



Written by [Rebecca Terrell](#) on August 10, 2011

Democrats Work to Expand Natural-gas Drilling Regulations

U.S. Representatives Henry Waxman (Calif.), Edward Markey (Mass.), Diana DeGette (Colo.), and Rush Holt (N.J.) sent a [letter](#) to EPA administrator Lisa Jackson this week, in which they contend that hydraulic fracturing providers are circumventing the 1974 Safe Drinking Water Act (SDWA) and using diesel fuels without regard to concerns about groundwater contamination.



The 2005 Energy Policy Act exempted hydraulic fracturing, also known as "fracing" (pronounced "fracking"), from SDWA. Known as the "Halliburton loophole," this provision releases fracing fluid from regulations unless it contains diesel fuel. Waxman and his co-signers want an end to this exemption. They are asking the EPA to expand its definition of diesel fuel to include any fuel that contains BTEX compounds — a group of toxic chemicals including benzene — which are sometimes used in fracing fluid. "How 'diesel fuel' is defined is a vital issue as the agency crafts guidance for permitting diesel fuel use for hydraulic fracturing," reads the letter. "We urge you to craft a definition that provides consistency to industry while serving to protect public health and the environment."

The New American contributor Ed Hiserodt points out that the Waxman letter assumes two erroneous points. The first is the contention that fracing fluid contaminates drinking water, and the second is the implication that fracing is unregulated. Hiserodt has conducted extensive research in hydraulic fracturing, and warns against listening to politicians whose "erroneous prejudices and malicious intent" could "bring this bonanza to a jolting halt." (See Hiserodt's articles [The Coming Shale Gale](#) and [Natural Gas — Yours for the Fracing](#).)

Experts in hydraulic fracturing support Hiserodt's claims. [Energy In Depth](#) (EID), a coalition of independent natural-gas and oil producers, explains that fracing has proven to be one of the safest means of extracting natural gas. It quotes officials from the EPA, the Department of Energy, the Interstate Oil and Gas Compact Commission, and the Ground Water Protection Council, all verifying the safety of this process, which has been in use safely and successfully since the 1940s. EID also explains that fracing takes place several thousand feet below the water table, separated by a mile or more of



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water-tight rock. "In order to reach potable water, fracturing fluids would not only have to defy gravity, but also navigate upwards through layer after layer of impenetrable rock."

Lee Fuller, vice president for government relations with the [Independent Petroleum Association of America](#) (IPAA), says, "We're talking about a technology that's been deployed more than 1.2 million times in more than 25 states over the course of more than 60 years." IPAA criticized the [New York Times](#) for printing a story last week that, it claims, "is an effort to discredit" those who maintain the fracing process does not affect groundwater, including EPA. The article cites a 30-year-old case in which fracing was thought to have contaminated a well in Jackson County, West Virginia. Subsequent investigations "did not conclude that hydraulic fracturing caused the contamination," a fact curiously missing from the *Times* story.

"I think it says an awful lot about fracturing's record of safety that the best these guys could come up with after studying the issue for an entire year is a single, disputed case from 30 years ago," said Fuller. "Three decades later, the technology is better than it's ever been, the regulations are broader and more stringent, and the imperative of getting this right, so that we can take full advantage of the historic opportunities made possible by shale, has never been more apparent."

The *Times* report is tame, however, compared to other media propaganda. Scott Kell, president of the Ground Water Protection Council, [testified before Congress](#) in 2009, asserting, "The states have become aware of press reports and websites alleging that six states have documented over one thousand incidents of ground water contamination resulting from the practice of hydraulic fracturing. Such reports are not accurate."

Though fracing boasts an impressive safety record, it is hardly unregulated, as the Waxman letter insinuates. EID points out, "Hydraulic fracturing is tightly regulated by the states and has been for decades, and state regulators consistently affirm that stringent regulations already in place guarantee safety." Fracing also falls under many [current federal regulations](#). If Waxman and his colleagues have their way, it is in for many more.



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