, Wyoming; and Dimock, Pennsylvania. The investigations were initiated in response to concerns that hydraulic fracturing had contaminated groundwater in these areas, but ended with the EPA providing no evidence of a link between hydraulic fracturing and groundwater contamination. Stewart argued that these investigations were characterized by a "rush to judgment" on the part of the EPA, and worried that preconceived notions about the impacts of hydraulic fracturing on groundwater would skew the agency's ongoing study.

Opening statements from Suzanne Bonamici (D-OR), Eric Swalwell (D-CA), and Eddie Bernice Johnson (D-TX) emphasized the importance of the EPA study to ensure that hydraulic fracturing is done in a manner that safeguards public health. "We have to be careful that we extract this resource safely, without unintended, serious consequences to either our health or the environment," Swalwell stated.

Witness testimony focused on the ongoing EPA study, its peer review by the Hydraulic Fracturing Research Advisory Panel, and how scientific information can be used in designing effective hydraulic fracturing regulations.

Many representatives raised questions about the scope of the EPA study. Randy Hultgren (R-IL) asked why the report will not include an overview of current state rules and regulations on hydraulic fracturing, and Mark Takano (D-CA) queried whether the report will consider induced seismicity from wastewater injection. Fred Hauchman of the EPA's Office of Research and Development responded that neither of these topics are within the scope of the report, and added that the EPA is coordinating with the U.S. Geological Survey on the induced seismicity issue.

Questions from Swalwell, Bonamici, and Marc Veasey (D-TX) centered on the EPA's efforts to engage stakeholders and collect

data. Hauchman stated that the EPA has reached out to stakeholders in academia, industry, government, and non-governmental organizations via roundtables and workshops. He added that the EPA is collecting data from many of these sources and is carefully evaluating the data to ensure that they are scientifically sound.

Stewart and Takano inquired about how the study will assess risk. Takano asked if enough data are available for a quantitative risk assessment, and Stewart worried that without such an assessment the EPA would treat all risks equally, regardless of their likelihood. Hauchman stated that a quantitative risk assessment will not be included and opined that there are not enough peer-reviewed data for such an assessment to be made. However, Hauchman and David Dzombak, Chair of the EPA's Hydraulic Fracturing Research Advisory Panel, assured the committee that the study's findings would be presented in context, using a risk assessment framework that includes sources, transport, and potential impacts.

Representatives Stewart, Lummis, and Hall questioned whether the EPA could be trusted in this study after the Parker County, Pavillion, and Dimock investigations. Hauchman and Brian Rahm of Cornell University's New York Water Resources Institute clarified that these prior investigations had a limited scope and were designed to address specific, localized complaints. In contrast, the current EPA study is designed to broadly investigate the impacts of hydraulic fracturing on groundwater, and Hauchman assured the committee that the study will be done with integrity, transparency, and rigorous peer review.

Some representatives suggested that hydraulic fracturing should not be regulated at the federal level, whereas others were interested in exploring potential benefits of federal or regional regulatory partnerships. Randy Weber (R-TX) argued that states effectively regulate hydraulic fracturing and that federal regulations would have negative economic impacts. Dana Rohrabacher (R-CA) cautioned that the real motivation for regulating hydraulic fracturing is to force Americans off fossil fuels due to climate change concerns. Lummis added that federal regulatory action should at least be postponed until the EPA study is released in 2014.

Bonamici asked in what areas it might be justified for the EPA to require minimum standards for hydraulic fracturing, and Rahm responded that issues such as chemical disclosure, well casing and cementing, and wastewater treatment could be candidates for federal standards. Swalwell and Donna Edwards (D-MD) asked about the usefulness of regional policy collaborations. Rahm responded that the Susquehanna River Basin Commission is a good example of a successful collaboration between state and federal governments and local stakeholders, and added that additional regional efforts would likely be valuable.

Opening statements and witness testimony, as well as an archived video of the hearing, are available on the committee website.

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